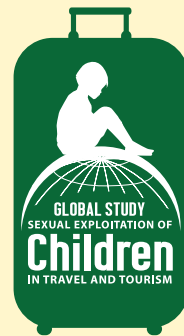


# GLOBAL STUDY ON SEXUAL EXPLOITATION OF CHILDREN IN TRAVEL AND TOURISM

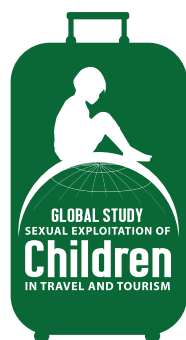
REGIONAL REPORT

## LATIN AMERICA

2016







# GLOBAL STUDY ON SEXUAL EXPLOITATION OF CHILDREN IN TRAVEL AND TOURISM

REGIONAL REPORT

## LATIN AMERICA

JUNE 2016

This Regional Report on Sexual Exploitation of Children in Travel and Tourism was conducted and written by Ms. Lesly Zambrano Moreno and Ms. Isabel Abreu with the support of Mr. Mark Vender.

The research was conducted in the framework of the Global Study on Sexual Exploitation of Children in Travel and Tourism. More information can be found on [www.globalstudysectt.org](http://www.globalstudysectt.org).

The views expressed in this report are those of the authors and do not necessarily reflect those of ECPAT International or any of the donors.

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Ministry of Foreign Affairs of the  
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# FOREWORD

More children than ever are at risk of being sexually exploited by travellers and tourists and no country is immune. Since the early 1990s, when evidence came to light that travellers, mainly from the West, were sexually abusing and exploiting children in developing countries, sharp increases in travel and tourism have multiplied the opportunities and venues available to travelling child sex offenders worldwide.

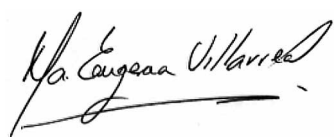
Tourist arrivals have quadrupled since 1980, generating increased revenues in Latin America. Around three-quarters of all international travellers to Latin America originate in the U.S. and Canada, while other visitors come mostly from Europe. Domestic and inter-regional travel is also significant, often double the number of foreign tourists.

The explosion of the internet and mobile technology has afforded perpetrators anonymity and hidden pathways to groom children and seduce them via social media and internet games. Likewise, new travel and tourism services like home-stays, voluntourism and the shareconomy have increased this anonymity and heightened children's vulnerability.

However, progress has been made since the First World Congress against Commercial Sexual Exploitation of Children held in Stockholm in 1996. Twenty years later, world leaders from nearly every country in the world have approved global targets to end the sexual exploitation of children, the Sustainable Development Goals, which replace the Millennium Development Goals from 2016 onwards. The world has recognised that we cannot allow children to fall victim to this devastating experience, which has life-long consequences on their mental and physical well-being.

This report provides an updated picture of the environment in which sexual exploitation of children in travel and tourism persists in Latin America and proposes a set of recommendations to further improve government, non-government and private sector responses to prevent and combat this crime. As such, it will assist in the realisation of the Sustainable Development Goals related to children's right to live free from sexual exploitation.

After 25 years of working on the issue, ECPAT cannot emphasise enough how important it is to join efforts and take advantage of multi-sector cooperation to fight this deplorable trend. This report is an open invitation to work with ECPAT and its partners and join the fight against sexual exploitation of children in travel and tourism, because, together, we can eliminate this crime and make childhood safe again.



Dr. Maria Eugenia Villarreal  
ECPAT Regional Representative  
for Latin America  
ECPAT International Board of Trustees



Ms. Milena Grillo  
High-level Taskforce to End  
Sexual Exploitation of Children  
in Travel and Tourism

# ACRONYMS

ABTH	Associação Brasileira Terra dos Homens (Terre des Hommes Brazil)	CCN	Código de Conducta Nacional para la Protección de las Niñas, Niños y Adolescentes en el Sector de los Viajes y el Turismo (Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism)
ACOT	Asociación Costarricense de Operadores de Turismo (Costa Rican Association of Tourism Operators)	CEDECA-BA	Centro de Defesa da Criança e do Adolescente Yves de Roussan (Yves Roussan Centre for the Defense of Children and Adolescents)
AHI	La Cadena Hotelera Atlantica Hotels International	CENFOTUR	Centro de Formación en Turismo
ANA	Aliança Nacional dos Adolescentes (National Alliance of Adolescents – Brazil) Asociación Panameña de Hoteles (Panamanian Hotel Association)	CHS Alternativo	Capital Humano y Social Alternativo
APATEL	Asociación de Administradores de Juegos de Azar de Panamá (Association of Administrators of Games of Chance – Panamá)	CONAPREDES	Comisión Nacional para la Prevención de los Delitos de Explotación Sexual (National Commission for the Prevention of Crimes of Sexual Exploitation)
ASAJA	Asociación de Hoteles y Turismo de la República Dominicana, Inc (Dominican Republic National Association of Hotels and Restaurants)	CONACOES	Comisión Nacional contra la Explotación Sexual Comercial (National Commission Against the Commercial Sexual Exploitation of Children Costa Rica)
ASONAHORES (ASOTPRESCNNA)	Asociación de Servidores Turísticos Formales e Informales para la Prevención de la Explotación de Niñas, Niños y Adolescentes (Association of Formal and Informal Tourist Service Providers for the Prevention of Commercial Sexual Exploitation of Children – Colombia)	CONAPEES	Comité Nacional para la Erradicación de la Explotación Sexual Comercial y No Comercial de la Niñez y la Adolescencia (National Committee for the Elimination of Commercial and Non-commercial Sexual Exploitation of Children and Adolescents Uruguay)
BRL	Brazilian Real	CONANI	Consejo Nacional para la Niñez y la Adolescencia (National Council for Childhood and Adolescence – Dominican Republic)
CAATUR	Comité Andino de Autoridades de Turismo (The Andean Committee of Tourism Authorities)	COOPERATUR	Cooperativa Escuela de Jóvenes del Sector Turístico (School of Young Workers in the Tourism Sector Cooperative)
CAIVAS	Centro de Atención e Investigación Integral a Víctimas de Abuso Sexual de Colombia (Comprehensive Care Centre for Victims of Sexual Violence – Colombia)	CREAS	Centro de Referência Especializado de Assistência Social (Specialised Reference Centre for Social Assistance)
CAMTUR	Cámara Nacional de Turismo de Guatemala/Panamá (Guatemalan/Panamanian Chamber of Tourism)	CSEC	Commercial Sexual Exploitation of Children
CANATUR	Cámara Nacional de Turismo de Costa Rica (Costa Rican National Chamber of Tourism)	DNPSD	Dirección Nacional de Prevención Social del Delito (National Office for the Social Prevention of Crime)
CASACIDN	Comité Argentino de Seguimiento y Aplicación de la Convención Internacional sobre los Derechos del Niño		



DINAPEN	Dirección Nacional de Policía Especializada para Niños, Niñas y Adolescentes (National Directorate of Specialized Police for Children and Adolescents Ecuador)	LGPSEDMTP	Ley General para Prevenir, Sancionar y Erradicar los Delitos en Materia de Trata de Personas y para la Protección y Asistencia a las Víctimas de estos Delitos (General Law to Prevent, Punish and Eradicate Crimes of Human Trafficking, and to Protect and Assist Victims of these Crimes)
DIVINTRAP	Division against Human Trafficking and Migrant Smuggling		
ECA	Estatuto da Criança e do Adolescente (Child and Adolescent Statute)	MAIS	Movimiento para el Auto-Desarrollo Internacional de la Solidaridad
ECPAT	End Child Prostitution, Child Pornography and Trafficking of Children for Sexual Purposes	MIMP	Ministerio de la Mujer y Poblaciones Vulnerables (Ministry of Women and Vulnerable Populations – Peru)
ETJ	Extraterritorial Jurisdiction		
FIFA	Fédération Internationale de Football Association (International Federation of Association Football)	MINCETUR	Ministerio de Comercio Exterior y Turismo de Peru (Ministry of Foreign Trade and Tourism)
FONTUR	Fondo Nacional de Turismo (National Tourism Fund – Colombia)	MINTUR	Ministerio de Turismo de la República Argentina (National Ministry of Tourism – Argentina)
GARA	Grupo de Acción Regional de las Américas (Regional Action Group of the Americas)	MINTUR	Ministerio de Turismo (National Ministry of Tourism – Uruguay)
GBTS	Global Business Travel Association	MTur	Ministério do Turismo (Ministry of Tourism – Brazil)
GCET	Global Code of Ethics for Tourism	NGO	Non-Governmental Organisation
GDP	Gross Domestic Product	OAS	Organisation of American States
IBCR	International Bureau for Children's Rights	OPSC	Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography
ICBF	Instituto Colombiano de Bienestar Familiar (Colombian Family Welfare Institute)	PANI	Patronato Nacional de la Infancia (National Child Welfare Agency)
ICT	Information and Communication Technology	PARD	Proceso Administrativo de Restablecimiento de Derechos (Administrative Process of Rights Re-establishment) – Colombia
ICT (Costa Rica)	Instituto Costarricense de Turismo (Costa Rican Tourism Institute)	PEE	Programa de Protección Especializada en Explotación Sexual Comercial Infantil y Adolescente (Programme for the Specialized Protection of Children against Commercial Sexual Exploitation)
IIN	Instituto Interamericano del Niño, la Niña y Adolescentes (Inter-American Children's Institute)	PNEVESCA	Plano Nacional de Enfrentamento à Violência Sexual contra Crianças e Adolescentes (National Plan to Combat Sexual Violence Against Children and Adolescents – Brazil)
ILO	International Labour Organization	REDES	Reto para el Desarrollo Sostenible
INABIF	Programa Integral Nacional para el Bienestar Familiar (National Family Welfare Program – Peru)	REDNNA	Red de Niños, Niñas y Adolescentes de Iquitos
INAU	Instituto del Niño y Adolescente del Uruguay (Uruguayan Institute for Children and Adolescents)	RENAS	Rede Evangélica Nacional de Ação Social (National Evangelical Social Action Network)
INGUAT	Instituto Guatemalteco de Turismo (Guatemalan Tourism Institute)		
INTUR	Instituto Nicaragüense de Turismo (Nicaraguan Institute for Tourism)	SAI	Servicios y Acciones por la Infancia (Services and Action for Children)
IOC	International Olympic Committee		

SDH/PR	Secretaria de Direitos Humanos da Presidência da República (Secretariat for Human Rights of the Presidency of the Republic)	SVET	Secretaría Contra la Violencia Sexual, Explotación y Trata de Personas (Secretariat Against Sexual Violence, Exploitation and Human Trafficking – Guatemala)
SECTT	Sexual Exploitation of Children in Travel and Tourism	TI	Transparency International
SECTUR	Secretaría de Turismo (Secretariat of Tourism – Mexico)	UN	United Nations
SENAME	Servicio Nacional de Menores (National Service for Minors – Chile)	UNCRC	United Nations Convention on the Rights of the Child
SENNIAF	Secretaría Nacional de Niñez, Adolescencia y Familia (National Childhood, Adolescence and Family Secretariat – Panama)	UNFPA	United Nations Population Fund
		UNICEF	United Nations Children’s Fund
		UNODC	United Nations Office on Drugs and Crime
SERNATUR	Servicio Nacional de Turismo (National Tourism Service – Chile)	UNTOC	United Nations Convention against Transnational Organized Crime
SESI	Serviço Social da Indústria (Social Service for Industry – Brazil)	UNWTO	United Nations World Tourism Organization
SGD	Sistema de Garantias de Direito (Rights Protection System)	USA	United States of America
		US\$	United States Dollar
SNNA	Secretaría Nacional de la Niñez y la Adolescencia (National Childhood and Adolescence Secretariat – Paraguay)	WTTC	World Travel and Tourism Council
		WCIII	World Congress III Against the Sexual Exploitation of Children and Adolescents

# EXECUTIVE SUMMARY

## Purpose

This desk study presents an up-to-date picture of the phenomenon of sexual exploitation of children in travel and tourism (SECTT) in Latin America. Its aim is to conduct a comprehensive review of available published documents on the subject, extract the most current and accurate information on the subject and bring it all together in one document.

It covers the characteristics, the scale and the scope of the problem, providing the latest available information on the number of victims across different countries. It also includes up-to-date information on emerging trends in SECTT and a review of the many initiatives that have sprung up in an attempt to combat this phenomenon, highlighting the efforts that have been most innovative and successful. Based on this, recommendations are made about how to best continue the fight against SECTT, combining both the insights already present in the literature and the conclusions of the researchers who produced this study. For those interested in understanding the problem of SECTT in Latin America, this desk study will be a valuable tool; it will also serve as a basis for finding country-specific texts and studies on the subject.

The desk study has been compiled as part of a global study conducted by ECPAT International with the goal of better understanding SECTT, raising awareness and finding solutions. ECPAT International is a global network of organisations working to eradicate the commercial sexual exploitation of children. It is anticipated that the global study will be an important document and lobbying tool for mobilising efforts to address the problem of SECTT across government, non-government and private sectors.

## Procedure

This desk study draws on the body of published information on/or relating to the subject of SECTT in Latin America. ECPAT International has member groups in 12 Latin American countries and in 2014 these groups produced country monitoring reports on the wider issue of the commercial sexual exploitation of children (CSEC), which includes SECTT. Researchers used these reports as a starting point for the study, both for information on the phenomenon and links to other texts. At the same time, experts from the ECPAT groups were consulted to provide links to other documents that would be useful.

SECTT is one manifestation of the commercial sexual exploitation of children, so texts that referred to this wider phenomenon were included in the desk study. However, the volume of information and the need to produce this document in a timely manner meant that preference was given to texts dealing specifically with SECTT, and that documents which provided more recent information were given priority over older texts.

Similarly, Latin America is a vast region comprising four sub-regions (North America, Central America, the Caribbean and South America) and 20 sovereign countries, making it impossible to conduct an exhaustive study of every country in the time available. Thus 14 countries were chosen to provide a representative sample. These include the 12 countries with ECPAT member organisations – Argentina, Brazil, Chile, Colombia, Costa Rica, Dominican Republic, Guatemala, Mexico, Nicaragua, Peru, Paraguay and Uruguay – and two others that offered important information on SECTT: Ecuador and Panama.

Documents relating to other countries were also consulted and referred to in the study, but the focus was on the 14 sample countries. Equally, the researchers drew on more general documents (that were not country-specific or that provided background information on SECTT) where appropriate.

To complement the information from ECPAT groups, the researchers consulted information published by international organisations including the United Nations Children's Fund (UNICEF), the United Nations World Tourism Organisation (UNWTO), the Organization of American States (OAS), the Inter-American Children's Institute (IIN) and the International Labour Organization (ILO). Groups and organisations (both government and non-government) were also consulted at the regional and national levels. Furthermore, a comprehensive internet search was conducted to find other documents (often academic) related to the subject.

Please note that this desk study has been circulated among all ECPAT groups in Latin America and shared with State members of the Regional Action Group of the Americas (GARA). Their comments have been incorporated into the final version.

## Results

Chapter 2 begins by defining SECTT, highlighting what makes it different from other forms of commercial sexual exploitation and explaining why it must be addressed in a specific way. It also looks at the method used to carry out this study, including its limitations and also explores relevant terminology in understanding this issue in the context of travel and tourism.

Chapter 3 analyses the factors that contribute to SECTT. In very simple terms, these relate to the issues that place victims in a situation of vulnerability and the circumstances that expose them to SECTT. In the first category, we find structural problems such as unequal income distribution, high dropout rates in schools, gender and racial inequality, migration, the disintegration of the family unit, poverty, social exclusion and consumerism. Social practices and norms also play a part here: the supremacy of masculinity and heteronormativity, public tolerance of commercial sexual exploitation, *padrinazgo* or *criadazgo* (where children are sent to live and work in other households), homophobia and perceptions of childhood. Additionally, corruption allows exploiters to commit crimes with impunity.

While these myriad factors increase the vulnerability of populations in Latin America, other circumstances put them at risk of SECTT and other forms of commercial sexual exploitation. These include the rise of tourism and travel and their increasing importance in modern Latin American economies, which gives exploiters greater access to children. Mega events (for example, the FIFA World Cup and the Olympic Games in Brazil), conferences, trade events and business travel, transport centres, mega projects and transit zones (often on borders), all place vulnerable populations in the firing line of SECTT.

The chapter finishes with a look at the scale and scope of the problem in numbers. One of the major challenges in this area has been obtaining hard data on the extent of the issue. Information from government and non-government reports has been compiled for each of the 14 sample countries and is presented in Table 2. Once again, this exercise highlights the dramatic gap between officially reported cases and the scale and scope of the problem as observed working in the field, directly with the affected populations.

Chapter 4 looks at more recent trends and patterns related to SECTT in Latin America. These include the links between SECTT and civil conflict, criminal activity, trafficking of children and technology.

This chapter also provides more detailed portraits of SECTT exploiters. In relation to the travellers and tourist exploiters who demand sex, it notes the differences

between preferential and situational exploiters – those who travel with the express aim of engaging in SECTT versus those who travel for other reasons, then take advantage of the opportunity to engage in SECTT – and between paedophiles and other exploiters. SECTT exploiters are marked apart by certain characteristics: their position as outsiders, their cultural distance from the place where they commit their crimes, their transience and their socio-economic status. “The aesthetics of power” – the complex dynamics between exploiter and victim – play a key role too. Facilitator-exploiters are another major link in the SECTT chain, and it is important to understand how they operate. Thus this study looks at pimps, intermediaries and criminal networks.

The chapter finishes with a case study of a male SECTT victim from Uruguay. His story is used to illustrate different aspects that characterise victims of this crime and its links with other forms of commercial sexual exploitation as well as poverty and lack of access to basic rights.

Chapter 5 offers a comprehensive picture of the responses to SECTT in Latin America. It begins by describing the emergence of SECTT on the Latin American agenda, since commercial sexual exploitation of children was first identified as a global issue with the Convention on the Rights of the Child (UNCRC) in the early 1990s. In combating SECTT, Latin America has achieved high levels of coordination and cooperation. This study looks at the regional efforts by groups such as IIN, UNWTO, international aid organisations, GARA and the Andean Committee of Tourism Authorities (CAATUR). At the national level, the plans and initiatives of all 14 sample countries are looked at in detail and listed in Appendix 2. This exercise shows that despite numerous efforts and positive starts, the issue has fallen off the agenda somewhat and needs to be re-addressed.

Many initiatives have been created specifically to prevent SECTT and these are analysed in detail in this study. Due to the sheer number of such initiatives, emphasis is placed on the most successful or innovative ones, and an effort has been made to include at least one example from each sample country.

The Code of Conduct is an initiative supported by ECPAT International worldwide to encourage sustainable and responsible tourism, and this has had great take-up in Latin America with some countries requiring businesses to comply with the code (or a local version of it) by law. Some initiatives are illustrated in Appendix 3. The work of Mexican airline Volaris is presented as a good example of how the code can be an important tool in preventing SECTT.

Educational material has been created to help raise awareness of the problem and strengthen local knowledge. Ecuador’s Project to Prevent the Sexual

Exploitation of Children is mentioned here as a standout project in this regard. Online courses have also been implemented by IIN and other organisations.

Some awareness campaigns are aimed at tourists and travellers, with the idea of dissuading them from engaging in SECTT. The *No Hay Excusa* (No Excuses) campaign from Chile, the *No + Trata* (No People Trafficking) campaign from Mexico and the *Cárcel* (Prison) campaign from Peru are highlighted here. Other campaigns have stood out for their multi-faceted holistic approaches. These include, among others:

- *La Muralla Soy Yo* (“I am the Wall”) in Colombia, which worked extensively with the informal tourism sector to change perceptions and encourage a community response to SECTT;
- The Binational Project, carried out by Fundación Paniamor-ECPAT Costa Rica and the International Bureau for Children’s Rights (IBCR), which addressed the problem at the destination (Costa Rica) and the source (Canada);
- The *No Permiso* (“I Don’t Allow”) campaign in Guatemala, the *Protégeme* (“Protect me”) campaign in Peru and the National Commission for Prevention of Crimes of Sexual Exploitation in Panama, all of which trained up workers in the formal tourism sector and showed the importance of working with tourism bodies;
- The *Por La Mano Correcta* (“On the Right Path”) initiative in Uruguay, which worked with transport companies to combat SECTT in the transport sector;
- The *Don’t Look Away* campaign in Brazil, related to mega-events such as the FIFA World Cup and Carnival in that country;
- The Unforgettable Campaign in Costa Rica that used internet websites and forums to prevent tourists and travellers from engaging with SECTT
- And the Combating the Sexual Exploitation of Children awareness-raising campaign in the triple border of Argentina, Brazil and Paraguay – an example of cooperation between countries.

A full analysis of the legal framework is provided, looking at the laws in place to prevent SECTT and punish offenders. From the 14 countries reviewed, Colombia, Costa Rica, Dominican Republic, Guatemala, Panama, Peru, Mexico and Nicaragua have specific criminal definitions related to SECTT; other Latin American countries have put administrative measures in place to prevent this crime. The specific laws for these countries are listed in detail in Appendix 5. While there is certainly much work to do in the establishing of better legal frameworks – and above all in implementing them – it should be noted that Latin America is more advanced than other regions of the world in this area. This is also true for extraterritorial laws, which are specially important in relation to SECTT where

perpetrators can be from other countries. One issue here is double criminality. This dictates that an offence must be prohibited in both the home country of the perpetrator and in the jurisdiction where the offence took place. It is a barrier to convicting criminals of SECTT and currently exists in Brazil and Mexico.

Recovery and reintegration of CSEC survivors is another vital element of response initiatives. Few Latin American countries have specialised programs to attend the victims of CSEC, although it has been established that child survivors of this crime need this type of service. This study looks at the key programs in the sample countries and also examines the problem of reporting. Due to the lack of services for victims and survivors, the problem is under-reported in official databases.

Finally, Chapter 5 looks at how children have participated in the fight against SECTT. Once again, standout initiatives have been selected. Some of the strategies used successfully have been peer education, artistic performances, network building and youth representation at major events where the topic of SECTT (and more broadly commercial sexual exploitation) is addressed.

Chapter 6 concludes the desk study with 17 key recommendations for better addressing the issue of SECTT in Latin America. These have been taken from the available literature and complemented by the researchers in the process of compiling this document. They are:

1. Place the issue of CSEC on the political agenda in Latin America in line with countries’ commitments at the World Congress III against the Sexual Exploitation of Children and Adolescents (WCIII) in Rio de Janeiro, Brazil, 2008
2. Strengthen cooperation and coordination by expanding and continuing bilateral and multilateral projects against SECTT
3. Support and encourage regional bodies already working in the fight against SECTT in coordination with IIN, UNWTO, ECPAT International and other organisations
4. Build regional knowledge about scale, scope and characteristics of SECTT
5. Implement national and local plans to combat CSEC with resources and clear indicators to address all modalities, including SECTT
6. Strengthen and create (where they do not exist) inter-institutional committees to combat CSEC at the national and local level
7. Address the root causes of SECTT
8. Continue extending the implementation and signing of The Code of Conduct in all Latin American countries and monitor its implementation

9. Promote the adoption of company policies against SECTT, within and beyond travel, tourism and transportation industries (e.g. mining, business and construction sectors, among others)
10. Develop and support innovative community strategies to reach the informal sector, communities, families and children and make them agents in the prevention of SECTT
11. Expand focus of prevention campaigns beyond traditional targets
12. Address the increasing use of information and communication technologies (ICT) in SECTT
13. Reinforce the protection of children from sexual exploitation in the context of mega events
14. Strengthen the legal framework for SECTT and mechanisms to monitor enforcement of the law
15. Promote greater cooperation between law-enforcement agencies from different countries
16. Implement specialised care and reintegration programs for children survivors of CSEC
17. Ensure children's voices are heard and considered in plans and programs addressing SECTT; secure resources to support the participation of children and young people in the long term

# CHAPTER 1

## INTRODUCTION

With the convening of the first World Congress against the Commercial Sexual Exploitation of Children in Stockholm, Sweden, in 1996, it was widely recognised that SECTT was already at that time a global phenomenon. Almost twenty years after identifying the issue and various attempts to eradicate it, SECTT is still a growing problem. Offenders are increasingly adept at using the travel and tourism industries as a route to child sexual exploitation. New developments have heightened the dangers for children: the rise and anonymity of the internet and greater access to cheap international travel have expanded 'demand'. At the same time, grinding poverty and lack of education – combined with the continued neglect of child protection systems – have fuelled the 'supply' of children.

The sheer speed and scale of this crime has, to date, out-paced attempts to respond at the international and national level. These attempts continue to be hampered by a failure to organise collective action and a chronic lack of robust evidence and comparable data that, taken together, allow offenders to commit their crimes in the shadows and with impunity. This is a child rights, a criminal justice and, above all, an international issue.

ECPAT, with the aim of providing evidence-based knowledge to guide and mobilise concerted, comprehensive and coordinated action from governments, the tourist industry and civil society organisations to stop SECTT in the regions and globally, has undertaken the ***Global Study on the Sexual Exploitation of Children in Travel and Tourism***. The Global Study is guided by a multi-stakeholder High-Level Global Taskforce, whose members have a wide range of backgrounds including governmental, non-governmental and private sector backgrounds. It includes several components:

- Local research conducted by the global ECPAT Network
- Thematic contributions from partners and experts
- Victims' voices
- Desk studies of existing research in nine regions

The present report constitutes the Latin American desk study and, additionally, offers general information on the wider issue of CSEC for a better understanding of SECTT in the region.

Latin America is a region that covers South America, Central America and the Caribbean Islands, comprising 20 sovereign States: **Argentina**, Bolivia, **Brazil**, **Chile**, **Colombia**, **Costa Rica**, Cuba, **Dominican Republic**, **Ecuador**, El Salvador, **Guatemala**, Haiti, Honduras, **Mexico**, **Nicaragua**, **Panama**, **Paraguay**, **Peru**, **Uruguay** and Venezuela. The countries in bold text are those looked at in detail in this study. More information on how this selection was made can be found in the methodology section of Chapter 2.

The countries in Latin America are geographically, politically, economically, socially, ethnically and culturally diverse. The two most widely spoken languages are Portuguese and Spanish, but there are also places where Dutch and French are spoken as well as hundreds of indigenous languages, some from earlier civilisations and empires such as the Aztec, Caribs, Inca, Maya, Toltecs and Tupi.

In 2014, the 20 countries listed above recorded a combined population of 615.1 million. In 2013 – the most recent year for which figures of all the above countries are available – they registered a combined Gross Domestic Product (GDP) of US\$6.143 trillion.<sup>1</sup> The primary form of governance is that of the democratic republic, with the notable exception of Cuba, which has a socialist political structure. Nevertheless, the region is characterised by countries at very different stages of development with all facing both shared and unique challenges.

The region is rich ecologically and in natural settings. It includes one of the world's greatest ecosystems, the Amazon Rainforest, the quintessential beach holiday settings of the Caribbean islands, the majestic mountains and volcanoes of the Andes, imposing glaciers in Argentina and Chile and the Iguazu Falls at the border

<sup>1</sup> Calculated from World Bank metadata, World Bank (2016), "World Development Indicators", accessed 10 July 2016, <http://databank.worldbank.org/data/reports.aspx?source=2&type=metadata&series=SP.POP.TOTL>, <http://databank.worldbank.org/data/reports.aspx?source=2&type=metadata&series=NY.GDP.MKTP.CD#>.

of Argentina and Brazil. Other attractions include sites of archaeological and historical interest: the pyramids at Teotihuacan and other places in Mexico, Machu Picchu in Peru and the colonial port cities around the Caribbean. On top of this there are massive cultural events such as Brazil's Carnival and different sporting events. All of these attract thousands of domestic and foreign visitors every year.<sup>2</sup>

Latin America has also a history of political, economic and social instability, with high levels of poverty and inequality. The majority of the governments have embraced neoliberal economic policies prioritising

financial development without necessarily addressing social welfare. As a result, levels of vulnerability for the more disadvantaged groups in society – among them children – have worsened.

Across the Caribbean and Latin America, approximately 32.4% of the total population is made up of children, slightly higher than the world average.<sup>3</sup> A large percentage of these children are living in poverty or extreme poverty, as shown in Table 1 below, which includes the sample of 14 countries selected for the present study. Poverty and inequality are structural factors that increase the risk of SECTT.

**Table 1. Population and poverty in Latin America**

Country	Population	Population under 18	Children living in poverty/extreme poverty <sup>4</sup>
Argentina	41,446,246	12,076,420 (29.1%)	24.3%/7.6% (urban areas)
Brazil	200,361,925	58,551,646 (29.2%)	33.8%/11.7%
Chile	17,619,708	4,532,000 (25.7%)	15.7%/4.0%
Colombia	48,321,405	16,014,036 (33.1%)	36.1%/15.0%
Costa Rica	4,872,166	1,396,698 (28.7%)	19.5%/6.9%
Dominican Republic	10,403,761	3,730,605 (35.9%)	47.8%/7.0%
Ecuador	15,737,878	5,597,779 (35.6%)	40.7%/15.1%
Guatemala	15,468,203	7,298,006 (47.2%)	79.9%/47.8% (2006)
Mexico <sup>5</sup>	117,200,000 <sup>6</sup>	39,200,000 (33.4%)	41.7%/12.1% (2012)
Nicaragua	6,080,478	2,391,692 (39.3%)	78.6%/42.7% (2005)
Panama	3,864,170	1,301,303 (33.7%)	—
Paraguay	6,802,295	2,623,403 (38.6%)	54.0%/10.3%
Peru	30,375,603	10,480,025 (34.5%)	62.6%/30.9%
Uruguay	3,407,062	900,942 (26.4%)	18.6%/3.9%

<sup>2</sup> Maps of World, "Latin America Map", accessed 9 August 2015,

<http://www.mapsofworld.com/usa/usa-maps/united-states-and-latin-america-maps.html#>

<sup>3</sup> Unless otherwise noted, all population data has been taken from UNICEF, State of the World's Children 2015 Country Statistical Information tables. UNICEF (n.d.), "State of the World's Children 2015 Statistical Information", accessed 15 August 2015,

[http://www.data.unicef.org/corecode/uploads/document6/uploaded\\_pdfs/corecode/SOWC\\_2015\\_all-countries-update\\_214.xlsx](http://www.data.unicef.org/corecode/uploads/document6/uploaded_pdfs/corecode/SOWC_2015_all-countries-update_214.xlsx)

<sup>4</sup> Unless otherwise noted, all data taken from Comisión Económica para América Latina y el Caribe (CEPAL), Panorama Social de América Latina 2013 (2013), 100, accessed 15 August 2015, <http://www.cepal.org/es/publicaciones/panorama-social-de-america-latina-2013>. These figures are based on a multidimensional approach to measuring poverty, taking into account household income and access to basic services such as nutrition, sanitation, education etc. and are based on 2011 data.

<sup>5</sup> All data for Mexico was taken from and/or calculated based on a report by CONEVAL and UNICEF, "Pobreza y derechos sociales de niñas, niños y adolescentes en México, 2010-2012", 4-6, accessed 10 April 2016,

[http://www.coneval.gob.mx/Informes/COMUNICADOS\\_DE\\_PRENSA/UN\\_BriefPobreza\\_infantil\\_2010\\_2012.pdf](http://www.coneval.gob.mx/Informes/COMUNICADOS_DE_PRENSA/UN_BriefPobreza_infantil_2010_2012.pdf)

<sup>6</sup> In 2015 the population of México was estimated at 119,530,753 by Instituto Nacional de Estadística y Geografía (INEGI), Principales Resultados de la Encuesta Intercensal 2015 Estados Unidos Mexicanos, México, 2015, 1, accessed 10 April 2016,

[http://internet.contenidos.inegi.org.mx/contenidos/productos/prod\\_serv/contenidos/espanol/bvinegi/productos/nueva\\_estruc/702825078966.pdf](http://internet.contenidos.inegi.org.mx/contenidos/productos/prod_serv/contenidos/espanol/bvinegi/productos/nueva_estruc/702825078966.pdf)



This report is divided into six chapters. Chapter 2 provides information on the objectives, methodology and terminology/concepts used in this report. Chapter 3 outlines the economic and social impact of the travel and tourism industry and key causes and contributing factors to SECTT in the region. It also provides a summary of available data on the scale of SECTT and CSEC in general. Chapter 4 examines the current and new

emerging trends of SECTT in the region and provides information on child victims as well as on the role of exploiters in perpetuating this crime. Chapter 5 focuses on the regional responses to SECTT from governments, NGOs and the private sector in the region. Finally, Chapter 6 offers a number of recommendations for governments, NGOs and the private sector, based on the information discussed in this report.

# CHAPTER 2

## CONTEXT OF THE STUDY AND TERMINOLOGY

As already mentioned, this report forms part of ECPAT International's Global Study on Sexual Exploitation of Children in Travel and Tourism (SECTT). This chapter presents the objectives of this study and the methodology used to gather and analyse the data. The relevant concepts and terms are also revised in an effort to help standardise the definitions used among stakeholders in the region and globally.

### OBJECTIVES

The main objective of the Global Study is to provide evidence-based knowledge to guide and support effective decision-making. In this context, the specific objectives of the Latin America desk study are:

- To provide an updated picture of SECTT, including an analyses of emerging trends and new developments in Latin America
- To provide, where possible and available, relevant statistical data and figures on both child victims and exploiters
- To map out and assess current regional, national and local responses to SECTT including legislation, awareness campaigns, capacity building and a range of measures and interventions by different stakeholders to address the challenge in Latin America
- To provide recommendations to inform and enhance government, non-government and private sector responses to SECTT

### METHODOLOGY

This research takes the form of a web-based desk study. In terms of scope, literature was collected at different levels: international, regional, sub-regional and national. By using a combination of keywords in online searches, hundreds of sources were examined, collected and analysed. Preference was given to the more recent data available, which varies from over 10 years old to information published or made available in the first half of 2015.

Both free-text and controlled-vocabulary searches were conducted to identify relevant documents in three languages: English, Portuguese and Spanish. Examples of keywords and terms that were used for this purpose include: "sexual exploitation of children", "commercial sexual exploitation of children", "child sex tourism", "child exploiters", "child pornography", "child prostitution" and "child trafficking", and their equivalents in the other two languages. Connectors and a wide variety of synonyms and related terms were also used as appropriate (e.g. "child" and "Latin America" and "sexual exploitation" and "South America" and "tourism" and "Costa Rica"; "teenagers" or "adolescents" or "young people"). Retrospective searches following the references of documents collected were also conducted in order to identify further studies.

The information thus obtained came from governments, law enforcement and UN agencies, regional institutes such as the International Bureau for Children's Rights (IBCR), the OAS and IIN. It also includes NGO reports and projects, program evaluation reports, dissertations, scientific articles, journal articles and other relevant documents. Other key resource materials used extensively were research studies produced by ECPAT International and by its members based in 12 countries in this region,<sup>7</sup> both published and unpublished. This includes a regional overview, 10 country monitoring reports on CSEC, two fact sheets from Dominican Republic and Nicaragua and SECTT reports from Colombia and Brazil that are part of the Global Study. Media articles were consulted in looking for sources, but were excluded as direct sources of information.

Information on each country was analysed, and when information was found to be repeated in texts of the same country and/or other countries, it was understood that the "saturation point" had been achieved. Thereafter, only information that added new data or complemented existing data was selected, until the researchers established that all relevant information had been included.

<sup>7</sup> ECPAT has a presence in the following Latin American countries: Argentina, Brazil, Chile, Colombia, Costa Rica, Dominican Republic, Guatemala, Mexico, Nicaragua, Paraguay, Peru and Uruguay.

This report has been reviewed by the ECPAT groups in Latin America, and their feedback has been incorporated. The groups are: Comité Argentino de Seguimiento y Aplicación de la Convención Internacional sobre los Derechos del Niño (CASACIDN, ECPAT Argentina); ECPAT Brazil; ONG Raíces and ONG PAICABÍ (ECPAT Chile); Fundación Renacer (ECPAT Colombia); Fundación Paniamor (ECPAT Costa Rica); Movimiento para el Auto-Desarrollo Internacional de la Solidaridad (MAIS, ECPAT Dominican Republic); ECPAT Guatemala; ECPAT México; Casa Alianza Nicaragua and Tesis Association (ECPAT Nicaragua); Grupo Luna Nueva (Paraguay); Capital Humano y Social Alternativo (CHS Alternativo), Casa de la Sonrisa and ONG Reto para el Desarrollo Sostenible (Redes) (ECPAT Peru); and Asociación Civil Gurises Unidos (Uruguay).

Although this desk study has sought to cover the whole Latin American region in detail, this was not possible due to time constraints and a lack of reliable and comprehensive information in some countries. Therefore, a sample of 14 countries was chosen based on the information available for them, the presence of ECPAT in the countries, and their size and characteristics. They are: Argentina, Brazil, Chile, Colombia, Costa Rica, Dominican Republic, Ecuador, Guatemala, Mexico, Nicaragua, Panama, Paraguay, Peru and Uruguay. Nevertheless, other countries were also included when relevant information was found on particular issues, as was the case for El Salvador and Honduras.

It is important to note that the majority of literature available was in Portuguese or Spanish, and the selections directly used in this report were, consequently, translated into English. Where appropriate, the original expressions have been retained in parenthesis. Due to the number of documents that required translation, it was agreed with ECPAT to not specify this in the text for all translations made; rather, it should be clear that a translation has been made when the sources referred to in the footnotes are in Portuguese or Spanish. Double inverted commas or italics (for larger inset quotations) have been used for citations taken from originals in English, while single inverted commas are used when quotation marks appeared in the original (when the original cited a secondary source, or included dialogue). Single inverted commas are also used to highlight words that are used with a special meaning or that require greater emphasis.

Taking into consideration the existing amount of experiences for each country, mainly in the prevention area, an effort was made to provide balanced information and include examples from all 14 countries. However, this was not possible given the scarcity of information for some countries, such as Dominican Republic and Panama.

In the course of the research and collection of data for this report, there was another recurrent difficulty. While there are a lot of documents and literature on CSEC, little research focuses specifically on SECTT. Equally, it is possible that some documents have been overlooked or not accessed due to the amount of information in some countries; in others, the study was limited by the scarcity of information available on the internet and the lack of time available to consult organisations in those countries for more information.

## TERMINOLOGY

Despite a consensus regarding the critical importance of eradicating the commercial sexual exploitation of children, there is a palpable lack of agreement around the terminology associated with this phenomenon. Without a shared language, an agreed vocabulary with agreed definitions, it is difficult to ensure a shared understanding of the phenomenon. In this sense the Global Study has refined some terms and concepts to name and describe different aspects of SECTT and in this way provide a consistent terminology that can be used as reference for key stakeholders such as governments, international aid agencies and the wider community.

While there is no mutually agreed definition of **CSEC**<sup>8</sup>, the term was defined in the *Stockholm Declaration and Agenda for Action* adopted at the First World Congress against CSEC in 1996 as follows:

*The commercial sexual exploitation of children is a fundamental violation of children's rights. It comprises sexual abuse by the adult and remuneration in cash or kind to the child or a third person or persons. The child is treated as a sexual object and as a commercial object. The commercial sexual exploitation of children constitutes a form of coercion and violence against children, and amounts to forced labour and a contemporary form of slavery.*<sup>9</sup>

<sup>8</sup> See e.g. Mark Hecht: "[t]he literature on the subject constricts or expands usage of the term depending on the methodology, audience, and purpose of the report. Some research has taken a very strict interpretation of the word 'commercial' so that monetary exchange must occur in order for it to be classified as CSEC, other academics have adopted a looser definition that includes any exchange, whether in cash or in-kind. Yet others have suggested that it is impossible to distinguish between commercial and non-commercial sexual exploitation since one invariably will lead to the other". , Hecht, Mark E. (n.d.), "Private sector accountability in combating the commercial sexual exploitation of children" (a contribution of ECPAT International to the World Congress III against the Sexual Exploitation of Children and Adolescents, Rio de Janeiro, Brazil, 25-28 November 2008), 05, accessed 10 March 2015, [http://www.ecpat.net/sites/default/files/Thematic\\_Paper\\_CSR\\_ENG.pdf](http://www.ecpat.net/sites/default/files/Thematic_Paper_CSR_ENG.pdf)

<sup>9</sup> First World Congress against Commercial Sexual Exploitation of Children (1996), "The Stockholm Declaration and Agenda for Action", (adopted at First World Congress against Commercial Sexual Exploitation of Children, Stockholm, Sweden, 27-31 August 1996), para. 5, accessed 31 July 2015, <https://www.google.com.au/webhp?sourceid=chrome-instant&ion=1&espv=2&ie=UTF-8#q=stockolmo+declaration+and+cooperation+on+exploitation+of+children>

ECPAT International defines the primary forms of CSEC as the sexual exploitation of children in prostitution, child pornography and trafficking of children for sexual purposes, with other forms including child-sex tourism, and in some cases, child marriage.<sup>10</sup> This report uses the terms CSEC and child sexual exploitation or sexual exploitation of children interchangeably, as they are in the literature.

The term “**sexual exploitation of children in prostitution**” will be preferred to “**child prostitution**”, as the former conveys more clearly that children can never consent to being exploited and that they should always be treated as victims. Also the term “adult in prostitution” will be used instead of “prostitutes” as can be found in the literature, because the latter stigmatises people. The term “child prostitution” is only used when directly quoting the names of laws, conventions, committees, research studies, etc. which specifically include this term, for example, the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography

Although the terms human **trafficking** and **smuggling**<sup>11</sup> refer to distinct criminal activities, and thus are not interchangeable, it is not always clear how to best distinguish between the two, especially in the context of children.<sup>12</sup> Researchers agree that a child can never be smuggled.<sup>13</sup> In Portuguese *contrabando* and *tráfico* can either be translated as “smuggling” or “trafficking” (as seen in the Protocol Against the Smuggling of Migrants by Land, Sea and Air).<sup>14</sup> In this report the

Spanish terms *tráfico* and *trata* are translated as “smuggling” and “trafficking” (for each of the Protocols) respectively. The term human trafficking or trafficking as equivalent to *trata de personas* or *trata* is preferred in this report; however, the original terminology used in specific texts will be respected.

While sources in Spanish and Portuguese refer to girls, boys and adolescents (*niñas, niños y adolescentes*) or children and adolescents (*crianças e adolescentes*) respectively, this study uses **child** and **children** to refer to anyone, boy or girl, under the age of 18, in compliance with the UNCRC. The terms **adolescents** and **teenagers** are only used in this report when speaking specifically about children aged from 13 to 17. Gender is specified according to information given in the original language/document (girls or boys).

This report considers SECTT as a subset of CSEC. The Global Study Taskforce has suggested that the term SECTT be used as a replacement for the term **child sex tourism** (CST).<sup>15</sup> The Taskforce has found that the term “child sex tourism” is inadequate for a number of reasons. First, the term seems to refer to a type of tourism or a niche in the tourism sector, when in fact it describes a criminal activity. Second, the term “tourist” excludes other travelling individuals who may engage in SECTT, such as business travellers or travellers who, for their job, may remain in one place for over a year.<sup>16</sup> For this reason, the term also includes long term residents, for example individuals who have entered a country as tourists and extended their stay, as well as transient

<sup>10</sup> ECPAT International (2008), “Combating Child Sex Tourism: Questions and Answers”, Bangkok: ECPAT International, 3, accessed 7 July 2015, [http://www.ecpat.net/sites/default/files/cst\\_faqs\\_eng.pdf](http://www.ecpat.net/sites/default/files/cst_faqs_eng.pdf).

<sup>11</sup> The United Nations Office on Drugs and Crime (UNODC) defines trafficking as “the acquisition of people by improper means such as force, fraud or deception, with the aim of exploiting them” and defines smuggling in the context of migration as “the procurement for financial or other material benefit of illegal entry of a person into a State of which that person is not a national or resident.” In UNODC, “UNODC on human trafficking and migrant smuggling”. UNODC (n.d.), “UNODC on human trafficking and migrant smuggling”, *UNODC United Nations Office on Drugs and Crime*, accessed 17 July 2015, <http://www.unodc.org/unodc/en/human-trafficking/index.html>.

<sup>12</sup> See U.S. Immigration and Customs Enforcement (2013), “Human Trafficking and Smuggling”, U.S. Immigration and Customs Enforcement, accessed 17 July 2015, <http://www.ice.gov/factsheets/human-trafficking>; and U.S. Department of State (2006), “Fact Sheet: Distinctions Between Human Smuggling and Human Trafficking 2006”, U.S. Department of State, accessed 17 July 2015, <http://www.state.gov/m/ds/hstcenter/90434.htm>.

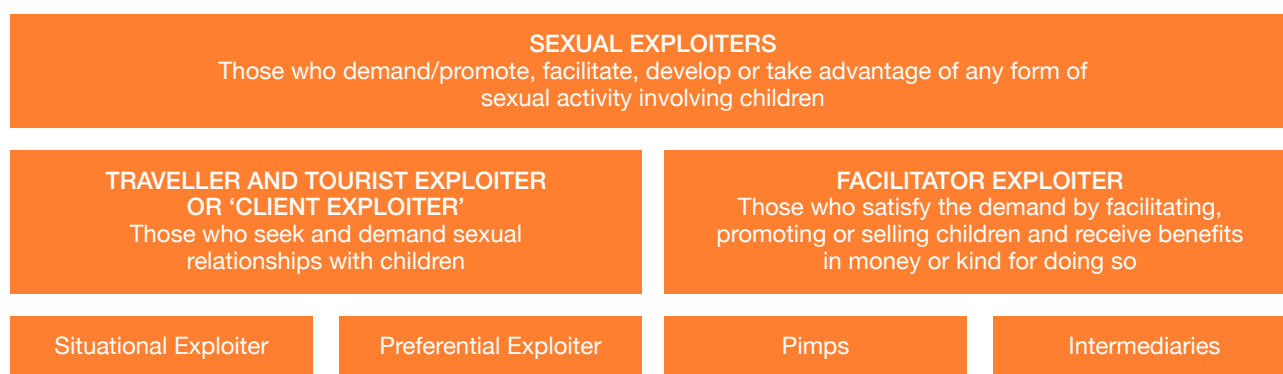
<sup>13</sup> There is a clear gap in international law with regards to discussions pertaining to children and the important differentiation between ‘trafficking’ and ‘smuggling’. While the Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children explicitly exempts children from ‘the means’ requirement, there is no mention of children in the Protocol against the Smuggling of Migrants by Land, Sea and Air. According to the Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children, children are considered ‘trafficked’ and can be transferred by any means so long as the purpose of the movement is exploitative. The main concern in smuggling is the procurement of the migrant and the passage of material benefit from the smuggled migrant to the smuggler – in the case of a child, any form of procurement will be done in the absence of consent and would therefore not qualify as smuggling according to its international definition. Interagency Working Group on Sexual Exploitation of Children (2016), “Terminology Guidelines on the Sexual Exploitation and Sexual Abuse of Children” (forthcoming).

<sup>14</sup> See Protocol against the Smuggling of Migrants by Land, Sea, and Air, supplementing the United Nations Convention against Transnational Organized Crime and Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime. United Nations Office on Drugs and Crime (UNODC) (2016), “United Nations Convention against Transnational Organized Crime and the Protocols Thereto”, *UNODC United Nations Office on Drugs and Crime*, accessed 06 May 2016, <https://www.unodc.org/unodc/treaties/CTOC/>

<sup>15</sup> ECPAT International defines sex tourism as “[t]he sexual exploitation of children by a person or persons who travel from their home district, home geographical region, or home country in order to have sexual contact with children. Child sex tourists can be domestic travellers or they can be international tourists. CST often involves the use of accommodation, transportation and other tourism-related services that facilitate contact with children and enable the perpetrator to remain fairly inconspicuous in the surrounding population and environment”. In ECPAT International (2008), “Combating Child Sex Tourism: Questions and Answers”, 6.

<sup>16</sup> Also, because anyone living in a foreign country for periods in excess of one year would not qualify as a ‘tourist’ according to the UNWTO, so that expatriates would have to be excluded. See Muireann, O’Brian, Grillo, Milena and Barbosa, Helia (2008), “Sexual Exploitation of Children and Adolescents in Tourism” (a contribution of ECPAT International to the World Congress III against the Sexual Exploitation of Children and Adolescents, Rio de Janeiro, Brazil, 25-28 November 2008), accessed 10 March 2015, [http://ecpat.net/sites/default/files/Thematic\\_Paper\\_CST\\_ENG.pdf](http://ecpat.net/sites/default/files/Thematic_Paper_CST_ENG.pdf).

Figure 1. Sexual exploiters



populations including temporary workers, truck and bus drivers, and those who go abroad and work as teachers, NGO workers etc. Therefore, the term “child sex tourism” will only be used in reference to laws, projects or government and law enforcement reports which specifically use the term. Furthermore, the terms **tourists and travellers** and **the tourist and travel sector** are preferred unless the points discussed refer exclusively to either tourists/tourism or travel/travellers.

The Taskforce also recommended the inclusion of **domestic travellers** in the scope of the Global Study, because local demand by those within the country of reference constitutes a key component of SECTT, often paving the way for foreign tourists to sexually exploit children. The terms **domestic** and **national** are used interchangeably in this report to refer to such tourists and travellers, as opposed to the **foreign** or **international** variety.

The terms (child) **victims** and (child) **survivors** are used throughout this report to refer to a child used as a sexual object or merchandise by a person or group of people. The term victim is preferred when emphasising the violation of the child’s rights when he/she has been sexually exploited rather than to imply that the child is a passive subject who cannot make decisions about his or her life – as the concept of victim is generally understood. Almost all nations of the world have assumed children as full subjects of rights as expressed in the UNCRC, which establishes children’s right to protection from all forms of sexual abuse and exploitation. Therefore, when a child is sexually exploited their rights are violated, making them victims and also survivors whose rights should be restored.

The term **sexual exploiter** has been preferred over the term **sexual abuser** to avoid increasing confusion in terminology when talking about sexual exploitation

and sexual abuse of children. Both are forms of sexual violence against children; however, they are also different issues, so using the term abuse or abuser does not provide the necessary emphasis on the sexual exploitation of children. In this report, **sexual exploiters** are considered to be those who demand/promote, facilitate, develop or take advantage of any form of sexual activity involving children. However, a distinction is made according to the role they play, as explained further in Chapter 3 and summarised in Figure 1.

The term **perpetrator** is also used in the context of legal frameworks to refer to a person who has committed a crime.

In this report, the term **travel and tourism industry or sector** is not limited to the hospitality sector but also includes transportation services such as airlines, truck and freight companies as well as taxi, bus and railway companies. The tourism sector, as defined in the Tourism Satellite Account (TSA), “is the cluster of production units in different industries that provide consumption goods and services demanded by visitors. Such industries are called *tourism industries* because visitor acquisition represents such a significant share of their supply that, in the absence of visitors, their production of these would cease to exist in meaningful quantity”.<sup>17</sup> Some studies also refer to this as the **formal tourism sector** because these companies must be registered to offer tourist services.

Meanwhile, the term **informal tourism sector** is used to describe providers of complementary services such as taxi drivers, masseurs/masseuses, beach tent providers and street vendors, among others, as well as those who provide services to tourists and travellers but are not formally registered and therefore do not pay taxes (e.g. people who rent their private houses during high tourist season, or periods when large groups of itinerant workers need accommodation).<sup>18</sup>

<sup>17</sup> UNWTO (2008), “Understanding Tourism: Basic Glossary (\*)”, accessed 30 July 2015, <http://statistics.unwto.org/sites/all/files/docpdf/glossaryen.pdf>.

<sup>18</sup> In many studies the term informal tourism is used, however, it was not possible to find a definition of the term. The ECPAT Colombia group was consulted in order to define the term, and the present definition is the result of this conversation. It is important to continue exploring this concept.

Despite the importance of the travel and tourism industry for countries' economies, to make a positive contribution it must be sustainable and improve the life of local communities. According to the UNWTO, **sustainable tourism** "takes full account of its current and future economic, social and environmental impacts, addressing the needs of visitors, the industry, the environment and host communities".<sup>19</sup> The concept of tourism in this report should be understood as **sustainable and responsible**. While responsible tourism puts greater emphasis on self-responsibility, sustainable tourism represents a collective call to all stakeholders in the tourism sector to be accountable for their actions towards the inhabitants of tourist communities, and not simply wait for other players to behave in a sustainable way.<sup>20</sup>

Along with this the concept of **corporate social responsibility (CSR)** is of vital importance when dealing with companies that employ temporary workers such

as construction builders, miners, etc. According to the Ethos Institute of Business and Social Responsibility in Brazil, CSR is defined by the ethical and transparent relationship of the company with everyone it relates to, as well as by the establishment of business goals consistent with the sustainable development of society and the reduction of social inequalities.<sup>21</sup>

Other concepts and terminology used are explained throughout the text. It is important to highlight that this brief discussion of what constitutes SECTT and some of the important related concepts underpinning this regional analysis are by no means an exhaustive or authoritative presentation of the full range of perspectives of the terminology associated with this phenomenon. Rather, it is a space for ongoing dialogue focused on working together toward greater consensus around appropriate terminology among key stakeholders with a view to harmonising and enhancing key national and regional instruments and legislation.

<sup>19</sup> UNWTO (n.d.), "Definition", *Sustainable Development of Tourism*, accessed 30 July 2015, <http://sdt.unwto.org/content/about-us-5>.

<sup>20</sup> Fundación PANIAMOR and IBCR (n.d.), "Prevención de la Explotación Sexual Comercial Asociada a Viajes y Turismo en Costa Rica: Sistematización de la Experiencia Bilateral", Costa Rica: Fundación PANIAMOR, 37, accessed 28 May 2015, [http://www.ibcr.org/images/contenu/publications/systematization\\_Spanish.pdf](http://www.ibcr.org/images/contenu/publications/systematization_Spanish.pdf).

<sup>21</sup> Instituto Ethos (n.d.), "Responsabilidad Social: principios y compromisos", Instituto Ethos, <http://www3.ethos.org.br/conteudo/sobre-o-instituto/principios-ecompromissos/#.UmamFHBQH4Q> in *ibid.* 35

# CHAPTER 3

## SECTT IN LATIN AMERICA: CONTRIBUTING FACTORS

In order to better understand the phenomenon of SECTT in Latin America, it is vital to first be aware of the context it occurs within. This includes the tourism and travel sector, which brings various forces and circumstances into play and also the characteristics of the countries and cultures in the region. When these factors combine, it creates an environment that is especially susceptible to problems such as SECTT. This chapter, then, examines the economic and cultural settings in which SECTT occurs and, in some cases, is propagated in Latin America.

### THE GROWTH OF TRAVEL AND TOURISM

Travel and tourism is a major force in the global economy. According to the World Travel and Tourism Council (WTTC):

*Travel and Tourism generated US\$7.6 trillion (10% of global GDP) and 277 million jobs (1 in 11 jobs) for the global economy in 2014. Recent years have seen Travel and Tourism growing at a faster rate than both the wider economy and other significant sectors such as automotive, financial services and health care. Last year was no exception. International tourist arrivals also surged, reaching nearly 1.14 billion and visitor spending more than matched that growth. Visitors from emerging economies now represent a 46% share of these international arrivals (up from 38% in 2000), proving the growth and increased opportunities for travel from those in these new markets.<sup>22</sup>*

These enormous economic and social forces are certainly felt in Latin America. In this region, the total contribution of travel and tourism to GDP was US\$417.5 billion in 2014 (9.2% of GDP), with expected growth of 3.3%, making up to US\$590.7 billion (9.7% of GDP) in 2025.<sup>23</sup> The sector has a huge economic impact due to the direct and indirect jobs generated by hotels, transport, building, commerce, food, tourist and job markets. It also affects the culture and social norms of the communities that come into contact with travel and tourism.

Furthermore, the influence of this sector is growing globally. “Despite occasional shocks, international tourist arrivals, have shown virtually uninterrupted growth [...] from 278 million in 1980 [to] 528 million in 1995, and 1087 million in 2013”.<sup>24</sup> Much of this growth has come from new tourist and travel markets as countries in regions such as Latin America. According to the UNWTO World Tourism Barometer, in 2014 destinations worldwide received 1,138 million international tourists, a 4.7% increase over the previous year.<sup>25</sup> As shown in Figure 2 below, the strongest relative growth was seen in the Americas (7%), which outpaced leading markets such as Asia and the Pacific (+5%) and Europe (4%).<sup>26</sup>

In the Americas, North America (which in this case includes Mexico) grew by 8%, while Central and South America increased by around 6%, and the Caribbean by almost 7%. In South America “the hosting of the Football World Cup in Brazil contributed to [these] results – receipts from international tourism in Brazil grew by

<sup>22</sup> WTTC (2015), “Travel and Tourism Economic Impact 2015 Latin America”, London: World Travel and Tourism Council, accessed 06 May 2016, <https://www.wttc.org/-/media/files/reports/economic%20impact%20research/regional%202015/latinamerica2015.pdf>

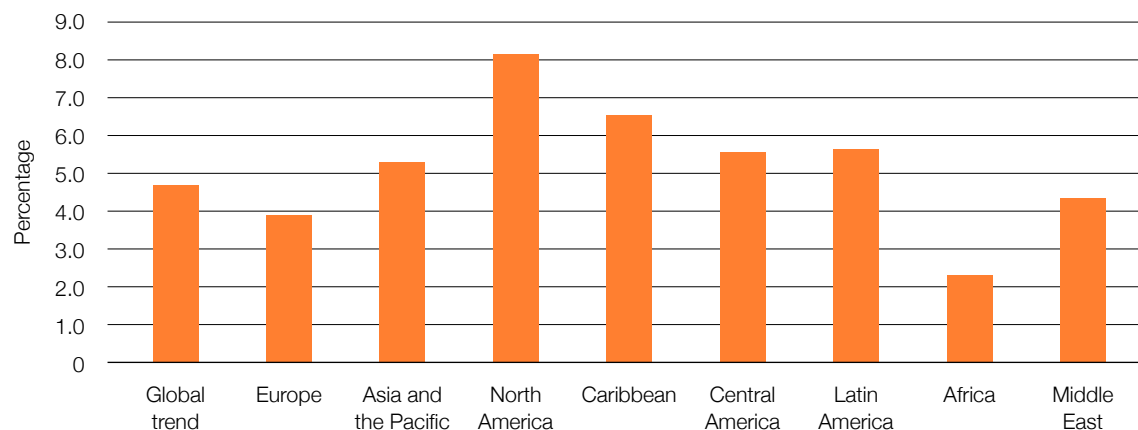
<sup>23</sup> *Ibid.*, 01.

<sup>24</sup> UNWTO (2014)a, “Tourism Highlights 2014 Edition”, Madrid: UNWTO, 2, accessed 16 March 2015, <http://www.e-unwto.org/doi/pdf/10.18111/9789284416226>

<sup>25</sup> UNWTO (2015)b, “World Tourism Barometer. Volume 13. January 2015”, 01, accessed 20 March 2015, [http://cf.cdn.unwto.org/sites/all/files/pdf/unwto\\_barom15\\_01\\_january\\_excerpt\\_1.pdf](http://cf.cdn.unwto.org/sites/all/files/pdf/unwto_barom15_01_january_excerpt_1.pdf)

<sup>26</sup> *Ibid.*, 05.

Figure 2. Tourism growth in 2014 by UNWTO regions



Source: based on UNWTO figures<sup>27</sup>

10% in the first seven months of the year with a 60% increase in June and July”.<sup>28</sup> Moreover, “[b]etween 2010 and 2030, arrivals in emerging destinations (+4.4% a year) are expected to increase at twice the rate of those in advanced economies (+2.2% a year)” and are expected to represent 57% of all world tourism by 2030, “equivalent to over 1 billion international tourist arrivals”.<sup>29</sup>

In terms of where these travellers are coming from, the report states that: “74% of arrivals in 2012 originate in the same region with an important participation of the United States of America and Canada. The arrival of more international tourists to the region is mainly from Europe followed by Asia and the Pacific”.<sup>30</sup>

Large numbers of people also move within borders and cities for travel and tourism, though methods of measuring this vary from country to country. For example, in Ciudad de Mexico in the first semester of 2015, 78% of tourists and travellers who stayed in hotels were from other federal entities within Mexico;<sup>31</sup> in 2013 there were over 46 million passengers on domestic flights in all of México<sup>32</sup> and over 94 million in Brazil in 2015.<sup>33</sup> In Chile, in its 2014 tourist accommodation survey, the National Institute of Statistics (Instituto

Nacional de Estadísticas) found that over 4.5 million domestic travellers travelled in the country by air, compared to 2.1 million international travellers – that is, more than double.<sup>34</sup> In Uruguay, the Ministry of Tourism and Sports put the number of domestic trips for 2014 at around 6.6 million, compared to the 2.8 million international visitors received.<sup>35</sup> These figures suggest that domestic travel and tourism occurs on an even greater scale than international travel and tourism. As shall be seen in later sections, this has implications for the phenomenon of SECTT.

It is also important to note here the impact of international business travel, which has been spurred by the improved economic performance of the region. According to GBTA BTI™ Outlook – Annual Global Report and Forecast study, “Latin American business travel totalled US\$49 billion in 2012”, with a strong contribution from Brazil, which had a “total business travel spending of US\$30 billion”. Mexico is expected to “experience the highest growth in business travel spending in North America over the next five years as economic reforms are put into place that should grow its economy faster than those of its neighbours to the north”.<sup>36</sup>

<sup>27</sup> *Ibid.*

<sup>28</sup> UNWTO (2014), “International tourism up by 5% in the first half of the year”, accessed 20 March 2015, <http://media.unwto.org/press-release/2014-09-15/international-tourism-5-first-half-year>; and UNWTO (2015)b, “World Tourism Barometer”, 04.

<sup>29</sup> UNWTO (2014)a, “Tourism Highlights 2014”, 2.

<sup>30</sup> UNWTO (2013), “Tourism in the Americas – 2013 Edition”, Madrid: UNWTO, 13-4, accessed 16 June 2015, <http://americas.unwto.org/publication/tourism-americas> [http://cf.cdn.unwto.org/sites/all/files/pdf/tourism\\_in\\_the\\_americas.pdf](http://cf.cdn.unwto.org/sites/all/files/pdf/tourism_in_the_americas.pdf).

<sup>31</sup> Mexico, Secretaría Particular del Jefe de Gobierno (2015), “3er Informe de Gobierno del Distrito Federal 2014-2015 – Resumen Ejecutivo”, 61, accessed 14 April 2016, <http://www.transparencia.df.gob.mx/work/sites/vut/resources/LocalContent/3638/45/ResumenEjecutivo.pdf>

<sup>32</sup> Own calculation based on data from: SECTUR (2014)b, “Results of Tourism Activity – Mexico, March 2014”, Mexico: SECTUR, Undersecretariat of Tourism – Policy Planning, accessed 21 July 2015, <http://www.datatur.sectur.gob.mx/RAT/RAT-2014-03-Marzo-Ingles.pdf>.

<sup>33</sup> Own calculation based on data from: Brasil, Ministério do Turismo (n.d.), “Desembarques Domésticos”, Ministério do Turismo, accessed 09 May 2016, [http://www.dadosefatos.turismo.gov.br/dadosefatos/estatisticas\\_indicadores/desembarques\\_domesticos/](http://www.dadosefatos.turismo.gov.br/dadosefatos/estatisticas_indicadores/desembarques_domesticos/).

<sup>34</sup> INE (2014), “Encuesta Mensual a Establecimientos de Alojamiento Turístico”, Chile: INE, accessed 21 July 2015, [http://www.ine.cl/canales/menu/publicaciones/calendario\\_de\\_publicaciones/pdf/EMAT\\_info.pdf](http://www.ine.cl/canales/menu/publicaciones/calendario_de_publicaciones/pdf/EMAT_info.pdf).

<sup>35</sup> Uruguay, Ministerio de Turismo (2014), “Informe de Turismo Interno 2014”, 03, accessed 09 May 2016, <http://www.mintur.gub.uy/index.php/pt/2014-interno>; Uruguay, Ministerio de Turismo (n.d.), “Visitantes ingresados a Uruguay en el quinquenio 2010 – 2014 y variación interanual, según nacionalidad”, accessed 21 July 2015, <http://www.mintur.gub.uy/index.php/pt/2014/itemlist/category/634-nacionalidad>

<sup>36</sup> GBTA Foundation (2013), “GBTA Study Finds Business Travel Spending to Grow Globally”, *GBTA Foundation*, accessed 16 July 2015, <http://www.gbta.org/foundation/pressreleases/Pages/rls080513.aspx>



Along with government investment in tourism, there are additional factors that have contributed to the growth of this sector, including: increased leisure time (holiday entitlement, early retirement with pensions), greater wealth with larger incomes and fewer children, computer reservation systems internet on-line booking and the development of products such as package and activity holidays.

The travel and tourism sector contributes to the economic growth of Latin American countries both directly and indirectly. In fact, “in 2014, the total contribution of travel and tourism to employment, including jobs indirectly supported by the industry, was 8.3% of total employment (17,624,500 jobs).” The indirect employment created by this industry could be even greater, and heavily involve the informal sector, a key group in the facilitation of SECTT. Indirect jobs were equivalent to 5.35% of total employment (7,101,000) while direct jobs were equivalent to 3% of total employment (6,631,000 jobs) in 2014.<sup>37</sup>

The massive flow of tourists and travellers and the money and job opportunities they bring, especially to destinations with high levels of poverty and inequality, has a major impact on communities – and not always in a positive way. Different studies have recognised the economic benefits of the travel and tourism industry, but have also pointed out the costs, especially for the most vulnerable parts of the population.<sup>38</sup> For instance, families’ high financial dependence on this economy creates the conditions for children to be sexually exploited by people in transit. In parallel with the growth in travel and tourism, there has been an increase in SECTT.<sup>39</sup> As Dr. Najat Maalla M’jid, Chair of the High-Level Global Task Force to End Sexual Exploitation of Children in Travel and Tourism, reported in the 30th meeting of the World Tourism Network on Child Protection held in Berlin in March 2015:

*Over time the phenomenon of domestic and international travelling child sex offenders, coming from various backgrounds, has evolved. Offenders are increasingly adept at using the travel and tourism industries as a route to child exploitation; and the Internet has heightened the dangers for children as child sex offenders can contact children directly and anonymously. Destinations evolve quickly and frequently, as a result of the development of new tourism destinations but also economic, social and political developments. As soon as prevention and protection efforts are intensified in a particular country, child sexual exploiters seem to move on to another country.<sup>40</sup>*

As well as alluding to a general growth in SECTT, this statement speaks to the way this problem is changing and the implications of these changes. This will be looked at in more detail below.

## STRUCTURAL FACTORS OF VULNERABILITY

Today “unequal income distribution, heavy dependence on the informal sector, political instability and high prevalence of crime and violence” are still persistent in Latin America.<sup>41</sup> According to several official sources, Latin America has “the most **unequal income distribution** in the world. Heavily represented among those living in poverty are children and youth, indigenous peoples, afro-descendants and women”<sup>42</sup> – many of the same groups that are most affected by commercial sexual exploitation.

Moreover, “inequalities in income distribution are closely linked with social inequalities such as the lack of access to education and low attainment, which impact on labour participation”, leading to unemployment and perpetuating the cycle.<sup>43</sup> Research conducted in this area points to socio-economic exclusion and poverty as two of the great enablers of commercial sexual exploitation.<sup>44</sup>

<sup>37</sup> See WTTC (2015), “Travel and Tourism Economic Impact 2015 Latin America”, 1. Some figures were calculated based on data from the report.

<sup>38</sup> Terrero, Lucía Sáenz (2014)b, “Global Sustainable Tourism Review – Social Impacts of Tourism in Central America and The Caribbean”, accessed 23 March 2015, <http://qualitycoast.info/wp-content/uploads/2014/01/gstr-social-impacts-of-tourism.pdf>; and Susana Lima, *International Cooperation for Development in Tourism Destinations*, unpublished PhD diss., University of Aveiro, Portugal, 2014, 65.

<sup>39</sup> Hannum, Ann Barger (n.d.), “Sex Tourism in Latin America”, *ReVista – Harvard Review of Latin America*, accessed 17 March 2015, <http://revista.drclas.harvard.edu/book/sex-tourism-latin-america>.

<sup>40</sup> UNWTO (2015), “Report of the 30th meeting of the World Tourism Network on Child Protection (formerly the Task Force for the Protection of Children in Tourism)”, (ITB Berlin, Germany, 6 March 2015), Madrid: UNWTO, 02, accessed 5 April 2016, <http://cf.cdn.unwto.org/sites/all/files/docpdf/30thmeetingreportoftheworldtourismnetworkonchildprotectionrevnm.pdf>

<sup>41</sup> ECPAT International (2014)a, “The Commercial Sexual Exploitation of Children in Latin America: Developments, progress, challenges and recommended strategies for civil society”, Bangkok: ECPAT International), 4, accessed 16 March 2015, [http://ecpat.net/sites/default/files/Regional%20CSEC%20Overview\\_Latin%20America%20\(English\).pdf](http://ecpat.net/sites/default/files/Regional%20CSEC%20Overview_Latin%20America%20(English).pdf).

<sup>42</sup> *Ibid.*

<sup>43</sup> *Ibid.*

<sup>44</sup> See, for instance, ECPAT International (2014)b, “Informe de Monitoreo de País sobre la Explotación Sexual Comercial de Niños, Niñas y Adolescentes en Argentina”, Bangkok: ECPAT International, 15, accessed 15 May 2015, [http://www.ecpat.net/sites/default/files/CMR\\_ARGENTINA\\_FINAL\\_0.pdf](http://www.ecpat.net/sites/default/files/CMR_ARGENTINA_FINAL_0.pdf).

Another factor increasing CSEC is the **high dropout rates in schools**, partly a product of the need for children to work. In families that cannot guarantee the basic needs of their members, the demands of work and livelihood are often transferred to children.<sup>45</sup> Research conducted in the cities of Ciudad Juárez and Tijuana in Mexico found a link between CSEC and the lack of schools in poor areas. In such places it is common for children to be left alone, while (mostly single) mothers work two shifts in an environment of violence and drug smuggling.<sup>46</sup>

Related to this, **gender and racial inequality** is another structural issue that exists in the region. “Although Latin American countries have achieved gender parity (or a ratio that favours girls) in primary education, gender differences widen at the level of secondary education”. Racial minorities also have had similar difficulties. “Indigenous and Afro-descendant minorities (representing approximately 31% of children) have fared worse than other population groups in regard to access to and completion of basic education, underscoring deeper barriers of ethnic-based discrimination”.<sup>47</sup>

**Unaccompanied internal and external migration** also contributes to the growth of CSEC in Latin America, with large numbers of children and youth moving to urban areas, other cities or other countries due to extreme poverty, family reunification and violence, among other reasons.<sup>48</sup> As reported by ECPAT groups and the Human Rights Council in countries such as Bolivia, Chile, Colombia, Guatemala, Mexico, Nicaragua and Uruguay, unaccompanied children are vulnerable to CSEC:

*Unaccompanied migrant children are one of the most vulnerable populations who can be subjected to forced labour, drug trafficking, human trafficking and sexual exploitation. Some of them face a situation of greater vulnerability because of a lack of documentation from their country of origin, thus making it difficult to regulate their migration status and to access social services when arriving in a foreign country.*<sup>49</sup>

Whether travelling internationally or within the same country, some of these children belong to families that have been expelled from their original homes due to the development of travel and tourism. Studies in Brazil<sup>50</sup> and Colombia<sup>51</sup> have shown that others move to tourist centres in search of better job prospects but are confronted with a lack of opportunities.<sup>52</sup> As one pimp in Colombia explains:

*In the villages and small towns there's a perception that there are many job opportunities in Bogotá. This is true if you are a professional or trained in something, but if it's a pretty woman with a good body and a drive to get ahead and months and months go by without her finding work, just another month's rent to pay, the food runs out and many choose to become escorts. Not being judgmental, but it would be good to understand that as a result we have escorts in Bogotá from cities all over the country, and even from some nearby countries. Here you can find escorts from Bogotá, Medellín, Cali, Barranquilla, from the north and south coast and also from Mexico and Panama.*<sup>53</sup>

<sup>45</sup> Alberto, Maria de Fátima Pereira et al. (2009), “A exploração sexual infanto-juvenil sob a ótica de membros da população”, *Psicologia em Revista (Review of Psychology)* 15, no. 3 (2009): 47, accessed 16 March 2015, [http://pepsic.bvsalud.org/scielo.php?script=sci\\_arttext&pid=S1677-11682009000300004](http://pepsic.bvsalud.org/scielo.php?script=sci_arttext&pid=S1677-11682009000300004)

<sup>46</sup> Villarreal, Héctor (2014), “La infancia como Mercancía Sexual”, *Distopía*, accessed 15 May 2015, <https://hectorvillarreal.wordpress.com/2014/04/30/inf/>. See full text of Azaola y R. J. Estes (Coords.), *La infancia como mercancía sexual*, México, Canadá, Estados Unidos. Siglo XXI Editores y Centro de Investigaciones y Estudios Superiores en Antropología Social, 2003, México, 372 pp, in: [http://www.academia.edu/839651/La\\_explotaci%C3%B3n\\_sexual\\_comercial\\_de\\_ni%C3%B1os\\_en\\_dos\\_ciudades\\_tur%C3%ADsticas\\_de\\_M%C3%A9xico\\_Canc%C3%BA\\_n\\_y\\_Acapulco](http://www.academia.edu/839651/La_explotaci%C3%B3n_sexual_comercial_de_ni%C3%B1os_en_dos_ciudades_tur%C3%ADsticas_de_M%C3%A9xico_Canc%C3%BA_n_y_Acapulco).

<sup>47</sup> ECPAT International (2014)a, “The Commercial Sexual Exploitation of Children in Latin America”, 5.

<sup>48</sup> According to ECLAC, UNICEF and UNICEF TACRO (2010) in ECPAT International (2014)a, “it is estimated that one in five migrants from the Region is a child or adolescent, but no estimates of the scale of internal and intra-regional child migration are available”. ECLAC, UNICEF and UNICEF TACRO (2010), “Children and international migration in Latin America and the Caribbean”. *Challenges: Newsletter on progress towards the Millennium Development Goals from a child rights perspective*, 11 (November 2010), in *ibid.*, 6. According to Carla Hanania de Varela, Human Rights Council’s rapporteur of the drafting group on unaccompanied migrant children, some illustrative data of the phenomenon was provided by the Secretariat of Governance of Mexico (SEGOB): “[f]rom January 2014 to June 2015, 14,864 unaccompanied migrant children were returned to their countries of origin” from Mexico. Also, in El Salvador, where “the General Directorate of Immigration interviewed 3,515” repatriated children and teenagers between 2013 and 2014, it found that they wanted to migrate to “join their family” (41%), for financial reasons (28%) and for “safety reasons” (10%). Human Rights Council (2016), “Research-based study on the global issue of unaccompanied migrant children and adolescents and human rights”, draft progress report on the global issue of unaccompanied migrant children and adolescents and human rights, prepared by Carla Hanania de Varela, Rapporteur of the drafting group on unaccompanied migrant children, A/HRC/AC/16/CRP.3, 11 February 2016, para. 31 and 49.

<sup>49</sup> *Ibid.*, para. 56.

<sup>50</sup> Silva Tatiana Amaral (2009), “A Exploração Sexual de Crianças e Adolescentes no Turismo: Uma análise da atuação da rede de enfrentamento em Porto Seguro”, (Master’s thesis, Santa Cruz State University), 84, accessed 16 March 2015, [http://www.uesc.br/cursos/pos\\_graduacao/mestrado/turismo/dissertacao\\_tatiana.pdf](http://www.uesc.br/cursos/pos_graduacao/mestrado/turismo/dissertacao_tatiana.pdf)

<sup>51</sup> Fundación Renacer – ECPAT Colombia et al. (2011), “Caracterización y georreferenciación de las dinámicas de la explotación sexual de niñas, niños y adolescentes asociada a viajes de turismo, en las localidades de Barrios Unidos, Santa Fe, Candelaria, Fontibón, Los Mártires y Usaquén”, Bogotá, <https://fundacionrenacer.org/wp-content/uploads/2015/08/informe-estilo-diag-junio2011.pdf>

<sup>52</sup> ECPAT International, “The Commercial Sexual Exploitation of Children in Latin America”, 4 and 6; and Terrero, Lucía Sáenz (2014)a, “Social Impacts of Tourism in Brazil”, 1-2, accessed 23 March 2015, <http://qualitycoast.info/wp-content/uploads/2014/03/Dossier-Brazil-Social-impacts.pdf>

<sup>53</sup> Fundación Renacer – ECPAT Colombia et al. (2011), “Caracterización y georreferenciación de las dinámicas de la explotación sexual de niñas, niños y adolescentes asociada a viajes de turismo, en las localidades de Barrios Unidos, Santa Fe, Candelaria, Fontibón, Los Mártires y Usaquén”, 27.

Another underlying structural factor in Latin America is the **disintegration of the family unit**. Clear examples of this can be found in Colombia,<sup>54</sup> while in the Dominican Republic ECPAT has reported that for various reasons, close to 20% of children under 15 do not live with their parents. “Only 21% of adolescents attend school, and 12% of children between the ages of 5 and 17 do some kind of child labour”.<sup>55</sup>

ECPAT reports that “the Central American Region has the highest rates of violence occurring in the home, upending the popular belief that home is the safest place. In fact, home is where women, girls and boys suffer all forms of abuse”<sup>56</sup> and the risk of CSEC is intensified among other things by family violence.<sup>57</sup> It has been argued that victims of commercial sexual exploitation come from dysfunctional homes characterised by a poorly functioning family, disruption or parental substance abuse and violence,<sup>58</sup> and that “it is also common that the practice of prostitution is present within the family, as well as drug consumption. Many children begin prostitution to help their parents to get drugs, and sooner or later they are immersed in addiction”.<sup>59</sup>

Against the backdrop of all the above-mentioned issues – poverty, inequality and violence – CSEC constitutes a ‘market’ that exploits victims (children, adolescents and even families) benefiting the pecuniary interests of ‘entrepreneurs’.<sup>60</sup>

In the context of travel and tourism, as will be shown in Chapter 5, all the States in Latin America together with the industry sector have been working towards responsible and sustainable economic activity. However, these good intentions are yet to be reflected in reality. Travel and tourism can also have a detrimental effect and augment **poverty and social exclusion**,<sup>61</sup> making children even more vulnerable to CSEC. As an example, a research project in Costa Rica undertaken in the Chorotega region found that despite the growth of the tourism sector, 31.6% of the population lives in

poverty, while 11.5% lives in extreme poverty, with an unemployment rate of 8.97%.<sup>62</sup>

Furthermore, issues such as the rise of land prices and influx of new arrivals, both construction workers and tourists, make it difficult for people to carry on with traditional activities, such as fishing in coastal regions where local populations have lost access to beaches. The construction of resorts and other tourist infrastructure has also caused major environmental problems, impacting on natural resources such as water supply.<sup>63</sup> As Terrero puts it:

*Over the years, tourism development caused many local communities to become displaced from their lands. Both the government and private companies throw out these populations by force to make way for tourism development. These communities are deprived of their livelihood, forced to move to other places, often with fewer resources that prevent them from continuing their business.*<sup>64</sup>

When the local populations are not displaced, they interact with tourists and travellers on a daily basis and may work for the industry, either in the formal or informal sector;<sup>65</sup> however, according to Terrero, locals generally fill lower level jobs, while higher-paid positions are taken by foreigners. On top of this, “working and employment conditions [often] leave much to be desired [and involve] long hours, unstable employment, low pay, little training”<sup>66</sup> and very limited opportunities for obtaining formal qualifications.

In some cases, this has occurred due to a lack of planning, together with the absence of public policies that would enable people to be included in the opportunities that travel and tourism provides. When faced with exclusion from this emerging economy, people turn to other alternatives, legal or illegal, to meet the new socio-economic demands.<sup>67</sup> One such alternative is to become involved in commercial sexual exploitation.

<sup>54</sup> Fundación Renacer – ECPAT Colombia et al. (2011), “Caracterización y georreferenciación de las dinámicas”.

<sup>55</sup> ECPAT International (2014)k, “República Dominicana, Informe de Monitoreo de País – Hoja Informativa sobre la Explotación Sexual Comercial de los Niños, Niñas y Adolescentes (ESCENNA), Gaceta”, 1.

<sup>56</sup> ECPAT International (2014)a, “The Commercial Sexual Exploitation of Children in Latin America”, 6.

<sup>57</sup> Violence experienced by children in other contexts will be referred to in chapter 3.

<sup>58</sup> Silva, Tatiana Amaral (2009), “A Exploração Sexual de Crianças e Adolescentes no Turismo”.

<sup>59</sup> Terrero, Lucía Sáenz (2014)a, “Social Impacts of Tourism in Brazil”, 15.

<sup>60</sup> Tenório, Fernando Guilherme and Barbosa, Luiz Gustavo Medeiros (2008), “Conclusão”, in *O setor turístico versus a exploração sexual na Infância e na Adolescência*, eds. Tenório, F.G. and Barbosa, L.G.M., Rio de Janeiro 2008: Editora FGV, 424, 255, accessed 13 March 2015 [http://www.crianca.mppr.mp.br/arquivos/File/publi/mtur/o\\_setor\\_turistico\\_versus\\_a\\_exploracao\\_sexual\\_mtur\\_2008.pdf](http://www.crianca.mppr.mp.br/arquivos/File/publi/mtur/o_setor_turistico_versus_a_exploracao_sexual_mtur_2008.pdf);

<sup>61</sup> Silva, Tatiana Amaral (2009), “A Exploração Sexual de Crianças e Adolescentes no Turismo”.

<sup>62</sup> Fundación PANIAMOR and IBCR (n.d.), “Prevención de la Explotación Sexual Comercial Asociada a Viajes y Turismo en Costa Rica”, 30.

<sup>63</sup> Terrero, Lucía Sáenz (2014)b, “Global Sustainable Tourism Review – Social Impacts of Tourism in Central America and The Caribbean”, 3.

<sup>64</sup> Terrero, Lucía Sáenz (2014)a, “Social Impacts of Tourism in Brazil”, 05.

<sup>65</sup> See the experience of Quepos, a province of Puntarenas in Costa Rica in: Sotelo, Marco (2013), “Experiencia de colaboración bilateral en el combate de la explotación sexual comercial de niños, niñas y adolescentes asociada al turismo en Costa Rica y su aplicabilidad en el combate de la Trata de niños, niñas y adolescentes con fines de explotación sexual” (paper presented at III Congreso Latinoamericano contra la Trata de Personas, Bogotá, July 2013), accessed 17 May 2015, [http://cei.uniandes.edu.co/index.php/component/docman/cat\\_view/1-ponencias?Itemid=](http://cei.uniandes.edu.co/index.php/component/docman/cat_view/1-ponencias?Itemid=)

<sup>66</sup> Terrero, Lucía Sáenz (2014)a, “Social Impacts of Tourism in Brazil”, 07.

<sup>67</sup> Silva, Tatiana Amaral (2009), “A Exploração Sexual de Crianças e Adolescentes no Turismo”, 33, 132.

According to Lima, “crime and tourism are strongly interlinked in developing countries”.<sup>68</sup> Torrero explains:

*Economic globalization has caused a rise in global crime, and new forms of communication, low-cost travel and poverty are phenomena that give strength to those seeking distance impunity to commit a crime or to trade sex.*

*This motivation was met on a massive scale in places that already had a mounted infrastructure providing sexual services to local people. These countries were easily turned into tourist destinations where one of the recreational activities offered and sought by tourists was sexual activity.*<sup>69</sup>

In the city of Manaus in Brazil, for instance, there has been a rise in CSEC connected with eco-tourism.<sup>70</sup> According to research carried out recently, in 2015, in this very same city, one factor responsible for exacerbating the vulnerability of children to sexual exploitation is “the exotic attraction of black, mulatto and indigenous females”.<sup>71</sup> The same research has disclosed that some travel agencies offer girls as part of their tour packages.<sup>72</sup> Similarly, in Nicaragua, observers have detected the presence of teenage boys accompanied by older men and adolescent girls in the company of foreign adults.<sup>73</sup> While these examples are related to tourism, exploiters may also travel for business or other reasons and commit these acts during their trips.

The local population’s economic dependence on the travel and tourism industry and on the travellers and tourists, who are the providers, is coupled with an entrenched service-industry philosophy that the client must be kept happy and that the customer is always

right. These become invisible barriers for stopping CSEC or even for recognising it as a violation of children’s rights. Fundación Renacer in Colombia stated that many people in tourist areas are generally willing to offer tourists anything that satisfies their wishes, including sex and that this permissive attitude reinforces some tourists’ belief that they are ‘lords and masters’ of the city and of those who live in it.<sup>74</sup>

The affluence of travellers and tourists also stimulates **consumerism** in communities, allowing the locals to obtain money and material objects that they would not otherwise have access to.<sup>75</sup> In Granada, Nicaragua, sexual rights activists have reported that teenage males between 14 and 15 years old are lured into sexual exploitation networks by the appeal of owning the latest model of mobile phone and designer clothes and the ability to visit exclusive places.<sup>76</sup> Furthermore, these children sometimes do not come from backgrounds of extreme poverty. As a result, the society blames them for being sexually exploited, without considering the pressures imposed by social media, and by the society itself. In a context of social inequality, this has a major impact on the lives of children, making them vulnerable to SECTT: “[s]ometimes, the mere fact of being born in a place characterised by significant discrepancies in income between the locals and the travellers and tourists arriving may be sufficient for a child to be sexually exploited”.<sup>77</sup>

According to a research study conducted in Brazil, travel and tourism has provided leverage for SECTT through the idea of a Prince Charming. In this situation, the exploiter is seen by his or her victim as someone who can offer marriage, professional growth, the opportunity to leave the country and financial security.<sup>78</sup>

<sup>68</sup> Lima, Susana Maria Peixoto Godinho (2014), “Cooperação Internacional para o Desenvolvimento de Destinos Turísticos – International Cooperation for Development in Tourism Destinations”, (PhD diss., University of Aveiro), 48, <http://ria.ua.pt/bitstream/10773/14082/1/coopera%C3%A7%C3%A3o%20internacional%20para%20o%20desenvolvimento%20de%20destinos%20turisticos.pdf>

<sup>69</sup> Terrero, Lucía Sáenz (2014)a, “Social Impacts of Tourism in Brazil”, 12.

<sup>70</sup> Parente, Valdenei de Melo et al. (2008), “Turismo social e proteção a crianças e adolescentes contra a exploração sexual em Manaus: situação recente”, in *O setor turístico versus a exploração sexual na Infância e na Adolescência*, eds. Tenório, F.G. and Barbosa, L.G.M., Rio de Janeiro 2008: Editora FGV, 17, accessed 13 March 2015 [http://www.crianca.mppr.mp.br/arquivos/File/publi/mtur/o\\_setor\\_turistico\\_versus\\_a\\_exploracao\\_sexual\\_mtur\\_2008.pdf](http://www.crianca.mppr.mp.br/arquivos/File/publi/mtur/o_setor_turistico_versus_a_exploracao_sexual_mtur_2008.pdf)

<sup>71</sup> ECPAT Brasil (2015), “Global Study on Sexual Exploitation of Children in Travel and Tourism – Country-specific report Brazil”, Bangkok, Thailand: ECPAT International, 28, <http://globalstudysectt.org/country-reports/>

<sup>72</sup> *Ibid.*, 58.

<sup>73</sup> Fanjul Lizarralde, Cecilia (2014), “La explotación sexual comercial de niñas, niños y adolescentes en Nicaragua – Tres aproximaciones: Granada, Somotillo y Waspam”, Serie paz, defensa y seguridad, Managua: Instituto de Estudios Estratégicos y Políticas Públicas, 19, accessed 2 June 2015, <http://www.ieapp.org/wp-content/uploads/downloads/2014/11/ESCItresestudios-201014.pdf>.

<sup>74</sup> Fundación Renacer (2011), “Curso para prevenir y proteger a niñas, niños y adolescentes de la explotación sexual comercial asociada a viajes y turismo – Dirigido a prestadores y operadores de servicios turísticos”, Bogotá: Fundación Renacer, 38, <https://fundacionrenacer.org/wp-content/uploads/2016/03/curso-para-prevenir-y-proteger-nna-turismo.pdf>

<sup>75</sup> Terrero, Lucía Sáenz (2014)a, “Social Impacts of Tourism in Brazil”, 15.

<sup>76</sup> Fanjul Lizarralde, Cecilia (2014), “La explotación sexual comercial de niñas, niños y adolescentes en Nicaragua”, 20.

<sup>77</sup> ECPAT International (2008), “Combating Child Sex Tourism: Questions and Answers”, Bangkok: ECPAT International, 15, accessed 19 May 2016, [http://resources.ecpat.net/EI/Publications/CST/CST\\_FAQ\\_ENG.pdf](http://resources.ecpat.net/EI/Publications/CST/CST_FAQ_ENG.pdf)

<sup>78</sup> Pinho, José Antônio Gomes de, Marquez, Aniele, Coelho, Ivã and Santana, Mônica (2008), “Combate à exploração sexual de crianças e adolescentes no turismo em Salvador”, 159-160 in *O setor turístico versus a exploração sexual na Infância e na Adolescência*, Rio de Janeiro 2008: Editora FGV, accessed 13 March 2015, [http://www.crianca.mppr.mp.br/arquivos/File/publi/mtur/o\\_setor\\_turistico\\_versus\\_a\\_exploracao\\_sexual\\_mtur\\_2008.pdf](http://www.crianca.mppr.mp.br/arquivos/File/publi/mtur/o_setor_turistico_versus_a_exploracao_sexual_mtur_2008.pdf)

Additionally, it is argued that in Brazil there is a marked colonial view, that everything foreign is better than what is in the country. The family may turn a blind eye to the relationship; they know something is wrong, but condone it because they know money is coming through the foreign partner, who sometimes keeps the victim in Brazil as if he or she was paying for them to be a private domain.<sup>79</sup> Because of the high index of domestic violence in Brazil, victims may prefer to have ‘relationships’ with a foreigner believing that they are less likely to beat women. Furthermore, middle-class girls may think that to be seen with a foreign guy (or, in the case of smaller towns, someone from a large city in the same country) is ‘cool’, while others may favour Europeans believing they are less sexist.<sup>80</sup>

Therefore, while travel and tourism is mainly viewed as an alternative to the growth of the economy of developing countries in Latin America, it also brings problems, especially for children from socially and economically vulnerable groups.<sup>81</sup> The consequences are devastating for the children, but also for the travel and tourism sector and for the society as a whole. SECTT runs contrary to the essence of tourism and violates its overall objectives, links it with crime and the violation of rights. On top of this, the image of the destination is severely damaged, it loses its position in the market, occupation rates fall, locations become more dangerous and there is a move away from the ideal of sustainable tourism and travel.<sup>82</sup>

## THE IMPACT OF SOCIAL NORMS AND PRACTICES

On top of the structural factors described above, social determinants such as values, norms, unequal relationships and social representations are strongly related to the sexual exploitation of children.

These social and cultural factors sustain and legitimise the problem and also interact in important ways with travel and tourism.

There are a number of social norms, traditional practices and customs in Latin America that have made children and adolescents more vulnerable to sexual exploitation. In fact, CSEC is one of the violations resulting from other types of violence in an androcentric and adult-centric society (that is, one dominated by men and adults), which operates on the assumption that men can sexually abuse girls and women.<sup>83</sup>

Moreover, the logics of the **supremacy of masculinity** and virility, and subordination and subjugation of femininity are present in various social spaces, regulating the relationships and social interactions between men and women, men and men, and women and women.<sup>84</sup> Some argue that one factor that contributes to the existence of this problem is that, historically, women have occupied a subordinate position in relation to men, associated with the idea of a woman as a passive object of male desires, with no right to her own desires.<sup>85</sup> Generally, in Latin American countries, a boy with several girls is well regarded by all, while a girl hanging around with boys is frowned upon. Precocious sexuality is thus also encouraged, especially for boys,<sup>86</sup> as parents believe it is their duty to introduce them to sexual experience. The majority of men and women legitimise commercial sex in general.<sup>87</sup>

A study conducted by Promundo in four Brazilian cities on the perception and practices of men and women regarding CSEC revealed a belief held by some that “biological determinants” are often the reason that men consume sex; allegedly they have a “natural tendency and propensity to satisfy their sexual “instincts””.<sup>88</sup> This study found similar responses from men and women in this regard with 44% and 46% respectively agreeing that “men need sex more than women do”.<sup>89</sup>

<sup>79</sup> Leite, J (2007). “Entrevista”. Salvador: Chame, in *ibid.*, 160.

<sup>80</sup> *Ibid.*, 159.

<sup>81</sup> ECPAT International (2014)a, “The Commercial Sexual Exploitation of Children in Latin America”, 16.

<sup>82</sup> Fundación Renacer (2011)a, “Sistematización del Proyecto para Prevenir la Explotación Sexual Comercial de Niñas, Niños y Adolescentes en el Contexto de Viajes y Turismo en la Ciudad de Cartagena”, 17-20, <https://fundacionrenacer.org/wp-content/uploads/2016/03/sistematizacion-final-5-dic-2011.pdf>; ECPAT International (2014)a, “The Commercial Sexual Exploitation of Children in Latin America”, 10-1 ; and Terrero, Sáenz, Lucía (2014)b, “Global Sustainable Tourism Review – Social Impacts of Tourism in Central America and The Caribbean”, 04.

<sup>83</sup> Alberto, Maria de Fátima Pereira et al. (2009), “A exploração sexual infanto-juvenil sob a ótica de membros da população”, 48.

<sup>84</sup> Batista, Anália Soria et al. (2008), “Turismo e exploração sexual de crianças e adolescentes na região Centro-Oeste: características da rede social de proteção”, 215 in *O setor turístico versus a exploração sexual na infância e na Adolescência*, eds. Tenório, F.G. and Barbosa, L.G.M., Rio de Janeiro 2008: Editora FGV, accessed 13 March 2015 [http://www.crianca.mppr.mp.br/arquivos/File/publi/mtur/o\\_setor\\_turistico\\_versus\\_a\\_exploracao\\_sexual\\_mtur\\_2008.pdf](http://www.crianca.mppr.mp.br/arquivos/File/publi/mtur/o_setor_turistico_versus_a_exploracao_sexual_mtur_2008.pdf)

<sup>85</sup> Sadenberg, Cecília and Dias Filho, Antonio Jonas (1998), “O que é que a Bahia tem: O outro lado do turismo em Salvador”, Salvador: CHAME, in Silva, Tatiana Amaral (2009), “A Exploração Sexual de Crianças e Adolescentes no Turismo”, 25.

<sup>86</sup> Pinho, José Antônio Gomes de et al. (2008), “Combate à exploração sexual de crianças e adolescentes no turismo em Salvador”, 163.

<sup>87</sup> Calvo, José Manuel Salas and Guadamuz, Álvaro Campos (2004), “Explotación sexual comercial y masculinidad. Un estudio regional cualitativo con hombres de la población general”, Costa Rica: Oficina Internacional del Trabajo (OIT), 19, accessed 27 May 2015, <http://www.ilo.org/ipeinfo/product/download.do?type=document&id=6701>

<sup>88</sup> Segundo, Márcio et al. (2012), “Men, women and the commercial sexual exploitation of children and adolescents in four Brazilian cities: results from a qualitative and quantitative study”, Rio de Janeiro: Promundo and OAK Foundation, 22, accessed 13 March 2015 <http://promundo.org.br/wp-content/uploads/2015/01/Men-Women-and-the-Commercial-Sexual-Exploitation-of-Children-and-Adolescents-in-Four-Brazilian-Cities.pdf>

<sup>89</sup> Marcio Segundo et al., *Men, Women and the Commercial sexual Exploitation of Children and Adolescents in four Brazilian Cities – Results from a Qualitative and Quantitative Study*, Promundo July 2012, 22, 36, accessed 13 March 2015, 36.

The same study asked: “*In any rape cases is it necessary to know if the victim is promiscuous or has a reputation in the community?*” and “men tended to respond affirmatively more than women did. These results reflect the socially legitimised attitude that women should not ‘incite’ sexual desire in men since this provocation leaves men with few options but to ‘respond instinctively’, including using force. This perception relieves male aggressors of responsibility since women are expected to remain conservative both in physical appearance and in their sexual expression”.<sup>90</sup>

According to ECPAT studies in the region, **public tolerance of CSEC** is reported in all countries.<sup>91</sup> As research carried out in relation to CSEC in Uruguay concluded, “men do not recognise their key role in such situations. The practice of paying for sex with children continues to be normalised based on a hegemonic masculinity model, which puts women’s bodies at the service of male sexuality”.<sup>92</sup>

Mythical and magical properties are even attributed to young bodies, which are believed to rejuvenate and revitalise. There is a belief among men that having sex with a minor not only makes them feel younger, it also allows them to make the minor into a woman or a man. In relation to this, virginity is seen as a valuable asset that can give status to men. Hence, to have sex with a virgin or a young girl (teenager) is highly valued by the majority of men. This contributes to high tolerance towards CSEC, especially with teenagers who appear to be adults or not virgins anymore.<sup>93</sup>

In Colombia, for instance, victims have stated that their sexual exploitation was caused by their beauty and physical features, since they are eye-catching and attract travellers and tourists. Some pimps believe that the features of Afro-descendants increase profits because exploiters find them exotic. At the same time, female exploiters believe that adolescents of African descent will give them a better sexual experience based on the assumption that they possess a larger genital endowment than men from other races. This idea has been observed and confirmed in other research.<sup>94</sup>

Some Latin America countries have customs that, while they do not directly promote CSEC, increase the vulnerability of children by treating them as family-owned goods to be traded. In Nicaragua, for example, among the indigenous communities in the Waspmam area, “a girl of 12 years of age who has already menstruated is ‘ready and able to be with a man’. This belief dictates that she should arrive ‘intact’ – that is, a virgin – to a sexual relationship, and it is her family that is responsible for ensuring this. Her sexuality thus becomes a family-owned asset. If she suffers sexual abuse it brings shame and exclusion from both family and community. A family may even ‘give’ the victim to the abuser to get rid of the ‘burden’ of having a girl who ‘has lost her value’”.<sup>95</sup> Another practice is the **padrinazgo** or **criadazgo** custom frequently observed in rural communities where the family entrusts their child to live with a third party who is expected to provide room and board and a better standard of living in return for domestic labour. According to the National Survey of Children’s Activities in Paraguay 2011 (Encuesta Nacional de Actividades de NNA 2011) 46,993 children aged between 5 and 17 find themselves in this situation.<sup>96</sup> In some cases, the person entrusted to care for the child sexually abuses and exploits them. All of these practices frame children as objects rather than people with rights, and make the local populations more accepting of phenomena such as CSEC.

**Heteronormativity and homophobia** are also very marked across the Region. Promundo’s study, for example, has shown intolerance with respondents blaming male victims for being exploited and not blaming either the State or those who pay for sex.<sup>97</sup> Similar attitudes were also identified in Guatemala. According to a study disseminated by ECPAT, this country “is characterised by a conservative, homophobic and transphobic society that marginalises relationships between people of the same sex and thus exposes many adolescents, who must express their sexuality in unsafe places, to greater risk”.<sup>98</sup> Commercial sexual exploitation of boys in Guatemala is often not seen as a crime, but rather as a way for these children to earn money, with comments such as ‘they like it because they are gay’.<sup>99</sup>

<sup>90</sup> *Ibid.*, 35.

<sup>91</sup> ECPAT International (2014)a, “The Commercial Sexual Exploitation of Children in Latin America”, 10.

<sup>92</sup> ECPAT International (2014)i, “Informe de Monitoreo de País sobre la Explotación Sexual Comercial de Niños, Niñas y Adolescentes – Uruguay”, Bangkok: ECPAT International, 37.

<sup>93</sup> Calvo, José Manuel Salas and Guadamuz, Álvaro Campos (2004), “Explotación sexual comercial y masculinidad”, 21.

<sup>94</sup> Quiñones, Anika and Rivera, Nelson E. (2016), “The commercial sexual exploitation of children in travel and tourism”, 75.

<sup>95</sup> Fanjul Lizarralde, Cecilia (2014), “La explotación sexual comercial de niñas, niños y adolescentes en Nicaragua”, 45.

<sup>96</sup> DGEEC and OIT (n.d.), “Magnitud y características del trabajo infantil y adolescente en el Paraguay – EANA Paraguay 2011” (presentation), accessed 3 June 2014, <http://www.dgeec.gov.py/Publicaciones/Biblioteca/EANA%202011/Presentacion%20EANA.pdf>

<sup>97</sup> Segundo, Márcio et al. (2012), “Men, women and the commercial sexual exploitation of children and adolescents in four brazilian cities”, 34.

<sup>98</sup> ECPAT Guatemala and ECPAT International (2010), “La Explotación Sexual Comercial de Niños y Adolescentes Varones en Guatemala.

Un estudio exploratorio de ECPAT Guatemala en colaboración con ECPAT International”, Bangkok: ECPAT International, <http://resources.ecpat.net/EI/Publicaciones/Trafficking/Guatemala%20Reserach.pdf> in ECPAT International (2014)f, “Informe de Monitoreo de País sobre la Explotación Sexual Comercial de Niñas, Niños y Adolescentes – Guatemala”, Bangkok: ECPAT International, 19, [http://www.ecpat.org/wp-content/uploads/legacy/CMR\\_GUATEMALA\\_FINAL.pdf](http://www.ecpat.org/wp-content/uploads/legacy/CMR_GUATEMALA_FINAL.pdf)

<sup>99</sup> *Ibid.*

Homosexual children in Latin America are often rejected by their families. “Many leave their homes and few maintain contact with their parents or relatives, tending to replace this primary affective link with social networks”.<sup>100</sup> One 17-year-old male victim from Colombia stated: ‘I have no family; my only family are the whores of Santa Fe’.<sup>101</sup>

The **perception of childhood** in Latin America tends to be rather contradictory and also a risk factor. While in Latin American countries there are laws and policies that promote the rights of the children based on instruments such as the Convention on the Rights of the Child, there is a tendency to assign adult responsibilities such as child-rearing to children (also known as parentification)<sup>102</sup> and financially supporting their families, as mentioned at the beginning of the previous section. It is not uncommon that children’s labour is thought of as a complementary part of the family’s activities.<sup>103</sup> While it can be condemned, on the other hand it can also be considered a constructive practice, as besides contributing to the family income it helps children to build a responsible character.<sup>104</sup>

As a result of the conceptions of sexuality, gender roles, and the adult-centric perspective described in this section, responsibility for exploitation is often placed on children, showing that there is still a long way to go to establish children’s rights in Latin American countries. In the context of travel and tourism, these norms and practices allow citizens to develop mechanisms that naturalise and/or “invisibilise” SECTT. No doubt there is also a sense of it being something detrimental, but it must also be tolerated.<sup>105</sup> When children are seen as “objects and goods” of a sexual nature, they are not valued or recognised as subjects with rights.<sup>106</sup> Thus, the adults who should help prevent SECTT, instead become permissive bystanders, and in some cases even facilitator-exploiters.

## CORRUPTION AND IMPUNITY

As Transparency International (TI) states, corruption is inextricably linked to persistent high levels of inequality, and the public sector in the Americas region is perceived by its population as highly corrupt with an average score of 45 on a scale from 0 to 100, where 0 is highly corrupt and 100 not corrupt at all, according to the 2014 Corruption Perceptions Index (See Appendix 1). “TI’s 2010 *Global Corruption Barometer* reveals that almost a quarter of all people questioned in Latin America paid a bribe to the judiciary; 19 per cent said they paid bribes to the police”. Specifically in Peru, “69 per cent of Peruvians believe the police to be corrupt”.<sup>107</sup>

A 17-year-old female victim in Colombia related that she was at an establishment when the neighbours complained and the police arrived. They in turn called the patrol for minors. The woman who ran the establishment, anticipating the problems with children at the premises, made arrangements with the police, offering them a bottle of liquor and a girl. They finally agreed, giving the girls time to disappear.<sup>108</sup> This episode is an example of corruption and lenience by security forces when it comes to enforcing the law in establishments which should be out of bounds for minors.

Unfortunately, the people whose main role is to defend and protect the rights of the people such as “politicians, public officials, and some business people who deal illegally with them” are believed to be among the most corrupt,<sup>109</sup> which makes people distrust State institutions. Widespread poverty and economic instability also augments human trafficking in different parts of Latin America and the Caribbean,<sup>110</sup> a situation compounded by the referred lack of trust and strong power that businesses and criminal groups have at the political, economical and social level. In all the countries reviewed, corruption, impunity and lack of appropriate responses in cases of CSEC were a common theme. In Costa Rica,

<sup>100</sup> Fundación Renacer – ECPAT Colombia et al. (2011), “Caracterización y georreferenciación de las dinámicas de la explotación sexual de niñas, niños y adolescentes asociada a viajes de turismo”, 21.

<sup>101</sup> *Ibid.*

<sup>102</sup> “In parentification the parent gives up what they are supposed to do as a parent and transfers that responsibility to one or more of their children”. See De Victoria, Samuel López (2008), “Harming Your Child by Making Him Your Parent”, *PsychCentral*, last modified 18 August 2008, accessed 20 April 2015, <http://psychcentral.com/blog/archives/2008/08/15/harming-your-child-by-making-him-your-parent/>

<sup>103</sup> Dutra-Thomé, Luciana, Santos, Elder Cerqueira and Koller, Silvia Helena (2011), “Exploração sexual e trabalho na adolescência: Um estudo de caso”, *Universitas Psychologica* 10, no. 03 (2011): 884, accessed 28 April 2015, <http://revistas.javeriana.edu.co/index.php/revPsycho/article/viewFile/1505/1179>

<sup>104</sup> Fundación PANIAMOR and IBCR (n.d.), “Prevención de la Explotación Sexual Comercial Asociada a Viajes y Turismo en Costa Rica: Sistematización de la Experiencia Bilateral”, 30.

<sup>105</sup> *Ibid.*

<sup>106</sup> Fanjul Lizarralde, Cecilia (2014), “La explotación sexual comercial de niñas, niños y adolescentes en Nicaragua”, 29.

<sup>107</sup> TI (2011), “Keeping citizens safe: an anti-corruption agenda for the Americas”, *Transparency International*, accessed 21 July 2015, [http://www.transparency.org/news/feature/keeping\\_citizens\\_safe\\_an\\_anti\\_corruption\\_agenda\\_for\\_the\\_americas](http://www.transparency.org/news/feature/keeping_citizens_safe_an_anti_corruption_agenda_for_the_americas).

<sup>108</sup> Fundación Renacer – ECPAT Colombia et al. (2011), “Caracterización y georreferenciación de las dinámicas de la explotación sexual de niñas, niños y adolescentes asociada a viajes de turismo”, 60.

<sup>109</sup> Salas, Alejandro (2014), “Corruption in the Americas: the Good, the Bad and the Ugly?”, *Transparency International*, accessed 21 July 2015, <http://blog.transparency.org/2014/12/03/corruption-in-the-americas-the-good-the-bad-and-the-ugly>

<sup>110</sup> Sotelo, Marco (2013), “Experiencia de colaboración bilateral en el combate de la explotación sexual comercial de niños, niñas y adolescentes asociada al turismo en Costa Rica”, 07.

for instance, at the end of the 2011 in Puntarenas – a municipality with a high presence of Canadian tourists in the area of Quepos – the Mayor of Aguirre, Lutgardo Bolaños Gómez, was arrested along with his driver for their involvement in a case of human trafficking for sexual exploitation purposes and embezzlement. According to investigations, detainees used government vehicles to transport female minors and adults who were recruited for sexual servitude for the men's own benefit and to make pornographic videos.<sup>111</sup>

Also in Nicaragua, it was possible to establish that children – lower middle class students – are recruited through payments and consumer goods (such as clothing and latest model phones) by some exploiters that are high-ranking government officials, drug traffickers, and regional authorities, among others. In Waspan, it has been disclosed that “a human rights defender was threatened with death by drug traffickers in a case related to the purchase of a girl for US\$2000. The activist was going to report the crime during a forum of indigenous women, but before going on stage she received a phone call to warn her that if she said something about it, she would be killed. On that occasion she said nothing, but later reported the case at the international level”.<sup>112</sup>

Similarly in Mexico, social organisations have pointed out that in the tourist cities of Acapulco and Cancun, where SECTT is observed, laws are no longer being adequately applied due to invisibility and permissiveness (explained in Chapter 4), but also because the establishments located in upper-class areas and earning high profits with the CSEC enjoy the protection of municipal governments.<sup>113</sup>

The Committee on the Rights of the Child recently expressed its concern about “reports of police officers and government officials being involved in trafficking of children for commercial sexual exploitation” in Brazil.<sup>114</sup> In this context of impunity people feel scared to report

cases as their lives may be put at risk or because they do not think that reporting is going to change things for the better.

## THE EMERGENCE OF SECTT IN LATIN AMERICA

Countries in North, Central and South America have all experienced SECTT, albeit in different ways and to varying degrees. Some destinations, such as Brazil, Costa Rica, Dominican Republic and Mexico have experienced the phenomenon for over 20 years; other countries have only begun to experience it in recent times. Countries like Colombia, Guatemala, and Peru, among others, have been recognised as emerging destinations for SECTT by NGOs from the region.<sup>115</sup>

In many cases, SECTT in the region has followed the industrialised-to-developing-country pattern, with Canadian and American nationals travelling to Central and South America to take advantage of their wealth and engage in CSEC. According to ECPAT, CSEC demand is growing in the region, especially by tourists from European countries and the United States.<sup>116</sup> However, not only international travellers and tourists are sexually exploiting children – regional and domestic visitors are doing it too.

In Santo Domingo and Santiago in the Dominican Republic, for example, research has shown that exploiters are mainly locals (70%), whereas most are foreigners in Puerto Plata (65%) and Boca Chica (88%).<sup>117</sup> The same pattern exists in Costa Rica, where, besides Europeans and North Americans, the main perpetrators of SECTT are domestic tourists.<sup>118</sup> In Mexico, according to the US State Department, Acapulco, Puerto Vallarta, Cancun, Tijuana and Ciudad Juarez are destinations for sex tourists from the USA, Canada and Western Europe, but Mexicans have also been identified as sex tourists in some of these destinations.<sup>119</sup>

<sup>111</sup> Fundación PANIAMOR and IBCR (n.d.), “Prevención de la Explotación Sexual Comercial Asociada a Viajes y Turismo en Costa Rica: Sistematización de la Experiencia Bilateral”, 53.

<sup>112</sup> Fanjul Lizarralde, Cecilia (2014), “La explotación sexual comercial de niñas, niños y adolescentes en Nicaragua”, 49.

<sup>113</sup> Villarreal, Héctor (2014), “La infancia como Mercancía Sexual”.

<sup>114</sup> Committee on the Rights of the Child (2015), “Concluding observations on the combined second to fourth periodic reports of Brazil”, UN Doc. CRC/C/BRA/2-4, 30 October 2015, para. 41(d), accessed 9 April 2016, <http://acnudh.org/26190/>

<sup>115</sup> ECPAT International (2014)a, “The Commercial Sexual Exploitation of Children in Latin America”, 04.

<sup>116</sup> *Ibid.*, 11.

<sup>117</sup> Lafontaine, Ebony, Támez, Moyra and Caba, Ángela (2011), “Por la sostenibilidad ética, social y cultural Manual para la prevención de la explotación sexual comercial de niños, niñas y adolescentes desde el sector turismo”, Dominican Republic: Ministerio de Turismo and Fondo de las Naciones Unidas para la Infancia (UNICEF) in *ibid.*, p.16.

<sup>118</sup> ECPAT International (2014)c, “Informe de Monitoreo de País sobre la Explotación Sexual Comercial de Niñas, Niños y Adolescentes – Costa Rica”, Bangkok: ECPAT International, accessed 15 May 2015, [http://www.ecpat.net/sites/default/files/CRM\\_COSTA%20RICA\\_FINAL.pdf](http://www.ecpat.net/sites/default/files/CRM_COSTA%20RICA_FINAL.pdf), 29.

<sup>119</sup> U.S. Department of State (n.d.), “Mexico”, U.S. Department of State, accessed 4 June 2015, <http://www.state.gov/j/tip/rls/tiprpt/countries/2014/226777.htm>



Among the exploiters it is possible to find people who travel for holidays, leisure, business or professional/work purposes, among other reasons, which will be further explored in Chapter 4.<sup>120</sup> This subchapter describes some of the situations and events that attract large numbers of people to a destination, thereby contributing to SECTT.

### Mega Events<sup>121</sup>

The experience of Brazil will be the main example used to illustrate the relationship between SECTT and mega events as this country has a long history of holding large events. Carnival has been an international tourist event for many years. In 2014 Brazil staged the FIFA World Cup and in 2015 it started preparing for the 2016 Summer Olympic Games in Rio de Janeiro. A research study on CSEC and Mega Sporting Events in Brazil, specifically the FIFA World Cup 2015, by the University of Dundee and Transforming Childhoods Research Network showed that poor marginalised girls aged 9 to 17 and living in slums (“favelas”) were particularly at risk from sexual exploitation and harassment.<sup>122</sup>

The interviewees of this research referred to “an increase in cases of sexual exploitation through the creation of new areas of prostitution by account of renovations at the stadiums” in the cities of Recife and Rio de Janeiro.<sup>123</sup> Young participants from an area that receives many visitors during international events “provided some examples in their focus groups that suggest more children were engaging in prostitution” during the World Cup. In the same focus groups, young participants from Rio said that before and during the event they saw more cars “looking for sex” in a street in the Maré favela, just behind a “visible and important” avenue. A group of “child crack users” had been previously relocated from the avenue to the street in the favela, and respondents

“supposed the new clients were foreigners because they had expensive cars”.<sup>124</sup>

It is important to highlight that increases in SECTT related to mega events are not only due to an influx of tourists, but also greater numbers of itinerant workers. From 2011 to the end of 2012, an increase in the number of girls on the streets between 11am and 2pm was observed due to the demand for sexual services from construction workers at the stadium and nearby avenues.<sup>125</sup> Several research studies have confirmed that the presence of large numbers of construction workers living away from their families also increases the risk of CSEC.

In a study by Brazilian NGO Childhood on CSEC “among 316 construction workers at different construction sites” in five different states, “57% of the workers confirmed that children and adolescents nearby big construction works are being sexually exploited, while 25% of them admitted to have had sex once or more with adolescents.<sup>126</sup> Itamar Gonçalves, programme manager at Childhood [at the time the referred report was written], says: ‘They are young workers, aged between 25 and 30 years and with a low education, out of their social environment and without recreational facilities, and end up having sex with minors (adolescents)’. Gonçalves explains that the child abusers create a dependency relationship with the girls: ‘They will house a teenager and have sex instead of asking for rent. But they charge too much for the housing, intimidate the girls and it becomes difficult to settle the debt’”.<sup>127</sup>

Moreover, in the context of mega events in Brazil, “factors increasing the risk of children being exploited are the abrupt changes in the local community, the vulnerability of the families in the surrounding neighbourhoods” who experience forced evictions because of construction works,<sup>128</sup> and financial pressure

<sup>120</sup> Fundación Renacer and ECPAT International (n.d.), “Aproximación a la explotación sexual comercial de niños y adolescentes de sexo masculino en Bogotá y Cartagena de Indias – Colombia”, 05, accessed 28 April 2015, [http://www.ecpat.lu/sites/default/files/resources/Colombia\\_Research\\_web.pdf](http://www.ecpat.lu/sites/default/files/resources/Colombia_Research_web.pdf)

<sup>121</sup> Other mega events that attract a great number of visitors in the Latin America Region are traditional pilgrimages. There is no information available online that links pilgrimages to an increase of CSEC. For more information See: Tenório, Fernando Guilherme and Barbosa, Luiz Gustavo Medeiros (eds.) (2008), “O setor turístico versus a exploração sexual na Infância e na Adolescência”, Rio de Janeiro 2008: Editora FGV, 72-3, accessed 13 March 2015, [http://www.crianca.mppr.mp.br/arquivos/File/publi/mtur/o\\_setor\\_turistico\\_versus\\_a\\_exploracao\\_sexual\\_mtur\\_2008.pdf](http://www.crianca.mppr.mp.br/arquivos/File/publi/mtur/o_setor_turistico_versus_a_exploracao_sexual_mtur_2008.pdf)

<sup>122</sup> Transforming Childhoods Research Network and University of Dundee (n.d.), “‘Let’s Win This Game Together’: Documenting violations of children’s rights around the 2014 FIFA World Cup in Brazil”, 42, accessed 31 March 2016, <http://www.dundee.ac.uk/media/dundeewebsite/geography/documents/research/15337SoELetsWinThisGameTogetherReport%20A4.pdf>. See also Brackenridge, Celia et al. (2013), “Child Exploitation and the FIFA World Cup: A review of risks and protective interventions”, United Kingdom: Brunel University London, 07, accessed 31 March 2016, <http://www.ohchr.org/Documents/Issues/Children/SR/HRC25/FlorenceBruce.pdf>

<sup>123</sup> Transforming Childhoods Research Network and University of Dundee (n.d.), “‘Let’s Win This Game Together’”, 33.

<sup>124</sup> *Ibid.*, 36.

<sup>125</sup> ECPAT Brasil (2015), “Global Study on Sexual Exploitation of Children in Travel and Tourism – Country-specific report Brazil”, 37-38.

<sup>126</sup> Childhood (2013), “Exploração sexual e grandes obras. Construção de uma agenda de convergência para o enfrentamento da exploração sexual de crianças e adolescentes”, [http://www.childhood.org.br/wp-content/uploads/2013/09/exploracao\\_sexual\\_e\\_grandes\\_obras\\_construcao\\_de\\_uma\\_agenda-de-convergencia1.pdf](http://www.childhood.org.br/wp-content/uploads/2013/09/exploracao_sexual_e_grandes_obras_construcao_de_uma_agenda-de-convergencia1.pdf) in Hazeu, Marcel and van Kranen, Frans (2014), “Sexual exploitation of children in Brazil: putting a spot on the problem. An investigation on the scope and magnitude of a social problem still in the dark”, 12, accessed 3 April 2015, <http://www.defenceforchildren.nl/images/13/3096.pdf>

<sup>127</sup> Hazeu, Marcel and van Kranen, Frans (2014), “Sexual exploitation of children in Brazil: putting a spot on the problem. An investigation on the scope and magnitude of a social problem still in the dark”, 12, accessed 3 April 2015, <http://www.defenceforchildren.nl/images/13/3096.pdf>

<sup>128</sup> *Ibid.*, 11-12.

among other things. Children become more vulnerable when one of their parents is “forced to work far from home” and when “social structures” around them “break”.<sup>129</sup>

*When Brazil hosted the World Cup in 2014, families in host cities were forced out of their homes without adequate notice, there was a lack of prior consultation with those affected, and adequate alternative housing or legal remedies were not provided. Indigenous people were dispossessed from their lands, and hundreds of thousands of people were forcefully evicted, particularly from low-income communities and favelas to make room for luxury high-priced housing.*<sup>130</sup>

In the context of mega sporting events, “the ‘invisibility’ of socially excluded groups in contrast to the maximum visibility of ‘profitable’ issues, such as the attraction of tourists and investors [...] can also create a harmful environment to children”<sup>131</sup> During the FIFA World Cup in Brazil in 2014, “children were seen within already existing prostitution zones and there were potential cases suspected in private or VIP areas in stadiums”.<sup>132</sup>

Data from the Dial 100 hotline, published by the Brazilian Secretariat for Human Rights, actually pointed to an increase of 15.6% of violations of children’s rights, including sexual exploitation, during the World Cup (12 June to 13 July 2014) compared to the same period in 2013, when the FIFA Confederations Cup took place.<sup>133</sup>

Additionally, the Committee on the Rights of the Child brought attention to the “fact that child sex tourism increased significantly during the 2014 World Cup”, when it expressed concerns about reports that revealed the lack of “investigations, prosecutions, or convictions”

of exploiters, as well as “the high and increasing number of children involved in prostitution or trafficked for that purpose” and “the involvement of tourist agencies, hotels and taxis in child sex tourism”. This was especially the case in the north and north-east of Brazil “in areas where large development projects are being implemented”, linked with the 2014 World Cup and 2016 Olympic Games.<sup>134</sup>

## Conferences, Trade Events and Business Travel

The main capital cities in Latin America countries tend to receive national and international travellers for business and professional purposes. Some of them such as Bogotá in Colombia, Santiago in Chile, São Paulo in Brazil, and Panama City in Panama, attract visitors that mainly arrive on business trips, or to participate in major trade events.

The municipality of São Paulo, for example, has increasingly become a huge destination for domestic, regional and international visitors, turning it into a significant economic hub. This city, like others in Latin America, attracts visitors that mainly arrive on business trips, or to participate in major trade or leisure and entertainment events. This influx of people combined with the socio-economic marginalisation of the local people has increased the multifaceted manifestations of CSEC.<sup>135</sup>

A research study carried out in Bogota reports that the main reason foreign people visit the capital is business and thus the sex trade demand from foreigners increases between Monday and Thursday when travellers remain in the city before returning to their homes on weekends.<sup>136</sup> The same study pointed out that a similar

<sup>129</sup> Brackenridge, Celia et al. (2013), “Child Exploitation and the FIFA World Cup: A review of risks and protective interventions”, United Kingdom: Brunel University London, accessed 31 March 2016, <http://www.ohchr.org/Documents/Issues/Children/SR/HRC25/FlorenceBruce.pdf> in Hazeu, Marcel and van Kranen, Frans (2014), “Sexual exploitation of children in Brazil: putting a spot on the problem”, 11.

<sup>130</sup> Amnesty International, “Annual Report 2013: Brazil”, <http://www.amnesty.org/en/region/brazil/report-2013#page>, and Dip, Andrea (2011) *Brazil’s 2014 World Cup: Rights Abuses Revealed in Report*, Huffington Post, [http://www.huffingtonpost.com/2011/12/12/brazil-world-cup-abuses\\_n\\_1143905.html](http://www.huffingtonpost.com/2011/12/12/brazil-world-cup-abuses_n_1143905.html) in Human Rights Advocates, “Mega-Events and the Right to Housing”, 06, accessed 9 August 2015, <http://www.humanrightsadvocates.org/wp-content/uploads/2015/03/HRC-28-Right-to-Housing-final-report.docx>. For more information on evictions to make way for the Olympic Park in Rio de Janeiro, please see the following video: Children Win (2015), “The Fighter – The dark side of Rio Olympic Games 2016 (Teaser)” [YouTube video], 22 June 2015, accessed 31 March 2016, <https://www.youtube.com/watch?v=FzDZ-Op58is&feature=youtu.be> Amnesty International, Annual Report 2013: Brazil, available at <http://www.amnesty.org/en/region/brazil/report-2013#page> and Andrea Dip, Brazil’s 2014 World Cup: Rights Abuses Revealed in Report, Huffington Post (Dec. 14, 2011), available at [http://www.huffingtonpost.com/2011/12/12/brazil-world-cup-abuses\\_n\\_1143905.html](http://www.huffingtonpost.com/2011/12/12/brazil-world-cup-abuses_n_1143905.html) in Human Rights Advocates, “Mega-Events and the Right to Housing”, 06, accessed 9 August 2015, <http://www.humanrightsadvocates.org/wp-content/uploads/2015/03/HRC-28-Right-to-Housing-final-report.docx>

<sup>131</sup> University of Dundee (n.d.), “Let’s Win This Game Together”, 10.

<sup>132</sup> *Ibid.*, 34.

<sup>133</sup> Secretaria de Direitos Humanos (2014), “SDH/PR faz balanço da Agenda de Convergência para proteção de crianças e adolescentes durante a Copa”, Secretaria de Direitos Humanos, accessed 31 March 2016, <http://www.sdh.gov.br/noticias/2014/agosto/sdh-pr-faz-balanco-da-agenda-de-convergencia-para-protacao-de-criancas-e-adolescentes-durante-a-copa>.

<sup>134</sup> Committee on the Rights of the Child (2015), “Concluding observations on the combined second to fourth periodic reports of Brazil”, para. 41 (c) and (d).

<sup>135</sup> Teixeira, Marco Antonio Carvalho, Jorge, Ilza Valéria, Brandão, Júlia and Bitelman, Marina Farkas (2008), “Exploração sexual de crianças e adolescentes em São Paulo”, 186-190 in *O setor turístico versus a exploração sexual na infância e na Adolescência*, eds. Tenório, F.G. and Barbosa, L.G., Rio de Janeiro 2008: Editora FGV, accessed 13 March 2015, [http://www.crianca.mppr.mp.br/arquivos/File/publi/mtur/o\\_setor\\_turistico\\_versus\\_a\\_exploracao\\_sexual\\_mtur\\_2008.pdf](http://www.crianca.mppr.mp.br/arquivos/File/publi/mtur/o_setor_turistico_versus_a_exploracao_sexual_mtur_2008.pdf)

<sup>136</sup> Fundación Renacer, et al, *Caracterización y georreferenciación de las dinámicas*, 2011, 32.

dynamic can be found in cities in Mexico: ‘The good days are Tuesdays and Wednesdays, when it is full of gringos and Europeans who take advantage of their visit to have sex.’<sup>137</sup>

### Transport Centres, Mega Projects, Transit Zones and SECTT

Studies in Latin American countries have reported that workers in some industries stay in or frequent different cities on a regular basis because of their work. Additionally, workers in the transport sector, who may not ‘travel’ but are in constant movement as part of their job have been linked with SECTT – in Chile, for example, participants in one study indicated that a number of offenders were found among minibus drivers in Concepción, truck drivers in Los Andes and Santiago, and port workers in Valparaíso.<sup>138</sup> The borders in Argentina, Colombia, Brazil and Paraguay have been also identified as risk zones for children to be exploited by travellers. An ECPAT study also found “evidence from Brazil, Paraguay and Chile [that] similarly associates truckers with CSEC [...] not only do many of them act as offenders, but also provide transportation of girls to the sex market in the tourist city of Salvador, to mines and construction sites, and to borders and port towns, where demand for commercial sex is high”.<sup>139</sup> This phenomenon has been also detected in commercial ports and mining areas, where male travellers visit for work purposes.<sup>140</sup>

The port areas researched in Chile possess a dynamic that is certainly applicable to other port cities. However, in addition to this dynamic generated around economic activity, it has built much of its port identity around the sex trade. In San Antonio, in particular, the team specialising in assisting victims has reported an increase in nightclubs over recent years, associated with the

growth of the port. Similarly, intermediaries (facilitators-exploiters) have been observed in the port. These people are contracted by the same companies that operate the port, and are responsible for taking crew members from the boats to night spots.<sup>141</sup> Accounts about this subject indicate that travellers do not necessarily visit those establishments looking for persons under 18 years of age; however, they do not reject them if they find them.<sup>142</sup>

Sexual exploitation of children by truck drivers in transit between different cities and countries is seen across all of Latin America. The same research carried out by ONG Raices in Chile, for instance, revealed the presence of adolescents around truck parking bays, involved in hawking, consumption of purchased goods and commercial sexual activity.<sup>143</sup> In Brazil, research conducted by the Centro de Defesa da Criança e Adolescente (Cedeca) of the state of Bahia indicates that truck drivers, besides sexually exploiting children, also help transport girls to the sexual market of the tourist city of Salvador and to mines and construction sites where there is a large contingent of men and movement of executives and politicians, as well as to borders and port cities. Truck drivers who bring children to Salvador meet children hitchhiking in small cities, and/or at highway junctions, rest stops of main roads. All of the children interviewed speak about the dream of rebuilding their lives in a place that offers ‘more opportunities’. For the participants, giving a lift to these children does not appear to be a problem; they justify their actions with statements such as ‘she offered herself to me’ or ‘it was not planned, she just thanked me for the lift’, thus blaming the child and playing down the situation of exploitation.<sup>144</sup>

<sup>137</sup> Ruíz, Miguel Ángel (2003), “La explotación sexual de niños en dos ciudades turísticas: Cancún y Acapulco”, in *La infancia como mercancía sexual: México, Canadá y Estados Unidos*, eds. Azaola, E. and Estes, R.J., México: Siglo XXI, 233 in Fundación Renacer, et al, *Caracterización y georreferenciación de las dinámicas*, 2011, 32.

<sup>138</sup> Castelli, Denisse Araya and Mendaña, Iria Retuerto (2010), “Manifestaciones locales de la explotación sexual comercial de niñas, niños y adolescentes en Chile. Dinámicas, espacios y género”, Santiago, Chile: Corporación ONG RAÍCES, 79, accessed 17 May 2016, <http://www.ecpat.org/wp-content/uploads/legacy/Libro%20ONG%20Raices.pdf>

<sup>139</sup> CASACIDN (2013), “Hoja de ruta para la sistematización de la experiencia del proyecto Estrategia Regional de Lucha contra la Trata y el Tráfico de Niños Niñas y Adolescentes para fines de Explotación Sexual en el Mercosur”, in ECPAT International (2016), *Power, Impunity and Anonymity Understanding the Forces Driving the Demand for Sexual Exploitation of Children*, Riggio E. and Hecht M. E., 2016, ECPAT International, 24, <http://www.ecpat.org/wp-content/uploads/2016/05/PowerImpunityandAnonymity.pdf>

<sup>140</sup> Castelli, Denisse Araya and Mendaña, Iria Retuerto (2010), “Manifestaciones locales de la explotación sexual comercial de niñas, niños y adolescentes en Chile. Dinámicas, espacios y género”.

<sup>141</sup> Mendaña, Iria Retuerto Castelli, Denisse Araya and Tarducci, Giulia (n.d.), “Explotación Sexual Comercial de Niños, Niñas y Adolescentes en el Ámbito del Turismo y Viajes: Claves Para Comprender el Fenómeno en Chile. Investigación exploratoria cualitativa”, Santiago, Chile: Corporación ONG RAÍCES and ECPAT International, 50, accessed 22 May 2015, [http://www.ecpat.net/sites/default/files/Exploratory%20Study%20CST%20Spanish\\_0.pdf](http://www.ecpat.net/sites/default/files/Exploratory%20Study%20CST%20Spanish_0.pdf)

<sup>142</sup> *Ibid.*, 52.

<sup>143</sup> *Ibid.*, 54.

<sup>144</sup> Cerqueira-Santos, Elder et al. (2008), “Exploração Sexual de Crianças e Adolescentes: Uma Análise Comparativa entre Caminhoneiros Clientes e Não-Clientes do Comércio Sexual Children and Adolescents”, *Psicologia: Reflexão e Crítica* 21, no. 3 (2008): 453, [http://www.scielo.br/scielo.php?pid=S0102-79722008000300013&script=sci\\_abstract&lng=pt](http://www.scielo.br/scielo.php?pid=S0102-79722008000300013&script=sci_abstract&lng=pt)

Because of limited institutional presence and the constant flow of people and merchandise, the dynamic in border zones tends to affect the local culture. Communities like Somotillo in Nicaragua, for instance, are at risk of losing their identity and assuming a culture of transit, not only of goods and people, but also for sexual services and illegal activities linked to sexual exploitation.<sup>145</sup> Fundación Renacer (ECPAT Colombia) also reported that on the border between Colombia (Leticia) and Brazil (Tabatinga), adolescents are sexually exploited regardless of their nationality, especially in places where CSEC commonly takes place such as hostels or bars in the cities. The study confirmed that border transit for purposes of sexual exploitation is common.<sup>146</sup>

The presence of **mega projects** also contributes to the vulnerability of children as the workers, who stay for a short time because of the nature of their work, establish transitional sexual relationships, especially with teenagers. “In the Acacias municipality [in Colombia, for instance,] although families know that these travellers tend to establish relations of sexual exploitation [with their children], they hope that over time the relationship will bring a promising future for their daughter/son and her/his family. Therefore instead of protecting their sons and daughters against sexual exploitation, parents see it as a legitimate choice of partner.<sup>147</sup>

### THE SCALE AND SCOPE OF SECTT

There is a general consensus about the lack of reliable data on the scale and scope of CSEC in all its forms that includes, besides SECTT, sexual exploitation of children in prostitution, trafficking of children for sexual purposes, and child pornography/child sexual abuse materials. The lack of data and mechanisms to gather, analyse and monitor the scope and number of cases of CSEC in all its

forms is also a concern addressed by the UN Committee on the Rights of the Child in the recommendations to Latin American States parties to the UNCRC and the OPSC.

The official reports provided by Latin American countries to the Commission on the Rights of the Child make for alarming reading. After submitting their initial reports, all governments were found to have supplied insufficient information about the number of cases of CSEC in their countries.<sup>148</sup> They were accordingly asked to provide more comprehensive, disaggregated data.

The responses are indicative of the lack of data. For example, in its response dated November 2010, the Government of Mexico<sup>149</sup> duly provided:

- i) A listing of “the preliminary investigations that [had] been initiated, conducted and concluded based on complaints filed with the Office of the Attorney General of the Republic between 2007 and 2009 concerning the offences of pornography and procuring of persons under 18 years of age, as well as the status of related criminal proceedings”;<sup>150</sup>
- ii) The number of preliminary investigations of the Office of the Attorney General of the Federal District from 2007 to 2010;<sup>151</sup> and
- iii) Information that complaints had been sent to the National Human Rights Commission.<sup>152</sup>

In Item (i) a mere 13 cases were listed, with the majority (nine) relating to child pornography and only three resulting in an indictment (plus one where confidentiality was invoked). Item (ii) listed 31 investigations, again, the majority (25) into child pornography. Item (iii) described just four cases of complaints to the National Human Rights Commission regarding child prostitution and pornography.

<sup>145</sup> Fanjul Lizarralde, Cecilia (2014), “La explotación sexual comercial de niñas, niños y adolescentes en Nicaragua”, 33.

<sup>146</sup> Quiñones, Anika and Rivera, Nelson E. (2016), “The commercial sexual exploitation of children in travel and tourism”, 90.

<sup>147</sup> *Ibid.*, 76-77.

<sup>148</sup> See for example, Committee on the Rights of the Child (2014)d, “List of issues in relation to the report submitted by Uruguay under article 12, paragraph 1, of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography”, UN Doc. CRC/C/OPSC/URY/Q/1/Add.1, 25 November 2014, para. 02, accessed 4 July 2014,

[http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2FC%2FOPSC%2fURY%2fQ%2f1%2fAdd.1&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2FC%2FOPSC%2fURY%2fQ%2f1%2fAdd.1&Lang=en)

<sup>149</sup> Committee on the Rights of the Child (2010)a, “Written replies by the Government of Mexico concerning the list of issues (CRC/C/OPSC/MEX/Q/1) to be taken up in connection with the consideration of the initial report of Mexico under article 12, paragraph 1, of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (CRC/C/OPSC/MEX/1)”, UN Doc. CRC/C/OPSC/MEX/Q/1/Add.1, 25 November 2010, accessed 11 July 2015,

[http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2FC%2FOPSC%2fMEX%2fQ%2f1%2fADD.1&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2FC%2FOPSC%2fMEX%2fQ%2f1%2fADD.1&Lang=en)

<sup>150</sup> *Ibid.*, para. 01.

<sup>151</sup> *Ibid.*, para. 02.

<sup>152</sup> *Ibid.*, para. 03.

Although other countries provided data in different forms, the same issue could be seen across the board. Nicaragua, in its response to the Committee's list of issues, reported that its Supreme Court of Justice was processing 21 cases of sexual exploitation.<sup>153</sup> Uruguay reported a total of 78 cases of sexual exploitation of children, *to date*.<sup>154</sup> Argentina openly admitted that no such statistics were available.<sup>155</sup>

Meanwhile, civil society organisations have estimated that as many as 2 million children between 11 and 17 years of age are sexually exploited in Latin America.<sup>157</sup> How could there be such an enormous discrepancy between official and unofficial figures?

One answer lies in the deficiencies of the legal frameworks. Many crimes related to CSEC have only recently (or still have not) been typified or criminalised within the legal systems of Latin American countries (see Appendix 5 for details of existing laws) – meaning that these numbers simply do not exist. Other reasons, as argued in one of the ECPAT International Journal articles, include research methods not made public, lack of disaggregated data, several separate but related manifestations, and hidden populations.<sup>157</sup>

In Brazil, for instance, while there is no “accurate knowledge of the real numbers of children involved”, it is argued that “complaints coming in on [the Dial 100] hotline are just a small percentage of what is really happening, the tip of the iceberg”. In this country, “underreporting is mainly caused [...] by mistrust whether anything will be done with complaints and by little knowledge about children's rights. Another important point is the absence of awareness within society on the issue of sexual exploitation of children”.<sup>158</sup>

It has been reported, as noted in the section on social norms, that people think that “girls are voluntarily involved in prostitution to gain an income and therefore they don't report”<sup>159</sup> this as a crime. Thus, it is assumed that “the real number of children becoming victims of sexual exploitation [is] much higher than the number of cases reported to Dial 100”.<sup>160</sup> According to research carried out in Brazil, the numbers of complaints do not correspond to the perception and observation of professionals and researchers specialising in this area.<sup>161</sup> For a better understanding of the reality of SECTT, one has to think about practices developed internally in Brazilian society. If, for example, neither society nor the States are committed to combating domestic violence, what response is to be expected against a phenomenon that generates revenue for the country?<sup>162</sup>

While “the Ministry of Tourism and the entire tourist network celebrates increases in the flow of tourism in the country (domestic and international), little is known about the behaviour of these tourists, and there is little concern about controlling their actions”.<sup>163</sup> All of this represents a serious issue not only for protecting children, but also for quantifying and analysing the nature of the problem.

Meanwhile, the lack of reliable information systems on CSEC in Latin America was addressed by civil society organisations accredited before the Organisation of American States (OAS) during the Civil Society Forum organised in El Salvador in August 2014 by this entity, in preparation for the XXI OAS Pan-American Congress on the Child (Pan-American Congress). This preparatory event produced a declaration with recommendations to the OAS Member States, which included concerns over the lack of mechanisms in the region to collect data and produce official figures on the scope of different violations

<sup>153</sup> Committee on the Rights of the Child (2010)b, “Respuestas por escrito del Gobierno de Nicaragua a la lista de cuestiones (CRC/C/OPSC/NIC/Q/1) que deben abordarse al examinar el informe inicial de Nicaragua presentado con arreglo al párrafo 1 del artículo 12 del Protocolo Facultativo de la Convención sobre los Derechos del Niño relativo a la venta de niños, la prostitución infantil y la utilización de niños en la pornografía (CRC/C/OPSC/NIC/1)”, UN Doc. CRC/C/OPSC/NIC/Q/1/Add.1, 14 September 2010, para. 04, accessed 11 July 2015, [http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fOPSC%2fNIC%2fQ%2f1%2fADD.1&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fOPSC%2fNIC%2fQ%2f1%2fADD.1&Lang=en)

<sup>154</sup> Committee on the Rights of the Child (2014)d, “List of issues in relation to the report submitted by Uruguay under article 12, paragraph 1, of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography”.

<sup>155</sup> Committee on the Rights of the Child (2010)c, “Respuestas escritas del Gobierno de Argentina a la lista de cuestiones (CRC/C/OPSC/ARG/Q/1) que deben abordarse al examinar el informe inicial de Argentina (CRC/C/OPSC/ARG/1) presentado de conformidad con el Párrafo 1 del Artículo 12 del Protocolo Facultativo de la Convención sobre los Derechos del Niño relativo a la venta de niños, la prostitución infantil y la utilización de niños en la pornografía”, UN Doc. CRC/C/OPSC/ARG/Q/1/Add.1, 19 May 2010, para. 01, accessed 11 July 2015, [http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fOPSC%2fARG%2fQ%2f1%2fAdd.1&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fOPSC%2fARG%2fQ%2f1%2fAdd.1&Lang=en)

<sup>156</sup> Cawley, Marguerite (2013), “2 Million Children Sexually Exploited in LatAm: Women's Coalition”, *Insight Crime*, accessed 12 July 2015, <http://www.insightcrime.org/news-briefs/2-million-children-sexually-exploited-latam>

<sup>157</sup> Hayes, Jordana Dawson and Capaldi, Mark (2015), “Tackling the Data Dearth: The global scale of commercial sexual exploitation of children”, *ECPAT International Journal - Researching the Sexual Exploitation of Children: Challenges and Methodologies of Data Collection* 10 (2015), 06, [http://www.ecpat.org/wp-content/uploads/legacy/ECPAT%20Journal\\_5%20June%202015.pdf](http://www.ecpat.org/wp-content/uploads/legacy/ECPAT%20Journal_5%20June%202015.pdf)

<sup>158</sup> Hazeu, Marcel and van Kranen, Frans (2014), “Sexual exploitation of children in Brazil: putting a spot on the problem”, 10.

<sup>159</sup> *Ibid.*

<sup>160</sup> *Ibid.*, 11.

<sup>161</sup> Marques, Aniele da Silva and Pinho, José Antônio (2014), “Turismo e Exploração Sexual de Crianças e Adolescentes em Salvador, Bahia: o Estado, a sociedade e a realidade ignorada”, *Turismo em Análise* 25, no. 3 (2015): 552-579, accessed 16 March 2015, [http://www.revistas.usp.br/rta/article/view/87672/pdf\\_16](http://www.revistas.usp.br/rta/article/view/87672/pdf_16)

<sup>162</sup> *Ibid.*, 577.

<sup>163</sup> *Ibid.*

against children's rights.<sup>164</sup> In December 2014, OAS Member States met in Brasilia during the Pan-American Congress to agree on an agenda for protecting children in the Americas for the upcoming four years. Among the commitments in the final unified resolution, Member States acknowledged this pending issue, and agreed to take action to put official governmental information

systems on CSEC into place.<sup>165</sup> However, it is very important to state that the current lack of data and low figures on SECTT do not mean the problem does not exist. Table 2 contains some available data on SECTT in the 14 countries of this study and mirrors what has been said above.

**Table 2. SECTT data by country**

Country	Data	Comments
<b>Argentina</b>	No official data available.	SECTT is not established in the Criminal Code as an autonomous offence. Thus, there are neither complaints nor prosecuted cases, although SECTT has been reported to exist in the country, especially in Puerto Iguazú and in the area of the Triple border with Brazil and Paraguay. <sup>166</sup>
<b>Brazil</b>	163 SECTT cases reported by the Federal Secretariat for Human Rights (SDH) between 2011 and 2013	The SECTT cases reported by SDH show a growth trend with 16 reported in 2011, 63 in 2012 and 84 in 2013. A total of 82,139 victims (including sexual violence against children, sexual abuse, sexual exploitation, SECTT and other forms of sexual violence such as "rape, grooming, sexting, child pornography") were reported by SDH in 2011; 130,490 in 2012; and 124,079 in 2013. Other institutions such as the Guardianship Councils (Conselhos Tutelares) reported 393 cases of SEC between January 2009 and February 2014. According to a study carried out by Promundo, girls are most affected by CSEC. <sup>167</sup>
<b>Chile</b>	2.4% of sexual tourism cases registered by the <i>Metropolitan Observatory</i> in December 2013 were SECTT. <sup>168</sup>	SECTT is not covered in legislation or present as a category in the National Registry of SENAME <sup>169</sup> (National Service for Minors). The official estimates calculated by the ILO and SENAME in 2004 point to 3,719 CSEC. <sup>170</sup> Concerning the gender of victims, ECPAT reported "for the group of 6-9 years age a percentage higher for males (55.6%) than females (44.4%), while for the group of 14-17, 86.9% were female, 13.1% male". <sup>171</sup>

<sup>164</sup> OEA (2014), "2º Foro con la Sociedad Civil Previo al XII Congreso Panamericano del Niño, la Niña y Afolescentes", San Salvador, El Salvador – 12 y 13 de agosto de 2014, accessed March 2015, <http://www.wvi.org/es/IIForo>

<sup>165</sup> OEA (2014a), "Resolución Unificada XXI Congreso Panamericano del Niño, la Niña y Adolescentes: Niñez y adolescencia: construyendo ambientes de paz" (presented by the Delegations of the Federative Republic of Brazil and Republic of Chile to the XXI Pan-American Child and Adolescent Congress), CPNNA/RES. 1 (XXI-14), para. 07, <http://xxicongresopanamericano.org/resoluciones-del-xxicpnna/>

<sup>166</sup> ECPAT International (2014)b, "Informe de Monitoreo de País sobre la Explotación Sexual Comercial de Niños, Niñas y Adolescentes en Argentina", 18 and 79.

<sup>167</sup> Segundo, Márcio et al. (2012), "Men, women and the commercial sexual exploitation of children and adolescents in four Brazilian cities".

<sup>168</sup> Centro UC Políticas Públicas (2014), "Reporte mensual datos observatorio metropolitano de niños, niñas y adolescentes víctimas de explotación sexual comercial". Santiago de Chile, Chile, 31, ECPAT International (2014)d, "Informe de Monitoreo de País sobre la Explotación Sexual Comercial de Niños, Niñas y Adolescentes – Chile", Bangkok: ECPAT International, 31, [http://www.ecpat.org/wp-content/uploads/legacy/CMR\\_CHILE\\_FINAL.pdf](http://www.ecpat.org/wp-content/uploads/legacy/CMR_CHILE_FINAL.pdf)

<sup>169</sup> Sename (Servicio Nacional de Menores) (2015), "Observatorio de Abuso Sexual en Niñas, Niños y Adolescentes en Chile", *Sename Ministerio de Justicia y Derechos Humanos*, accessed March 2015, <http://www.sename.cl/wsename/estructuras.php?name=Content&pa=showpage&pid=567> and ECPAT International (2014)d, "Informe de Monitoreo de País sobre la Explotación Sexual Comercial de Niños, Niñas y Adolescentes – Chile", 31.

<sup>170</sup> ECPAT International (2014)d, "Informe de Monitoreo de País sobre la Explotación Sexual Comercial de Niños, Niñas y Adolescentes – Chile", 27.

<sup>171</sup> Centro UC Políticas Públicas (2014), "Reporte mensual datos observatorio metropolitano de niños, niñas y adolescentes víctimas de explotación sexual comercial". Santiago de Chile, Chile in *ibid.*, 28.

Table 2. SECTT data by country (continued)

Country	Data	Comments
<b>Colombia</b>	23 SECTT cases reported in 2009 by the ICBF (The Colombian Institute of Family Welfare) that receives complaints through the free hotline from the Office of Attention to the Citizen. <sup>172</sup>	In 2009 ICBF recorded a total of 587 reports on CSEC cases. <sup>173</sup> From 2011 to 2013 it recorded no specific information on SECTT, on reports, prosecuted cases, or assisted victims. For the same years, different figures were given for CSEC: 2,135 cases estimated by the Child Welfare Observatory; <sup>174</sup> 330 CSEC cases reported to the National Police between 2010 and 2013; 413 CSEC victims assisted in the Administrative Process for Rights Restitution (PARD). <sup>175</sup>  In Cartagena, Tierra de Hombres – an NGO that provides psycho-judicial protection to families and sexually exploited children – recorded 89 reports against CSEC exploiters with 28 convicted, of which three were foreigner tourists. <sup>176</sup>
<b>Costa Rica</b>	No official available data.	In Costa Rica the victims of CSEC in 2013 were reported to be mostly children between 14 and 16 years of age who live with their families and attend school. <sup>177</sup>
<b>Dominican Republic</b>	No official available data.	ECPAT UK noted that “[a]ccording to newspaper reports approximately 30,000 children and adolescents are involved in the sex industry. Two thirds of those are girls”. <sup>178</sup>
<b>Ecuador</b>	Eight SECTT cases were reported to the DINAPEN (National Police Unit specialising in the welfare of boys, girls and young persons) between 2006 and June 2008. <sup>179</sup>	The Ministry of Economic and Social Inclusion reported in 2012 that in the last 5 years the majority of CSEC cases were from the El Oro and Santo Domingo de los Tsáchilas provinces. <sup>180</sup> According to the National Secretary of Planning and Development, around 5,200 children were victims of sexual exploitation, the majority between 15 and 17 years old. <sup>181</sup>

<sup>172</sup> Comité de los Derechos Del Niño (2010), “Respuestas por escrito del Gobierno de Colombia a la lista de cuestiones (CRC/C/OPSC/COL/Q/1) que deben abordarse al examinar el informe inicial de Colombia presentado con arreglo al párrafo 1 del artículo 12 del Protocolo Facultativo de la Convención sobre los Derechos del Niño relativo a la venta de niños, la prostitución infantil y la utilización de niños en la pornografía (CRC/C/OPSC/COL/1)”, UN Doc. CRC/C/OPSC/COL/Q/1/add.1, 05 May 2010, para. 01, accessed 29 June, <http://www.refworld.org/docid/4efc8b732.html>

<sup>173</sup> *Ibid.*

<sup>174</sup> ICBF (Instituto Colombiano de Bienestar Familiar) (2015), “Análisis de la situación de Explotación Sexual Comercial en Colombia. Una Oportunidad para Garantizar la Protección de Niños, Niñas y Adolescentes”, Colombia: ICBF, [http://www.derechoshumanos.gov.co/Observatorio/Publicaciones/Documents/2014/140718\\_libro\\_explotacion\\_sexual\\_nna.pdf](http://www.derechoshumanos.gov.co/Observatorio/Publicaciones/Documents/2014/140718_libro_explotacion_sexual_nna.pdf) in ECPAT International (2014)e, Informe de Monitoreo de País sobre la Explotación Sexual Comercial de Niñas, Niños y Adolescentes – Colombia”, Bangkok: ECPAT International, 26, [http://www.ecpat.org/wp-content/uploads/legacy/CMR\\_COLOMBIA\\_FINAL.pdf](http://www.ecpat.org/wp-content/uploads/legacy/CMR_COLOMBIA_FINAL.pdf)

<sup>175</sup> ECPAT International (2014)e, Informe de Monitoreo de País sobre la Explotación Sexual Comercial de Niñas, Niños y Adolescentes – Colombia”, 25, 66

<sup>176</sup> Tierra de Hombres (n.d.), “Fortalecimiento del acceso a la justicia para los niños, las niñas y adolescentes (NNA), víctimas de violencia sexual en Cartagena de Indias, Colombia”, *Tierra de Hombres*, accessed 23 June 2015, <http://tierradehombres.org/index.php/actualidad/noticias/item/337>

<sup>177</sup> Sotelo, Marco (2013), “Experiencia de colaboración bilateral en el combate de la explotación sexual comercial de niños, niñas y adolescentes asociada al turismo en Costa Rica”, 27.

<sup>178</sup> ECPAT UK (n.d.), “Child Sex Tourism in Dominican Republic”, 02, accessed 18 May 2015, [http://www.ecpat.org.uk/sites/default/files/dom\\_rep05.pdf](http://www.ecpat.org.uk/sites/default/files/dom_rep05.pdf).

<sup>179</sup> International Labour Organization (ILO) (n.d.), “Observation (CEACR) - adopted 2010, published 100th ILC session (2011) Worst Forms of Child Labour Convention, 1999 (No. 182) – Ecuador (Ratification: 2000”, International Labour Organization, accessed 23 June 2015, [http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:13100:0::NO::P13100\\_COMMENT\\_ID:2337021](http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:13100:0::NO::P13100_COMMENT_ID:2337021).

<sup>180</sup> Ecuador, MIES (Ministerio de Inclusión Económica y Social) (n.d.), “Agenda para la igualdad de Niñas, Niños y Adolescentes 2012-2013”, 83, accessed 27 June 2015, <http://www.inclusion.gob.ec/wp-content/uploads/downloads/2012/09/master-agenda-ni%C3%B1ez-2da-edicion.pdf>

<sup>181</sup> Ecuador, Secretaría Nacional de Planificación y Desarrollo, “Plan Nacional de Desarrollo/ Plan Nacional para el Buen Vivir 2013-2017”, Senplades (2013), 206-7, accessed 27 June 2015, <http://documentos.senplades.gob.ec/Plan%20Nacional%20Buen%20Vivir%202013-2017.pdf>

Table 2. SECTT data by country (continued)

Country	Data	Comments
<b>Guatemala</b>	Three complaints on SECTT, reported to the Public Ministry between February 2009 and July 2012. None of them were prosecuted. <sup>182</sup>	463 cases of CSEC reported to the Prosecutor's office, but no specific information on SECTT. In 2012 the Special Rapporteur on the sale of children, child prostitution and child pornography expressed concern about the existence of CSEC in Guatemala, with a high prevalence of male victims between 15 and 17 years old. According to information provided by the Guatemalan Attorney General for Human Rights, SECTT can be found in the cities of Antigua, Puerto Barrios, Río Dulce, the surroundings of Lake Atitlán and Tecún Umán, where children are often promoted and included in tourist packages. <sup>183</sup>
<b>Mexico</b>	No official available data.	"The few available figures on human trafficking victims in Mexico indicate that for 2010-2013, 6 out of 10 were subjected to sexual exploitation, and of these around 87% were female and [...] more than half were persons under 18". <sup>184</sup>
<b>Nicaragua</b>	No official available data.	ECPAT affiliate members in Nicaragua report that there is no official data on SECTT. Between 2004 and 2014 there were 128 cases of child survivors of CSE supported by Casa Alianza Nicaragua, an NGO working with victims reported to the Ministry of Family, Children and Adolescence. <sup>185</sup>
<b>Panama</b>	Seven SECTT cases reported by the Crime Statistics on CSEC. <sup>186</sup>	According to the same source, SECTT reported cases were one in both 2004 and 2005, five in 2006, none between 2007 and 2011 and no data for 2012. A total of 278 cases of CSEC were reported between 2004 and June 2012.
<b>Paraguay</b>	No official available data.	Although there is no official data available, 3,500 cases of SECTT were detected by a study carried out by FAPMI-ECPAT Spain during field research in 2012. <sup>187</sup>  Concerning CSEC, UNICEF has recorded 788 reports in 2005, growing to 2298 in 2010. <sup>188</sup>

<sup>182</sup> ECPAT Internacional (2014)f, "Informe de Monitoreo de País sobre la Explotación Sexual Comercial de Niñas, Niños y Adolescentes – Guatemala", 18.

<sup>183</sup> *Ibid.*, 17-23.

<sup>184</sup> Observatorio Nacional Ciudadano de Seguridad, Justicia y Legalidad (2014), "Estadísticas sobre la eficiencia en el combate a la trata de personas en México. Un ejercicio de acceso a la información 2010-2013", accessed 13 November 2014, <http://onc.org.mx/wp-content/uploads/2014/01/Documento-Trata-ONC-.pdf> in Espacios de Desarrollo Integral, A.C and ECPAT Internacional (2014), "Informe de Monitoreo de País sobre la Explotación Sexual Comercial de Niños, Niñas y Adolescentes – México", Bangkok: ECPAT Internacional, 17, <http://www.ecpat.org/wp-content/uploads/legacy/IMP%20MEXICO.pdf>

<sup>185</sup> ECPAT Internacional (2015), "Informe de Monitoreo de País sobre la Explotación Sexual Comercial de Niños, Niñas y Adolescentes – Nicaragua", Bangkok: ECPAT Internacional, 18, [http://www.ecpat.org/wp-content/uploads/legacy/CRM\\_NICARAGUA\\_FINAL\\_2015NOV6.pdf](http://www.ecpat.org/wp-content/uploads/legacy/CRM_NICARAGUA_FINAL_2015NOV6.pdf)

<sup>186</sup> Eiselys E. Vásquez Cede, "Incidencia de las políticas públicas de prevención contra la explotación sexual comercial y la movilización social", Mesa de explotación sexual comercial de niños, niñas y adolescentes, October 2012, accessed June 2015, [http://api.ning.com/files/Jt8mMT\\*vX-\\*ndj-SbOXnHNDNEtasYEGPFGcUDY9SI7vfKqAiPL2TGd6yZySBY2ja1E\\*rV0o6E\\*dWsLdFRFnIFhNgk77EFg6-/DOC\\_ESCI\\_Eiselys\\_Vasquez\\_Resumen.pdf](http://api.ning.com/files/Jt8mMT*vX-*ndj-SbOXnHNDNEtasYEGPFGcUDY9SI7vfKqAiPL2TGd6yZySBY2ja1E*rV0o6E*dWsLdFRFnIFhNgk77EFg6-/DOC_ESCI_Eiselys_Vasquez_Resumen.pdf)

<sup>187</sup> FAPMI-ECPAT España (2012), "La Explotación Sexual Infantil en los Viajes y el Turismo. Una aproximación para profesionales del Sector Turístico", 07, accessed 3 July 2014, [http://www.ecpat-spain.org/imagenes/auxiliar/ESIA\\_FORM\\_Guia%20B%C3%A1sica\\_V\\_1\\_26-07-12\(2\).pdf](http://www.ecpat-spain.org/imagenes/auxiliar/ESIA_FORM_Guia%20B%C3%A1sica_V_1_26-07-12(2).pdf) in ECPAT Internacional (2014), "Informe de Monitoreo de País sobre la Explotación Sexual Comercial de Niños, Niñas y Adolescentes – Paraguay", Bangkok: ECPAT Internacional, 16, [http://www.ecpat.org/wp-content/uploads/legacy/CMR\\_PARAGUAY\\_FINAL.pdf](http://www.ecpat.org/wp-content/uploads/legacy/CMR_PARAGUAY_FINAL.pdf)

<sup>188</sup> EFE (2013), "Unicef: Abuso sexual en niños se triplicó en Paraguay", HOY, accessed 3 July 2014, <http://www.hoy.com.py/nacionales/abuso-sexual-en-ninos-se-triplico-en-paraguay-dice-unicef> in *ibid.*, 14.



Table 2. SECTT data by country (continued)

Country	Data	Comments
Peru	No official available data.	<p>ECPAT affiliate members in Peru identified a total of 238 CSEC cases, based on the 123 cases reported to the Prosecutor's Office, 31 to the Division against Human Trafficking and Migrant Smuggling (DIVINTRAP), 70 to the National Family Welfare Programme (INABIF) and 14 to the Yachay National Programme, a programme that works with street children, in 2013.<sup>189</sup></p> <p>The Ministry of Women and Vulnerable Populations (MIMP) tried to consolidate CSEC data from 203 different organisations in Peru: 101 did not register or detected any cases, which according to this study could be due to the lack of knowledge about CSEC.<sup>190</sup> The remaining organisations reported a total of 811 cases of CSEC, the majority involving girls in the regions of Lima (132), Cusco (38), Loreto (24), Puno (27), Piura (17), Ucayali (8), Junín (8), Madre de Dios (6) and Arequipa (6).<sup>191</sup> The reason for the difference between these numbers and the total number of CSEC cases is that some responses did not include the number of cases.<sup>192</sup> The number of cases per modality of CSEC were indicated as follows: paid sexual activities (167, of which 151 were girls); child pornography (24, of which 22 were girls); SECTT (31, of which 30 were girls), the last being reported by only one organisation.<sup>193</sup> In the same study, between 2011 and 2013, the Public Prosecutor's Office recorded a total of 696 reports of activities related to CSEC, such as illegal procurement of sex, but none concerning SECTT.<sup>194</sup></p> <p>In 2014, according to a national survey run by CHS Alternativo, 73% of people surveyed think that CSEC takes place within the context of tourism and travel.<sup>195</sup></p>

<sup>189</sup> Peru, MIMP (n.d.), "Tercer Informe Anual de Avances del Plan Nacional de Acción por la Infancia y la Adolescencia 2012-2021 – Año 2014 (Ley No 27666)", <http://www.mimp.gob.pe/webs/mimp/pnaia/pdf/final-informe-avances-PNAIA-2014.pdf> in ECPAT International (2014)h, "Informe de Monitoreo de País sobre la Explotación Sexual Comercial de Niños, Niñas y Adolescentes – Perú", Bangkok: ECPAT International, 14, accessed 15 May 2015, [http://www.ecpat.net/sites/default/files/CMR\\_PERU\\_FINAL.pdf](http://www.ecpat.net/sites/default/files/CMR_PERU_FINAL.pdf)

<sup>190</sup> Peru, MIMP (n.d.), "Informe sobre la problemática de niñas, niños y adolescentes en explotación sexual 2011-2013", Lima: MIMP, 12, accessed 27 June 2015, [http://www.mimp.gob.pe/webs/mimp/pnaia/pdf/informe\\_escnna\\_2011-2013.pdf](http://www.mimp.gob.pe/webs/mimp/pnaia/pdf/informe_escnna_2011-2013.pdf)

<sup>191</sup> *Ibid.*, 17-18.

<sup>192</sup> *Ibid.*, 21.

<sup>193</sup> *Ibid.*, 28.

<sup>194</sup> *Ibid.*, 33.

<sup>195</sup> CHS Alternativo, "Estado y sociedad civil se unen en la lucha contra la explotación sexual de menores de edad" (14 May 2015), accessed 1 April 2016, [http://www.chsalternativo.org/reportealternativo/contenido.php?v\\_pad=2&v\\_hij=32&v\\_pla=2&v\\_sal=2&v\\_cod=14436&v\\_bol=86&v\\_tip\\_pub=A](http://www.chsalternativo.org/reportealternativo/contenido.php?v_pad=2&v_hij=32&v_pla=2&v_sal=2&v_cod=14436&v_bol=86&v_tip_pub=A)

Table 2. SECTT data by country (continued)

Country	Data	Comments
Uruguay	No official available data.	There is no record of complaints on CSEC. In a study on the sexual exploitation of female children in Uruguay, it has been stated that the only systematised information available by the Division of Planning and Budget is the number of prosecutions concluded in the country. Five cases were reported in the capital and six in the countryside in 2011. Completed processes concerning CSEC accounted for a much lower number with ups and downs in comparison with other crimes. In 2009, these referred to only 5% of processes started and concluded at the offices of organised crime; 7% in 2010 and 5% in 2011. <sup>196</sup> The Interior Ministry, in turn, recorded a total of 31 cases of offences related to sexual exploitation and human trafficking at the national level in 2012, and 40 in 2013. Between January 2012 and October 2013, 46 victims were reported. Concerning their gender, there were no significant differences regarding the 10- to 14-year-old group, while in the 15- to 19-year-old group, the majority were girls. <sup>197</sup> The Uruguayan Institute for Children and Adolescents (INAU), provided the following information about CSEC for 2013: 10 male victims and 35 females with the exception of a Swiss victim, reported in Artigas, Paysandú, Tacuarembó, Rocha, Maldonado, Durazno, Colonia, Flores, Canelones and Montevideo. <sup>198</sup>

<sup>196</sup> Asociación Civil Servicios y Acciones por la Infancia (S.A.I. – Programa Arcoíris) and Fundación Justicia y Derecho (FJD) (2013), “Explotación e indiferencia: La explotación sexual comercial de niñas y adolescentes mujeres en Uruguay”, 22, accessed 29 May 2015, <http://www.youblisher.com/p/880054-Informe-Explotacion-e-Indiferencia/>

<sup>197</sup> *Ibid.*, 30-1.

<sup>198</sup> *Ibid.*, 32.

# CHAPTER 4

## SECTT: CURRENT AND EMERGING PATTERNS IN LATIN AMERICA

While Chapter 3 looked at the factors that provide the backdrop for SECTT in Latin America, this chapter examines current and emerging patterns in SECTT. This information is presented in two sections. First, we examine the developing conditions that make the problem more critical and more difficult to combat in Latin America, including the lack of presence of State institutions, insecurity in national territories, a high presence of criminal networks, corruption and impunity from public figures, and the use of ICT by exploiters to contact children. These are issues that the governments of each country must address if they are truly committed to ending all modalities of CSEC. The second part of this chapter looks more closely at the exploiters and the survivors of SECTT to illustrate how the issues previously described manifest themselves in child sexual exploitation.

### NEXUS BETWEEN THE CIVIL CONFLICT/ CRIMINAL ACTIVITIES AND SECTT

Latin America is arguably “one of the most violent regions in the world”.<sup>199</sup> Moreover, “it has by far the highest national rates of homicide, often far beyond what we might call ‘traditional’ warfare or conflict zones”.<sup>200</sup> Socio-economic conditions, such as income inequality, historic issues, particularly civil conflict along with authoritarian government and the drug trade, make the Americas vulnerable to crime problems. Of these, the **drug trade** is the most amenable to collective action.<sup>201</sup>

The United Nation Office on Drugs and Crime (UNODC) reported that “Central America and the Caribbean, particularly countries in the Northern Triangle, face extreme violence” which is made more severe “by transnational organised crime and drug smuggling. According to UNODC’s own studies, El Salvador, Guatemala, and Honduras now have some of the highest homicide rates in the world”. The people of Central America regard crime, and particularly criminal violence, as one of the most important issues facing their countries today.<sup>202</sup> Many migrate in search of safety, as reported in a research study that aimed to find the reasons why Salvadoran children were leaving their country:

*When asked why they left their home, 59 percent of Salvadoran boys and 61 percent of Salvadoran girls list crime, gang threats, or violence as a reason for their emigration. Whereas males most feared assault or death for not joining gangs or interacting with corrupt government officials, females most feared rape or disappearance at the hands of the same groups. While over half of Salvadoran children list more than one reason for migrating, nearly 100 list only this fear.*<sup>203</sup>

This is a result of a combination of various factors, including the increasing availability of arms and drugs, the stronger presence of organised crime, the culture of

<sup>199</sup> Rodgers, Dennis and Baird, Adam (2015), “Understanding gangs in contemporary Latin America”, in The Handbook of Gangs, eds. Decker, S. H. and Pyrooz, D. C., New Jersey: John Wiley and Sons, Inc, 01, accessed 27 May 2016, [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=2469973](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2469973)

<sup>200</sup> Small Arms Survey (2013), “Small Arms Survey 2013: Everyday Dangers”, Cambridge: Cambridge University Press in Rodgers, Dennis and Baird, Adam (2015), “Understanding gangs in contemporary Latin America”, in The Handbook of Gangs, eds. Decker, S. H. and Pyrooz, D. C., New Jersey: John Wiley and Sons, Inc, 01, accessed 27 May 2016, [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=2469973](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2469973)

<sup>201</sup> UNDOC (United Nations Office on Drugs and Crime) (2008), “The Threat of Narco-Trafficking in the Americas – October 2008”, 3, accessed 19 May 2015, [http://www.unodc.org/documents/data-and-analysis/Studies/OAS\\_Study\\_2008.pdf](http://www.unodc.org/documents/data-and-analysis/Studies/OAS_Study_2008.pdf)

<sup>202</sup> UNDOC (United Nations Office on Drugs and Crime) (2012), “Transnational Organized Crime in Central America and the Caribbean: A Threat Assessment”, Vienna, Austria: UNDOC, 9-11, accessed June 2015, [http://www.unodc.org/documents/data-and-analysis/Studies/TOC\\_Central\\_America\\_and\\_the\\_Caribbean\\_english.pdf](http://www.unodc.org/documents/data-and-analysis/Studies/TOC_Central_America_and_the_Caribbean_english.pdf)

<sup>203</sup> Kennedy, Elizabeth (2014), “No Childhood Here: Why Central American children are fleeing their homes”, Perspectives July 2014, United States: American Immigration Council, 02, accessed on 3 June 2015, [http://www.immigrationpolicy.org/sites/default/files/docs/no\\_childhood\\_here\\_why\\_central\\_american\\_children\\_are\\_fleeing\\_their\\_homes\\_final.pdf](http://www.immigrationpolicy.org/sites/default/files/docs/no_childhood_here_why_central_american_children_are_fleeing_their_homes_final.pdf).

violence perpetrated by gangs and maintained by the media and the low level of effectiveness of the police and other justice system institutions.<sup>204</sup>

As a consequence, some Latin American countries (Brazil, Colombia and Mexico, among others) have an image around the world as paradises for the production and consumption of drugs. This attracts a significant fraction of travellers and tourists who sometimes come to cities in search of drugs and sex, which very often includes sex with children. According to a pimp in Colombia:

*There are customers who just like to stay inside and snort coke, customers that go for three, four days doing it; they don't even have sex, or anything. Every four hours I have to change the girl... I met one Jew who was a multimillionaire. He took three girls with him just to snort coke [...] It lasted for several days... The bills came to around 10 million pesos [around US\$3500] just for the women.*<sup>205</sup>

In Nicaragua, access to drugs, mainly marijuana and crack from Honduras, and the presence of youth groups carrying out criminal acts, generate domestic violence and sexual exploitation, which are public safety problems in Waspam, for instance. These are contributing factors for commercial sexual exploitation, as it puts victims in vulnerable situations. Many children and adolescents suffer violence in their homes and are thrown into the streets where they might become immersed in the world of drugs. Addictions push them to look for money and make them easy prey for CSEC. "According to... officer [...], many mothers... daughters [...] Other girls ... or sell [drugs] because ... access to drugs [, this makes them potential victims of CSEC]".<sup>206</sup>

Children and young people generally access drugs through gangs, who run drug-corners (*bocas de fumo*). The literature indicates that in Colombia, Ecuador, Mexico, and Venezuela the gangs range from 'classic' youth corner gangs to much more organised and professional associations, usually involved in drug dealing<sup>207</sup> and other crimes such as the sexual exploitation of children.

Socially, Latin American countries are confronted with the "narcotisation" of the culture. In the drug-trade culture, girls are worth nothing: "they are disposable".<sup>208</sup> At the same time, children who grow up without prospects amid a context where misery, violence, fear, physical and sexual abuse are commonplace are easily recruited by criminal networks to carry out illicit practices.

In Nicaragua, for example, residents of the communities of Santa Isabel and La Esperanza reported that 'the drug traffickers' had offered US\$2,000 for an 11-year-old girl.<sup>209</sup> In the city of Medellín (Colombia), "adolescent girls have become the spoils of war and merchandise for criminal gangs; they are raped, abused, trafficked and even have their virginities auctioned off to the highest bidder". According to an NGO officer quoted by Bargent (2013), "[The gangs] seduce her by offering her consumer goods, gaining her trust little by little until she ends up being photographed and auctioned off". Moreover, "[s]ome are offered up to Colombia's top drug lords and paramilitary chiefs, who have kept up the tradition begun by Pablo Escobar of having teenage virgins delivered for themselves or for their narco-orgies. [...] However, many of the girls are destined to be auctioned off to rich foreigners".<sup>210</sup>

According to Bargent, "[i]n recent years sex tourism networks have proliferated. Many are run by foreigners, mostly US citizens, who offer guided tours of the city's brothels and red light hotspots over the Internet [...]. According to [...] investigations, it is these networks' most trusted clients that participate in the auctions. Photographs of the girls are collected for brochures – a small selection for hard copies, or online catalogues of up to 60 girls. Online customers are issued a secret PIN number to access the auction". Bids of up to US\$2600 were recorded. "Following the auctions, the brochures are destroyed and the auction sites taken down, leaving almost no trace of what happened [...] Most of the girls also disappear, lost to the Medellín underworld. Many will end up in the city centre, where there are several zones notorious for child prostitution".<sup>211</sup>

In countries where civil conflict exists, such as Colombia, girls, women and LGBT (lesbian, gay, bisexual, and

<sup>204</sup> Moura, Tatiana (2005), "Novíssimas guerras, novíssimas pazes. Desafios conceituais e políticos", *Revista Crítica de Ciências Sociais* no. 71 (2005): 6, accessed 3 June 2015, <https://www.google.co.th/webhp?sourceid=chrome-instant&ion=1&espv=2&ie=UTF-8#q=novissimas+guerras>

<sup>205</sup> Fundación Renacer – ECPAT Colombia et al. (2011), "Caracterización y georreferenciación de las dinámicas de la explotación sexual de niñas, niños y adolescentes asociada a viajes de turismo", 25.

<sup>206</sup> Fanjul Lizarralde, Cecilia (2014), "La explotación sexual comercial de niñas, niños y adolescentes en Nicaragua", 48.

<sup>207</sup> Rodgers, Dennis and Baird, Adam (2015), "Understanding gangs in contemporary Latin America", 09.

<sup>208</sup> *Ibid.*, 14.

<sup>209</sup> Fanjul Lizarralde, Cecilia (2014), "La explotación sexual comercial de niñas, niños y adolescentes en Nicaragua", 46.

<sup>210</sup> Bargent, James (2013), "Children, Sex and Gangs in Medellín", *InSight Crime*, accessed 10 June 2015, <http://www.insightcrime.org/news-analysis/children-sex-and-gangs-in-medellin>

<sup>211</sup> *Ibid.*

transgender) people in particular have been systematically sexually exploited by all armed actors – legal and illegal.<sup>212</sup> According to a 2012 report by the UN Secretary General about the armed conflict in Colombia, “in 2011, in Guaviare, girls mostly aged between 12 and 14 from indigenous communities were subjected to repeated rape and sexual exploitation by armed groups”.<sup>213</sup> According to a further report by the Security Council’s General Assembly from 2014, “between January and October 2013, five cases of sexual exploitation of children by illegal armed groups and 17 cases (two boys and 15 girls) by the Colombian Armed Forces were referred to the National Institute of Forensic Science. In addition, the information gathered by the United Nations and the Ombudsman’s Office of Colombia indicates a pattern of sexual exploitation and abuse of girls and women in mining areas where armed groups carry out operations”.<sup>214</sup>

“A similar situation occurs in regions where military bases are installed to support the fight against drug trafficking. These are not necessarily places where combat with insurgent groups takes place; they are rather sites to coordinate intelligence operations and are supported by foreigners [...]. Some time ago a case of sexual exploitation of a girl by a U.S. soldier occurred in the vicinity of one of these military bases. The case was brought to the Inter-American Commission of Human Rights and the mother of the girl was threatened with death to suspend judicial proceedings against the soldier who immediately returned back to his country without responding to the charges against him, due to the immunity enjoyed by these foreign nationals”.<sup>215</sup>

“All the cities and municipalities where military bases operate have seen cases of sexual exploitation of children; within and nearby bases militaries contact and engage minors in sexual acts of different types. Although these acts of exploitation are often disguised as courtship and engagement, it is clear that national and foreign military personnel take advantage of their privileged position, using the power provided by their weapons and authority to attract and exploit these minors”.<sup>216</sup> “Additionally, it is known that in Santafé de Ralito Ralito [Colombia], where conversations prior to the so-called paramilitary demobilisation process developed, dozens of girls and adolescents were subjected to Commercial Sexual Exploitation to celebrate the event.”.<sup>217</sup>

## TRAFFICKING OF CHILDREN AND SECTT

Latin America is considered a source, transit and destination for human trafficking.<sup>218</sup> In some countries, children constitute the majority of identified human trafficking victims. “According to UNODC, 1600 cases of children trafficked in the Latin America Region were reported between 2007 and 2011; more than half were female children trafficked for sexual exploitation”.<sup>219</sup>

A strong link between trafficking for sexual exploitation and SECTT has been reported in the Region. ECPAT has indicated an increase of traffic of children linked to booms in tourism.<sup>220</sup> Very often, victims live in tourist zones and in rural areas and are trafficked both internally and across borders to neighbouring countries, taking advantage of open or poorly controlled borders to “satisfy” the demand of travellers and tourists.<sup>221</sup>

<sup>212</sup> Reyes, Nelson E. Rivera (2012), “ESCNNA y Conflicto Armado en Colombia”, Rayuela – Revista Iberoamericana sobre Niñez y Juventud en Lucha por sus Derechos 3 (2012), 91, accessed 2 June 2015, [http://revistarayuela.ednica.org.mx/sites/default/files/Art.%20Nelson%20E.%20Rivera%20Reyes\\_0.pdf](http://revistarayuela.ednica.org.mx/sites/default/files/Art.%20Nelson%20E.%20Rivera%20Reyes_0.pdf)

<sup>213</sup> Consejo de Seguridad Naciones Unidas (2012), “Informe del Secretario General sobre los niños y el conflicto armado en Colombia”, UN Doc. S/2012/171, 06 March 2012, para. 37, accessed 3 June 2015, [http://www.acnur.org/t3/uploads/media/Informe\\_del\\_Secretario\\_General\\_sobre\\_los\\_ninos\\_y\\_el\\_conflicto\\_armado\\_en\\_Colombia\\_-\\_S\\_2012\\_171.pdf?view=1](http://www.acnur.org/t3/uploads/media/Informe_del_Secretario_General_sobre_los_ninos_y_el_conflicto_armado_en_Colombia_-_S_2012_171.pdf?view=1).

<sup>214</sup> Asamblea General Consejo de Seguridad (2014), “Los niños y los conflictos armados – Informe del Secretario General”, UN Doc. A/68/878–S/2014/339, 15 May 2014, para. 167, accessed 3 June 2015, [http://www.un.org/ga/search/view\\_doc.asp?symbol=A/68/878&referer=/english/&Lang=S](http://www.un.org/ga/search/view_doc.asp?symbol=A/68/878&referer=/english/&Lang=S)

<sup>215</sup> Reyes, Nelson E. Rivera (2012), “ESCNNA y Conflicto Armado en Colombia”, 91- 98, 97.

<sup>216</sup> *Ibid.*, 91-98, 98.

<sup>217</sup> *Ibid.*

<sup>218</sup> For trafficking in Latin American countries, See: (i) ECPAT International (2014)a, “The Commercial Sexual Exploitation of Children in Latin America”, 13; (ii) U.S. Department Of State (2015), “Trafficking in persons report July 2015”, Washington, D.C.: U.S. Department of State, <http://www.state.gov/documents/organization/245365.pdf>; (iii) Ramsey, Geoffrey (2011), “Hondurans Increasingly Trafficked Through ‘Modeling Agencies’”, InSight Crime, accessed 10 June 2015, [http://www.insightcrime.org/news-analysis/honduran-women-increasingly-trafficked-through-modeling-agencies?highlight=WYJ0b3VyaXN0liwic2V4l0=](http://www.insightcrime.org/news-analysis/honduran-women-increasingly-trafficked-through-modeling-agencies?highlight=WYJ0b3VyaXN0liwic2V4l0=;); (iv) Universidad Nacional de Colombia – Sede Bogotá (2009), “Estudio Nacional Exploratorio Descriptivo sobre el Fenómeno de Trata de personas en Colombia”, Bogotá, Colombia: Universidad Nacional de Colombia, 19, accessed 28 April 2015, [https://www.unodc.org/documents/frontpage/Investigacion\\_Trata\\_CO1.pdf](https://www.unodc.org/documents/frontpage/Investigacion_Trata_CO1.pdf); (v) Fundación Renacer and ECPAT International (n.d.), “Aproximación a la explotación sexual comercial de niños y adolescentes de sexo masculino en Bogotá y Cartagena”, 11; (vi) ECPAT Brasil (2015), “Global Study on Sexual Exploitation of Children in Travel and Tourism – Country-specific report Brazil”, 65-6 and (vii) Casillas, Rodolfo R. (2006), “La Trata de Mujeres, Adolescentes, Niñas y Niños en México. Un estudio exploratorio en Tapachula, Chiapas”, México: Comisión Interamericana de Mujeres de la Organización de Estados Americanos, Organización Internacional para las Migraciones, Instituto Nacional de las Mujeres and Instituto Nacional de Migración, 36, <http://www.oas.org/atip/reports/estudio.exploratorio.en.tapachula.pdf>

<sup>219</sup> ECPAT International (2014)a, “The Commercial Sexual Exploitation of Children in Latin America”, 12.

<sup>220</sup> Mendaña, Iria Retuerto Castell, Denisse Araya and Tarducci, Giulia (n.d.), “Explotación Sexual Comercial de Niños, Niñas y Adolescentes en el Ámbito del Turismo y Viajes: Claves Para Comprender el Fenómeno en Chile. Investigación exploratoria cualitativa”, 16, accessed 22 May 2015, [http://www.ecpat.net/sites/default/files/Exploratory%20Study%20CST%20Spanish\\_0.pdf](http://www.ecpat.net/sites/default/files/Exploratory%20Study%20CST%20Spanish_0.pdf)

<sup>221</sup> ECPAT International (2014)a, “The Commercial Sexual Exploitation of Children in Latin America”, 10; and Sotelo, Marco (2013), “Experiencia de colaboración bilateral en el combate de la explotación sexual comercial de niños, niñas y adolescentes asociada al turismo en Costa Rica”, 08.

One “UN official has warned that drug gangs are trafficking young girls from indigenous communities on the border between Honduras and Nicaragua”.<sup>222</sup> According to the 2015 TIP report, sex trafficking of girls by gangs and other criminal groups has been denounced by civil society. It was also reported that minors were “being subjected to sex trafficking on the streets of large cities, particularly the economic centre of San Pedro Sula, under the guise of street begging”.<sup>223</sup>

According to Corcoran, the Mexican State Department Report “also indicated that drug gangs are becoming more heavily involved” in human trafficking, often linked to sexual exploitation. “The child sex trade” has been “a significant problem in regions with flows of international visitors, such as tourist centres like Acapulco and Cancun, as well as border towns like Juarez and Tijuana”.<sup>224</sup>

Azaola [...] points out that [...] border cities, [where] hundreds of migrants arrive daily with the intention of crossing the border, [...] are areas that] promote and facilitate CSEC. This author illustrates the situation by giving an example of United States’ adults that arrive at the Mexican border on weekends seeking sexual services, mainly because there is less ability or willingness to enforce laws that protect children in Mexico.<sup>225</sup>

In Colombia, research on human trafficking reported a predominance of this crime associated with SECTT on the Atlantic coast,<sup>226</sup> while in Brazil, where particularly high levels of child sex tourism have been observed in resort and coastal areas, the Federal Police has highlighted the “higher child prostitution rates in the north and northeast regions” – also regions on the Atlantic coast. It has been reported that some victims are being trafficked from neighbouring countries, including Paraguay. Many offenders are European.<sup>227</sup>

## TECHNOLOGY AND SECTT

In Latin America, as a result of the expansion in information and communication technology (ICT), combined with the increased popularity of the internet, 3G mobile networks and the lack of child protection measures, more and more Latin American children and adolescents are now exposed to online dangers. According to the Internet World Stats, as of November 2015 there were 338,595,866 internet users in Latin America, which represented 10% of the total number of users in the world (3,366,261,156) with penetration of 56.6%.<sup>228</sup>

CSEC linked with ICT has been recognised throughout the region, as has the increased internet use by children.<sup>229</sup> In Uruguay, for instance, a study titled “El perfil del Internauta Uruguayo” (Profile of the Uruguayan Internet User) stated that “between 2007 and 2012, internet penetration among six- to 11-year-olds increased from 55 to 88%, while among children under five it increased from 7 to 16%”.<sup>230</sup>

Although official information systems are not active in any Latin American country, governments have recorded a recent increase in reported cases of child abuse images being shared through *peer-to-peer* technology, as well as practices such as “sexting” and grooming.<sup>231</sup> Data from ten countries studied in Latin America indicated that Uruguay had the highest download rate for online child pornography material in 2011 and 2012, followed by Venezuela, while Bolivia had the lowest rate in 2011 and Paraguay, in 2012.<sup>232</sup> In the Dominican Republic, according to ECPAT member MAIS, the use of children in pornography and child abuse images has increased. Children are recruited in schools and intermediaries or exploiters use these children to recruit their classmates.<sup>233</sup>

<sup>222</sup> Looft, Christopher (2012), “Drug Gangs Traffic Girls on Honduras-Nicaragua Border: UN”, *InSight Crime*, accessed 10 June 2015, <http://www.insightcrime.org/news-briefs/drug-gangs-traffic-girls-on-honduras-nicaragua-border-un?highlight=WyJzZXgiLCJ0b3VyaXN0Iiwic2V4IHVvdXJpc20iXQ==>.

<sup>223</sup> U.S. Department of State (2015), “Honduras, 2015 Trafficking in Persons Report”, U.S. Department of State, 178, accessed 17 July 2016, <http://www.state.gov/j/tip/rls/tiprpt/countries/2015/243451.htm>

<sup>224</sup> Corcoran, Patrick (2011), “Human Trafficking Scourge Draws Attention of Mexico Government”, *InSight Crime*, accessed 10 June 2015, <http://www.insightcrime.org/news-analysis/human-trafficking-scourge-draws-attention-from-mexico-government?highlight=WyJ0b3VyaXN0Iiwic2V4Ii0=>

<sup>225</sup> Villarreal, Héctor (2014), “La infancia como Mercancía Sexual”.

<sup>226</sup> Universidad Nacional de Colombia – Sede Bogotá (2009), “Estudio Nacional Exploratorio Descriptivo sobre el Fenómeno de Trata de personas en Colombia”, 19.

<sup>227</sup> U.S. Department of State, *Trafficking in Persons Report 2015*, 95.

<sup>228</sup> Internet World Stats (2016), “Latin American Internet Usage Statistics”, *Internet World Stats*, last modified 30 April 2016, accessed 8 April 2016, <http://www.internetworldstats.com/stats10.htm>

<sup>229</sup> See more on Child Pornography in Latin America countries in: IIN (2011), “Explotación Sexual Comercial de Niños, Niñas y Adolescentes e Internet”, Montevideo, Uruguay: IIN, accessed 17 May 2015, <http://www.annaobserva.org/2012/wp-content/uploads/2015/05/X-Informe-reducido-PARA-PUBLICAR.pdf>.

<sup>230</sup> Grupo Radar (2012), “El Perfil del Internauta Uruguayo 9ª Edición 2012 – Resumen Ejecutivo”, accessed 15 August 2012, <http://www.gruporadar.com.uy/01/wp-content/uploads/2012/08/El-Perfil-del-Internauta-Uruguayo-Resumen-ejecutivo.pdf> in França, Omar and Delgado, Sergio (n.d.), “[INFORME] Descarga de Material Pornográfico Infantil Online en Uruguay 2011-2012”, Montevideo, Uruguay: Universidad Católica del Uruguay, 06, accessed 8 April 2016, [http://www.anm.org.uy/index\\_htm\\_files/Descarga%20de%20material%20pornografico%20en%20internet.pdf](http://www.anm.org.uy/index_htm_files/Descarga%20de%20material%20pornografico%20en%20internet.pdf)

<sup>231</sup> IIN (2011), “Explotación Sexual Comercial de Niños, Niñas y Adolescentes e Internet”, 21-4.

<sup>232</sup> França, Omar and Delgado, Sergio (n.d.), “[INFORME] Descarga de Material Pornográfico Infantil Online en Uruguay 2011-2012”, 21.

<sup>233</sup> ECPAT International (2014)a, “The Commercial Sexual Exploitation of Children in Latin America”, 17.

A trend that has been reported by ECPAT groups is for facilitator-exploiters to use cell phones and the internet to arrange contact between children and tourists, therefore reducing “the public visibility of the child sex trade”. In fact, “[i]ncreased use of cell-phone contacts for pre-arranged encounters with male and female children [was recently detected in Colombia, Guatemala, Nicaragua and Peru]. In Nicaragua this practice is referred to as ‘*Servicios a Domicilio*’ (home delivery service) and in Colombia ‘*Prepagos*’ (pre-paid, as in pre-paid cell phones)”.<sup>234</sup>

“In many cases, when children are exploited by a third party, the intermediary gives them a cell phone to facilitate contact”.<sup>235</sup> The same *modus operandi* is true for SECTT. In Colombia, the most commonly used tool for promoting cities such as Bogotá and Cartagena as tourist destinations is the internet, through “sites where tourists share their experiences, including sexual contact with young people. Information – in some cases very detailed – is also supplied about places, transport, costs, and names and phone numbers of contacts (facilitator-exploiters) such as taxi drivers who can provide not only information and transportation but also drugs and contacts with male and female adults or children”.<sup>236</sup>

In Brazil, the use of mobile phones, computers and tablets, together with access to the internet and social networks is increasingly used to arrange meetings between exploiters and victims, especially teenagers.<sup>237</sup> In the colonial city of Antigua, Guatemala, children “are contacted by intermediaries [facilitator-exploiters] or via the Internet. The brothels operate under the façade of ‘businesses’ and are well known by local intermediaries [facilitator-exploiters] who recommend them to the clients/abusers”. A new trend detected in this country is a “portal that offers a tourist guide who provides tips on issues ranging from security to the price of a ‘prostitute’ and even tells the reader how to procure a sexual experience in the country. These illicit businesses function via individuals, organised crime networks and local networks involved [...] in the sex trade”.<sup>238</sup> ECPAT has also “identified cases of male adolescents offered as escorts to women through online announcements, chats and

websites”.<sup>239</sup> One 17-year-old victim from Bogotá describes a system where she receives a call to indicate that a foreigner has seen her picture and likes it and that she should go over to the meeting place. ‘I race over,’ she says, ‘because I know that they are good customers, not cheapskates.’<sup>240</sup>

The exploiters take advantage of the anonymity of online contact to make the crime of SECTT less visible and harder to detect. Even in countries where the laws to criminalise CSEC have been strengthened, the use of ICT presents a big challenge in prosecuting offenders and finding victims, because as EDIAC and ECPAT Mexico stated “In the cloud and the deep web sex criminals can move more easily in terms of CSEC”.<sup>241</sup> Exploiters (both those who demand sex and who facilitate it) have thus turned to digital spaces to both promote the sexual use of children and to contact victims.

In addition, there is a lack of mechanisms from parents and society to educate and protect children when accessing ICT. A study carried out by ECPAT International in Chile, Guatemala, Mexico, Peru and Uruguay found that the widespread “availability of cybercafés is both a ‘blessing and a curse’. Children who do not have access to the Internet at home or want to avoid parental control will use these Internet cafes. Cybercafés in Latin America are often permissive, offering little or no information on safe use “of the Internet. The study also found that even in countries like Peru and Uruguay, where the government has adopted laws regulating internet cafés in order to protect children, the regulations are not implemented”.<sup>242</sup>

Furthermore, “[p]arents interviewed in the five countries did not seem to be concerned about their children’s Internet safety. Few had set rules about computer and cell phone usage.”<sup>243</sup> At the same time, exploiters have become more adept at using ICT, making it harder for both authorities and civil society organisations to identify exploiters who seek and demand, facilitator-exploiters and victims. It also makes the investigation and prosecution of offenders much more difficult.<sup>244</sup>

<sup>234</sup> *Ibid.*, 12.

<sup>235</sup> Fundación Renacer and ECPAT International (n.d.), “Aproximación a la explotación sexual comercial de niños y adolescentes de sexo masculino en Bogotá y Cartagena”, 15.

<sup>236</sup> *Ibid.*, 14.

<sup>237</sup> ECPAT Brasil (2015), “Global Study on Sexual Exploitation of Children in Travel and Tourism – Country-specific report Brazil”, 66.

<sup>238</sup> ECPAT International (2014)a, “The Commercial Sexual Exploitation of Children in Latin America”, 14-5.

<sup>239</sup> *Ibid.*, 12.

<sup>240</sup> Fundación Renacer – ECPAT Colombia et al. (2011), “Caracterización y georreferenciación de las dinámicas de la explotación sexual de niñas, niños y adolescentes asociada a viajes de turismo”, 26.

<sup>241</sup> EDIAC-ECPAT México, (2015)a, “De la ‘nube’ a la internet profunda. La Explotación Sexual Comercial de Niñas, Niños y Adolescentes Vinculada a las Tecnologías de la Información y la Comunicación”, (México D.F.), 46, accessed 17 July 2016, [http://asi-mexico.org/sitio/archivos/Delanubealaininternetprofunda\\_LaESCENNA-TIC.pdf](http://asi-mexico.org/sitio/archivos/Delanubealaininternetprofunda_LaESCENNA-TIC.pdf)

<sup>242</sup> ECPAT International (2014)a, “The Commercial Sexual Exploitation of Children in Latin America”, 17.

<sup>243</sup> ECPAT International (2012), “Understanding the use of ICTs by children and young people in relation to their risks and vulnerabilities online specific to sexual exploitation – A youth-led study in Latin America”, Bangkok, Thailand: ECPAT International, [http://www.ecpat.org/wp-content/uploads/legacy/ICT%20Research%20in%20LatinAmerica\\_ENG.pdf](http://www.ecpat.org/wp-content/uploads/legacy/ICT%20Research%20in%20LatinAmerica_ENG.pdf) in *ibid.*

<sup>244</sup> ECPAT International (2014) a, “The Commercial Sexual Exploitation of Children in Latin America”, 11.

## THE SEXUAL EXPLOITERS

Exploiters are considered to be those who demand, promote, facilitate, develop and/or take advantage of any form of sexual activity involving children. In this subchapter, a distinction is made between the **traveller and tourist sexual exploiter**, who seeks sexual relationships with children, and the **facilitator sexual exploiter**, who satisfies demand by facilitating, promoting and/or selling children, receiving benefits in cash or kind for doing so.

### The Traveller and Tourist Sexual Exploiter

Tourists and travellers that sexually exploit children in Latin American come from all walks of life and social backgrounds. They can be found in every country and within any profession. They may be heterosexual or homosexual, and although the vast majority are male, some are women. It is also very important to highlight that they are very often domestic tourists and travellers, as there is a tendency to think of exploiters as foreign tourists only.<sup>245</sup> Some studies have tried to characterise exploiters by age, profession, etc., but this has proved difficult. In Brazil, for instance, UNICEF reported that exploiters were divided between young professional men of around 30 years “who understand perfectly how to find information on the Internet” and who were looking for sex; and “women of about 40-50 years, travelling to Southern countries searching for ‘romances’”.<sup>246</sup> Meanwhile, a research study conducted by Promundo showed the group of exploiters were younger and started having sex at a younger age than non-exploiters, thus undermining the current misconception present in Brazil that those who engage in sex with minors are older men.<sup>247</sup> An empirical study concluded that the majority of people that come to Brazil are young, mostly between 23 and 50 years old, and include a wide range of professions such as university teachers, doctors, architects, unskilled workers and truck drivers.<sup>248</sup>

Therefore, there is no stereotype of such individuals, as they do not usually fit clearly into one category or another and there may be a real danger in trying to simplify their profiles given the complexity of the issue. However, over the years, general classifications of different profiles have been made to facilitate the development of appropriate interventions. ECPAT, for instance, has made a distinction between “situational” and “preferential” child sex tourists and travellers. The **situational child sex tourist and**

**traveller** “does not have an exclusive sexual inclination for children”, but if “presented with the opportunity to interact sexually with a person under 18” will do it, taking advantage of the “anonymity and impunity afforded by being a tourist” and a traveller.<sup>249</sup>

The **preferential child sex tourist and traveller** “displays an active sexual preference for children. He or she may still have the capacity to experience sexual attraction for adults but will actively seek out minors for sexual contact. The preferential child sex tourist will generally search for pubescent or adolescent children”.<sup>250</sup> Generally, they use “all available means (internet, magazines, contacts) to obtain information about destinations around the world where they can get access to children”.<sup>251</sup> Among these exploiters it is possible to find the paedophile, who “manifests an exclusive sexual inclination for pre-pubescent children. Usually considered as someone suffering from a clinical disorder, the paedophile may not show any preference for the gender of children and may not view sexual contact with children as harmful”.<sup>252</sup> ‘Preferential’ exploiters tend to be a minority among the traveller and tourist exploiters but can be very harmful for the children, as they visit countries expressly for sexual encounters with children.

As mentioned above, traveller and tourist exploiters have different motivations for sexually exploiting children; however, there are some common characteristics in the context of travel and tourism which contribute to the presence of SECTT and should be recognised in order to more effectively prevent and combat the problem.<sup>253</sup> Those are explained as follows:

- One aspect is the quality of being an **outsider** (*ajeneidad*). Regardless of whether they are national or international tourists or travellers, those who seek SECTT are not from the place where the crime is committed. This has a number of implications. First, the literature highlights that the exploiter feels more freedom in committing his or her acts because of being a stranger in the place; this confers anonymity, which in turn weakens social controls. People do not know the exploiter, may not see him or her again, and the exploiter’s family or relations will never know what he or she does there. “This operates for both the preferential exploiter [...] and the situational exploiter, who does not travel purely for the above

<sup>245</sup> IIN and OEA (2013), “La explotación sexual comercial de niñas, niños y adolescentes en el contexto de viajes y turismo”, accessed 30 May 2016, 19.

<sup>246</sup> Terrero, Lucía Sáenz (2014)a, “Social Impacts of Tourism in Brazil”, 13.

<sup>247</sup> Segundo, Márcio et al. (2012), “Men, women and the commercial sexual exploitation of children and adolescents in four brazilian cities”, 32.

<sup>248</sup> Leite, J (2007). “Entrevista”. Salvador: Chame, in Pinho, José Antônio Gomes de et al. (2008), “Combate à exploração sexual de crianças e adolescentes no turismo em Salvador”, 146.

<sup>249</sup> ECPAT International (2008), “Combating Child Sex Tourism: Questions and Answers”, 12.

<sup>250</sup> *Ibid.*, 12.

<sup>251</sup> IIN and OEA (2013), “La explotación sexual comercial de niñas, niños y adolescentes en el contexto de viajes y turismo”, 24.

<sup>252</sup> ECPAT International (2008), “Combating Child Sex Tourism: Questions and Answers”, 12.

<sup>253</sup> IIN and OEA (2013), “La explotación sexual comercial de niñas, niños y adolescentes en el contexto de viajes y turismo”, 17.



reason, but, nevertheless, when presented with the opportunity and the feeling of impunity [in a foreign place], may decide to do things that he or she would never dare to do in a home environment [for fear of discovery]”.<sup>254</sup> The conception of otherness also affects the communities, who may have an idea of the traveller or tourist as someone who can contribute to their wealth and who is different to the locals. These factors among other things may lead them to relax the social controls.

- **Cultural distance** from the place allows the exploiter (especially the situational exploiter) to justify acts to himself or herself through cultural prejudices. This holds true for both domestic and international tourists and travellers. SECTT is characterised by excuses such as ‘in certain countries or cities children mature sexually at an earlier age’, ‘black women are hypersexual’, ‘it’s a way of helping them make money in order to survive’, as well as the idea that sexual relations with minors are accepted in the culture of the place they are visiting.<sup>255</sup>

For example, research conducted in Iquitos, Peru, showed how the idea that women from Loreto, Northern Peru, are *calientes* or hypersexual encouraged sexual tourism in the region. According to the research, “this has its origins in a Western perception of ‘Amazons’ that dates back to the 16th century. Over the years it has underpinned the construction of ethnic and gender hierarchies in a country where Western culture, primarily based in the coast and to some extent in the mountains, is the dominant culture that places the women of Iquitos and the region in general at a disadvantage, denigrates them, and exposes them to sexual and social abuse”.<sup>256</sup> Similarly, EDIAC and ECPAT Mexico stated that in Mexico, there is mention of a fad among certain traveller and tourist exploiters for exploited children and adolescents to have indigenous features.<sup>257</sup>

- The concept of **transience** is also important. Whether the travel is motivated by tourism, work or other reasons, whether it is from one country to another or within the same country, and whether the sexual exploitation of children is the fundamental reason for the journey or something done without prior planning, these exploiters find themselves in transit. This offers

them various advantages basically related to their lack of ties with the destination population.<sup>258</sup> For example, among traveller exploiters it is possible to find working groups that, despite staying for longer periods in one place, are undeniably in transit. These include truck drivers, sailors, fishermen and mine and construction workers.<sup>259</sup> One could say that the constant mobility of these workers combined with periods away from home and family, among other factors, gives them a feeling of impunity. Further research in Brazil has found that a risk factor for truck drivers’ involvement with SECTT is the fact that they find themselves with “nothing to do” during the long wait for new cargo at gas stations. This increases the likelihood of becoming involved in SECTT.<sup>260</sup>

- The difference in **socio-economic** status between the tourist and travellers and the locals must also be taken into account. The former generally have a higher socio-economic status, as it is assumed they have money to spend at the destination.<sup>261</sup> This is in contrast with the poverty and inequality experienced by locals in many tourist and travel destinations, as described in Chapter 3.<sup>262</sup> In this context, exploiters may argue that they provide children with economic earnings and therefore support them and their families, and they may not consider that they are committing a crime. The payment in money or in kind makes the exploiter feel free of all responsibility about the damage that they are causing, and they feel that whatever act they commit against the child is legitimate, even if that includes forced pregnancies, sexually transmitted infections, or physical and sexual violence.
- Finally, it has been found that SECTT (and CSEC in general) is centred around an **aesthetics of power** (*estética de poder*), comprising four strongly interrelated elements (Salas and Campos, 2004). “[First], the asymmetry of power in relation to the vulnerable other is erotic for the exploiter and reinforces the feeling of dominance. [Second], purchasing reinforces this sense of power and the feeling of possessing property. [Third], the absence of a valued sexual partner as a valid witness of the exploiter’s virility affords him a kind of freedom or impunity. [Finally], the appropriation of

<sup>254</sup> *Ibid.*, 18.

<sup>255</sup> *Ibid.*

<sup>256</sup> CHS Alternativo, *Explotación Sexual de Niños, Niñas y Adolescentes en la Ciudad de Iquitos*, (September 2014), Loreto- Perú, 24, accessed 3 April 2016, [http://www.chsalternativo.org/upload/archivos/archivo\\_784.pdf](http://www.chsalternativo.org/upload/archivos/archivo_784.pdf)

<sup>257</sup> EDIAC and ECPAT México (2015), “Realidades y Compromisos. La ESCNNA vinculada a la industria de los viajes y el turismo”, México D.F., Mexico: EDIAC, 27, <http://ecpatmexico.org.mx/pdf/publicaciones-editoriales/ESCNNA%20VT%20web.pdf>

<sup>258</sup> Mendaña, Iria Retuerto Castelli, Denisse Araya and Tarducci, Giulia (n.d.), “Explotación Sexual Comercial de Niños, Niñas y Adolescentes en el Ámbito del Turismo y Viajes”, 14.

<sup>259</sup> *Ibid.*, 27.

<sup>260</sup> Cerqueira-Santos, Elder et al. (2008), “Exploração Sexual de Crianças e Adolescentes: Uma Análise Comparativa entre Caminhoneiros Clientes e Não-Clientes do Comércio Sexual Children and Adolescents”, *Psicologia: Reflexão e Crítica* 21, no. 3 (2008): 453, [http://www.scielo.br/scielo.php?pid=S0102-79722008000300013&script=sci\\_abstract&lng=pt](http://www.scielo.br/scielo.php?pid=S0102-79722008000300013&script=sci_abstract&lng=pt)

<sup>261</sup> IIN and OEA (2013), “La explotación sexual comercial de niñas, niños y adolescentes en el contexto de viajes y turismo”, 18.

<sup>262</sup> *Ibid.*; and Mendaña, Iria Retuerto Castelli, Denisse Araya and Tarducci, Giulia (n.d.), “Explotación Sexual Comercial de Niños, Niñas y Adolescentes en el Ámbito del Turismo y Viajes”, 13.

the only valuable thing that the victim has – a young body – is a means of recapturing lost or damaged youth”.<sup>263</sup> The previously mentioned study conducted with construction workers in Brazil illustrates some of these dynamics. When asked about their preference and/or reasons to deliberately seek out sex with minors, the main response was ‘naughtiness, a lack of shame’ (54.7%), followed by ‘the search for excitement and pleasure’ (52.3%), ‘feeling powerful’ (23.5%), ‘reaffirming virility to oneself and others’ (21.4%), ‘reaffirming masculinity’ (17.5%) and ‘to increase self-esteem’ (14%). Indeed, the authors argue that a reductionist view on CSEC based on the morality of the individual must be replaced by a more comprehensive analysis of how social, cultural, economic and political structures shape both the demand and supply of commercial sex.<sup>264</sup>

In the same context it is also possible to find some exploiters that see themselves as ‘friends’ or ‘partners’, without considering the power relationship that surrounds their dealings with the children. On some occasions, such exploiters may even become part of the population at the destination. Furthermore, the victim may not believe that he or she is being exploited. An example of this was found in a research study conducted by Promundo in four Brazilian cities with adult men and women, the aim of which was to understand perceptions and attitudes towards sexuality, including CSEC. Out of the men who reported having paid for sex with underage girls (82) in Rio de Janeiro, around half reported that being with the girls “made them feel younger”. Moreover, “half of the men in Rio de Janeiro reported having had some sort of affectionate relationship with the adolescent”. This study also shows that many men who reported having had sex with adolescents aged under 18 also reported that they had had a romantic relationship with the adolescent (mostly girls), in effect claiming intimacy as a way to feel less exploitative.<sup>265</sup> Thus, it is common for exploiters to blame the victim in an attempt to minimise the issue and not characterise it as a crime. This might also indicate what Davidson has argued, namely, that men who engage in CSEC do not necessarily have a pathological sexual desire.<sup>266</sup>

## The Facilitator Sexual Exploiter – How Do Exploiters Obtain Access to Children?

Child sexual exploiters in the context of travel and tourism, besides using ICT, the internet and social media, can also contact victims directly on the street and at beaches, bars, brothels, public parks, ports, near industrial areas where local workers and truck drivers spend their free time, under bridges, and so on. But these myriad options may not result in a satisfactory meeting for the exploiter, and often involve risks. Another option then is to find them through facilitator-exploiters.

Among facilitator-exploiters there are two main profiles, the pimp and the intermediary. For **pimps**, their business and main income comes from the sexual exploitation of children. They contact and entice children, offer them to exploiters who demand children and connect the victims with tourist and travel exploiters. Pimps may be owners of brothels that control income and businesses, operating alone or as part of CSEC or trafficking networks; they may also be individuals, including peers of the victims and family members.<sup>267</sup>

**Intermediaries** also play a crucial role in SECTT as they provide information and facilitate contact between victims and exploiters and the financial benefit they receive for doing so generally constitutes an extra source of income.<sup>268</sup> They tend to work both in the formal and informal sector and get a percentage either from exploiters or victims. They include hotel staff, taxi drivers, formal and clandestine tourist guides, owners or housekeepers of residences, street sellers, members of the communities, etc.<sup>269</sup> Intermediaries can contribute strongly to SECTT without sometimes seeing themselves as exploiters or being aware that they are committing a crime.<sup>270</sup>

Pimps and intermediaries sometimes work together, thus providing an infrastructure that allows the traveller or tourist exploiter to access children for sexual purposes. In Nicaragua, for instance, interviews and court records revealed that facilitator-exploiters identify potential victims based on economically vulnerable families. They deceive

<sup>263</sup> Calvo, José Manuel Salas and Guadamuz, Álvaro Campos (2004), “Explotación sexual comercial y masculinidad” in IIN and OEA (2013), “La explotación sexual comercial de niñas, niños y adolescentes en el contexto de viajes y turismo”, 23.

<sup>264</sup> Cerqueira-Santos et al. (2012), “Sexualidade do Trabalhador da Construção Civil”, 582 and 586.

<sup>265</sup> Segundo, Márcio et al. (2012), “Men, women and the commercial sexual exploitation of children and adolescents in four Brazilian cities”, 30-1.

<sup>266</sup> Davidson, J. O. C. (2001), “The sex exploiter”, (paper presented at the Second World Congress Against Commercial Sexual Exploitation of Children, Yokohama, Japan), accessed 25 November 2007, [http://www.ecpat.net/eng/Ecpat\\_inter/projects/monitoring/wc2/yokohama\\_theme\\_sex\\_exploiter.pdf](http://www.ecpat.net/eng/Ecpat_inter/projects/monitoring/wc2/yokohama_theme_sex_exploiter.pdf) in Cerqueira-Santos et al. (2012), “Sexualidade do Trabalhador da Construção Civil”, 585.

<sup>267</sup> ECPAT Brasil (2015), “Global Study on Sexual Exploitation of Children in Travel and Tourism – Country-specific report Brazil”, 47-9.

<sup>268</sup> *Ibid.*

<sup>269</sup> *Ibid.*, 49-54.

<sup>270</sup> Fundación Renacer (2011), “Sistematización del Proyecto para Prevenir la Explotación Sexual Comercial de Niñas, Niños y Adolescentes”, 86.

the families who let the girls or boys go in exchange for money, thus covering the facilitator-exploiters in the eye of the law due to the ‘complicity’ of the families.<sup>271</sup> In Nicaragua, the emergence of ‘tour guides’ – disguised intermediaries of sexual services in tourist cities – have been also observed in the Caribbean coastal area, Chinandega, Estelí, Granada, Leon and San Juan del Sur.<sup>272</sup>

In Chile, facilitator-exploiters have been reported to be linked both to hotels and travel agencies, as well as tourist transport, especially taxis, establishing individual relationships with travellers.<sup>273</sup> Also in Brazil, certain hotels and motels charge much more for someone who wants to have sex with children, for example: BRL500.00 (US\$160) for two hours; BRL4000 (US\$1266) if the girl is a virgin. Other hotels, in low season, when they have fewer customers, remove the warning of the SECTT prevention and “pretend not to see the tourists and travellers who take children and adolescents to their room”.<sup>274</sup> Women have also been observed contacting victims and exploiters and taking them to their own homes in North-eastern Brazil. They are known as ‘modern pimps’. In addition, there are also housekeepers who rent the houses where they work to exploiters to have sex with adolescents, and owners of beach houses who do the same.<sup>275</sup> In Costa Rica, meanwhile, reports identified the presence of different facilitator-exploiters, mostly taxi drivers and members of organised criminal networks, “who take the victims from local communities to places where they will be sexually exploited by tourists or travellers. These are usually private apartments”.<sup>276</sup>

It has also been established that peers (boys and girls) can operate as facilitator-exploiters, using their relationship with children and understanding of their problems to “earn their trust and manipulate their needs, fears and dreams”.<sup>277</sup> As mentioned in Villarreal, Ruiz Torres claims that, in Acapulco and Cancún in Mexico, female children often arrive at establishments that offer sexual services through the

invitation of female friends who work at these places, and that the victims interact widely with and identify with these friends.<sup>278</sup>

In several countries, authorities are implementing measures to stop SECTT, but unfortunately this is resulting in the victimisation being hidden. In Latin America there is an emergence of **highly connected and complex networks** of both nationals and foreigners that facilitate SECTT. These people are generally also involved in drug smuggling and human trafficking and make use of ICT to connect and operate underground. It is very difficult to get information about these groups, and the little known was revealed in reports from victims that mentioned, for example, “the existence of flats, apartments and houses owned by foreigners where there is, throughout the year, a rotation of men who always seek [the company of] child escorts”.<sup>279</sup>

In Boca Chica in the Dominican Republic, for instance, “many tourist facilities on the beach, discos and restaurants are being owned (sic) by foreign residents in the country, each one attracting tourists of their same nationality. [...] An example of this is the phenomenon of Russian-run villas where not only foods and drinks are included, but also sexual services of Eastern European and Dominican women/girls. Tourists can book the villas and choose girls on the Internet”.<sup>280</sup> Furthermore, at large resorts, despite “more control over who enters the compounds”, exploiters access the networks of facilitator-exploiters: “hotel employees, taxi drivers, street or beach salespersons [...] match demand with supply”.<sup>281</sup> In Colombia, the emergence of “accommodation specially designed for foreign groups [has been reported in some cities. These are] known as ‘party hostels’ and have swimming pools, games and discos, among other services. There are studies that report the sexual exploitation of children and the sale of drugs in these places. [According to the same studies, some of these ‘party hostels’] are owned by foreigners”.<sup>282</sup>

<sup>271</sup> Fanjul Lizarralde, Cecilia (2014), “La explotación sexual comercial de niñas, niños y adolescentes en Nicaragua”, 22.

<sup>272</sup> ECPAT International (2014)a, “The Commercial Sexual Exploitation of Children in Latin America”, 14.

<sup>273</sup> Mendaña, Iria Retuerto Castellí, Denisse Araya and Tarducci, Giulia (n.d.), “Explotación Sexual Comercial de Niños, Niñas y Adolescentes en el Ámbito del Turismo y Viajes”, 14.

<sup>274</sup> ECPAT Brasil (2015), “Global Study on Sexual Exploitation of Children in Travel and Tourism – Country-specific report Brazil”, 58.

<sup>275</sup> *Ibid.*, 48 and 50.

<sup>276</sup> Sotelo, Marco (2013), “Experiencia de colaboración bilateral en el combate de la explotación sexual comercial de niños, niñas y adolescentes asociada al turismo en Costa Rica”, 27.

<sup>277</sup> Fanjul Lizarralde, Cecilia (2014), “La explotación sexual comercial de niñas, niños y adolescentes en Nicaragua”, 35.

<sup>278</sup> Villarreal, Héctor (2014), “La infancia como Mercancía Sexual”.

<sup>279</sup> ECPAT Brasil (2015), “Global Study on Sexual Exploitation of Children in Travel and Tourism – Country-specific report Brazil”, 53.

<sup>280</sup> Defence for Children - ECPAT the Netherlands (2013), “Protection of children against sexual exploitation in tourism – Capacity building and awareness raising activities in Thailand, Cambodia, Philippines, Gambia and Dominican Republic”, Leiden, The Netherlands: Defence for Children – ECPAT the Netherlands, 39, accessed 9 April 2014, <http://www.defenceforchildren.nl/images/13/2817.pdf>

<sup>281</sup> ECPAT International (2014)a, “The Commercial Sexual Exploitation of Children in Latin America”, 15.

<sup>282</sup> Oficina de las Naciones Unidas contra la Droga y el Delito (UNODC) (2013), “Estudio Exploratorio Descriptivo de la Dinámica Delictiva del Tráfico de Estupefacientes, la Trata de Personas y la Explotación Sexual Comercial Asociadas a Viajes y Turismo en el municipio de Medellín, Colombia”, 34, [http://www.unodc.org/documents/colombia/2013/Noviembre/UNODC\\_Medellin.pdf](http://www.unodc.org/documents/colombia/2013/Noviembre/UNODC_Medellin.pdf) in Fundación Renacer – ECPAT Colombia (2014), “Informe de Monitoreo de País sobre la Explotación Sexual Comercial de Niños, Niñas y Adolescentes – Colombia”, Bangkok: ECPAT International, 23, [http://www.ecpat.org/wp-content/uploads/legacy/CMR\\_COLOMBIA\\_FINAL.pdf](http://www.ecpat.org/wp-content/uploads/legacy/CMR_COLOMBIA_FINAL.pdf)

At the international level, there are also agents (tour operators) who organise package sex tours or provide information about particular resorts where CSEC is commonplace.<sup>283</sup> It has been disclosed that a tourist agency in the United States offered US\$4000 Amazon fishing packages. Once there, the team hired girls, claiming that they were needed for cleaning and tidying the boats. The girls reported that they were doped and sexually exploited and received between BRL30-100 (US\$10-32) for this sexual programme.<sup>284</sup>

Therefore, the greater the SECTT demand, the greater and more sophisticated the offer must be in order to avoid the controls for this crime. “Increases in the use of information and communication technologies, as well as rapid improvements in connectivity in the Region, foundations to groundwork, have laid the foundations for emerging trends in child sexual exploitation”.<sup>285</sup> Strategies in preventing and combating SECTT should target the intermediaries in order to create awareness, educate them and encourage them to be socially responsible, acting as preventive agents working to protect children.

## CHILDREN’S VOICES AND SECTT

Child survivors of SECTT, like survivors of other modalities of CSEC, tend to not see themselves as victims. In fact many of them believe they are the ones who are ‘using’ the tourists and travellers, taking their money or ‘presents’, in accordance with the social belief that the children, especially teenagers and among them those who are homosexual, are responsible for the exploitation. Statements from children such as ‘it’s my job’, ‘he is my partner’, ‘he did not force me’ or ‘I wanted to’ confirm the conceptions of communities – and even of child protection officials working in the judicial system – that exploited teenagers are not victims but rather a ‘problem’ that they cannot control.

This section presents a case from a boy victim in Uruguay to illustrate the different aspects that play a role in the sexual exploitation of children and the victims’ perception of themselves as responsible for the exploitation. It involves not just SECTT, but also other overlapping forms of CSEC, which is common in such cases.

### A Case Study in SECTT: Carlos’ Story

“Carlos [real name withheld] was 13 years old when he became a victim of commercial sexual exploitation for the first time. Currently he is 20 years old and is believed to be living with the exploiter [...]. Three civil organisations intervened in his case, [along with the State through] INAU and the National Office for the Social Prevention of Crime (DNPSD). However, the crime remained unpunished because, [according to the organisations], mainly because there was no testimony from the Carlos”.<sup>286</sup> The lack of testimony from the victim – a common occurrence due to the child often not seeing themselves as a victim – is a typical argument from different bodies for not legally processing cases of CSEC. However, such a system places the responsibility on the children or the families, who need to report the crime, and not on the legal institutions that should investigate cases and make exploiters accountable.

Within his family, Carlos experienced a chronic situation of abandonment, neglect and lack of care. His mother was generally not at home and Carlos and his brothers begged and occasionally looked after cars to survive. One day, Carlos disappeared from the area and stopped attending classes. The school decided then to investigate what was happening and found out that he was living in the city of Canelones, with a man he had met on the street in the Colón area. This man was a businessman and electrician aged 50.<sup>287</sup>

The man had pornographic photos of children and adolescents hanging on the walls, including compromising photos of Carlos, [...]. However, his mother insisted that it was fine for Carlos to remain in the man’s house. The educators interviewed the man and directly accused him of abusing Carlos, [According to an informant], he initially denied it, but eventually started crying openly and said that he had fallen in love with Carlos. He said he wasn’t doing him any harm, that he loved him and was protecting him, and that they had to understand that. The educators then told him that they were going to report the crime, and he asked them not to, promising not to let Carlos live in his home anymore.<sup>288</sup>

<sup>283</sup> Terrero, Lucía Sáenz (2014)a, “Social Impacts of Tourism in Brazil”, 12.

<sup>284</sup> ECPAT Brasil (2015), “Global Study on Sexual Exploitation of Children in Travel and Tourism – Country-specific report Brazil”, 54-5.

<sup>285</sup> ECPAT International (2014)a, “The Commercial Sexual Exploitation of Children in Latin America”, 10.

<sup>286</sup> Rostagnol, Susana (2007), “Historias en el Silencio: Prostitución Infantil y Adolescente en Montevideo y Área Metropolitana”, Montevideo, Uruguay: UNICEF and RUDA, 44, accessed 30 May 2015, [http://www.unicef.org/uruguay/spanish/prostitucion\\_ruda\\_unicef07web.pdf](http://www.unicef.org/uruguay/spanish/prostitucion_ruda_unicef07web.pdf).

<sup>287</sup> *Ibid.*, 45-6.

<sup>288</sup> *Ibid.*, 46-7.

According to research, the ‘emotional attachment’ that children tend to feel for their exploiters is due to the emotional impact of the rejection and abuse they have experienced in their homes, which weakens their self-esteem.<sup>289</sup> As seen in Carlos’ case, exploiters take advantage of this, presenting themselves to victims as a so-called protective figure who is moved by the child’s situation and helps them while covertly seeking something in return.<sup>290</sup> The same applies to pimps. As a 16-year-old boy in Bogota reported: ‘I am living with a man called Yeye. He sells cell phone minutes in Lourdes, he is in charge of answering the phone and putting us in contact with customers ... He charges them COP50,000 (approximately US\$18) pesos for each contact, and he charges us for the room ... Other children who have been thrown out of their homes live there too’.<sup>291</sup>

After this experience, Carlos left the neighbourhood. When he was 14 years old the educators met him again and he told them he was living in Northern Cordón with another man who he had met at the muro de los lagartos (Rodó Park, Ramírez Beach) – an area where exploiters are known to look for children for prostitution. Carlos was having problems with the man and asked the outreach team for help. They suggested organising an interview to clarify the situation and to coordinate support for Carlos, especially in relation to his schooling. This interview would allow them to regularise Carlos’ living arrangements with the Juvenile Court and make INAU and the Juvenile Court aware of Carlos’ situation. The man claimed that the mother had given Carlos permission to live with him, and refused the interview, saying that they would do things differently.<sup>292</sup>

When Carlos turned 15, the man arrived at the school without prior notice. He was a public figure with a media profile and often spoke out in the interests of street children. He arrived with Carlos and Carlos’ grandmother, with a copy of the report submitted by the educators to the court, which he obtained thanks to his influence with court staff. “The man said that he had met Carlos in the street and simply did him a favour by taking him to his house, taking care of him, enrolling him in school, and to do this he pretended to be his uncle [...]. The grandmother [said...] that she agreed that Carlos should live with the man, because she worked all day and could not take

care of him [...]. At no time during the interview did Carlos indicate that he was experiencing abuse. He said that he was well, [... and so] they agreed that if any problems arose he would report them [to the educators]”.<sup>293</sup> “A week after the interview in [which Carlos said he was okay, he appeared in the neighbourhood at midnight. He asked to speak to one of the educators. In this conversation he admitted he was experiencing abuse, [which according to his description includes elements of SECTT. He said] that the man maintained sexual relations with him [...and] that he had participated in private parties in other parts of Montevideo and mentioned several cities in Canelones; he did not identify these places clearly. He then said that he had been to prestigious hotels in Montevideo and the interior of the country attending these private parties. He said he felt uncomfortable because there were things that he didn’t like, such as drug taking. Carlos was frightened by the consumption of drugs as knew he could not take them due to a health problem and the situation of abuse became a background issue. [...According to an informant, it appeared that] drugs were being distributed from the man’s house. Carlos said it was acid brought from Italy by the man’s friend and that there were always lots of people at the parties]”.<sup>294</sup>

In Carlos’ case, his fear of taking drugs led him to seek

<sup>289</sup> Fundación Renacer – ECPAT Colombia et al. (2011), “Caracterización y georreferenciación de las dinámicas de la explotación sexual de niñas, niños y adolescentes asociada a viajes de turismo”, 20.

<sup>290</sup> *Ibid.*

<sup>291</sup> *Ibid.*, 21.

<sup>292</sup> Rostagnol, Susana (2007), “Historias en el Silencio”, 48.

<sup>293</sup> *Ibid.*, 49.

<sup>294</sup> *Ibid.*, 50.

Despite Carlos' concerns about taking drugs, it has been reported that vulnerable or/and sexually exploited children are at increased risk of becoming dependent on drugs. Drugs act as an important factor that helps the facilitator-exploiters keep victims trapped, as often the payment for prostitution is with drugs instead of money. Thus, exploiters use drugs as a strategy; at first they offer them freely, and then the child has to pay for the debt created, which is done through prostitution or other form of sexual exploitation. Many victims have described this dynamic: 'I did [drugs] and as there was no one to take care of us, we fell into sexual exploitation too'; 'I got into drugs and got involved with men to be able to get them'; 'in my case I did [drugs] to be able to do what the exploitation demanded because if I had to do it fully aware I would feel very scared. So I had to take drugs to be able to work'; and 'it's like they say, you have to be really doped up first to go into a house with a man you don't know'.<sup>295</sup>

In 2010 in Cartagena, the first foreign citizen was convicted in Colombia for CSEC crimes after a victim died due to an overdose of cocaine taken with the exploiters. The charges were for child pornography although this is also a case of SECTT: "Yesid Torres, aged 15, was forced to provide sexual services under the cover of domestic work to an Italian paedophile, aged 72, in a rented apartment in a wealthy residential area of the city. Other young adults and minors were also involved, including the younger brother of Yesid's best friend, aged 13 at the time. Yesid died on his way to hospital from an overdose of cocaine taken in the company of the Italian. A camera containing pornographic pictures was found immediately afterwards in the apartment, together with whisky, drugs and the drunk and half naked paedophile himself. The sexual services were rewarded in kind. For example, a new motorbike was offered to Yesid by the perpetrator. The foreign perpetrator was sentenced to 15 years in prison and a fine of 30,000 dollars. His two accomplices got 10 years of jail time and a fine of 14,000 dollars."<sup>296</sup>

help. After that he started therapy in an NGO and it was then that he began to talk about his participation in pornographic videos. "At that time, the State and civil society institutions that were following Carlos' case asked for the help of Crime Prevention. According to Carlos' accounts, it was presumed that there were links with a network [for trafficking children] for sexual exploitation. Carlos said that he had gone to Buenos Aires and had

participated in 'meetings' held on farms, at ranches and hotels. He had left the country without permission and without documents – clearly a [...] regional [trafficking network was operating. The institutions] suggested closing the borders because Carlos had mentioned a possible trip to Italy, where a friend of the man lived".<sup>297</sup>

<sup>295</sup> Save the children u.k. (2005), "Estado atual do abuso e a exploração sexual de meninos, meninas e adolescentes: o caso do brasil e colômbia. Relatório técnico final", Bogotá, Colombia, 70.

<sup>296</sup> Terre des Hommes (2010), "The first pedophile tourist sentenced to 15 years of imprisonment", *Terre des Hommes*, accessed 23 June 2015, <http://www.tdh.ch/en/news/the-first-pedophile-tourist-sentenced-to-15-years-of-imprisonment>

<sup>297</sup> Rostagnol, Susana (2007), "Historias en el Silencio", 52-3.

It was requested that the man's house be investigated. However, the situation was rather complex due to lack of evidence apart from Carlos' claims. The declarations of the educators who heard his stories were not taken as evidence. Gradually, Carlos began to deny that he was being exploited. A hearing was held in the Juvenile Court, and the institutions involved, his mother and father, Carlos and the man were all subpoenaed. However, only the man and the institutions' representatives were present. They all testified but Carlos' testimony was missing and therefore the criminal prosecution did not continue.<sup>298</sup> Carlos' case is representative in that it shows **SECTT does not occur in isolation**, rather it is closely linked with other modalities of CSEC such as sexual exploitation in prostitution, child pornography and human trafficking, all of which often happens undercover. This demonstrates the complexity of the problem and the difficulties involved in identifying cases of SECTT when there is overlap with other forms of CSEC.

It is also worth highlighting some of the obstacles that prevented the restitution of Carlos' rights. In the first situation of exploitation, the educators should have reported the exploiter, and the protection institutions should have followed the matter up with the mother as she was clearly not protecting Carlos or her other children. Later, Carlos was faced directly with the second exploiter in different interviews and was thus re-victimised. Worse still, the way that the exploiter obtained the court complaint delivered a message of impunity both to Carlos and the educators, showing his ability to violate the right of confidentiality in judicial proceedings. This also illustrates the corruption of the body in charge of the case, which is another obstacle for prosecuting exploiters, as explained earlier in the chapter.

Additionally, this process took around five months, allowing the exploiter both to stay in contact with Carlos and to influence his testimony while the judicial institutions were not able to gather enough evidence to support the case, warrant impunity to the exploiter. It is possible that when Carlos is asked about this experience he does not see himself as a victim and rather sees the exploiter as his 'partner', but in reality Carlos is a survivor whose rights were not restored by institutional intervention.

According to the contribution submitted by Ecuador to IIN, the restitution of rights includes three general processes and at least the following aspects: "immediate and definitive cessation of the situation of exploitation; restoration of the set of rights that this situation violated, reintegration into the community and the relevant social aspects (repair or creation of new social and emotional networks); coming to terms with traumatic experiences and the consequences of what has been experienced as well as the restoration of dignity (curbing stigmatisation)".<sup>299</sup>

To follow up on this proposal, the three processes for the restitution of rights should have been in place: attention for the child whose rights were violated; protection of their rights; and punishment of the offender or the violator of rights.<sup>300</sup>

In Carlos' case, social institutions did provide assistance; however, it was limited. As for protection, this was not guaranteed as the violation was repeated and Carlos remained in a situation of exploitation. Finally, those responsible for the violation (exploiters) were not punished.

<sup>298</sup> *Ibid.*, 53-54

<sup>299</sup> IIN (2011)c, "Modelos y estrategias de intervención de la restitución de derechos a las víctimas de ESCNNA", Montevideo, Uruguay: IIN, 02, accessed 26 July 2015, [http://www.annaobserva.org/2012/wp-content/uploads/2015/05/Restitucion\\_ESP.pdf](http://www.annaobserva.org/2012/wp-content/uploads/2015/05/Restitucion_ESP.pdf)

<sup>300</sup> *Ibid.*

# CHAPTER 5

## INTERNATIONAL, REGIONAL AND NATIONAL RESPONSES TO SECTT

Since the First World Congress against the Commercial Sexual Exploitation of Children in Stockholm in 1996, governments, international private entities and NGOs have undertaken a wide range of measures to tackle the phenomenon of CSEC in Latin America. In all countries covered by this study, significant progress has been made: awareness of the issue has generally improved, some countries have strengthened their legal framework for recognising CSEC as a crime and punishing the exploiters, and good cooperation has also been established between different sectors. However, there are still major challenges to overcome in terms of protecting, rehabilitating and integrating survivors, as well as increasing the involvement of children and young people.

In Stockholm, five areas were defined for monitoring the actions taken by Member States to combat CSEC: coordination and cooperation; prevention; protection; recuperation and reintegration; and participation of children. After describing the background, this chapter uses these areas to review the responses to CSEC specifically in the context of travel and tourism in 14 Latin American countries: Argentina, Brazil, Chile, Colombia, Costa Rica, Dominican Republic, Ecuador, Guatemala, Mexico, Nicaragua, Panama, Paraguay, Peru and Uruguay.

### BACKGROUND: APPEARANCE OF SECTT ON THE LATIN AMERICAN AGENDA

Although the wider issue of sexual exploitation of children was formally recognised as a problem by most countries with the signing of the Convention on the Rights of the Child in the early 1990s, it has taken somewhat longer

for the different forms of this problem, such as SECTT, to come into sharp focus, and each region's experience has been different. Therefore, this section looks at the appearance of SECTT as a specific issue on the Latin America agenda. Although some of the information below relates more generally to responses to CSEC, it is important for understanding how actions dealing with SECTT have developed in the region.

While some local initiatives obviously have a much longer history, the first major step towards a *coordinated regional response* took place on 7 June 1999 – after the First World Congress against the Commercial Sexual Exploitation of Children in Stockholm in 1996 – when the General Assembly of the OAS<sup>301</sup> assigned the Inter-American Children's Institute (IIN) the task of producing an annual report for the General Secretary of the OAS about the measures taken by member States to combat CSEC.<sup>302</sup>

In November 2001, IIN and UNICEF organised the Regional Government Congress on the Sexual Exploitation of Children and Adolescents,<sup>303</sup> a space where national government and non-governmental organisations and international entities could meet to define a regional strategy for Latin America and the Caribbean. The commitments agreed upon – which were in turn presented at the Second World Congress against Commercial Sexual Exploitation of Children in Yokohama, Japan, in 2001 – included the monitoring of policies and action plans against CSEC, and checking that international commitments assumed on signing the Declaration and Agenda for Action on the Rights of the Child were being fulfilled.

<sup>301</sup> The Organization of American States (OAS), composed of 35 independent States of the Americas, is “the main political, juridical, and social governmental forum in the Hemisphere”. OAS (n.d.), “Who We Are”, *Organization of American States*, accessed 02 June 2016, [http://www.oas.org/en/about/who\\_we\\_are.asp](http://www.oas.org/en/about/who_we_are.asp)

<sup>302</sup> This was done under Resolution AG/RES 1667 (XXIX-0/99). For details see IIN (Instituto Interamericano del Niño, la Niña y Adolescentes) (n.d.), “Bienvenidos al IIN”, *Instituto Interamericano del Niño, la Niña y Adolescentes*, accessed 01 June 2015, <http://www.iin.oea.org/IIN2011/index.shtml>.

<sup>303</sup> See “Commitment to a strategy against the commercial sexual exploitation and other forms of sexual violence against children in the Latin America-Caribbean Region” for more information about the results of the Consultation. Regional Governmental Congress on the Sexual Exploitation of Children and Adolescents (2001), “Commitment to a Strategy against Commercial Sexual Exploitation and other Forms of Sexual Violence against Children and Adolescents in the Latin America-Caribbean Region” (Adopted at: the Inter-American Congress against Sexual Exploitation of Children, Montevideo, Uruguay, 7-9 November 2001)



In 2004 the Follow-up Meeting to the Second World Congress against the Sexual Exploitation of Children and Adolescents took place in San José, Costa Rica. The goal of this meeting was to evaluate the commitments made by Latin American and Caribbean governments. Here it was reported that the number of OAS countries with national action plans to combat SEC amounted to 22 in 2004. It was also reported that from 2001 to 2004 legal systems had been changed, and that national committees and networks had been created to promote changes to policies and legislation.<sup>304</sup>

However, although efforts were clearly being made, a comprehensive and cohesive approach to tackling CSEC in all its forms was still missing. After the First Meeting of National Authorities on Trafficking in Persons, held in March 2006 on Margarita Island, Bolivarian Republic of Venezuela, the OAS members recognised the need for more coordinated actions to combat CSEC in pornography and smuggling/trafficking of minors. Subsequently, resolution AG/RES. 2240 (XXXVI-O/06)<sup>305</sup> “Combating the Commercial Sexual Exploitation and Smuggling of and Trafficking in Children in the Hemisphere” was passed in the OAS General Assembly of June 2006. This resolution, as well as urging member States to sign and ratify the relevant international instruments, requested that IIN work in coordination with the OAS Department for the Prevention of Threats against Public Security to address this issue.

In 2007, through resolution CD/RES.10 (82-R/07), IIN Directing Council created the “Inter-American Cooperation Program for the Prevention and Eradication of Child Commercial Sexual Exploitation and Illegal Trafficking”.<sup>306</sup> This initiative, together with the creation of a dedicated fund for an “Observatory on Prevention and Eradication of Commercial Sexual Exploitation and Smuggling of and Trafficking in Minors”, was given further support in June 2008 by the General Assembly through resolution AG/RES. 2432 (XXXVIII-O/08), whereby IIN was instructed to provide “advice to the member states, upon request,

in their efforts to adopt or amend domestic legislation, regulations and procedures to combat commercial sexual exploitation and smuggling of and trafficking in children, including legislation dealing with travel authorisations and migration control”.<sup>307</sup>

The Rio de Janeiro Declaration and Call for Action to Prevent and Stop Sexual Exploitation of Children and Adolescents, emerging from the Third World Congress against Sexual Exploitation of Children held in Rio de Janeiro, Brazil in November 2008, was an important platform for bringing attention to the “high level of sexual exploitation of children and adolescents in all countries and “the increase in certain forms of sexual exploitation of children and adolescents, in particular through abuse of the Internet and new and developing technologies, and as a result of the increased mobility in travel and tourism”.<sup>308</sup>

As a consequence, a specific call was made to combat the sexual exploitation of children and adolescents in new contexts such as travel and tourism through the following measures:

*(16) Encourage and support the tourism, travel and hotel sectors in adopting professional Codes of Conduct, for example by joining and implementing the Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism; encourage the use of businesses that put in place appropriate child protection-focused corporate social responsibility strategies; and/or provide other incentives for those participating.*

*(17) Ensure that all stakeholders pay specific attention to unregulated tourism to prevent domestic and international travellers from sexually exploiting children and adolescents.*

*(18) Cooperate in the establishment of an international travel notification system, such as the Interpol ‘green notice’ system, in accordance with applicable law and human rights standards.*

<sup>304</sup> Gobierno de Costa Rica et al. (n.d.), “Que tu mirada sea siempre vigilante... Contra la explotación sexual comercial de niños, niñas y adolescentes”, (Memoria de la Reunión de Seguimiento del II Congreso Mundial contra la Explotación Sexual Comercial de Niños, Niñas y Adolescentes – América Latina y El Caribe, San José, Costa Rica, 18-20 May 2004), 56, accessed 8 May 2015, <http://www.ilo.org/ipcinfo/product/download.do?type=document&id=6663>

<sup>305</sup> OAS General Assembly (2006), “Combating the Commercial Sexual Exploitation and Smuggling of and Trafficking in Children in the Hemisphere”, AG/RES. 2240 (XXXVI-O/06), 06 June 2006, para. 07, accessed 1 June 2015, [http://www.iin.oea.org/2006/Res\\_36\\_AG\\_OAS/AGRES\\_2240\\_ingles.htm](http://www.iin.oea.org/2006/Res_36_AG_OAS/AGRES_2240_ingles.htm)

<sup>306</sup> IIN Directing Council (2007), “Inter-American Program for the Prevention and Eradication of Child Commercial Sexual Exploitation and Illegal Trafficking”, CD/RES. 10 (82-R/07), 27 July 2007, para. 01, accessed 02 June 2016, [http://www.iin.oea.org/iin2011/english/documentos/CD-RES-10\\_82-R-07en.pdf](http://www.iin.oea.org/iin2011/english/documentos/CD-RES-10_82-R-07en.pdf)

<sup>307</sup> OAS General Assembly (2008), “Prevention and Eradication of Commercial Sexual Exploitation and Smuggling of and Trafficking in Minors”, AG/RES. 2432 (XXXVIII-O/08), para. 01, 03 and 04, accessed 14 April 2016, <http://www.annaobserva.org/2012/wp-content/uploads/2015/05/AG-RES-2432-3jun08-ING.pdf>

<sup>308</sup> III World Congress against Sexual Exploitation of Children and Adolescents (2008), “The Rio de Janeiro Declaration and Call for Action to Prevent and Stop Sexual Exploitation of Children and Adolescents”, (outcome document from III World Congress against Sexual Exploitation of Children and Adolescents, Rio de Janeiro, Brazil, 25-28 November 2008), para. 02, accessed 1 June 2015, [http://www.unicef.org/protection/Rio\\_Declaration\\_and\\_Call\\_for\\_Action.pdf](http://www.unicef.org/protection/Rio_Declaration_and_Call_for_Action.pdf)

(19) Ensure investigation and, where sufficient evidence exists, that appropriate charges are brought and vigorously pursued against the State's nationals who are reported or alleged to have sexually exploited a child in a foreign country.

(20) Prohibit the production and dissemination of material advertising the sexual exploitation of children in tourism; and alert travellers to criminal sanctions that will apply in cases of sexual exploitation of children.

(21) Monitor new and emerging tourist destinations and establish proactive measures to work with private sector partners involved in the development of tourism services on measures to prevent the sexual exploitation of children and adolescents, including the use of socially and environmentally responsible strategies that promote equitable development.<sup>309</sup>

After the Third World Congress, several sub-regional meetings were held with the support of IIN, OAS State Parties and civil society organisations to share experiences and progress. SECTT was recognised as a problem to be addressed in all of these meetings.

For instance, in the First Sub-regional Meeting held in Costa Rica in 2010, CSEC was identified as a problem in Central America's travel and tourism sector.<sup>310</sup> Participants also highlighted related issues such as: economic dependence on tourism that limits the response of oversight bodies; the lack of specific legislation or application of the existing law when CSEC exists; the lack of extraterritorial laws that criminalise and punish foreign exploiters; impunity; significant incidence of drug trafficking and use; and the image of developing destination countries as a place where different social rules apply with respect to age and sex.<sup>311</sup>

In the II Sub-regional Meeting held in Jamaica in 2011, the English-speaking Caribbean States expressed concern over gaps in the law, and the lack of controls on the movement of people.<sup>312</sup> Meanwhile, the III Sub-regional Meeting, held in Asunción, Paraguay, in 2012, highlighted "the importance [...] of involving other

actors such as businesspeople, civil society organisations, the media, and workers' unions that promote behaviours that are respectful towards children's rights and that offer reintegration opportunities to those who have been victims of these crimes. It was considered vital to define prevention and control strategies where there are large industrial enterprises and infrastructure projects that bring about a concentration of male workers, hopefully with the collaboration of companies and worker collectives".<sup>313</sup>

The IV Sub-regional Meeting held in El Salvador in 2013 reaffirmed the strong relationship between SECTT and trafficking and the worst forms of child labour, as well as the need to increase border control and coordinate transnational laws for investigating and punishing these crimes between the different State Parties.<sup>314</sup>

Below, the specific points of the Rio Declaration are taken into account in reviewing what has been done by the State Parties, NGOs, the private sector, and international organisations, to combat CSEC in the context of travel in tourism in the region.

## COORDINATION AND COOPERATION

In accordance with the Stockholm Declaration, cooperation is required between countries at the regional and international level to combat CSEC in a coordinated manner. This means building strong partnerships between government and non-government organisations both within countries and within the region to effectively plan and carry out efforts and to provide the necessary resources to tackle the problem.<sup>315</sup>

In Latin America, coordination and cooperation to combat CSEC in general has been developed at different levels. Civil society has been a key player in this effort, with support from the government and/or international aid organisations and organisations linked to the United Nations including the UNICEF, ILO, UNODC, Save The Children, Plan International, World Vision, Aldeas Infantiles SOS, the United Nations Population Fund (UNFPA), ECPAT International, and UNWTO, among others.

<sup>309</sup> *Ibid.*, 7-8.

<sup>310</sup> IIN (2012)a, "Buenas Prácticas en el Abordaje de la Explotación Sexual de Niños, Niñas y Adolescentes (II). Sistematización del Encuentro Regional Prevención, Protección y Restitución de derechos frente a la ESCNNA: Experiencias para Pensar", <http://www.annaobserva.org/2012/?p=170>, in IIN and OEA (2013), "La explotación sexual comercial de niñas, niños y adolescentes en el contexto de viajes y turismo", 28.

<sup>311</sup> *Ibid.*, 29.

<sup>312</sup> IIN (2011)a, "Buenas Prácticas en el Abordaje de la Explotación Sexual de Niños, Niñas y Adolescentes (III). Sistematización del Encuentro Regional sobre "Protección de los Niños del Caribe contra la explotación sexual comercial", [http://www.annaobserva.org/2012/wp-content/uploads/2012/09/Buenas\\_Practicas\\_ESCNNA\\_III.pdf](http://www.annaobserva.org/2012/wp-content/uploads/2012/09/Buenas_Practicas_ESCNNA_III.pdf) in IIN and OEA (2013), "La explotación sexual comercial de niñas, niños y adolescentes en el contexto de viajes y turismo", 30.

<sup>313</sup> IIN (2012)b, "Nota N° 2/12, III Encuentro Sub-Regional sobre "Prevención, Protección y Restitución de derechos frente a la Trata y la ESCNNA: Experiencias para Pensar", [http://www.annaobserva.org/2012/wp-content/uploads/2012/09/Nota\\_N%C2%BA2-12\\_III\\_Encuentro\\_Sub-Regional.pdf](http://www.annaobserva.org/2012/wp-content/uploads/2012/09/Nota_N%C2%BA2-12_III_Encuentro_Sub-Regional.pdf), in IIN and OEA (2013), "La explotación sexual comercial de niñas, niños y adolescentes en el contexto de viajes y turismo", 30.

<sup>314</sup> IIN and OEA (2013), "La explotación sexual comercial de niñas, niños y adolescentes en el contexto de viajes y turismo", 30.

<sup>315</sup> First World Congress against Commercial Sexual Exploitation of Children (1996), "The Stockholm Declaration and Agenda for Action", 04.

The inter-institutional platforms to combat CSEC at the regional and national level have been shaped by the political agendas of ruling governments and the particular areas of interest of funding organisations. For instance, the issue of human trafficking has recently figured highly on the political agenda precisely because of its transnational nature. As a consequence, many actions aimed at combating SECTT appear within the framework of other projects dealing with human trafficking or CSEC in general.<sup>316</sup> Listed below are some of the institutional spaces with a special focus on SECTT.

## International and Regional Responses

### The Inter-American Children's Institute (IIN) – Organization of American States (OAS)

IIN is a body of OAS that has become a key player in Latin America, coordinating actions between State Parties and other civil society and international aid organisations to prevent and combat CSEC. Since 2007, when IIN created the “Inter-American Cooperation Program for the Prevention and Eradication of Child Commercial Sexual Exploitation and Illegal Trafficking”, several strategies have been developed, mainly along three lines: (i) Gathering and updating information about the topic of CSEC in the region and making it available to State Parties; (ii) Generating information and specialised knowledge on the topic of CSEC, including best practice guidelines by the above-mentioned program; and (iii) Human resource training and specialised technical assistance for State Parties.<sup>317</sup>

Key initiatives of the IIN include the Inter-American Observatory on the Commercial Sexual Exploitation of Children or ANNA Observa ([www.annaobserva.org](http://www.annaobserva.org)), a repository of country-specific information related to CSEC. IIN has also organised regional and sub-regional meetings on “Prevention, protection, and restoration of the rights of children against commercial sexual exploitation”, as mentioned above. These meetings have contributed to the publication of a series called “Best Practices”, as well as providing information about actions undertaken by State Parties and the outcomes of the Inter-American Cooperation Program for the Prevention and Eradication of Commercial Sexual Exploitation and Illegal Trafficking

in Minors. This information forms the basis of the annual report to the General Secretary of the OAS. In turn, the General Assembly provides IIN with recommendations and directions to continue combating CSEC in the Americas.<sup>318</sup>

With regards to SECTT, IIN has been working to increase State Parties' knowledge of this manifestation of CSEC and consequently encourage actions. In fact, the 2013 IIN meeting, held in El Salvador, focused specifically on this topic. The XIII report to the Secretary General of OAS examined the same issue to generate knowledge about this phenomenon and share ways of combating it.<sup>319</sup>

### The United Nations World Tourism Organization (UNWTO)

The UNWTO has been vital in helping Latin American countries recognise that, although tourism produces great benefits, it can also have negative effects if it is not developed in a responsible and sustainable manner. In order to establish a common framework to “guide key-players in tourism development” (governments, the travel industry, communities and tourists), the UNWTO adopted the Global Code of Ethics for Tourism (GCET) in 1999, a morally rather than legally binding code for UNWTO members including Argentina, Bolivia, Brazil, Chile, Colombia, Costa Rica, Cuba, the Dominican Republic, Ecuador, El Salvador, Guatemala, Honduras, Mexico, Nicaragua, Panama, Paraguay, Peru, Uruguay and Venezuela.<sup>320</sup>

Through the World Tourism Network on Child Protection, the UNWTO has been working to prevent all forms of child exploitation in tourism.<sup>321</sup> This is in line with the principles of the GCET, whose Article 2, Numeral 3 states: “The exploitation of human beings in any form, particularly sexual, especially when applied to children, conflicts with the fundamental aims of tourism and is the negation of tourism; as such, in accordance with international law, it should be energetically combated with the cooperation of all the States concerned and penalised without concession by the national legislation of both the countries visited and the countries of the perpetrators of these acts, even when they are carried out abroad.”<sup>322</sup>

<sup>316</sup> Other platforms that address human trafficking with a special emphasis on children include Niñ@sur (Mercosur) and the Regional Conference on Migration, or Puebla Process (RMC).

<sup>317</sup> IIN (Instituto Interamericano del Niño, la Niña y Adolescentes) (2011)b, “Plan de Acción 2011-2015”, 31-2, accessed 1 June 2015, [http://www.iinadmin.com/public/uploads/files/Plan\\_de\\_accion\\_2011-2015.pdf](http://www.iinadmin.com/public/uploads/files/Plan_de_accion_2011-2015.pdf).

<sup>318</sup> See all OAS resolutions at: <http://www.oas.org/consejo/sp/AG/resoluciones-declaraciones.asp>.

<sup>319</sup> See IIN and OEA (2013), “La explotación sexual comercial de niñas, niños y adolescentes en el contexto de viajes y turismo”. Previous focus topics included: X Report “CSEC on the Internet” (2010), XI report “Experiences of remedying harm and restoring rights in the region: progress and challenges” (2011), and the XII report “Proposals for building a reference framework for reparation and restitution of rights to child victims of CSEC from a gender-based perspective” (2012).

<sup>320</sup> UNWTO, (2015)a, “Regional Commissions of the World Tourism Organization”, SG/041 Rev. 70, accessed 19 May 2016, <http://cf.cdn.unwto.org/sites/all/files/docpdf/unwtoregcomoct15e.pdf>

<sup>321</sup> Ethics and Social Responsibility Programme (n.d.)a, “World Tourism Network on Child Protection”, *Ethics and Social Responsibility Programme*, accessed 1 June 2015, <http://ethics.unwto.org/en/content/world-tourism-network-child-protection>

<sup>322</sup> Ethics and Social Responsibility Programme (n.d.)b, “Global Code of Ethics for Tourism – Article 2”, *Ethics and Social Responsibility Programme*, accessed 02 June 2016, <http://ethics.unwto.org/en/content/global-code-ethics-tourism-article-2>

The annual meeting of the World Tourism Network on Child Protection is a forum in which Latin American representatives participate actively, sharing experiences and raising awareness about this issue.<sup>323</sup> However, there have been some concerns over whether this platform can bring wider attention to the problem and whether it will result in greater knowledge, more reliable data, legal improvements and other actions among the States. In 2015, Ms. Carol Bellamy, Chair of the World Tourism Network on Child Protection stated that “[t]he Network is in the process of revitalising to become more effective with ‘action’ as the key word [...] General focus areas will be gathering and sharing of current best practices, addressing domestic travellers as well as cross-border travellers, and strengthening advocacy vis-à-vis governments and the tourism industry to raise the profile of the issue.”<sup>324</sup>

In Latin America, with the support of the UNWTO, the Ministries of Tourism in various member States have carried out regional and national initiatives in partnership with the industry sector and civil society organisations to prevent CSEC in the context of travel and tourism, gradually overcoming the resistance to speak openly about this crime. Some of these initiatives are presented below.

### **Regional Action Group of the Americas (GARA)**

GARA’s mission is to “protect children from exploitation in travel and tourism”. It is an important platform in Latin America as its main objective is to generate regional strategies to combat SECTT. Its members are Argentina, Bolivia, Brazil, Chile, Colombia, Ecuador, Paraguay, Peru, Surinam, Uruguay and Venezuela. Additionally, Costa Rica, Cuba, Curaçao, Dominican Republic and Mexico participate as observer countries, and the UNWTO and UNICEF as observer organisations.<sup>325</sup>

GARA was formed in 2005 within the First Meeting of South American Tourism Ministers and High Level Authorities for the Prevention of Commercial Sexual Exploitation of Children in Tourism. Since then, the member States’ representatives have met annually to follow up the actions of the Regional Action Plan and agree on further steps. The Regional Action Plan is a road

map and each country is responsible for implementing the tasks defined in the meetings under the following lines of action: Training, Regional Campaign, Use of Communication Platforms (internet portal) and Best Practice Tools/Code of Conduct.<sup>326</sup>

In October 2014, during GARA’s Seventh Annual Meeting which was held in Ecuador, the members agreed, among other things, to share methodologies that help to gather information on “sex crimes within tourist activities”; to set up a shared directory between countries with hotlines for reporting cases of CSEC; to create a document of technical recommendations for ministries of tourism and bodies that regulate and control the tourism sector; and invite Costa Rica, Mexico and other countries – who have expressed an interest – to join the group.<sup>327</sup>

### **The Andean Committee of Tourism Authorities (CAATUR)**

Under the auspices of the Andean Community – comprising Bolivia, Colombia, Ecuador and Peru<sup>328</sup> – CAATUR has begun developing initiatives to fight CSEC, recognising the merit of working in coordination with GARA. On 28 November 2011, a video conference took place relating to the prevention of sexual exploitation of children in travel and tourism. In this meeting, the participants agreed to focus on four lines of action: laws; training and awareness-raising; promotional campaigns; and quality of tourism.<sup>329</sup> It was not possible to find out how these efforts have progressed, however, as the lines of work defined are complementary to those defined by GARA and the two groups have expressed their intention to cooperate. CAATUR is an important body for fighting SECTT in the region.

The fact that the last two groups listed directly address SECTT is very positive in Latin America. Nevertheless, there is limited information about the joint initiatives that each group has carried out at the regional level with their partner States. GARA, for instance, has a strategic plan and a number of initiatives have been carried out in different countries, but there is still a need to go beyond national borders when undertaking and reporting on efforts.

<sup>323</sup> Ethics and Social Responsibility Programme (2013), “28th meeting of the World Tourism Network on Child Protection”, *Ethics and Social Responsibility Programme*, accessed 1 June 2015, <http://ethics.unwto.org/en/event/28th-meeting-world-tourism-network-child-protection>.

<sup>324</sup> UNWTO (2015), “Report of the 30th meeting of the World Tourism Network on Child Protection”, 01.

<sup>325</sup> Ecuador, Ministerio de Turismo (n.d.), “Avances del grupo de acción regional de las Américas para la protección de la niñez y adolescencia en turismo 2009”, accessed 15 May 2015, <http://www.southamericantaskforce.gob.ec/documents.html>

<sup>326</sup> *Ibid.*

<sup>327</sup> Ecuador, Ministry of Tourism (2014), “Acta de la VII Reunión del grupo de Acción Regional de las Américas (GARA) para la Prevención de la Explotación Sexual de Niñas, Niños y Adolescentes en Viajes y Turismo”.

<sup>328</sup> For further information about the Andean Community, see: Comunidad Andina (n.d.), “¿Qué es la CAN?”, *Comunidad Andina*, accessed 20 May 2015, <http://www.comunidadandina.org/Seccion.aspx?id=189&tipo=QU&title=somos-comunidad-andina>

<sup>329</sup> Secretaria General Comunidad Andina (2011), “Informe - Reunión sobre Prevención de Explotación Sexual de Niños, Niñas y Adolescentes en Viajes y Turismo (Esna) – Videoconferencia”, SG/RE.ESNNA/INFORME 16 de diciembre de 2011 D.2.3, para. 02, accessed 18 May 2015, [http://intranet.comunidadandina.org/Documentos/Reuniones/DFinales/SG\\_RE\\_ESNNA\\_INFORME.pdf](http://intranet.comunidadandina.org/Documentos/Reuniones/DFinales/SG_RE_ESNNA_INFORME.pdf)

## National Responses

### National Action Plans

While all 14 countries included in this study have at least one national plan that addresses the sexual exploitation of children either directly or indirectly, not all of them have developed specific actions plans to combat CSEC.

One reason for this may be that the political approach to combating CSEC can change from one government to another or even among different government bodies. For example, there has recently been a marked increase in measures and actions to tackle human trafficking in Latin American countries. This has been especially relevant in the context of migration and border control, and has received a great deal of international attention. Fighting transnational trafficking of people, especially children, is obviously very important in the fight against CSEC, as a great number of victims are trafficked for sexual purposes – according to ECPAT, “[i]n the Americas, around 27% of victims of trafficking are under 18 years of age, and more than 50% are trafficked for sexual purposes”.<sup>330</sup> However, some argue that this focus has led to other forms of CSEC, such as SECTT, being neglected.

In Peru, for instance, it was reported that “some service operators do not see adolescents who are exploited in bars or touted by pimps, and who may be free to leave, as victims. On the contrary, they see them as prostitutes”.<sup>331</sup> Similarly, Costa Rica reported that the level of impact and inter-institutional coordination of the National Commission fell considerably because, among other reasons, ‘the government’s political interest became fixed on a different agenda to CSEC’.<sup>332</sup>

Between 2000 and 2010, many policies were created to address CSEC in Latin America. Nine of the 14 countries in this study developed specific plans, which greatly raised the visibility of the issue at the national level. To design and implement these plans, the governments created inter-institutional committees or commissions made up of government departments responsible for childhood, transport, tourism, international trade, the police, as well as civil society organisations. Together they contributed

to the development of specific coordinated actions to tackle the problem on a national scale. Several initiatives to prevent SECTT emerged from these committees, as shown in Appendix 2.

Unfortunately, deficiencies in monitoring and evaluation, a lack of cooperation at national and local level, and limited human resources and funding have resulted in these plans being implemented only partly, and not across the entire national territory. For Latin American countries, this was largely due to structural challenges.<sup>333</sup> One such challenge is the federal government structure in which national policies are developed centrally, but must then be translated into specific actions plans at the state/department and municipal level in order to be implemented throughout the national territory. ECPAT representatives in all of these countries agree that the plans have not trickled down in the form of action plans and similar networks at the local level, and as a consequence several cities and municipalities do not have a political agenda that includes the fight against CSEC – even though these places suffer from the phenomenon. Lack of resources is another problem, forcing the same officials to either participate in several committees related to the vulnerability of children or to constantly rotate their roles. As a consequence, CSEC has become diluted as an issue or integrated into other committees with a larger budget, but also a broader purview. At the present time, of the nine countries that have specific national plans to combat CSEC, only four are actually current.

With regards to SECTT, initiatives to address this specific issue were seen to increase significantly in countries where the national tourism body has a strong commitment to the issue regardless of whether it is tackled through a public policy that directly addresses CSEC or does so in the context of trafficking or the worst forms of child labour, or under any specific policy. As this body regulates the tourism sector, it can call on support from the private sector and develop campaigns at the national and international level to discourage tourism where children can be exploited.<sup>334</sup> As shown in Appendix 2, the

<sup>330</sup> ECPAT International (2014)a, “The Commercial Sexual Exploitation of Children in Latin America”, iii.

<sup>331</sup> IIN (Instituto Interamericano del Niño, la Niña y Adolescentes) and OEA (Organización de los Estados Americanos) (2014), “Planes Nacionales de Acción contra la Explotación Sexual Comercial de Niñas, Niños y Adolescentes a Nivel Regional – XIV Informe a la Secretaría General de la OEA sobre las Medidas Emprendidas por los Estados Miembros para Prevenir y Erradicar la Explotación Sexual Comercial de Niñas, Niños y Adolescentes en Las Américas”, 41, accessed 4 May 2015, <http://www.annaobserva.org/2012/xiv-informe-al-secretario-general-de-la-oea-2/>

<sup>332</sup> ECPAT International (2014)c, “Informe de Monitoreo de País sobre la Explotación Sexual Comercial de Niñas, Niños y Adolescentes – Costa Rica”, 36.

<sup>333</sup> ECPAT International (2014)b, “Informe de Monitoreo de País sobre la Explotación Sexual Comercial de Niños, Niñas y Adolescentes en Argentina”, 21.

<sup>334</sup> IIN and OEA (2013), “La explotación sexual comercial de niñas, niños y adolescentes en el contexto de viajes y turismo”, 35 and 50.

majority of countries participating in this study have national programs and/or projects focused on preventing SECTT, especially through training and awareness-raising strategies, and these constitute a great asset in Latin America. However, there is still a need to reinforce cooperation with the tourism sector, NGOs and civil society organisations to promote responsible tourism, especially at the local level, and address the causes of SECTT in a coordinated way.<sup>335</sup>

From the information gathered, it is possible to conclude that having a plan that specifically tackles CSEC raises the visibility of the issue at the regional and national level, and facilitates coordination and cooperation through the committees responsible for implementation. However, experience has shown that this alone is not enough – the plans must be supported with adequate human and financial resources, as well as clear indicators to monitor and follow up their implementation throughout the national territory, taking into consideration the particularities of each modality of CSEC. Commitment from national and local tourism bodies is important in the fight against SECTT, but the actions need to go beyond individual efforts and be supported by laws that address SECTT as a crime. As one of the participants in a regional forum about SECTT in Colombia said, having specific legislation ‘has made it possible to draw a line between the permitted and the prohibited’.<sup>336</sup>

## PREVENTION

In Latin America a vast array of preventive strategies has been developed specifically in the context of travel and tourism, mainly by NGOs in partnership with government bodies responsible for the tourism industry and with collaboration from the tourism sector and international organisations. These have included campaigns, The Code, informative materials, and community initiatives focused on training and empowering community leaders, children and young people and those linked to the formal and informal tourist industries to help them prevent SECTT and protect children by reporting this crime and not tolerating it socially.

For the purposes of this report, some key initiatives are described below. They have been selected because they represent good practice in the region in different segments of the travel and tourism industry.

## The Code of Conduct

After the First World Congress Against the Sexual Exploitation of Children, held in Stockholm, Sweden in 1996, ECPAT Sweden along with the UNWTO and several Swedish tourism operators developed the Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism, now commonly referred to as The Code. It is a voluntary mechanism for tourism operators to show their commitment to responsible tourism and their intention to take six essential steps to help protect children: “1) To establish a policy and procedures against sexual exploitation of children”; “2) train employees in children’s rights, the prevention of sexual exploitation and how to report suspected cases”; “3) include a clause in contracts throughout the value chain stating a common repudiation and zero tolerance policy of sexual exploitation of children”; “4) provide information to travellers on children’s rights, the prevention of sexual exploitation of children and how to report suspected cases” “5) Support, collaborate and engage stakeholders in the prevention of sexual exploitation of children”; and “6) report annually”.<sup>337</sup>

Through partnerships with the UNWTO, UNICEF and the ECPAT Network, The Code has gradually spread worldwide. This initiative was boosted by the World Congress III Against the Sexual Exploitation of Children, held in Rio de Janeiro, Brazil, in 2008, which recognised the “(6) Increased support of companies operating in tourism and travel by signing the Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism”, but also called out for expanding the adoption of The Code in “the tourism, travel and hotel sectors”.<sup>338</sup>

As of May 2015, ECPAT records show a total of 77 Members (including Top Members) in Latin America, with 39% in Colombia, 29% in Costa Rica, 14% in the

<sup>335</sup> For instance, see the example of the Ethical Code of Conduct in Argentina: Comité de los Derechos del Niño (2010), “Examen de los informes presentados por los Estados partes en virtud del párrafo 1 del artículo 12 del Protocolo facultativo de la Convención sobre los Derechos del Niño relativo a la venta de niños, la prostitución infantil y la utilización de niños en la pornografía” UN Doc. CRC/C/OPSC/ARG/CO/1, 18 June 2010, para. 24, accessed 28 November 2013, [http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CRC/C/OPSC/ARG/CO/1&Lang=En](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC/C/OPSC/ARG/CO/1&Lang=En) in ECPAT International (2014)b, “Informe de Monitoreo de País sobre la Explotación Sexual Comercial de Niños, Niñas y Adolescentes en Argentina”, 80.

<sup>336</sup> Colombia, Ministerio de Comercio, Industria y Turismo (2012), “Protección de la Niñez Frente a la Explotación Sexual Comercial en el Contexto de Viajes y Turismo: Fortalezas y Retos Identificados en los foros de Prevención”, Bogotá, Colombia, accessed 03 June 2016, 49, <http://www.mincit.gov.co/minturismo/publicaciones.php?id=34021>

<sup>337</sup> The Code (n.d.), “About”, The Code, accessed 03 June 2016, <http://www.thecode.org/about/>

<sup>338</sup> UNICEF, “The Rio de Janeiro Declaration and Call for Action to Prevent and Stop Sexual Exploitation of Children and Adolescents”, accessed 10 May 2015, [http://www.unicef.org/protection/Rio\\_Declaration\\_and\\_Call\\_for\\_Action.pdf](http://www.unicef.org/protection/Rio_Declaration_and_Call_for_Action.pdf).

Dominican Republic and 13% in Mexico, and less representation in other countries. The members include hotels, ranging from small independent operations to large chains, travel agents and transport companies. It should be noted that of these members, only 44% have submitted reports.<sup>339</sup> As noted by Andreas Astrup, former General Manager of The Code in 2013, and later reported by UNWTO, “[t]he Code has been very successful in campaigning, raising awareness and recruiting. Implementation, however, has been harder to achieve.”<sup>340</sup>

In Latin America, The Code has been specially promoted by The Code Local Representatives. These are civil society organisations working for the creation of a safe environment for children in the context of travel and tourism by increasing awareness, training, supporting the design and implementation of specific routes and plans, and monitoring the outcomes in preventing SECTT in hotels and the transport sector.

With the support of the Local Representatives, several States have used The Code as the basis to implement their own national Code of Conduct for the tourism industry, although it is important to clarify that, while they have preserved the principles and criteria, the contents and mechanisms for implementation and monitoring the national code of conduct vary from one country to another, according to the specific characteristics of the phenomenon.<sup>341</sup>

However, in all initiatives the aim has been to raise awareness of this problem in the tourism sector, as well as to encourage specific actions to protect children from SECTT in line with principles of corporate social responsibility. Accordingly, signatories of The Code (national and international) are asked to show their commitment by training staff, ensuring appropriate behaviour from employees and service providers, informing clients about the punishment for exploiting children and creating internal protocols to report suspicious situations.

Nine of the 14 countries in the present study have National Codes of Conduct or have specific projects stemming from their signing of The Code International, as shown in Appendix 3. In nearly all countries, signing the

national Code of Conduct is voluntary. The exceptions include Colombia, where tourism companies must sign in order to obtain an operating license, and Nicaragua, where signing the Code is also a requirement for the granting of operating licenses for tourism companies and activities registered with the Nicaraguan Tourism Institute (INTUR).<sup>342</sup> In Costa Rica, although signing the national Code is voluntary, tourism businesses wanting to obtain a Certificate of Sustainable Tourism from the Costa Rican Institute of Tourism must sign it.

The countries who have been implementing The Code report that the signatory companies have carried out training and awareness sessions among employees, developed their own protocols for preventing, detecting and reporting cases, and created their own campaigns to advise their clients that exploiting children is illegal.

One experience worth highlighting is that of Mexican airline Volaris, which in 2012 established an agreement with ECPAT Mexico and signed the international Code of Conduct for the travel and tourism industry. After conducting an extensive working process throughout the company, in 2013 Volaris became the first airline in Latin America and the second in the world to implement The International Code. The company currently enjoys Top Member status.<sup>343</sup> The achievements include:

- More than 50% [on the company's workforce] in the air and on the ground have been trained
- Appropriate information has been included in communication both internally and with clients
- The company has assumed a corporate policy of firmly rejecting CSEC and incorporated a zero tolerance and joint commitment clause in contracts with service providers
- A flight landed prior to reaching its original destination due to suspicion of a specific case of CSEC and on two other flights preventative actions were taken in line with the protocol (ECPAT Protocol) developed by the airline itself for dealing with such cases<sup>344</sup>

These examples confirm Volaris' commitment to protecting the rights of children – and show that actors in the tourism sector working with the code can play an important role in the fight against SECTT.

<sup>339</sup> This information was calculated by the authors based on spreadsheets sent by The Code in August 2015.

<sup>340</sup> Ethics and Social Responsibility Programme (2013), “28th meeting of the World Tourism Network on Child Protection”.

<sup>341</sup> IIN and OEA (2013), “La explotación sexual comercial de niñas, niños y adolescentes en el contexto de viajes y turismo”, 33.

<sup>342</sup> INTUR (Nicaraguan Tourism Institute), “Prevención Sexual Comercial para Niños, Niñas y Adolescentes”, Nicaraguan Tourism Institute, accessed 8 June 2015, <http://www.intur.gob.ni/prevencion-sexual-comercial-para-ninos-ninas-y-adolescentes/>

<sup>343</sup> ECPAT México y ECPAT Internacional (2014), “Informe de Monitoreo de País sobre la Explotación Sexual Comercial de Niños, Niñas y Adolescentes – México”, 46, accessed on 15 May 2015, <http://ecpatmexico.org.mx/pdf/publicaciones-editoriales/INFORME%20DE%20MONITOREO%20DE%20PAIS%20ESCNNA%20MEXICO.pdf>

<sup>344</sup> *Ibid.*

The implementation of The Code, although successful in some countries, is still a challenge in others as its voluntary and non-enforceable nature can result in a lack of commitment, and also abuse by some operators who might seek to project a socially responsible image – and enjoy the benefits to their brand – without actually fulfilling the criteria. In 2014, ECPAT’s Latin American groups expressed precisely this concern in email correspondence with officials from The Code about proposed updates.

In its XIII Report, IIN stated that the tourism sector is yet to fully embrace The Code, especially when it comes to small and medium-sized businesses, since “the idea persists that a campaign against child sex tourism could create a negative image of the tourist destination, scare off tourists, and in turn have a negative economic impact”.<sup>345</sup>

Another challenge is the high level of informal business in the tourist and travel sector in Latin America (motels or apartment hotels, etc.). As many businesses are not operating with licenses, they are not regulated or affected by initiatives such as The Code.

## Educational Material

A range of educational material has been created in Latin American countries as a way to support the implementation of The Code. Although these materials target different audiences, they are dealt with together in this section, as they all focus on providing knowledge and tools to carry out actions that protect children from SECTT. In Brazil, Colombia, Costa Rica, Dominican Republic, Ecuador, Guatemala, Mexico and Peru, for instance, the inter-institutional committees working for the prevention of SECTT have designed guides, protocols or booklets to inform and educate the tourism sector about the law and ways to implement preventive strategies.

In this area, one project stands out because of the way it has widened the target population and included children in its preventive strategy and the way it has incorporated age and ethnic diversity. Through the Project to Prevent the Sexual Exploitation of Children, the Ministry of Tourism in **Ecuador** created four educational booklets with innovative

designs to support peer education and an awareness campaign: Socially Responsible Tourism in Ecuador, aimed at the tourism sector; Recognise, Resist and Report: Be Aware and Report aimed at adolescents aged 12 to 15; another booklet with the same title aimed at adolescents 16 and older; and ‘My body is mine, I respect it and make sure it’s respected’ aimed at children aged seven to 11.<sup>346</sup>

Other materials include online courses developed to educate public officials and the tourism sector on SECTT. IIN, for instance, runs a partly virtual course on commercial sexual exploitation of children for public officials and members of civil society organisations in the Americas as part of its ‘Inter-American Cooperation Program for the Prevention and Eradication of Sexual Exploitation, Trafficking and Smuggling of Children and Adolescents’. The training covers new forms of CSEC, including internet use and SECTT. In 2013, 47 people from Chile, El Salvador and Uruguay took the course.<sup>347</sup>

In **Colombia**, Fundación Renacer-ECPAT Colombia with the support of UNICEF, the Christian Children’s Fund of Canada and the Tourist Corporation of Cartagena de Indias designed an online version of the course mentioned above for prevention and protecting children from SECTT, called CPP.<sup>348</sup> Meanwhile, the Ministry of Commerce, Industry and Tourism in partnership with the Vice Ministry of Tourism developed the online course United against SECTT (Todos Unidos Contra la ESCNNA en Viajes y Turismo), aimed specifically at representatives of the tourism sector and tourist authorities at the departmental and local level.<sup>349</sup>

While excellent work has been done in this area, the materials have not fully addressed the issue of cultural values in relation to adolescence. There is a firmly rooted belief in Latin American cultures that adolescent victims of CSEC are to blame for their situation. This is especially true for those older than 15 or 16 who may physically look like adults. It is very important to create educational material and campaigns that highlight the fact that teenagers are also children that need to be protected from sexual exploitation.

<sup>345</sup> IIN and OEA (2013), “La explotación sexual comercial de niñas, niños y adolescentes en el contexto de viajes y turismo”, 33.

<sup>346</sup> See GARA (Grupo de Acción Regional de las Américas) (n.d.), “Descargas”, *Grupo de Acción Regional de las Américas*, accessed 9 June 2015, <http://grupodeaccionregional.gob.ec/descargas.html>.

<sup>347</sup> IIN (Instituto Interamericano del Niño, la Niña y Adolescentes) (2013), “Informe sobre AG/RES. 2771 (XLIII-O/13) Prevención y Erradicación de la Explotación Sexual, Tráfico y Trata de Niños, Niñas y Adolescentes”, accessed 19 May 2015, <http://scm.oas.org/pdfs/2014/CP32481S.pdf>

<sup>348</sup> Fundación Renacer (n.d.), “Que es el CPP”, *Fundación Renacer*, accessed 06 June 2015, [https://fundacionrenacer.org/cpp/que\\_es\\_cpp.php](https://fundacionrenacer.org/cpp/que_es_cpp.php)

<sup>349</sup> Colombia, Ministerio de Comercio, Industria y Turismo and FONTUR (Fondo Nacional de Turismo) (n.d.), “Todos Unidos Contra la ESCNNA en Viajes y Turismo”, accessed 06 June 2015, <http://escnna.mincit.gov.co/>



## Awareness Campaigns Aimed at Tourists

Several countries in Latin America have developed campaigns specifically aimed at tourists and travellers. The campaigns have the following things in common: (i) they inform tourists/travellers that CSEC is a crime in the countries and indicate the punishments for sexually exploiting a child; (ii) they make it clear that children under 18 are protected, with emphasis on girls but sometimes also including boys; and (iii) they follow tourist routes in the destination countries, which means that tourists start receiving the message in the airport or port (or in some cases even on the plane), and the message is reinforced in hotels, restaurants and tourist sites.

Care is usually taken not to mention specific locations to avoid negative repercussions for the tourist economy in these places, and also to avoid signalling to potential exploiters that these may be SECTT “hotspots”.<sup>350</sup> This has motivated the tourism sector to participate to a greater degree and accordingly it has helped distribute and display campaign materials.

The message has been communicated through different channels: articles in travel magazines, advertising billboards, posters, brochures, flyers, stickers, T-shirts, migration cards, luggage tags, booklets and bracelets. Some of the campaigns have involved tourism students who distribute the material, which in turn helps create awareness in future workers of the sector.

In Chile, for instance, the “No hay excusa” (“No excuses”) campaign was adopted by the National Service for Minors (SENAME), the National Tourism Service (SERNATUR), the Interior Ministry, the Investigative Police of Chile and the ILO. The campaign challenges traditional excuses – such as ‘She’s old enough to know what she’s doing’ or ‘I’m not doing anything wrong, I pay what they ask for’ or ‘If she doesn’t do it with me she’ll do it with someone else’ – and informs tourists that there are: ‘No excuses. Commercial sex with children under 18 is a crime’.<sup>351</sup>

The campaign was run in Santiago airport, three border areas and in the northern region of Tarapacá. The message was translated into English too: “Sexual commerce with children under 18 is a crime”. Following this idea, the Interior Ministry included the phrase “In Chile, sexual exploitation is a crime” in the arrival card given to visitors arriving in the country.<sup>352</sup>

Another example can be found in México, where the campaign “No + Trata” (“No + Human Trafficking”) was carried out with a focus on national and international tourists visiting Veracruz, Cancún, Quintana Roo, Oaxaca, Acapulco and Guerrero. Tourists received an information kit with images of children and the message ‘Mexico, a country where my rights are protected’.<sup>353</sup> At the local level, a campaign was carried out in the state of Quintana Roo called “Protege mis Sueños” (“Protect my Dreams”) and “Desde Todos los Rincones, Cero Tolerancia a la Explotación Sexual Infantil en el Turismo” (“From Every Corner, Zero Tolerance towards the Sexual Exploitation of Children in Tourism”). In the state of Jalisco, the “Por un Vallarta sin ESI” (“From Every Corner, Zero Tolerance towards the Sexual Exploitation of Children in Tourism”) campaign was conducted.<sup>354</sup>

An example of a campaign targeting international and national tourists and travellers is the “Cárcel” (“Prison”) campaign launched in Peru in July 2015 by Movimiento Vuela Libre de Perú in conjunction with the Ministry of Commerce, Foreign Affairs and Tourism (MINCETUR) and the Office of the Ombudsman. This campaign has targeted specific tourist destinations such as Iquitos and Miraflores, has involved workshops aimed at journalists, providers of tourist services, officials from the Port Captainty, and the community to secure their commitment to promote the campaign and develop strategies to protect children.<sup>355</sup> The key message – Aquí se castiga la explotación sexual infantil – “Tener sexo con menores de edad se paga con cárcel” (“Here we punish child sexual exploitation – Having sex with underage boys or girls will send you to prison”) aims to create awareness about the risk of punishment for those who sexually exploit children or adolescents. The campaign used images of men that could be local or overseas tourists and included the message in Spanish and English.<sup>356</sup>

Finally, an initiative that creatively uses ICT is the digital campaign Unforgettable, launched in Costa Rica. It uses the internet to prevent traveller and tourist exploiters from committing SECTT crimes. Fundación Paniamor and an advertisement agency created a web page similar to a hotel website, where links are placed on pages with sexual content, including videos and photos of very young women. The links present a message along the lines of “Like that video? Take a close look unforgettablecostarica.com”. Once the person follows the link, he or she arrives at a page where each mouse click reveals aspects of a

<sup>350</sup> IIN and OEA (2013), “La explotación sexual comercial de niñas, niños y adolescentes en el contexto de viajes y turismo”, 37.

<sup>351</sup> ECPAT International (2014)d, “Informe de Monitoreo de País sobre la Explotación Sexual Comercial de Niños, Niñas y Adolescentes – Chile”, 60-2.

<sup>352</sup> *Ibid.*, 62.

<sup>353</sup> SECTUR (Secretaría de Turismo), “Resultados”, Código de Conducta Nacional para la Protección de las Niñas, Niños y Adolescentes en el Sector de los Viajes y el Turismo (CCN), accessed 10 May 2015, [http://www.codigodeconducta.mx/?page\\_id=271](http://www.codigodeconducta.mx/?page_id=271)

<sup>354</sup> IIN and OEA (2013), “La explotación sexual comercial de niñas, niños y adolescentes en el contexto de viajes y turismo”, 38-40.

<sup>355</sup> CHS Alternativo, “NP 001 – 2016 – Tener sexo con menores de edad se paga con Cárcel”, accessed 7 April 2016, <http://chsalternativo.org/en/concepts-of-interest/trafficking-in-persons/itemlist/tag/explotacionsexual>

<sup>356</sup> CHS Alternativo, “Campaña Cárcel – Iquitos”, accessed 7 April 2016, <http://www.chsalternativo.org/nuestro-trabajo/actividades/item/890-campana-carcel>

prison. For instance, under the accommodation menu there would be a photo of a prison cell and a message such as: “Less is always more in our 5 square-foot rooms”. This strategy has also allowed the project team to identify the locations of users who visit the web page. Between 22 February and 29 September 2015, there were 2990 visitors, from countries such as the United States, China, Japan, Germany and Costa Rica.<sup>357</sup>

## Awareness Strategies Aimed at the Community

The campaigns described above are generally combined with strategies aimed at the travel and tourism sector and the communities connected to it, with the aim of increasing awareness about the issue, informing and training people with regards to their social and legal responsibility to protect children from commercial sexual exploitation, and encouraging them to report crimes and establish preventive measures in the sector. Most target people linked with the formal tourism sector, but as understanding of SECTT has improved, other initiatives have been carried out with the informal and travel sector, and also at borders and in the context of mega events.

### Formal Sector

These initiatives are generally linked with The Code and have a strong focus on training and promoting the reporting of cases. They have been very effective in creating awareness and generating commitment from the tourism industry; however, very few cases of SECTT have been reported.

An example of such an initiative can be found in **Guatemala**, where in 2013 “the Secretariat against Sexual Violence, Exploitation and Human Trafficking (SVET) launched the “No permito” [“I don’t allow it”] campaign which included training [for tourist operators such as hotels, tour guides, and travel and transportation agencies] with support from the Guatemalan Tourism Institute (INGUAT) and other industry associations such as the Chamber of Tourism (CAMTUR), the Hoteliers Foundation of Guatemala (FUNGUAT), the Guatemalan Convention Bureau, as well as ECPAT Guatemala and UNICEF”.<sup>358</sup>

Meanwhile, in **Peru**, the campaign “Protégeme, el turismo protege sus tesoros” (“Protect me: Tourism protects

its treasures”) was conducted in Madre de Dios and Cusco where there is a high incidence of SECTT. This strategy included “training workshops, working groups, presentations and information sessions to raise awareness and build commitment among authorities and the general community to eradicate [child]sexual exploitation”.<sup>359</sup>

Again, the commitment of the tourism sector has been key in achieving positive outcomes in preventing SECTT. In Panama, for example, the National Commission for the Prevention of Crimes of Sexual Exploitation (Comisión Nacional para la Prevención de los Delitos de Explotación Sexual, CONAPREDES) established a partnership with the tourism sector to prevent SECTT and protect the rights of citizens at risk of sexual exploitation. Three agreements were signed in 2010 with the Panamanian Chamber of Tourism (CAMTUR), the Association of Administrators of Games of Chance (ASAJA) and the Panamanian Hotel Association (APATEL). CONAPREDES began by raising awareness and educating staff from hotels, tourism operators and airlines about the issue. Later, APATEL ‘included the topic of sexual exploitation as a common theme in its courses and curriculum, from June 2011 until August 2012, and trained staff from the public and private tourist sectors’ using their own resources. ASAJA, meanwhile, ‘which leads an important group of casinos at the national level’, financed posters and brochures as part of a communication strategy focused on explaining CSEC and the obligation of all citizens to report crimes to the appropriate authorities, using the hotlines provided. Likewise, between January 2010 and December 2011, the Panamanian airline COPA created and financed an ad in its in-flight magazine, PANORAMA, warning travellers visiting the country about crimes of child sexual exploitation through a definition of sex tourism as set out in Law 16 of 2004.<sup>360</sup>

### Informal Tourism and Travel Sector

As shown in Chapter 4, the informal sector plays an important role in SECTT as the domain of local pimps or intermediaries between exploiters and children. Some may be conscious, active participants, such as pimps, but others are part of the exploiter chain without realising they are committing a crime. This may be due to social norms and the belief that by acting as a point of contact they are keeping the tourist satisfied, or they are doing a favour to the children providing them with ‘work’.

<sup>357</sup> Comunicación Corporativa (2015), “Ministerio de Turismo y Fundación Paniamor presentan ‘Unforgettable Costa Rica’”, *Comunicación Corporativa*, accessed 14 April 2016, <http://www.comunicacioncorporativa.net/newswire/?p=6932>; Paniamor Digital (2016), “Paniamor lanza campaña contra el turismo sexual infantil en Costa Rica”, Paniamor Digital, accessed 14 April 2016, <http://paniamordigital.org/blog/index.php/2016/03/30/paniamor-lanza-campana-contra-el-turismo-sexual-infantil-en-costa-rica/>

<sup>358</sup> SVET (2013), “Informe de Labores”, 30-1, <http://www.vicepresidencia.gob.gt/svet/documentos/informememoria2013web.pdf> in ECPAT International (2014)f, “Informe de Monitoreo de País sobre la Explotación Sexual Comercial de Niñas, Niños y Adolescentes – Guatemala”, 47. More information about this campaign is also available at <http://svet.gob.gt/>

<sup>359</sup> IIN and OEA (2013), “La explotación sexual comercial de niñas, niños y adolescentes en el contexto de viajes y turismo”, 38.

<sup>360</sup> Cedeño, Eiselys E. Vásquez (2012), “Incidencia de las políticas públicas de prevención contra la explotación sexual comercial y la movilización social”, accessed 27 June 2015.

As we have already seen, NGOs together with State tourism bodies have implemented initiatives such as The Code in the formal tourism sector of many Latin American countries. On top of this, some initiatives have been carried out with the informal sector. Colombia, Costa Rica and Uruguay have directly involved the informal tourism sector in the prevention of SECTT and encouraged the reporting of incidents. This section looks at two illustrative examples in this area: the “La Muralla Soy Yo” project, an initiative of Fundación Renacer in Colombia; and “Por la Mano Correcta”, an experience of Services and Action for Children (SAI) with the transport industry in Uruguay.

Fundación Renacer in partnership with the Tourism Corporation of Cartagena de Indias and the support of UNICEF has developed the project “La Muralla Soy Yo”. Its objective is to create safe spaces for children and young people with the participation of all social actors responsible for their protection. The project began with the realisation that SECTT in Cartagena was normalised or made invisible – people largely accepted and justified it, or otherwise did not acknowledge its existence.<sup>361</sup> The project set out to transform this social acceptance and mobilise society to combat SECTT. With this in mind, it was also found that the informal sector had to be provided with skills and a sense of social responsibility.

To achieve this, workers from Fundación Renacer first approached members of the informal sector in their own settings to get information and understand how they saw the problem (beliefs and perceptions) and build rapport through outreach work. Apart from these informal conversations, focus groups and a questionnaire were also used to collect data.<sup>362</sup>

With the knowledge gathered, a training strategy (“Diplomado”) was designed and carried out twice in partnership with the academic sector (Universidad de Cartagena and Universidad Jorge Tadeo Lozano). To make this training attractive and useful to participants, different topics were covered such as the history of the tourism sector, customer service, social responsibility and sustainable tourism, together with the concept of CSEC, the legal framework dealing with it and local routes and protocols for attending children survivors. When covering topics that did not directly refer to CSEC, the teachers made sure to reflect on how successful and responsible tourism must protect its culture and people, especially

children. The case study and group discussions were used to encourage participants to reflect, share knowledge and establish ways of combating CSEC together.<sup>363</sup>

According to this experience a sense of indignation has arisen in the informal sector. One masseuse involved in the project commented that she could no longer do what she had been doing because now she knew that offering children to tourists is a crime.<sup>364</sup> A taxi driver who had the materials from the project on display in his taxi explained that when the Spanish conquistadores arrived, they built the walls to protect themselves from the pirates and other dangers. Now he believed the wall was made up of him and his co-workers, and that it was their responsibility to protect the children and young people from those who would harm them.<sup>365</sup>

Social mobilisation was also achieved. As a result of the first course, the participants created a network of informal tourist service providers for preventing CSEC (ASOPRESCNNA). This group was made up of street vendors, *minuterros* [sellers of cell phone credit], *carperos* [people who rent out beach tents] and taxi drivers. Its mission was to contribute to prevention strategies in order to stop the scourge of CSEC.<sup>366</sup>

Raising awareness and providing training was shown to be a powerful combination for reminding people in the informal tourism sector that CSEC is not natural, promoting a social movement against the issue and reporting it. One member of ASOPRESCNNA noted that when people participate in a project of that sort, they are generally warned that they will get themselves into trouble, that it’s none of their business, and that they’ll be threatened or even killed for reporting incidents and disseminating materials.<sup>367</sup>

There is also a specific experience developed in Uruguay that targeted the **transport industry**. The “Por La Mano Correcta” (“On the Right Path”) campaign involved a website and different materials that were distributed to participating transport drivers. This strategy aimed to create awareness in this sector, prevent sexual exploitation by members of the industry and encourage reporting of crimes. It called for the country to stop minors from being sexually exploited and to fully guarantee their citizens’ rights, especially the right to live free from all forms of violence. And on the road towards this goal,

<sup>361</sup> Fundación Renacer (2011), “Sistematización del Proyecto para Prevenir la Explotación Sexual Comercial de Niñas, Niños y Adolescentes”, 18.

<sup>362</sup> *Ibid.*, 48-9.

<sup>363</sup> *Ibid.*, 54-9.

<sup>364</sup> *Ibid.*, 86.

<sup>365</sup> *Ibid.*, 76 and 86.

<sup>366</sup> *Ibid.*, 73.

<sup>367</sup> *Ibid.* 80.

the project also called on those people who had the chance to become key players: the truck drivers who travel the length and breadth of the country, along all its roads. It urged them to say no to all offers of sex with children and adolescents. Brochures and leaflets were distributed through road freight companies and information sessions were carried out with drivers by SAI in collaboration with chambers and associations of freight transport.<sup>368</sup>

### Mega Events

Mega events are events, usually of a cultural or sporting nature, that result in a massive influx of national, regional and international visitors, and therefore present a special type of challenge in terms of SECTT. Although there are other Latin American countries that have developed campaigns to prevent SECTT related to mega events, Brazil has had the most extensive and recent experiences with its annual Carnival, the FIFA World Cup 2014 and the Olympic Games in 2016. According to the Secretariat for Human Rights of the Presidency of the Republic (SDH/PR), in 2014 Carnival brought 6.6 million national and international tourists, while the World Cup brought an estimated 3.1 million Brazilian and 600.000 foreign tourists.<sup>369</sup>

Accordingly, several initiatives have been developed between government and civil institutions in Brazil specifically for mega events. The main national efforts focused on the 'Convergence Agenda of Promotion, Protection and Defence of the Rights of Children and Adolescents in Great Events' with the intention of putting "a set of actions together with the bodies and institutions that make up the System of Guaranteed Rights that can be used as a methodological reference for all large events".<sup>370</sup>

For the World Cup, Local Committees for Integrated Protection were created to prepare a plan that included a list of "network services and [...] professionals involved

and their assignments in the project". This plan was to be "implemented by the Integrated Protection Unit with the help and monitoring of the Local Committee for Integrated Protection". A special Social Taskforce involved mobile teams responsible for territory surveillance, disseminating promotional materials and actively searching for and assisting children during the events. Temporary Social Shelters were also used to comprehensively protect the rights of children and adolescents around the stadium and in other popular entertainment areas in the city during this event.<sup>371</sup> The reporting Dial 100 hotline had its capacity expanded during the event and the 'Protect Brazil' mobile phone app, implemented as part of the Convergence Agenda, was implemented in order to facilitate the reporting of violations.<sup>372</sup> The Brazilian government also signed an agreement with airlines to inform passengers that the sexual exploitation of children and adolescents is a crime in Brazil punishable by imprisonment and deportation. Posters with this information were placed in ports, airports and on roadways.<sup>373</sup>

However, there are some challenges that according to different actors need to be addressed by the 'Convergence Agenda'. These include a lack of consultation of some NGOs by the government, which resulted in many of them withdrawing from the Local Committees;<sup>374</sup> the short timeframe for achieving "a better integration between organisations" to address the problem of child exploitation; and the need to gather "better and more reliable data, including statistical data on rights violations; and meaningful participation of children within Local Committees" as well as "integrated actions by the System of Guarantee Rights [Rights Protection System] and the sports industry".<sup>375</sup> The Committee on the Rights of the Child also stated the need for reporting channels, of which Dial 100 and the Protect Brazil app are examples, to ensure reliable and effective data "with adequate witness protection programmes, for cases where police officers and/or government officials are involved in

<sup>368</sup> For further information, See: Por la Mano Correcta (n.d.), "¿Qué es por la mano correcta?", *Por la Mano Correcta*, accessed 20 May 2015, [http://www.porlamanocorrecta.org/index.php?option=com\\_content&view=category&layout=blog&id=11&Itemid=9](http://www.porlamanocorrecta.org/index.php?option=com_content&view=category&layout=blog&id=11&Itemid=9)

<sup>369</sup> Brasil, Secretaria de Direitos Humanos Presidência da República, "Brazilian actions to promote the safety of children and adolescents", May 2014, 1, accessed 3 July 2015, <http://www.sdh.gov.br/assuntos/criancas-e-adolescentes/agenda-de-convergencia/documentos/press-kits/press-kit-brazilian-actions-to-promote-the-safety-of-children-and-adolescents>.

<sup>370</sup> Assessoria de Comunicação Social (2014), "Grupo traça estratégias para proteção de crianças e adolescentes em grandes eventos", *Secretaria Especial de Direitos Humanos Ministério da Justiça e Cidadania*, accessed 09 June 2016, <http://www.sdh.gov.br/noticias/2014/fevereiro/grupo-traca-estrategias-para-protecao-de-criancas-e-adolescentes-em-grandes-eventos>. The initiative was formed by the joint action between the State and civil society and is composed of strategic bodies such as the National Council (CONANDA), the State Councils (CEDCA), Municipal Councils for the Rights of Children and Adolescents (CMDCA) and Guardianship Councils.

<sup>371</sup> Hazeu, Marcel and van Kranen, Frans (2014), "Sexual exploitation of children in Brazil: putting a spot on the problem", 32.

<sup>372</sup> *Ibid.*, 32; Transforming Childhoods Research Network and University of Dundee (n.d.), "Let's Win This Game Together", 43.

<sup>373</sup> Portal Brasil (2014), "Governo apresenta programas para combater violência contra criança e adolescentes", accessed 26 July 2016, <http://www.brasil.gov.br/centro-aberto-de-midia/noticias/governo-apresenta-programas-para-combater-violencia-contra-criancas-e-adolescentes>; and Comitê Nacional de Enfrentamento à Violência Sexual Contra Crianças e Adolescentes, ECPAT Brasil, CONANDA; Brasil, Secretaria de Direitos Humanos da Presidência Da República (2013), "Plano Nacional de Enfrentamento da Violência Sexual contra Crianças e Adolescentes", 44-45, accessed 26 July 2016, <http://www.sdh.gov.br/assuntos/bibliotecavirtual/criancas-e-adolescentes/publicacoes-2013/pdfs/plano-nacional-de-enfrentamento-da-violencia-sexual-contra-crianca-e-adolescentes>

<sup>374</sup> ECPAT Brasil (2015), "Global Study on Sexual Exploitation of Children in Travel and Tourism – Country-specific report Brazil", 49.

<sup>375</sup> Transforming Childhoods Research Network and University of Dundee (n.d.), "Let's Win This Game Together", 06 and 20.

trafficking of children for commercial sexual exploitation”; this is to be considered “an aggravating factor in the sentencing of such perpetrators”.<sup>376</sup>

In relation to the Carnival, the campaign ‘Protect Brazil Convergence Agenda’ has already become a regular part of the celebration with its representation of three monkeys that instead of seeing, hearing and speaking no evil, stay alert, listen, and report crimes against children and adolescents. For the Carnival, monkey costumes are incorporated into the festivities as a reference to this campaign, and it is reinforced in the cities that host the main events.<sup>377</sup>

In 2013, the Secretariat of Human Rights launched a national campaign for the rights of children and adolescents. Using the slogan ‘Don’t look away’, it aimed to raise awareness about the importance of protection. The slogan of this campaign is now “Don’t look away. Stay tuned. Report. Protect our children and adolescents”.

The Ministry of Tourism has participated in the Campaign for Combating Violence against Children and Adolescents during these mega events. This work focuses on places with the highest movement of people: ports, airports, roads, hotels and the Sambodromos where people gather to watch the Carnival parade. Materials are distributed, aimed at educating the population about the need to be aware of, to prevent and to report possible violations of children’s rights. The organisers warn people about sexual abuse and exploitation, as well as other types of violence, such as child labour.<sup>378</sup>

Initiatives have also been carried out by civil society with the support of international organisations. For instance, Promundo together with different civil society organisations launched the campaign ‘It’s not just a bit of fun, it’s sexual exploitation’ to raise awareness and prevent SEC. The campaign portrayed real-life situations where SECTT is not seen as a crime by certain segments of the population.

It included quotes from respondents in their research study such as: ‘She flirted with me’; ‘I am more of a man when I teach how to have sex’; and ‘What happens here, stays here’. It included a website, videos that circulated on TV and in various social media networks, in addition to posters and flyers that were distributed in bars, restaurants and tourist hotspots around Brazil. Meanwhile, during the World Cup, 120,000 copies of the “Guide for Responsible Fans” were printed. These included information on SECTT, how to prevent and report it, a game schedule, and useful tips for tourists on how to enjoy the World Cup while respecting the rights of children and adolescents.<sup>380</sup>

‘Don’t Look Away – Report it’ was a multi-country and multi-sector awareness campaign against sexual exploitation of children and adolescents in the context of travel and tourism focusing on the World Cup and conducted by the ECPAT European network<sup>381</sup> with the support of the European Union, the Social Service for Industry of Brazil (SESI) and the Brazilian government, also supported by public institutions, NGOs, ECPAT Brazil, the tourism industry and sports representatives. The campaign aimed to improve the protection of children and young people against sexual exploitation at the hands of tourists or travellers. It targeted tourists arriving in Brazil and explained that CSEC is a crime in the country, urging them to report cases of sexual exploitation to Dial 100. It also aimed to inform national police from European countries through a special website. This initiative was implemented in 16 European countries and Brazil.<sup>382</sup>

On a smaller scale but nevertheless important is the RENAS (National Evangelical Social Action Network) campaign ‘Ball in the net: A goal for the rights of children and adolescents’, conducted in the lead-up to the 2014 World Cup. Through this, civil society organised various activities including sports events and hiking, awareness campaigns against abuse, seminars and distribution of materials on the subject.<sup>383</sup>

<sup>376</sup> Committee on the Rights of the Child (2015), “Concluding observations on the combined second to fourth periodic reports of Brazil”, para. 42 (d).

<sup>377</sup> Ministério Público do Estado do Paraná, CAOPCAE– Área da Criança e do Adolescente, Carnival (2014), “Campanha de Enfrentamento à Violência Contra a Criança e o Adolescente”, accessed 26 July 2016, <http://www.crianca.mppr.mp.br/modules/noticias/article.php?storyid=705>

<sup>378</sup> Magalhães, Murillo (2013), “Especial Carnaval – Campanhas”, *Promenino Fundação Telefônica*, accessed 4 July 2015, <http://www.promenino.org.br/noticias/especiais/especial-carnaval---campanhas>; see also: <http://www.sdh.gov.br/noticias/2016/janeiro/secretaria-de-direitos-humanos-lanca-campanha-de-enfrentamento-a-violencia-contra-a-crianca-e-o-adolescente-no-carnaval-1>

<sup>379</sup> For more information, see: Assessoria de Comunicação Social (2015), “SDH/PR com apoio do Ministério do Turismo lança Campanha pelo Fim da Violência contra Crianças e Adolescentes no Carnaval”, *Secretaria Especial de Direitos Humanos*, accessed 09 June 2016, <http://www.sdh.gov.br/noticias/2015/fevereiro/sdh-pr-com-apoio-do-ministerio-do-turismo-lanca-campanha-pelo-fim-da-violencia-contra-criancas-e-adolescentes-no-carnaval>

<sup>380</sup> Promundo (n.d.), “It’s not ‘just having fun,’ it’s exploitation”, *Promundo*, accessed 7 July 2015, <http://promundoglobal.org/programs/its-not-just-having-fun-its-exploitation/>; Froio, Nicole (2014), “Sexual Exploitation at the 2014 World Cup? New Campaign Links Paying Minors for Sex to Masculinity”, *Bustle*, accessed 09 June 2016, <http://www.bustle.com/articles/26283-sexual-exploitation-at-the-2014-world-cup-new-campaign-links-paying-minors-for-sex-to-masculinity>

<sup>381</sup> This campaign was coordinated by ECPAT France, in collaboration with five other ECPAT countries (ECPAT Germany, ECPAT Austria, ECPAT Netherlands, ECPAT Luxembourg and NCF, Polish Network against CSEC, affiliate member of ECPAT) in Europe.

<sup>382</sup> ECPAT International (2014), “Don’t Look Away! during the World Cup”, *ECPAT International*, accessed 4 July 2015, <http://www.ecpat.net/news/don-t-look-away-during-world-cup>; Don’t Look Away (2014), “About us”, Don’t Look Away, accessed 09 June 2016, <http://www.reportchildsextourism.eu/>

<sup>383</sup> Bola na Rede (n.d.), “Information”, Bola na Rede, accessed 7 July 2015, <http://bolanarede.org.br/information/>

## Multinational Campaigns

Some multinational campaigns have been run in Latin America to prevent SECTT as well as trafficking at borders and tourist destinations. This constitutes an expertise that needs to be analysed and taken advantage of in the region.

Examples include the ‘Combating the Sexual Exploitation of Children’ awareness-raising campaign carried out at the three-way border between Brazil, Paraguay and Argentina.<sup>384</sup> The initiative sought to make people aware of the problem and encouraged them to report cases. Through coordinated work in the media of all three countries using materials in Portuguese, Guarani and Spanish, radio spots and banners, the campaign aimed to combat CSEC in border areas. It also provided training for workers in education, tourism, hotels and the transport sector. Public and private organisations from the three countries were involved, including the ILO, the Paraguayan Secretariat of Childhood and Adolescence, the Misiones provincial government and Ministry of Human Rights (for Argentina), the Foz de Iguazú Municipal Secretariat for Social Assistance and Tourism and Fundación Xuxa Meneghel (for Brazil), as well as Itaipú Binacional.<sup>385</sup> It is worth highlighting the involvement of this last organisation, because Itaipú is a large energy company that was involved in a mega-project – in this case the Itaipú Dam – and is an example of corporate participation in combating SECTT through corporate social responsibility.

In 2014 in Costa Rica, Fundación Paniamor together with the International Bureau for Children’s Rights developed a binational project to prevent commercial sexual exploitation associated with tourism and travel (“Prevención de la Explotación Sexual Comercial Asociada a Viajes y Turismo en Costa Rica”) to reduce the number of cases of SECTT in Costa Rica. This project carried out a bilateral campaign using the same visuals and logos in materials distributed and positioned along tourist routes in the origin country (Canada) and the destination country (Costa Rica). The campaign reinforced the message that CSEC is a crime and emphasised the age at which children are protected, as well as the commitment of society to protect them from sexual exploitation. The slogan of the campaign was translated into Spanish, English and French: “Under 18-year-olds are protected here and everywhere, sex with a minor is a major crime”. In Canada the campaign targeted Canadian tourists and travellers visiting Costa Rica and the travel agencies that

sell tourist packages or tickets to visit Costa Rica. In Costa Rica the material was distributed throughout the informal tourism sector, communities and directly to tourists arriving at airports.<sup>386</sup>

This experience highlighted the need for a team that speaks the languages of the tourist and traveller in order to be more effective in talking with them about the campaign. It also showed the importance of securing serious commitment from different airports to display the materials and generate a sense of ownership among the staff who work there, as well as travel agencies; these people are in direct contact with tourists and travellers and can make this initiative sustainable in the long term.<sup>387</sup>

It was seen that multinational campaigns are useful for providing information to tourists and travellers from the country of origin and thereby reducing demand. These campaigns can also improve coordination and communication among police bodies from the different countries to investigate, gather evidence and process cases of SECTT, which could reduce the level of impunity. Finally, such campaigns help countries share knowledge to combat SECTT. It is necessary, however, to support these initiatives with mechanisms to protect and assist the children who are survivors or in risk of sexual exploitation and guarantee the restitution of their rights.

## PROTECTION

### Legal Framework

All countries in Latin America have signed the Convention on the Rights of the Child. Indeed, this international instrument contributed to transforming the political and legal framework in the region from a children’s rights perspective. Countries in Latin America have reformed and created new legal frameworks, and some have addressed specific violations affecting the rights of children such as CSEC and trafficking, in line with further international treaties such as the Optional Protocol to the Convention on the sale of children, child prostitution and child pornography, the Protocol to prevent, suppress and punish trafficking in persons, especially women and children, and the Inter-American Convention to Prevent, Punish and Eradicate Violence Against Women (Convention de Belém Do Pará). A full list of Latin American countries covered by this report and the treaties they have signed is provided in Appendix 4.

<sup>384</sup> Itaipú Binacional (2013), “Compromiso trinacional contra la explotación sexual infanto-juvenil”, Itaipú Binacional, accessed 28 June 2015, <http://www.itaipu.gov.py/es/sala-de-prensa/noticia/compromiso-trinacional-contra-la-explotacion-sexual-infanto-juvenil>.

<sup>385</sup> ECPAT International (2014)g, “Informe de Monitoreo de País sobre la Explotación Sexual Comercial de Niños, Niñas y Adolescentes – Paraguay”, Bangkok: ECPAT International, [http://www.ecpat.org/wp-content/uploads/legacy/CMR\\_PARAGUAY\\_FINAL.pdf](http://www.ecpat.org/wp-content/uploads/legacy/CMR_PARAGUAY_FINAL.pdf); ECPAT International (2014) b, “Informe de Monitoreo de País sobre la Explotación Sexual Comercial de Niños, Niñas y Adolescentes en Argentina”, 42.

<sup>386</sup> Fundación PANIAMOR and IBCR (n.d.), “Prevención de la Explotación Sexual Comercial Asociada a Viajes y Turismo en Costa Rica: Sistematización de la Experiencia Bilateral”.

<sup>387</sup> *Ibid.*, 50.

However, as noted by Vega et al, the responses to combat CSEC in Latin America have been permeated by a “procedural implementation” of international treaties. While national legislation and policies have been developed to protect children’s rights, in practice a human rights approach has not yet been fully embraced. In relation to the implementation of the Convention on the Rights of the Child in Latin America, Vega writes: “After a decade of a procedural approach to the UNCRC in Latin America, the results suggest that no State has managed to ensure that all children will effectively enjoy, without discrimination, the human rights to survival, development, participation and protection in special situations in which their rights are violated. The paradigm of irregular situations has not been replaced by a human rights-based approach and the two situations have coexisted instead”.<sup>388</sup>

Although all 14 countries examined in the present study have signed the Optional Protocol to the Convention on the sale of children, child prostitution and child pornography and have recognised the commercial sexual exploitation of children as a problem, in several countries this has not led to changes or the creation of new legal frameworks. For instance, the majority do not have a criminal definition that specifically punishes CSEC, instead typifying different criminal offences related to CSEC such as procurement, coercion and encouragement of prostitution.

Nine of the 14 countries reviewed in this study have specific criminal definitions related to SECTT, although often under terms such as sexual tourism or promotion of sexual tourism. Those countries are Colombia, Costa Rica, Dominican Republic, Ecuador, Guatemala, Panama, Peru, Mexico and Nicaragua. In some of them and in other Latin American countries, there are also administrative measures in place to prevent SECTT. The specific laws for these countries are reviewed in general here, and listed in detail in Appendix 5.

In **Colombia**, sexual tourism with children and adolescents is considered a crime in the Penal Code (Art. 219, “Penal Code”, Law No. 599/2000, as amended by Law no. 1336/2009).<sup>389</sup> Legal changes were further supported by Law 679/2001 and later by Laws No. 1336 and 1329/2009, which provided a wider definition of sexual tourism and ensured that perpetrators would be punished regardless of the victim’s consent.<sup>390</sup> The laws also increases the sentence when the perpetrator uses the anonymity of being a tourist or traveller to their advantage, as this is considered an aggravating circumstance.<sup>391</sup> Law No. 679/2001 gained greater force through Law No. 1336/2009, which established responsibilities for all chains in the tourism and travel industry (airlines, hotels, other accommodation etc.) and included administrative punishment such as fines and suspension of national tourism registration if they do not adhere to a voluntary code of ethics.<sup>392</sup>

In terms of administration, Law no. 1101/2006<sup>393</sup> created a specific budget to develop preventive strategies of SECTT through the National Tourism Fund (FONTUR). Together with Resolution 3840 of 2009, it supported the implementation of the national Code of Conduct and the SECTT prevention program carried out by the Ministry of Commerce, Industry and Tourism with assistance from FONTUR, the Superintendence of Industry and Commerce, the Colombian Institute of Family Welfare (ICBF), the National Police, the Ministry of Labour and the Ministry of Foreign Affairs.<sup>394</sup>

In **Costa Rica**, much like Colombia, ‘sexual tourism’ is included in criminal and administrative law. The law against human trafficking No. 9095/2013, from 8 February 2013, added a punishment in the Penal Code for projecting the image of the country as a tourist destination for commercial sexual exploitation.<sup>395</sup> Law No. 8811/2010,

<sup>388</sup> Vega, Leticia et al. (2011), “Principales problemas identificados en la investigación y atención de víctimas de la explotación sexual comercial infantil en México”, *Salud Mental* 34, no. 06 (2011), 542, [http://www.scielo.org.mx/scielo.php?script=sci\\_arttext&pid=S0185-33252011000600009](http://www.scielo.org.mx/scielo.php?script=sci_arttext&pid=S0185-33252011000600009)

<sup>389</sup> Government of Colombia (2000), “Código Penal”, Law No. 599/2000, Bogotá, <http://www.alcaldiabogota.gov.co/sisjur/normas/Norma1.jsp?i=6388#219-A>

<sup>390</sup> Government of Colombia (2001), “Ley 679 de 2001 Por medio de la cual se expide un estatuto para prevenir y contrarrestar la explotación, la pornografía y el turismo sexual con menores, en desarrollo del artículo 44 de la Constitución”, Law No. 679/2001, Bogotá, [http://www.mintic.gov.co/portal/604/articulos-3685\\_documento.pdf](http://www.mintic.gov.co/portal/604/articulos-3685_documento.pdf); Government of Colombia (2009)a, “Ley 1336 de 2009 por medio de la cual se adiciona y robustece la Ley 679 de 2001, de lucha contra la explotación, la pornografía y el turismo sexual con niños, niñas y adolescentes”, Law No. 1336/2009, Bogotá, <http://www.alcaldiabogota.gov.co/sisjur/normas/Norma1.jsp?i=36877#23>; Government of Colombia (2009)b, “Ley 1329 de 2009 por medio de la cual se modifica el Título IV de la Ley 599 de 2000 y se dictan otras disposiciones para contrarrestar la explotación sexual comercial de niños, niñas y adolescentes”, Law No.1329/2009, Bogotá, <http://www.alcaldiabogota.gov.co/sisjur/normas/Norma1.jsp?i=36874>

<sup>391</sup> Congreso de Colombia, “Ley 1329 de 2009 (julio 17) por medio de la cual se modifica el Título IV de la Ley 599 de 2000 y se dictan otras disposiciones para contrarrestar la explotación sexual comercial de niños, niñas y adolescentes”, Article 3, accessed 4 June 2015, <http://www.alcaldiabogota.gov.co/sisjur/normas/Norma1.jsp?i=36874>

<sup>392</sup> Government of Colombia (2009)a, “Ley 1336 de 2009 por medio de la cual se adiciona y robustece la Ley 679 de 2001”, Article 05.

<sup>393</sup> Government of Colombia (2006), “Ley 1101 de 2006 Por la cual se modifica la Ley 300 de 1996 – Ley General de Turismo y se dictan otras disposiciones”, Law No. 1101/2006, Bogotá, <http://www.alcaldiabogota.gov.co/sisjur/normas/Norma1.jsp?i=22241>

<sup>394</sup> Colombia, Ministerio de Comercio, Industria y Turismo (2014), “Manual de Buenas Prácticas para la Prevención de la ESCNNA en Viajes y Turismo”, accessed 14 May 2015.

<sup>395</sup> Government of Costa Rica (2013), “Ley contra la Trata de Personas y creación de la Coalición Nacional Contra el Tráfico Ilícito de Migrantes y la Trata de Personas (CONATT). Ley 9095”, Law No. 9095/2013, San José, <http://www.migracion.go.cr/institucion/Trata/Ley%20Trata%20de%20>

meanwhile, updated the Penal Code to include administrative punishments (such as trading prohibition) for tourist operators that promote or facilitate CSEC.<sup>396</sup>

Nevertheless, in its country monitoring report, ECPAT Costa Rica pointed out that this legal framework is more focused on protecting the image of the country than creating a safe environment for victims of SECTT.

The report goes on to say that this may reflect an implicit societal consent towards this form of commercial sexual exploitation, and that this in turn could be a product of denial, lack of knowledge or stereotyping with regards to the acts that constitute this particular crime. Furthermore, the lack of punishment may well be due to a fear of negatively impacting the country's tourism industry.

Similarly, the promotion of CSEC in the context of tourism is considered a crime in the respective Penal Codes of the Dominican Republic, Ecuador, **Guatemala**, Panamá and Nicaragua. Guatemalan law includes punishments of six to 10 years' imprisonment for those who facilitate, organise and promote CSEC in tourist activities (Article 195).<sup>398</sup>

**Panamanian** law also punishes the intention of those who promote, direct, organise, publicise, invite and facilitate SECTT, as well as the use of establishments, with sentences of up to 15 years (Articles 187 and 188).<sup>399</sup> Articles 30 and 31 in Law No. 16 of 31 March 2004 set out the responsibilities for tourist services that promote SECTT to help prevent this problem.<sup>400</sup>

**Nicaragua**, meanwhile, punishes people who promote the country as an attractive destination for sex tourism with five to seven years' imprisonment (Article 177, Law

No. 641/2007).<sup>401</sup> In Ecuador, the new Penal Code, approved in 2014 and published in Official Register N° 180 on 10 February 2014, included sex tourism as a crime punishable with seven to 10 years' imprisonment for those who promote, offer, and organise tourist activities of a sexual nature. It also made clear that a victim's consent does not affect the sentence. Both of these points represent great steps forward in the country's legislation (Art. 102).<sup>402</sup>

**Dominican Republic's** new Penal Code, approved in December 2014 and coming into force a year later, includes punishments of 10 to 20 years' imprisonment for those who promote, facilitate, instigate, recruit or organise the use of minors for sex tourism, or those who promote the country as destination for child sex through digital and print media (Article 194).<sup>403</sup>

In **Peru**, Law No. 28251, which modifies and incorporates articles referring to sexual violence, commercial sexual exploitation and child pornography in the current Penal Code, recognises the commercial sexual exploitation of children in the context of travel and tourism (Articles 181A and 181B).<sup>404</sup> One criticism of these changes is that demand is not punished, offering impunity for the exploiter.<sup>405</sup> Administratively, Peru has the General Tourism Law No. 29408 of 2009,<sup>406</sup> which makes tourist service providers responsible for preventing SECTT by communicating, disseminating and advertising the laws against the commercial sexual exploitation of children. It also assigns the Ministry of Foreign Trade and Tourism the task of monitoring and issuing the laws required to prevent and combat SECTT (Articles 28, 43 and 44).

<sup>396</sup> Government of Costa Rica (2010), "Ley Incentivo de la Responsabilidad Social Corporativa Turística", Law No. 8811/2010, San José, [http://www.visitcostarica.com/ict/paginas/leyes/newpdf/LEY\\_INCENTIVO\\_DE\\_LA\\_RESPONSABILIDAD\\_SOCIAL\\_CORPORATIVA\\_TUR%C3%8DSTICA.pdf](http://www.visitcostarica.com/ict/paginas/leyes/newpdf/LEY_INCENTIVO_DE_LA_RESPONSABILIDAD_SOCIAL_CORPORATIVA_TUR%C3%8DSTICA.pdf)

<sup>397</sup> ECPAT International (2014)c, "Informe de Monitoreo de País sobre la Explotación Sexual Comercial de Niñas, Niños y Adolescentes – Costa Rica", 62.

<sup>398</sup> Government of Guatemala (2009), "Ley Contra la Violencia Sexual, Explotación y Trata de Personas – Decreto Número 9-2009", Decree 9-2009, <http://ww2.oj.gob.gt/justiciadegenero/wp-content/uploads/2015/03/Ley-contra-la-Violencia-sexual-explotaci%C3%B2n-y-trata-de-personas.pdf>

<sup>399</sup> Government of Panamá (2007), "Código Penal de la República de Panamá", Law No. 14/2007, [https://www.oas.org/juridico/mla/sp/pan/sp\\_pan-int-text-cp.pdf](https://www.oas.org/juridico/mla/sp/pan/sp_pan-int-text-cp.pdf)

<sup>400</sup> Government of Panamá (2004), " Ley N° 16 Que dicta disposiciones para la prevención y tipificación de delitos contra la integridad y la libertad sexual, y modifica y adiciona artículos a los Códigos Penal y Judicial", Law No. 16 of 31 March 2004, Ciudad de Panamá, <http://www.ministeriopublico.gob.pa/minpub/Portals/0/Leyes%20y%20Articulos/Ley%20No%2016%20de%2031%20de%20marzo%20de%202004.pdf>

<sup>401</sup> Government of Nicaragua (2007), "Código Penal", Law No. 641 of 13 November 2007, Managua, [https://www.oas.org/juridico/mla/sp/nic/sp\\_nic\\_Nuevo\\_Codigo\\_Penal\\_%20Nicaragua\\_2007.pdf](https://www.oas.org/juridico/mla/sp/nic/sp_nic_Nuevo_Codigo_Penal_%20Nicaragua_2007.pdf)

<sup>402</sup> Government of Ecuador (2014), "Código Orgánico Integral Penal", published on the Official Journal No. 180 of 10 February 2014, Quito, <http://www.asambleanacional.gob.ec/es/system/files/document.pdf>

<sup>403</sup> Government of the Dominican Republic (2014), "Ley No. 550-14 que establece el Código Penal de la República Dominicana. G. O. No. 10788 del 26 de diciembre de 2014", Law No. 550-14 of 19 December 2014, Santo Domingo de Guzmán, <http://www.consultoria.gov.do/spaw2/uploads/files/Ley%20550-14.pdf>

<sup>404</sup> Government of Peru (2004), "Ley N° 28251 Modifica e incorpora artículos referidos a la Violación sexual, explotación sexual comercial y pornografía infantil", Law No. 28251 of 17 May 2004, Lima, [http://www.cepal.org/oig/doc/LeyesViolencia/PER/2004\\_PER\\_Ley28251.pdf](http://www.cepal.org/oig/doc/LeyesViolencia/PER/2004_PER_Ley28251.pdf); Government of Peru (1991), "Codigo Penal Decreto Legislativo N° 635", Decree 635 of 03 April 1991, <http://spij.minjus.gob.pe/CLP/contenidos.dll?f=templates&fn=default-codpenal.htm&vid=Ciclope:CLPdemo>

<sup>405</sup> Cavassa, Ricardo Valdés (2013), "Percepción y realidad: ¿hay trata de personas en el Perú? Resultados de la Primera Encuesta Nacional Urbana sobre Percepción de la Trata de Personas 2013, en relación a la acción del Estado y testimonios periodísticos", Lima: Capital Humano y Social Alternativo, 25, accessed 4 April 2016, <http://www.repositorio.cedro.org.pe/bitstream/CEDRO/159/1/Percepci%C3%B3n%20y%20realidad%20hay%20trata%20de%20personas%20en%20el%20Per%C3%BA%20203176-DR.pdf>

<sup>406</sup> Government of Peru (2009), "Ley General de Turismo", Law 29408 of 16 September 2009, Lima, [http://www.mincetur.gob.pe/newweb/Portals/0/LEY\\_GENERAL\\_DE\\_TURISMO\\_LEY29408.pdf](http://www.mincetur.gob.pe/newweb/Portals/0/LEY_GENERAL_DE_TURISMO_LEY29408.pdf)



In **Mexico**, the promotion, facilitation and advertisement of sexual tourism with children and adolescents under 18, as well as the carrying out of any kind of sexual act with minors was criminalised in Articles 203 and 203BIS of the Federal Penal Code<sup>407</sup> on 27 March 2007 through a decree that reformed, complemented and repealed various provisions of the Federal Penal Code, the Federal Code of Criminal Proceedings and the Federal Law against Organised Crime in the area of sexual exploitation of children. According to the research institute Jurídicas of Mexico, as of 2 June 2015, Articles 203 and 203bis were in force in Mexico, although in 2012, these and other CSEC crimes were incorporated into the new General Law to Prevent, Punish and Eradicate Crimes of Trafficking in Persons and Protection and Assistance to Victims of these Crimes (LGPSDEMTP).<sup>408</sup> Under this Law,<sup>409</sup> offering, promoting, publicising and facilitating the carrying out of any kind of sexual acts with persons under 18 can lead to 15 to 25 years in jail (Article 18), but it does not include punishment for the person who demands or carries out the act. ECPAT's country monitoring report for Mexico reported that this has created or augmented the operative confusion between crimes of human trafficking and CSEC – which could even be claimed to be double criminality – and has encouraged impunity for these crimes. Far from leading to more sentences, as originally argued, the traffickers, pimps and exploiters remain on the street. The report also points out that as of December 2014, Mexico's 22 federal states had not aligned their penal codes with this law.<sup>410</sup>

In **Brazil** the term children and adolescents was included in the Penal Code by Law No. 12.978/2014 under the crime of encouraging prostitution and other forms of sexual exploitation.<sup>411</sup> In relation to SECTT, Law No. 12.015/2009 in the Penal Code included Article 218-B in which responsibility is assigned to the owner, manager

or person in charge of an establishment where the sexual exploitation of children takes place. This may result in a sentence of four to 10 years, the closure of the establishment and the revoking of its operating licence.<sup>412</sup>

Additionally, the Child and Adolescent Statute (ECA) (Law nº 8.069/90) establishes that the owner, manager or responsible for the place where children or adolescents are subjected to prostitution or sexual exploitation will incur a prison sentence of four to 10 years, a fine and even the termination of its operating license (Article 244-A). It also states that children not accompanied by a parent or responsible adult are prohibited to stay in hotels and similar establishments. Failure to comply may result in the definitive closure of the establishment (Article 250).<sup>413</sup> This norm is intended to prevent both trafficking and sexual exploitation of children and has been in force since 2009.

At the administrative level, Law No 11.771 of 17 September 2008 is known as the General Tourism Law and it establishes in Article 5 that the National Tourism Policy must be guided towards the prevention and combat of tourist activities related to sexual and other abuses affecting human dignity.<sup>414</sup>

Uruguay, Chile, and Paraguay have *administrative laws promoting the prevention of SECTT*, which represents a step forward in promoting legal and other changes.<sup>415</sup> In **Uruguay**, for example, Decree 398 of 2013 requires tourist operators to assist with national tourism policies and includes obligations to prevent CSEC such as: reporting situations of sexual exploitation, adopting a code of conduct, disseminating information about children's rights, implementing measures to prevent employees and intermediaries from offering sexual tourist services involving children and adolescents, reporting CSEC cases to the Ministry of Tourism and Sport and the Committee

<sup>407</sup> Government of Mexico (2016), "Código Penal Federal Nuevo Código Publicado en el Diario Oficial de la Federación el 14 de agosto de 1931. Texto Vigente. Última reforma publicada DOF 07-04-2016", 03 March 2016, [http://www.diputados.gob.mx/LeyesBiblio/pdf/9\\_180716.pdf](http://www.diputados.gob.mx/LeyesBiblio/pdf/9_180716.pdf)

<sup>408</sup> ECPAT Internacional (2014), "Informe de Monitoreo de País sobre la Explotación Sexual Comercial de Niños, Niñas y Adolescentes – México", 72-3.

<sup>409</sup> Government of Mexico (2014), "Ley General para Prevenir, Sancionar y Erradicar los Delitos en Materia de Trata de Personas y para la Protección y Asistencia a las Víctimas de estos Delitos. Nueva Ley publicada en el Diario Oficial de la Federación el 14 de junio de 2012. Texto Vigente. Última reforma publicada DOF 19-03-2014", 12 March 2014, Ciudad de México, <http://www.diputados.gob.mx/LeyesBiblio/pdf/LGPSDEMTP.pdf>

<sup>410</sup> ECPAT Internacional (2014), "Informe de Monitoreo de País sobre la Explotación Sexual Comercial de Niños, Niñas y Adolescentes – México", 74-5.

<sup>411</sup> Government of Brazil (2014), "Lei Nº 12.978, de 21 De Maio De 2014. Altera o nome jurídico do art. 218-B do Decreto-Lei nº 2.848, de 7 de dezembro de 1940 – Código Penal; e acrescenta inciso ao art. 1º da Lei nº 8.072, de 25 de julho de 1990, para classificar como hediondo o crime de favorecimento da prostituição ou de outra forma de exploração sexual de criança ou adolescente ou de vulnerável", Law No. 12.978 of 21 May 2014, Brasília, [http://www.planalto.gov.br/ccivil\\_03/\\_ato2011-2014/2014/lei/112978.htm](http://www.planalto.gov.br/ccivil_03/_ato2011-2014/2014/lei/112978.htm)

<sup>412</sup> Government of Brazil (2009), "Lei Nº 12.015, de 7 de Agosto de 2009. Altera o Título VI da Parte Especial do Decreto-Lei no 2.848, de 7 de dezembro de 1940 – Código Penal, e o art. 1º da Lei no 8.072, de 25 de julho de 1990, que dispõe sobre os crimes hediondos, nos termos do inciso XLIII do art. 5º da Constituição Federal e revoga a Lei no 2.252, de 1º de julho de 1954, que trata de corrupção de menores", Law No. 12.015 of 07 August 2009, Brasília, [http://www.planalto.gov.br/ccivil\\_03/\\_Ato2007-2010/2009/Lei/L12015.htm#art2](http://www.planalto.gov.br/ccivil_03/_Ato2007-2010/2009/Lei/L12015.htm#art2)

<sup>413</sup> Government of Brazil (1990), "Lei Nº 8.069, de 13 de Julho de 1990. Dispõe sobre o Estatuto da Criança e do Adolescente e dá outras providências", Law No. 8.069 of 13 July 1990, Brasília, [http://www.planalto.gov.br/ccivil\\_03/leis/L8069.htm](http://www.planalto.gov.br/ccivil_03/leis/L8069.htm)

<sup>414</sup> Government of Brazil (2008), "Lei Nº 11.771, de 17 de Setembro de 2008. Dispõe sobre a Política Nacional de Turismo, define as atribuições do Governo Federal no planejamento, desenvolvimento e estímulo ao setor turístico; revoga a Lei no 6.505, de 13 de dezembro de 1977, o Decreto-Lei no 2.294, de 21 de novembro de 1986, e dispositivos da Lei no 8.181, de 28 de março de 1991; e dá outras providências", Law No. 11.771 of 17 September 2008, Brasília, [http://www.planalto.gov.br/ccivil\\_03/\\_ato2007-2010/2008/lei/11771.htm](http://www.planalto.gov.br/ccivil_03/_ato2007-2010/2008/lei/11771.htm)

<sup>415</sup> Asociación Civil Servicios y Acciones por la Infancia (S.A.I. – Programa Arcóris) and Fundación Justicia y Derecho (FJD), "Explotación e indiferencia, La explotación sexual comercial de niñas y adolescentes mujeres en Uruguay".

for the Eradication of Commercial and Non-commercial Child Sexual Exploitation, among others.<sup>416</sup>

**Chile**, meanwhile, has introduced Chilean Law NCh 2912-2012, which states in item 4.c.1 that, in order for a hotel to be awarded stars in the one-to-five star rating system, it must have qualified staff with training in avoiding sexual exploitation of children and handling cases that occur in the workplace.<sup>417</sup> At the local level, **Paraguay** has a municipal ordinance in Asunción (Municipal Ordinance of Asunción No. 33/11) against the sexual exploitation of children that requires owners and managers of public and private establishments to display a notice on their premises of the laws punishing sexual exploitation. It also prohibits the use of children in activities remunerated in cash or kind on the street or in other establishments.<sup>418</sup> Additionally, Law No. 2828/2005 (Article 39) states that child sexual traffic linked to tourism shall be subject to the penalties set out in the Criminal Code.

Other countries such as Argentina and Paraguay have laws that partly deal with SECTT. For example, measures for combating human trafficking in **Argentina** also address SECTT due to the links between these issues. One of these is Decree No. 936/2011, which prohibits the promoting of sexual offers and the use of explicit or implicit messages in any medium relating to requests from people for ends of sex tourism (Article 1).<sup>419</sup> Additionally, Article 29 of Law No. 25.871 establishes that foreigners cannot enter or stay in the country if they have promoted prostitution, profited from it, have been convicted or have a criminal record either within or outside Argentina for having promoted prostitution, or have carried out activities related to human trafficking or sexual exploitation of individuals.<sup>420</sup>

In conclusion, in five of the 14 countries looked at here, crimes related to SECTT are not formally recognised. Several of the countries do have administrative laws that punish operators in the tourism sector if the sexual exploitation of children occurs on their premises. This is positive, especially where it does not exempt them from criminal charges when these are in place.

It should be noted, however, that in countries where a legal framework does exist to punish crimes related to SECTT, more emphasis is sometimes placed on punishing the promotion of the country as a sexual destination than on punishing the sexual exploitation of children. Furthermore, confusion among police officers and magistrates regarding the different criminal offenses related to sexual violence against children, as well as the lack of knowledge of those within the legal system and a lack of human resources to investigate crimes are all major barriers in registering, investigating and prosecuting cases. This contributes to the problem's lack of visibility.

In Costa Rica, for example, it was reported that neither the Costa Rican Tourism Institute (ICT) nor the National Chamber of Tourism (CANATUR) know the real magnitude of SECTT, because even in cases related to this crime the cause was not registered in the Costa Rican penal system in the 2012 judicial statistics. It is difficult to detect the crime when the ways it manifests itself are poorly understood.<sup>421</sup> In the Dominican Republic, according to the TIP Report 2013 by the US Department of State, “the government reported 10 investigations of alleged child sex tourists during the reporting period.”<sup>422</sup>

Thus, in Latin American countries where there is no legal framework to combat SECTT, it is advisable to create specific criminal and administrative laws that criminalise all SECTT-related activities and actions by individuals and businesses. Equally, in countries where laws do exist, mechanisms are required to identify, investigate and prosecute cases, thereby improving legal proceedings and truly protecting children from this crime.

## Extraterritorial Laws in Latin America

Extraterritorial jurisdiction (ETJ) is the legal ability of a government to exercise authority beyond its normal boundaries. In the case of CSEC crimes, ETJ provisions allow sending countries to punish an individual citizen for committing a crime even if the crime is committed outside their normal State boundaries, limiting in this way the possibility of impunity. This is done in coordination with the destination country.

<sup>416</sup> Government of Uruguay (2013), “Decree 398/013, Obligación de los prestadores de servicios turísticos a colaborar con la prevención de la explotación sexual comercial de niñas, niños y adolescentes, en la actividad turística”, Decree No. 398 of 13 December 2013, <http://www.impo.com.uy/bases/decretos/398-2013>.

<sup>417</sup> INN (2012), “Alojamiento turístico – Hoteles – Requisitos para su Calificación. Norma Chilena NCh 2912-2012”, Santiago, Chile: Instituto Nacional de Normalización, 02, accessed 7 June 2015, <http://www.calidadturistica.cl/archivos/alojamiento/NCh02912-2012.pdf>.

<sup>418</sup> ECPAT International (2014)g, “Informe de Monitoreo de País sobre la Explotación Sexual Comercial de Niños, Niñas y Adolescentes – Paraguay”, 21.

<sup>419</sup> ECPAT International (2014)b, “Informe de Monitoreo de País sobre la Explotación Sexual Comercial de Niños, Niñas y Adolescentes – Argentina”, 53.

<sup>420</sup> *Ibid.*

<sup>421</sup> ECPAT International (2014)c, “Informe de Monitoreo de País sobre la Explotación Sexual Comercial de Niñas, Niños y Adolescentes – Costa Rica”, 62.

<sup>422</sup> U.S. Department of State (2013). “Trafficking in persons report 2013”, Washington, D.C.: U.S. Department of State, 155, accessed 18 June 2016, <http://www.state.gov/documents/organization/210739.pdf>

ETJ laws are especially important in the context of SECTT given that some perpetrators often travel to countries where child protection laws are inadequate and poorly enforced. Without ETJ laws, travellers cannot be held accountable for crimes committed abroad when they return to their home country.

Overall, Latin America has good standing with regards to extraterritorial legislation addressing CSEC offences. In this area, data are available for all countries in Latin America – not just the 14 looked at in detail in this report. At the time of last year's regional ECPAT report on CSEC, 17 countries in the region had such laws;<sup>423</sup> the Dominican Republic, Guyana and Uruguay did not. In comparison to other regions around the world, this is commendable.

However, the value of an ET law is severely limited by the presence of the double criminality rule in a State's legislation. Double criminality adds an additional requirement to ET laws: it dictates that an offence must be prohibited in both the home country of the perpetrator and in the jurisdiction where the offence took place. "In countries where the criminal or penal code demands double criminality, a national can travel to another country with a less child-friendly legal framework to engage in child sex tourism without any consequences".<sup>424</sup>

This contradiction has been noted in Latin America; out of the 17 countries in the region that have extraterritorial legislation, there is no double criminality requirement in 12 of them. Alarmingly, however, the requirement does exist in Brazil and Mexico. This represents an impediment for securing convictions.<sup>425</sup>

Enacting extraterritorial laws is required by the Optional Protocol on the Sale of Children, Child Prostitution and Pornography; removing double criminality is not, though it has been recommended by the Committee on the Rights of the Child. The former Special Rapporteur Dr. Najat Maalla M'jid has previously stressed the importance of removing the rule to give greater efficacy to ET laws.<sup>426</sup> The existence of these provisions not only presents an obstacle to prosecute the exploiters, but also elevated costs and more human resources in terms of investigating, gathering and processing the evidence among countries.

Collaboration agreements between countries are required to move in this direction and make ETJ effective in the region.<sup>427</sup>

## RECOVERY AND REINTEGRATION

As shall be seen in this section, although there have been some recovery and reintegration programs for children victims of CSEC in Latin America, the provision of such programs remains a challenge. The governments tend to provide services to vulnerable children in general, without considering that sexually exploited children need specialised services.<sup>428</sup> As a result, this specialised attention is mainly carried out by NGOs. As stated in the country monitoring report of Uruguay, for instance, "the Uruguayan law does not include specific measures for the social reintegration or the physical and psychological recovery of CSEC victims".<sup>429</sup> It should also be noted that, in the information gathered, it was not possible to find recovery and reintegration programs specifically for survivors of SECTT. Brazil, Chile, Colombia and Costa Rica, for instance, have programs that provide support to children at risk or victims of all forms of commercial sexual exploitation. In this section, some of the programs that cater to survivors will be described in more detail.

In **Brazil**, the Secretariat of Human Rights is the institution responsible for the National Program of Combating Sexual Violence Against Children and Adolescents. The principal objectives of this program are to coordinate projects and services and to integrate policies across different sectors (health, assistance, public safety, tourism, education, human rights etc.). Additionally, the Ministry of Social Development and Fight Against Hunger oversees the Specialised Reference Centre for Social Assistance (CREAS), which aims to guarantee a specialised assistance network for cases of sexual violence against children and adolescents.<sup>430</sup> Despite the existence of the services needed to check if violations have been committed against children and adolescents, it is reported that the children are not protected by the system. The country-level research in Brazil, conducted as part of the Global Study framework, found that the majority of the programs attending survivors of sexual exploitation in two major participating cities do not have

<sup>423</sup> ECPAT International (2014) a, "The Commercial Sexual Exploitation of Children in Latin America", 35.

<sup>424</sup> ECPAT International, "The Commercial Sexual Exploitation of Children in Latin America", 35.

<sup>425</sup> *Ibid.*

<sup>426</sup> United Nations General Assembly (2012), "Report of the Special Rapporteur on the sale of children, child prostitution and child pornography, Najat Maalla M'jid", UN Doc. A/HRC/22/54, 24 December 2012, para. 47, accessed 20 June 2015, [http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session22/A.HRC.22.54\\_en.pdf](http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session22/A.HRC.22.54_en.pdf).

<sup>427</sup> IIN and OEA (2013), "La explotación sexual comercial de niñas, niños y adolescentes en el contexto de viajes y turismo", 45-7.

<sup>428</sup> See IIN (OEA) (2011), "Estrategias y Modelos para la Restitución de Derechos a Niños, Niñas y Adolescentes Víctimas de Explotación Sexual en las Américas: Síntesis del XI Informe al Secretario de La OEA Sobre las Medidas Emprendidas por los Estados Miembros Para Prevenir y Erradicar la Explotación Sexual Comercial De Niñas, Niños Y Adolescentes en Las Américas", accessed on 30 July 2015, [http://www.annaobserva.org/2012/wp-content/uploads/2015/05/XI\\_informe\\_ESCENNA.pdf](http://www.annaobserva.org/2012/wp-content/uploads/2015/05/XI_informe_ESCENNA.pdf) and IIN (2011) c, "Modelos y estrategias de intervención de la restitución de derechos a las víctimas de ESCENNA", 2-3.

<sup>429</sup> ECPAT International (2014)i, "Informe de Monitoreo de País sobre la Explotación Sexual Comercial de Niños, Niñas y Adolescentes – Uruguay", 61-62.

<sup>430</sup> IIN and OEA (2013), "La explotación sexual comercial de niñas, niños y adolescentes en el contexto de viajes y turismo", 47.

the technical staff equipped with appropriate training or skills. They also experience high turnover of professional staff, lack of resources and insufficient coordination and communication.<sup>431</sup> On top of this, the Committee on the Rights of the Child has recently pointed out the “lack of shelters for child victims of sexual exploitation” and has recommended the establishment of “specialised shelters with adequate human, technical and financial resources” and “adequate and systematic training to all professional groups concerned [...]”.<sup>432</sup>

In **Chile**, survivors of CSEC receive care through the Specialised Commercial Sexual Exploitation Programs (PEE) in outpatient centres. These are managed by various NGOs on behalf of the State and are supervised by SENAME. Child survivors of any modality of CSEC receive holistic support (psychological, health, education, judicial) to overcome the situation, re-signifying the harm done and establishing family and social networks as a way of integrating protective spaces.<sup>433</sup> Chile has a body that monitors work done within the Second Framework for Action Against the Commercial Sexual Exploitation of Children and Adolescents 2012-2014 called the National CSEC Observatory (Observatorio Nacional de ESCNNA). It is convened once a month by SENAME and brings together the programs that specialise in attending victims of sexual exploitation across the whole country, as well as intervention programs with street children, and other relevant State bodies. This has strengthened teamwork among groups working to remedy the damage done to victims throughout the country. It has also helped identify the areas that most need improving; currently these are early detection, police investigation, prosecution and punishment of exploiters.<sup>434</sup>

**Colombia**, like Chile, has a comprehensive and specific recovery and social reintegration process for victims of CSEC. The programs are carried out by civil organisations under the supervision of ICBF, but only operate in Bogotá, Medellín and Cartagena and tend to a very small number of children. Although many other cities have local ICBF

centres and Comprehensive Care Centres for Victims of Sexual Violence (CAIVAS),<sup>435</sup> these units frequently do not have adequate infrastructure or trained staff, making them inappropriate for dealing with the victims’ specific needs and characteristics. In regional areas, these services are also lacking: as of 2012, there were only 27 CAIVAS unevenly distributed across the country.<sup>436</sup>

In **Costa Rica**, the National Child Welfare Agency (PANI) provides special attention to victims of commercial sexual exploitation; however, at the national level it lacks facilities specialising in holistic programs of shelter and rehabilitation that tend to child victims of CSEC and assist with their recovery. Such programs are mainly run by NGOs.<sup>437</sup>

Other countries such as Argentina, Dominican Republic, Guatemala, Paraguay, Peru and Uruguay run generic programs to attend to vulnerable children or victims of trafficking. **Argentina**, for instance, has the “Victims against Violence” program,<sup>438</sup> led by the Ministry of Justice, Security and Human Rights. The aim of this program is to create mobile brigades that focus on different types of violence committed in society. Brigada Niños has been set up specifically to fight the sexual exploitation of children with components in prevention and victim assistance. It operates a free help line that runs 24 hours a day, every day of the year, but, only in the Autonomous City of Buenos Aires.<sup>439</sup>

**Dominican Republic** has a program incorporating temporary homes, where children at risk or who have been victims of any form of abuse receive attention. The National Council for Childhood and Adolescence (CONANI) is responsible for supervising the eleven temporary homes that exist as of 2014; however, these are currently overcrowded and in most cases do not offer a suitable response.<sup>440</sup> **Guatemala**, meanwhile, does not have a child protection unit aimed specifically at CSE victims. The existing programs focus on victims of human trafficking.<sup>441</sup> In **Paraguay** the focus is also on victims of

<sup>431</sup> ECPAT Brasil (2015), “Global Study on Sexual Exploitation of Children in Travel and Tourism – Country-specific report Brazil”, 40-7.

<sup>432</sup> Committee on the Rights of the Child, (CRC/C/BRA/2-4), 41 (f) and 86 (b) and (c).

<sup>433</sup> ECPAT International (2014)d, “Informe de Monitoreo de País sobre la Explotación Sexual Comercial de Niños, Niñas y Adolescentes – Chile”, 23.

<sup>434</sup> *Ibid.*, 38. Centro de Atención e Investigación Integral a Víctimas de Abuso Sexual de Colombia.

<sup>435</sup> Centros de Atención e Investigación Integral a las Víctimas de Abuso Sexual de Colombia, in Spanish. These centres tend to victims of crimes against freedom, sexual integrity and development, human trafficking and commercial sexual exploitation. The CAIVAS centres include entities responsible for providing psychological, social, and legal assistance, as well as those responsible for investigating cases.

<sup>436</sup> ECPAT International (2014)e, Informe de Monitoreo de País sobre la Explotación Sexual Comercial de Niñas, Niños y Adolescentes – Colombia”, 14.

<sup>437</sup> ECPAT International (2014)c, “Informe de Monitoreo de País sobre la Explotación Sexual Comercial de Niñas, Niños y Adolescentes – Costa Rica”, 66-7.

<sup>438</sup> See: Argentina, Ministerio de Justicia y Derechos Humanos (n.d.), “Atención a las víctimas. Programa ‘Las Víctimas Contra las Violencias’”, accessed 21 June 2016, <http://www.jus.gob.ar/atencion-al-ciudadano/atencion-a-las-victimas/programa-victimas-contra-las-violencias.aspx>

<sup>439</sup> ECPAT International (2014)b, “Informe de Monitoreo de País sobre la Explotación Sexual Comercial de Niños, Niñas y Adolescentes en Argentina”, 25.

<sup>440</sup> Coalición ONGs por la Infancia (2014), “Tercer informe alternativo al comité de los derechos del niño sobre el estado de implementación de la convención de los derechos del niño periodo 2008-2014”, Santo Domingo, República Dominicana: Coalición ONGs por la Infancia, 14, accessed 16 June 2015, [http://tbinternet.ohchr.org/Treaties/CRC/Shared%20Documents/DOM/INT\\_CRC\\_NGO\\_DOM\\_18017\\_S.pdf](http://tbinternet.ohchr.org/Treaties/CRC/Shared%20Documents/DOM/INT_CRC_NGO_DOM_18017_S.pdf)

<sup>441</sup> ECPAT International (2014)f, “Informe de Monitoreo de País sobre la Explotación Sexual Comercial de Niñas, Niños y Adolescentes – Guatemala”, 71.

trafficking although the National Secretariat for Childhood and Adolescence (SNNA) has created a prevention and attention unit for victims of CSEC, implying that victims of all forms of CSEC should have access to the same services. However, this is not the case, because while there are legal provisions for compensation to be paid to victims, these apply to victims of trafficking.<sup>442</sup>

**Peru** has a route map for attending to victims of CSEC in Lima Sur, developed by the Lima Sur Interdistrict Committee, which comprises the municipalities of San Juan de Miraflores, Villa El Salvador, Villa María del Triunfo and Lurín.<sup>443</sup> There is also a protocol of the Public Prosecutor's Office for assisting victims of people trafficking that aims to establish common guidelines for clear and efficient sectorial and intersectorial intervention.<sup>444</sup>

Finally, since the end of 2012, **Uruguay** has had a program for situations of child trafficking and CSEC within the framework of the Uruguayan Institute for Children and Adolescents (INAU), in the form of outreach work. These programs are carried out by civil society organisations.<sup>445</sup>

In all the 14 countries of the present study, the protection system to guarantee and restore the rights of child survivors of sexual exploitation is not working properly or consistently across the entire national territory. The different institutions in charge of protecting children generally lack the human and financial resources to respond to the high demand of cases, there is a tendency to move the staff from one position to another, and as a result, the people who provide attention do not always have the necessary knowledge about the problem or about the needs of children who have been victims of commercial sexual exploitation.

In terms of access to justice, child survivors of CSEC tend to be invisible or re-victimised in the justice system in all the countries studied in the present report. For instance, in Mexico, there are various barriers stopping children from accessing the justice system. These include the lack of legal harmonisation; the lack of legislation regarding SECTT in the majority of countries; a lack of mechanisms and protocols for complying with the law, which may in

turn be due to the lack of training for the people who ensure and impart justice; low interest in the issue; and corruption.<sup>446</sup> In countries such as Colombia, for instance, where 'sexual tourism' is typified as a crime, all the cases are processed as demand for CSEC, regardless of the role, position or particular circumstances of the exploiter/client. This contributes to the lack of cases reported specifically for 'sexual tourism'. For these reasons, this has resulted in few (or sometimes no) cases being reported and poor results in terms of the number of SECTT convictions.

Another issue here is the high levels of under-reporting of SECTT cases. In **Dominican Republic**, for example, a study conducted by the NGO Caminante Proyecto Educativo found that only 15% of the victims they interviewed had lodged formal complaints.<sup>447</sup> This is a common theme in all the countries. People tend not to report cases of SECTT because it is often socially tolerated and not seen as a crime, especially when the victim is a teenager. Fear and lack of trust in the legal system are also factors in under-reporting, due to the high levels of impunity when there have been reports.

As can be seen, few countries have specialised programs to attend to the victims of CSEC, although it has been established that child survivors of this crime need this type of service. As IIN states, victims of CSEC require specific and individual attention over a long period of time, during which various aspects of their lives are supported and strengthened. There are no easy or straightforward solutions, which is why creativity, commitment and political will are needed to sustain these generally very costly programs. The violation of children's and adolescents' human rights deserves an active search for comprehensive solutions.<sup>448</sup>

The lack of specialised programs and training for public officials contributes to mistakes such as the incorrect classification of crimes (for example, CSEC is confused with sexual abuse) and the frequent discrimination against and revictimisation of children by the officials responsible, especially in the case of teenager or homosexual victims. This barrier also exists in programs where children with many different vulnerabilities are put together. In these

<sup>442</sup> ECPAT International (2014)g, "Informe de Monitoreo de País sobre la Explotación Sexual Comercial de Niños, Niñas y Adolescentes – Paraguay", 56-8.

<sup>443</sup> See: Peru, Ministerio de la Mujer y Poblaciones Vulnerables (MIMP), CHS Alternativo and Tejiendo Sonrisas (2015), "Guía de Detección y Derivación de Víctimas de ESNNA", accessed May 2016 <http://chsalternativo.org/explotacion-sexual-de-ninas-ninos-y-adolescentes-esnna/391-guia-de-deteccion-y-derivacion-de-victimas-de-esnna-1/file>

<sup>444</sup> Peru, Ministerio Público – Fiscalía de la Nación (2014), "Protocolo del Ministerio Público para la Atención de las Víctimas del Delito de Trata de Personas", 15, accessed May 2015, [http://www.savethechildren.org.pe/wp-content/uploads/2014/02/protocolo\\_trata\\_final\\_con\\_caratula.pdf](http://www.savethechildren.org.pe/wp-content/uploads/2014/02/protocolo_trata_final_con_caratula.pdf)

<sup>445</sup> ECPAT International (2014)i, "Informe de Monitoreo de País sobre la Explotación Sexual Comercial de Niños, Niñas y Adolescentes – Uruguay, 32.

<sup>446</sup> ECPAT Internacional (2014), "Informe de Monitoreo de País sobre la Explotación Sexual Comercial de Niños, Niñas y Adolescentes – México", 75-6.

<sup>447</sup> Coalición ONGs por la Infancia (2014), "Tercer informe alternativo", 25.

<sup>448</sup> Barindelli, Florencia and Giambruno, Cecilia (n.d.), "Restitución de derechos frente a la explotación sexual comercial de niños, niñas y adolescentes (ESNNA): el desafío de la recuperación de las víctimas", Montevideo, Uruguay: Instituto Interamericano del niño, la niña y adolescentes (IIN), 9, accessed on 30 July 2015, [http://www.annaobserva.org/2012/wp-content/uploads/2015/05/Nota-7-Experiencias\\_de\\_reparacion\\_de\\_derechos.pdf](http://www.annaobserva.org/2012/wp-content/uploads/2015/05/Nota-7-Experiencias_de_reparacion_de_derechos.pdf).

spaces, adolescents who are transgender or have different sexual orientation very often suffer discrimination from other children or workers.

In the same way, there is the need to re-think the assumption that children who are victims of CSEC should be rehabilitated or re-educated using disciplinary systems or strict rules that involve severe restrictions on their liberty, as if the exploitation was a problem with the child's behaviour, which is still the perception of officials in different countries. Some Latin American countries have had positive experiences in the reintegration and rehabilitation of survivors using a variety of strategies, which could support the creation of more specialised services for victims.

It is also important to look for and establish mechanisms so that all bodies charged with protecting and restoring the rights of sexually exploited children fulfil their responsibilities in funding the respective programs and providing a wider range of priority services for victims. For example, civil organisations have identified barriers to restoring the rights of sexually exploited children in all the countries reviewed in this study. This includes the tendency towards long legal proceedings where families and children sometimes have to repeat their testimony various times due to the non-use of *Gesell* domes, as well as poorly formulated accusations and lack of legal support for victims. All of these issues have made survivors experience re-victimisation. In this sense, legal representation and compensation must also be considered for victims of all different forms of commercial sexual exploitation.

As indicated in the XIII Report by IIN, it is important to look at greater impact and involvement from companies in the tourism sector, as well as businesses that move staff and are active in the travel sector. Along with other initiatives connected with corporate social responsibility, they could support attention and recovery programs for victims by providing job opportunities in the industry.<sup>449</sup> This would help reintegrate survivors back into society.

## PARTICIPATION OF CHILDREN AND YOUNG PEOPLE

The Declaration of Rio noted that: "Children's right to express their views and have those views given due weight in all matters affecting their lives, including in all administrative and judicial proceedings, is not consistently incorporated in national legislation and practice".<sup>450</sup> Accordingly, the recommendation to Member States was to: "Mobilize communities, including children and adolescents with a view to engaging them in dialogue on and a critical review of social norms and practices and economic and social conditions that make children vulnerable to trafficking, and establish procedures that involve them in developing strategies and programmes where they participate, where appropriate, in the planning, implementation and monitoring of such programmes".<sup>451</sup> In Latin America, attempts have been made to increase the participation of children and young people in the prevention of CSEC and SECTT. So far it has mainly been civil organisations (NGOs and international aid organisations) that have promoted spaces for children in consultative and preventative strategies such as forums, or campaigns generally dealing with matters related to children. However, there are fewer spaces where children and young people have been encouraged or invited to participate in the issue of CSEC – and still fewer relating to SECTT.

IIN, for instance, has created the web page "Nuestra voz a Colores" ("Our Voice in Colours"), to promote the participation of children and young people in issues that affect them, such as CSEC. The key message it offers is for youth to "be informed, to give opinions, to be heard, to get organized and to influence decisions".<sup>452</sup>

Additionally, there are further specific instances of children and young people being included in social mobilisation to improve awareness of CSEC. For example, children have been involved in marches in Asunción (**Paraguay**) to raise awareness around child sexual exploitation and call for greater commitment from the government in combating the problem. The marches included theatrical

<sup>449</sup> IIN and OEA (2013), "La explotación sexual comercial de niñas, niños y adolescentes en el contexto de viajes y turismo", 48.

<sup>450</sup> III World Congress against Sexual Exploitation of Children and Adolescents (2008), "The Rio de Janeiro Declaration and Call for Action", para. 15.

<sup>451</sup> *Ibid.*, para. 22.

<sup>452</sup> Nuestra Voz a Colores (n.d.), "Who are we?", *Nuestra Voz a Colores*, accessed 19 June 2015, <http://nuestravozacolores.org/en/who-are-we/>

performances and other artistic presentations.<sup>453</sup> In **Uruguay** more than 40 adolescents from the PROPIA program (a youth participation initiative run by INAU),<sup>454</sup> Jóvenes en Red (a program run by the Ministry of Social Development) as well as volunteers from the campaign “Uruguay, a country where they treat you well” were invited to an international seminar on CSEC in Montevideo. Their participation included making presentations, asking questions and calling for greater efforts in this area.<sup>455</sup> In **México**, the Secretariat of Tourism (Sectur) threw the National Competition of Tourist Culture in 2015 under the theme ‘For our present and future: tourism united against human trafficking’. The competition was aimed at children across the country. Participants had to submit an illustration that depicted their ideas on how to prevent trafficking in tourism.<sup>456</sup>

As mentioned above, civil society and international aid organisations have been heavily involved in encouraging participation from children and young people. Specific initiatives that have tried to address the participation of children and young people in the prevention of CSEC include the Global Youth Partnership Project against Commercial Sexual Exploitation of Children developed by the Paicabí and Raíces NGOs in **Chile** with ECPAT International from 2009 to 2012. This project was carried out in the Valparaíso, Coquimbo and Metropolitana regions and worked with young people (including some survivors of CSEC), who conducted peer education strategies in schools, a ‘Journal for Prevention’ and radio programs aimed at preventing CSEC.<sup>457</sup> Later, Paicabí organised a competition to create ‘spots’ (short videos) to raise awareness about CSEC. Although the competition was open to the public, it was particularly aimed at filmmakers, designers, audio-visual artists, advertising executives and students in these fields.<sup>458</sup>

An important initiative involving the participation of children and young people, this time in **Brazil**, is the campaign ANA (Aliança Nacional dos Adolescentes, National Alliance of Adolescents). ANA was started in 2012 by a group of young people with the aim of strengthening youth participation in the fight against sexual violence at the national level, through educational communication (online chat sessions between specialists and adolescents, digital newsletters and a blog) to help young people protect themselves against sexual violence. The main character used in the initiative is a 13-year-old girl who is a student in a public school in the city of São Lourenço da Mata, one of the locations where the 2014 World Cup was held. This initiative has been supported by ECPAT Brazil, the National Committee against CSEC and the National Secretariat for Human Rights.<sup>459</sup>

Additionally, children and young people have participated in SECTT initiatives in **Colombia, Dominican Republic and Costa Rica**. MAIS-ECPAT Dominican Republic, for example, has been training tourism students on the subject of sexual exploitation of children as a way to raise awareness. This has been very positive because these students are now working in the industry in different positions and are already conscious of the issue and committed to protecting children.<sup>460</sup> Similarly, Fundación Paniamor in Costa Rica along with the IBCR included young people in a project aimed at preventing commercial sexual exploitation in Costa Rica between March 2012 and February 2014. Young people joined this initiative as volunteers to engage with the informal tourism sector and encourage them to participate in project activities. It was reported that the young people who were involved attained a high level of awareness and knowledge about CSEC and social change in their respective communities.<sup>461</sup>

<sup>453</sup> ECPAT International (2014)g, “Informe de Monitoreo de País sobre la Explotación Sexual Comercial de Niños, Niñas y Adolescentes – Paraguay”, 59.

<sup>454</sup> For further information on the PROPIA program, See: PROPIA 2016 (n.d.), “Quiénes somos”, PROPIA 2016, accessed 21 June 2016, <http://propiauruguay.blogspot.com.au/p/quienes-somos.html>

<sup>455</sup> PROPIA 2016 (2015), “Los Adolescentes Opinam”, PROPIA 2016, accessed 21 June 2016, <http://propiauruguay.blogspot.com.au/2015/04/explotacion-sexual-y-comercial.html>

<sup>456</sup> México Unido contra la Delincuencia A.C. (n.d.), “Lanza Sectur concurso para niños contra la trata de personas”, accessed 13 June 2015, <http://www.muco.org.mx/Lanza-Sectur-concurso-para-ni%C3%B1os-contra-la-trata-de-personas-n1562.html>.

<sup>457</sup> ONG Paicabi (2013)a, “Proyecto de Participación Juvenil para la Prevención de la Explotación Sexual Comercial con Niños, Niñas y Adolescentes (ESCENNA)”, ONG Paicabi, accessed 10 June 2015, <http://paicabi.cl/2013/02/16/english-proyecto-de-participacion-juvenil-para-la-prevencion-de-la-explotacion-sexual-comercial-con-ninos-ninas-y-adolescentes-escenna/>; ECPAT International (2010), “Youth partnership project against commercial sexual exploitation of children and youth (YPP), Global Meeting Promoting Youth Power! Summary Report”, Bangkok, Thailand: ECPAT International, accessed 10 June 2015, <http://www.ecpat.net/sites/default/files/YPP%20global%20meeting.pdf>

This programme was also developed in Guatemala and Mexico by ECPAT Guatemala and ECPAT México respectively.

<sup>458</sup> ONG Paicabi (2013)b, “Premiación de videos ganadores del Concurso de Spots contra la ESCENNA”, ONG Paicabi, accessed 19 June 2015, <http://paicabi.cl/2013/07/12/videos-ganadores-del-concurso-de-spots-contra-la-escenna/>

<sup>459</sup> ANA – Aliança Nacional dos Adolescentes (n.d.), “A Campanha”, ANA – Aliança Nacional dos Adolescentes, accessed 7 July 2015, <http://anamovimento.blogspot.com.br/p/sobre-o-projeto.html>.

<sup>460</sup> Defence for Children – ECPAT the Netherlands (2013), “Protection of children against sexual exploitation in tourism”, 11.

<sup>461</sup> Fundación PANIAMOR and IBCR (n.d.), “Prevención de la Explotación Sexual Comercial Asociada a Viajes y Turismo en Costa Rica: Sistematización de la Experiencia Bilateral”, 64 and 82.

Fundación Renacer in Cartagena, Colombia, carries out education activities with children to make them agents in preventing SECTT with the ECPAT Youth Network in Colombia. This group began seven years ago and is currently working with Renacer to create safe spaces, mobilising and connecting the same children in this process through formative activities. According to the members of the group, a key part of its success has been its ability to create an environment of trust based on a generational, social and cultural identity with children and young people. Kevin Hernández, a member of the group, said that the work had created awareness throughout Cartagena that the city is a tourist destination to be enjoyed, but this should not involve sleeping with children. Kevin also noted that the network had been created to protect children who are sexually exploited by adults who do not come with tourist objectives.<sup>462</sup>

Although different initiatives have promoted the participation of children and young people, it is important to define with them what kind of participation is desired. Children and young people have been consulted on a regular basis, and they have participated in forums, marches, art-based activities and specific programs, but what level of influence do they have in decision-making about policies? This is a matter that needs to be assessed. The participation of children and young people should be a long-term goal, which means reducing

barriers such as lack of access to appropriate information and providing material that is sensitive to ethnic, cultural, linguistic and psycho-physical diversity.

All of this requires resources. Latin America still faces great difficulties in translating the right to participate into real, practical and systematic forms of participation. But it is clear that survivors must be included as participants, without re-victimising them in the process. A consultation carried out in 2015 by ECPAT International with children and youth groups from Colombia and Peru indicated that some believe people should ‘acknowledge our dignity as children’ and those who can help need to ‘be aware of the need to combat the crime of sexual exploitation’ and to inform ‘the necessary authorities that can help to solve these cases so that these people may be in charge of following the necessary procedure with the child or adolescent’. Others stressed that the ‘government needs to understand the depth of this situation and severely punish these criminals’ in order to ‘defend and promote the rights of children and adolescents so that they won’t be harmed’ and ‘to do everything more quickly because it is becoming more and more common’. They wish to be always supported ‘by letting people know about our activities and about what children can do to help adolescents who are victims of CSEC’, saying that ‘together we can accomplish great things such as preventing, rescuing and informing adults and youth’.<sup>463</sup>

<sup>462</sup> Fundación Renacer (2011), “Sistematización del Proyecto para Prevenir la Explotación Sexual Comercial de Niñas, Niños y Adolescentes en el Contexto de Viajes y Turismo en la Ciudad de Cartagena”, 70.

<sup>463</sup> ECPAT International (2015) a “Report of consultation on Sexual Exploitation of Children in Travel and Tourism”: Colombia and Perú. The following groups were consulted: Youth Group ECPAT Colombia (63 participants); Junin with Youth Leader Network (24 participants); REDNNA Iquitos Network of Children and Adolescents (13 participants).



# CHAPTER 6

## REMAINING CHALLENGES AND RECOMMENDATIONS

This chapter highlights the areas that need most attention in order to combat SECTT in Latin America and offers recommendations for government, NGOs and the private sector on how to best address this phenomenon, based on the literature reviewed. Because SECTT is a subset of CSEC, some recommendations refer to CSEC, but are nevertheless essential for developing comprehensive child protection frameworks for SECTT.

### **Recommendation 1. Place the issue of CSEC on the political agenda in Latin America in line with countries' commitments at the World Congress III against the Sexual Exploitation of Children and Adolescents (WCIII) in Rio de Janeiro, Brazil, 2008**

Currently, combating CSEC and SECTT is not high on the agenda for many countries in Latin America. In the region there is a strong focus on fighting human trafficking and the majority of multinational efforts are in this area, while the focus on combating CSEC has waned. This can be seen from the small number of countries that currently have national plans addressing this issue, particularly when we take into account the fact that several of them used to have such plans. Thus it is very important to put the issue of CSEC back on the agenda for Latin American countries and for the region as a whole. At the same time, the characteristics of each modality (including SECTT) should be recognised and appropriate strategies should be designed to address the problems from a children's rights perspective.

### **Recommendation 2. Strengthen cooperation and coordination by expanding and continuing bilateral and multilateral projects against SECTT**

As has been seen in previous chapters, Latin America already has a number of action groups and multinational initiatives that are helping improve cooperation and coordination in the region. One example is the "Combating the Sexual Exploitation of Children" awareness-raising

campaign carried out at the three-way border between Brazil, Paraguay and Argentina. Such initiatives allow countries to share information, better understand the scale and scope of the problem, measure their efforts against best practices in the region and develop more effective methods of preventing, detecting, investigating, prosecuting and punishing the exploiters as well as protecting survivors and assisting them with their recovery. Moreover, as SECTT transcends national borders, it is imperative that countries work together to address the problem in a comprehensive way – for example, at both the source and the destination – so that the problem doesn't simply spring up in a new location, as has tended to be the case.

### **Recommendation 3. Support and encourage regional bodies already working in the fight against SECTT in coordination with IIN, UNWTO, ECPAT International and other organisations**

In Latin America there are various groups working to protect children from exploitation in travel and tourism, including GARA and CAATUR, which have SECTT on their agenda. It would be beneficial to strengthen these spaces and define one or two key messages to position the issue at the regional level and at the same time support the initiatives in each country. Recently, two more countries were invited to be part of GARA. This is a positive sign, because as this space becomes more visible it will attract more interest from other countries. In Chile, for instance, according to a research report by Mendaña et al., when the government body responsible for tourism in Chile, SERNATUR, began participating in international spaces for combating SECTT, it saw the importance the issue had been given in other countries, as well as the clear commitment that some had shown to involving the tourism sector in fighting this crime. This acted as an impetus for Chile's efforts in fighting SECTT.<sup>464</sup> CAATUR, meanwhile, has complementary objectives to those of GARA, and recognises the advantages of working together.

<sup>464</sup> Mendaña, Iria Retuerto Castelli, Denisse Araya and Tarducci, Giulia (n.d.), "Explotación Sexual Comercial de Niños, Niñas y Adolescentes en el Ámbito del Turismo y Viajes", 09.

## Recommendation 4. Build regional knowledge about scale, scope and characteristics of SECTT

Although there is extensive literature in Latin America on the subject of CSEC, this is not the case for SECTT. Local research on the nature and extent of this modality is required to understand the complex dynamics in Latin American countries and specific locations that are affected by this problem. Critically, accurate data on both victims and exploiters is needed, disaggregated by age, sex, ethnicity and place of origin. As noted in Chapter 3, this has been one of the recommendations of the UN Committee on the Rights of the Child in its list of issues for all State Parties submitting reports to the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography. SECTT is hardly registered in government reporting systems, even in countries where it is formally recognised as a crime.

This challenge is not unique to government agencies; NGOs working in this area (including ECPAT International) have found it hard to obtain clear statistics across the region. Table 2 in Chapter 3 provides useful information for specific countries, but indicators showing the extent of the problem across the region are still missing. There is a pressing need for governments to implement a system of data collection that can reveal the extent of the problem. By confirming the scale and characteristics of the issue, such research can bring attention to the problem, attract greater involvement from both the government and civil society in tackling it and ensure that it is addressed effectively. To complement this, it is recommended that mixed methods and research techniques are used, such as surveys, questionnaires, participant/non-participant observation, focus groups, case studies, among others. The Participatory Action Research (PAR)<sup>465</sup> methodology could be useful to promote participation and encourage changes from the people affected by this issue. While it is important to obtain such statistics, it is also crucial to continue tackling this problem despite the lack of sufficient data available.

## Recommendation 5. Implement national and local plans to combat CSEC with resources and clear indicators to address all modalities, including SECTT

In 2008 in Latin America there was growing development and implementation of national plans to combat CSEC and SECTT, which was recognised during the III World Congress (point 3). Unfortunately, this trend has changed. Of the nine countries that had such plans, only four are

current. This has occurred because, among other reasons, the issue has become diluted or absorbed into other committees addressing other problems such as human trafficking and child labour. Other countries have planned or tabled initiatives, but never actually implemented them. For example, in its report to the Committee on the Rights of the Child in 2012, the government of Mexico noted the existence of a plan against CSEC, but as pointed out by ECPAT Mexico in the Country Monitoring Report of this country published in 2014, there is no proof of the existence of such a plan.<sup>466</sup>

The situation is worse at the local level and consequently many of the initiatives that have been carried out owe their success to the interest and commitment of specific institutions, sectors or individuals rather than the State. For example, there has been strong commitment from national and local tourism bodies in partnership with the private tourism sector and social organisations. However, the impact of these efforts could have been even greater as part of a public policy supported by laws that address SECTT as a crime.

If CSEC is to be addressed in all its forms – including SECTT – there must be a national plan that specifically tackles this problem. Furthermore, these efforts must be supported with adequate financial and human resources. As seen in Chapter 5, the lack of resources to implement such actions is another problem at the national level. In Peru's 2014 USD\$41 billion national budget, for example, only USD\$750,000 was allocated to issues related to CSEC, and more than half of this sum was earmarked for addressing human trafficking.

In this sense, the national and local plans must be backed up with adequate resources as well as clear indicators to monitor and follow up their implementation throughout the national territory.

## Recommendation 6. Strengthen and create (where they do not exist) inter-institutional committees to combat CSEC at the national and local level

In all of the countries looked at in this report there are inter-institutional committees that work towards protecting children's rights and even some that address the issue of SECTT; however, they experience high staff turnover - employees are generally only employed for one term of government - and suffer from institutional overlap with different agendas, which slows processes and creates administrative confusion. Additionally, as mentioned above, the different bodies participating in

<sup>465</sup> PAR is a methodology in which the researcher and participants study situations to understand them better and then change the situation. In this sense, it is not simply an exercise in gathering knowledge, but also in immediately using that knowledge to instigate positive changes, at the same time empowering those who participate.

<sup>466</sup> ECPAT México y ECPAT Internacional (2014), "Informe de Monitoreo de País sobre la Explotación Sexual Comercial de Niños, Niñas y Adolescentes – México", 49.

these committees do not always have specific plans or resources to combat SECTT effectively. These problems are exacerbated by a lack of monitoring.

Thus, it is recommended that concrete goals and indicators be established for SECTT in conjunction with clear strategies that are not dependent on periods of government or the interests of whichever political party is in power. This could overcome the lack of continuity and make organisations more accountable while at the same time strengthening evaluation and reporting. Due to the nature of SECTT, the presence of the government tourism sector in such bodies is vital.

### Recommendation 7. Address the root causes of SECTT

Although the preventive initiatives developed in Latin America are significant, countries must also address structural factors such as poverty, exclusion and discrimination experienced by children and families who live in areas affected by travel and tourism. As they often live in conditions that contrast markedly with the economic affluence of tourists and travellers, this makes them more vulnerable to SECTT and other violations of rights. Mechanisms must also be established to address violence, corruption and impunity; due to fear, criminal groups and a limited State presence, children's rights also suffer. Until these structural factors are addressed, preventive actions will have limited effectiveness.

This recommendation has also been made by the Convention on the Rights of the Child, which has recommended that some Member States strengthen international cooperation in order to address the root causes, such as poverty, underdevelopment and weak institutional capacity, contributing to the vulnerability of children to SECTT, among other types of CSEC.<sup>467</sup>

The travel and tourism industry as well as companies undertaking mega-projects that involve the movement of large numbers of workers should also get involved in these efforts. The travel and tourism sector, for instance, could support and/or establish training programs and offer jobs for low-income families living in tourist locations. This would provide opportunities for work and personal

development in the tourism and travel industry. At the same time, training could incorporate information on preventing, identifying and reporting cases of SECTT. The Cooperative School of Young Workers in the Tourism Sector (Cooperativa Escola de Jovens del Sector Turístico, COOPERATUR) run in the city of Cabo de Santo Agostinho, Pernambuco, Brazil, is a good example of what can be achieved.<sup>468</sup>

### Recommendation 8. Continue extending the implementation and signing of The Code of Conduct in all Latin American countries and monitor its implementation

Some countries in Latin America have made effective use of this tool, and in some cases it has led to the creation of national codes of conduct. A high level of commitment from the private sector, social organisations and government bodies responsible for tourism has been vital in achieving positive outcomes. However, despite the progress made, the same results have not been seen across all countries or even within all parts of single countries.

In order to engage the private sector, it is important that the national body responsible for tourism and travel takes a leading role. This is shown in the examples of Brazil, México and Costa Rica presented in Chapter 5. Equally, it is recommended that in places where the Code has already been implemented, this be made a compulsory condition for companies to obtain trading licences, as is currently the case in Colombia.

Furthermore, the front line staff of airlines, airports, ports, and ground transportation should be trained to become agents of prevention through internal protocols and participation in campaigns to stop SECTT in locations with high volumes of travellers and tourists.

Finally, it would be useful to consult companies in the tourism and travel sector, particularly those that have signed the code, about mechanisms that help prevent SECTT based on their experiences. This could also help identify new and emerging tourist destinations and lead to the development of strategies to combat SECTT, in line with article 21 of the Rio Declaration Call for Action.<sup>469</sup>

<sup>467</sup> Committee on the Rights of the Child (2010)d, "Consideration of reports submitted by States parties under article 12, paragraph 1, of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution, and child pornography. Concluding observations: Colombia", UN Doc. CRC/C/OPSC/COL/CO/1, 17 June 2010, para. 33, accessed 11 July 2015, [http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fOPSC%2fCOL%2fCO%2f1&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fOPSC%2fCOL%2fCO%2f1&Lang=en)

<sup>468</sup> This project is aimed at young people aged 17-21 living in the area and who belong to families excluded from the labour market or workers in the informal sector, with few or no qualifications in a precarious economic situation, making the children vulnerable to SECTT and other forms of CSEC. Save the Children Suecia (2007), "Buenas prácticas empresariales: casos exitosos para la prevención de la explotación sexual de niñas, niños y adolescentes en América Latina", Lima, Perú: Save the Children Suecia, 46-57, accessed on 1 August 2015, [http://www.annaobserva.org/ckfinder/userfiles/files/Cooperatur\\_y\\_Atlantics.pdf](http://www.annaobserva.org/ckfinder/userfiles/files/Cooperatur_y_Atlantics.pdf) See the same document for other experiences of social responsibility such as "La Cadena Hotelera Atlantica Hotels International (AHI)"; the Resposta NGO in Natal in Brazil; the implementation of The Code in Costa Rica; and the inclusion of CSEC in the tourism ethics course at the Centro de Formación en Turismo (CENFOTUR) in Peru.

<sup>469</sup> Article 21 of the Rio Declaration states the following: "Monitor new and emerging tourist destinations and establish proactive measures to work with private sector partners involved in the development of tourism services on measures to prevent the sexual exploitation of children and adolescents, including the use of socially and environmentally responsible strategies that promote equitable development". III World Congress against Sexual Exploitation of Children and Adolescents (2008), "The Rio de Janeiro Declaration and Call for Action", para. 21.

### **Recommendation 9. Promote the adoption of company policies against SECTT, within and beyond travel, tourism and transportation industries (e.g. mining, business and construction sectors, among others)**

As seen in previous chapters, SECTT is facilitated by some industries that are not directly related to travel and tourism, for instance, mega-projects in the mining or construction industry. Building on the positive experience of The Code in the tourist and travel sector, it would be beneficial to promote and expand social responsibility initiatives within companies and sectors that until now have not been involved in the fight against SECTT, even though their workers – mainly males in transit – have increased the demand. It is recommended that such companies undertake awareness campaigns and train their personnel on CSEC and implement company policies to prevent SECTT. At the same time, governments should work with companies that have a large transient workforce to develop strategies that minimise the risks and protect children from SECTT.

### **Recommendation 10. Develop and support innovative community strategies to reach the informal sector, communities, families and children, making them agents in the prevention of SECTT**

The preventive initiatives specifically aimed at SECTT that seem to have a greater long-term impact are those which target different population groups at the same time and adapt the strategies and activities to their characteristics. Two examples of this are: the “La muralla soy yo” (“I am the Wall”) project, carried out by Fundación Renacer-ECPAT Colombia in Cartagena de Indias, one of the most important tourist cities in Colombia;<sup>470</sup> and the Binational Project, carried out by Fundación Paniamor-ECPAT Costa Rica and IBCR in Guanacaste and Puntarenas, two tourist cities in Costa Rica.<sup>471</sup> Both organisations have been promoting the signature of The Code by the formal tourism sector in their countries, as mentioned above. However, based on this experience, they realised that there were other sectors that needed to be involved to improve the effectiveness of SECTT prevention, namely the informal tourism and travel sector, families and children.

Both of these experiences were carried out following similar processes: conducting a mapping exercise/ outreach work, designing educational strategies for all target groups (children, families, police, formal sector and informal sector), training participants to be active as well as providing support to initiatives and networks that already exist or that arise during the meetings. The projects also involved academia, young people as peer educators to increase impact and famous personalities to help publicise the message.

One of the lessons learnt is that focusing on the community and informal sectors is key in making them barriers against SECTT, especially since operators in the informal sector are not affected by The Code. Universities can play a role in implementing innovative strategies to reach those populations and can also include the topic of CSEC in the curriculum of all relevant programs (e.g. law, hospitality management, journalism). These initiatives also instil the idea among locals that eradicating SECTT in a tourist and travel location is beneficial for the whole community. However, these efforts have suffered from a lack of continued funding. When international resources are no longer available, State bodies fail to adopt these initiatives as part of their programs. Thus governments should make a greater effort to analyse these initiatives and, where appropriate, provide funding to ensure their continuity.

### **Recommendation 11. Expand focus of prevention campaigns beyond traditional targets**

SECTT prevention campaigns in Latin America have focused on international tourists and the formal tourist industry. In accordance with article 20 of the Rio Declaration,<sup>472</sup> several initiatives have been developed to warn travellers of the penalties for the sexual exploitation of children. Although these campaigns have had a positive effect and should be continued, they should also target domestic travellers and tourists as these groups contribute significantly to SECTT. Additionally, work needs to be done to challenge the idea that such exploitation is normal, and especially that adolescent victims of CSEC (in particular those older than 14) are to blame for their situation. Educational material and campaigns must highlight the fact that teenagers are also children that need to be protected from sexual exploitation.

<sup>470</sup> For further information on the project, see: Fundación Renacer (2011), “Sistematización del Proyecto para Prevenir la Explotación Sexual Comercial de Niñas, Niños y Adolescentes”.

<sup>471</sup> For further information on the project, see: Fundación PANIAMOR and IBCR (n.d.), “Prevención de la Explotación Sexual Comercial Asociada a Viajes y Turismo en Costa Rica: Sistematización de la Experiencia Bilateral”.

<sup>472</sup> Article 20 of the Rio declaration reads: “Prohibit the production and dissemination of material advertising the sexual exploitation of children in tourism; and alert travellers to criminal sanctions that will apply in cases of sexual exploitation of children”. III World Congress against Sexual Exploitation of Children and Adolescents (2008), “The Rio de Janeiro Declaration and Call for Action to Prevent and Stop Sexual Exploitation of Children and Adolescents”, (outcome document from III World Congress against Sexual Exploitation of Children and Adolescents, Rio de Janeiro, Brazil, 25-28 November 2008), para. 20, accessed 1 June 2015, [http://www.unicef.org/protection/Rio\\_Declaration\\_and\\_Call\\_for\\_Action.pdf](http://www.unicef.org/protection/Rio_Declaration_and_Call_for_Action.pdf).

## Recommendation 12. Address the increasing use of ICT in SECTT

Article 17 of the Rio Declaration called for State Parties to “ensure that all stakeholders pay specific attention to unregulated tourism to prevent domestic and international travellers from sexually exploiting children and adolescents”.<sup>473</sup> This is more relevant given the boom in non-regulated accommodation options accessed through the internet such as Airbnb, which may allow exploiters to commit offenses without being detected by hotel staff. Government tourism bodies and the relevant police units must address issues related to such private accommodation. An aware and educated community also has a key role to play here. As Internet and communication technology is used to promote SECTT and facilitate contact between exploiters and children, Internet Service Providers and digital communities should be informed of the issue and involved in combating it.

## Recommendation 13. Reinforce the protection of children from sexual exploitation in the context of mega events

As noted above for the case of Brazil, children face a greater risk of falling victim to sexual exploitation before and during mega events. Despite the recognised efforts undertaken by organisations in Brazil, better collaboration is needed to coordinate programs and initiatives between government and NGOs, together with the involvement of major sport organisations – such as FIFA and IOC (International Olympic Committee) for the case of mega sports events – as well as the business sector.

As pointed out by the Special Rapporteur on the sale of children, child prostitution and child pornography during a side event on the protection of children from sexual exploitation in the context of major sports events,<sup>474</sup> these events should “be used as a catalyst to implement child protective strategies and to strengthen cooperation among various stakeholders to mitigate harm”. In order to

raise awareness, “it is essential that stakeholders involved in these campaigns deliver jointly a common message in order to enhance impact”.<sup>475</sup> At the same time they must establish actions before, during and after the event to prevent and protect children from being commercially sexually exploited not only by the people who travel to the events, but also by those who travel to work on the infrastructure and logistics for these large events (e.g. construction workers).

## Recommendation 14. Strengthen the legal framework for SECTT and mechanisms to monitor enforcement of the law

As noted in article 11 of the Rio Declaration: “in many States, laws do not adequately define and criminalise the various forms of sexual exploitation of children and adolescents in accordance with applicable international standards, therefore hindering the effective protection of children as well as the prosecution of these crimes”.<sup>476</sup> This is still a challenge in Latin America countries; although legal frameworks have been improved to protect children from CSEC, SECTT is not formally recognised as a crime in all countries. From the 14 countries included in this study, eight have specific legislation related to SECTT.

Punishments should be in place to discourage the demand for and sale of children in SECTT. Uruguay and Paraguay, for instance, were called on by the UNCRC to “[e]stablish and implement an effective regulatory framework to prevent and eliminate child sex tourism and, in particular, criminalise child sex tourism and ensure that the offence incorporate sanctions commensurate with the gravity of the crime”.<sup>477</sup>

Although several countries in Latin America have specific laws (criminal and administrative) to punish SECTT, problems still exist with the prosecution of these crimes. Corruption, lack of human resources and lack of training of the police and legal staff that deal with these crimes are some of the issues that need to be addressed here.

<sup>473</sup> *Ibid.*, para. 17.

<sup>474</sup> This event was part of the framework of the 25th session of the Human Rights Council in 2014. United Nations Human Rights Office of the High Commissioner (n.d.), “Protection of children from sexual exploitation in the context of major sport events”, *United Nations Human Rights Office of the High Commissioner*, accessed 13 April 2016, <http://www.ohchr.org/EN/Issues/Children/Pages/SideEventHRC25.aspx>

<sup>475</sup> *Ibid.*

<sup>476</sup> III World Congress against Sexual Exploitation of Children and Adolescents (2008), “The Rio de Janeiro Declaration and Call for Action to Prevent and Stop Sexual Exploitation of Children and Adolescents”, (outcome document from III World Congress against Sexual Exploitation of Children and Adolescents, Rio de Janeiro, Brazil, 25-28 November 2008), para. 11, accessed 1 June 2015, [http://www.unicef.org/protection/Rio\\_Declaration\\_and\\_Call\\_for\\_Action.pdf](http://www.unicef.org/protection/Rio_Declaration_and_Call_for_Action.pdf).

<sup>477</sup> Committee on the Rights of the Child (2013), “Concluding observations on the initial report of Paraguay submitted under article 12 of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, adopted by the Committee at its sixty-fourth session (16 September-4 October 2013)”, UN Doc. CRC/C/OPSC/PRY/CO/1, 29 October 2013, para. (29a), accessed 2 April 2016, <http://www.refworld.org/country,,CRC,CONCOBSERVATIONS,PRY,4562d94e2,5280f1994,0.html>

### Recommendation 15. Promote greater cooperation between law-enforcement agencies from different countries

Article 18 of the Rio Declaration recommends that “the establishment of an international travel notification system, such as the Interpol ‘green notice’ system, in accordance with applicable law and human rights standards”,<sup>478</sup> should be explored. Lobbying and support from organisations such as UNWTO, ECPAT International and UNICEF, among others, can help encourage countries to pilot such an initiative in the region.

### Recommendation 16. Implement specialised care and reintegration programs for children survivors of CSEC

Despite progress in this area in different Latin America countries such as Chile, Colombia and Brazil, there are too few specialised programs for survivors of CSEC and there are no centres that specifically cater for survivors of SECTT. In countries where specialised programs exist, it has been shown that victims of CSEC require staff and programs that understand their experiences and sexual orientation and work in a holistic manner for their physical and emotional recovery, helping reintegrate them into society.

Furthermore, it is necessary to strengthen the child protection system and develop coordinated alert and immediate response systems among the different institutions without compromising the integrity or security of victims. The differential approach should be integrated in the child protection system to respond to the particular needs of CSEC survivors, taking into consideration groups such as LGBT and indigenous children, for instance.

All the bodies with responsibility in the protection of children must also assign resources to finance programs to attend to the survivors according to their needs so their rights will be restored. In the case of victims of SECTT, as indicated in the XIII Report by IIN,<sup>479</sup> it is important to seek greater involvement from companies in the travel and tourism sector and other industries to support attention and recovery programs for victims in the places where those companies are operating.

### Recommendation 17. Ensure children’s voices are heard and considered in plans and programs addressing SECTT; secure resources to support the participation of children and young people in the long term

In Latin America greater participation is required from children and young people in the issue of CSEC (including SECTT). This includes participation in campaigns, but also in the formulation, implementation, evaluation and monitoring of policies, plans and programs. The adult-centric perception of children as requiring protection and needing constant support from adults has not facilitated their involvement in discussions concerning their welfare.

As noted in Chapter 5, Latin America still faces great difficulties in translating the right for children and young people to participate into something tangible. In a consultation carried out with children and young people in Peru and Colombia, they recognised their role to help curb SECTT by raising awareness among authorities, communities and other children through cultural events (using art as a form of expression), training, presentations and publications. They also referred to the creation of a video that could be broadcast by the media on the topic or/and “on YouTube so that many people can be informed”. They said that to implement these initiatives they require funding, technical assistance and training by specialists.<sup>480</sup>

It is clear that children and young people consider themselves a part of the solution and, in fact, they are part of the solution as it was illustrated previously; however, in order to achieve systematic participation, initiatives should be a long-term goal. This implies reducing barriers such as lack of access to appropriate information and providing material that is sensitive to ethnic, cultural, linguistic and psychophysical diversity. Furthermore, the inclusion of survivors must be paramount, without re-victimising them in the process. All of this requires adequate resources.

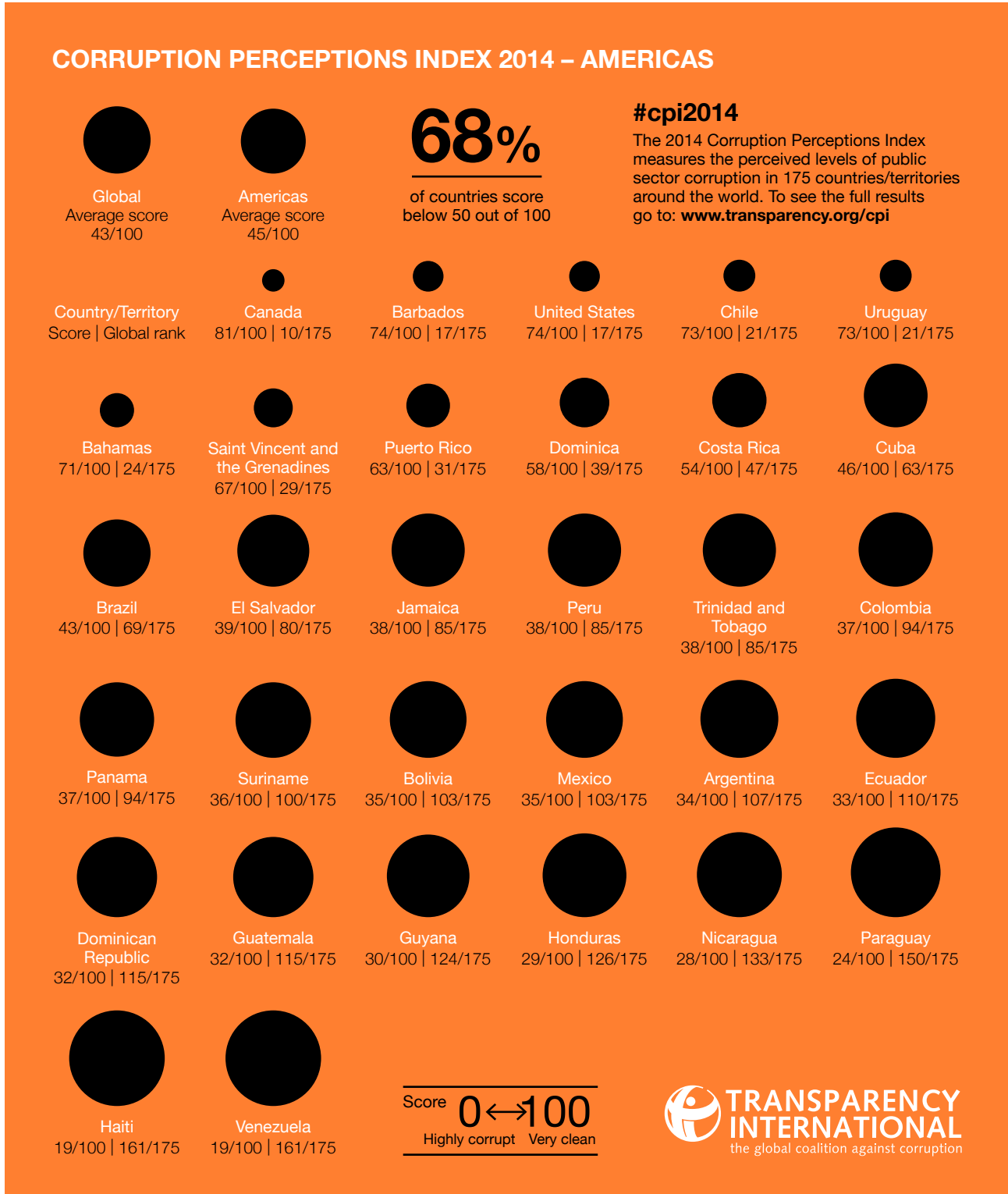
<sup>478</sup> III World Congress against Sexual Exploitation of Children and Adolescents (2008), “The Rio de Janeiro Declaration and Call for Action to Prevent and Stop Sexual Exploitation of Children and Adolescents”, (outcome document from III World Congress against Sexual Exploitation of Children and Adolescents, Rio de Janeiro, Brazil, 25-28 November 2008), para. 18, accessed 1 June 2015, [http://www.unicef.org/protection/Rio\\_Declaration\\_and\\_Call\\_for\\_Action.pdf](http://www.unicef.org/protection/Rio_Declaration_and_Call_for_Action.pdf).

<sup>479</sup> IIN and OEA (2013), “La explotación sexual comercial de niñas, niños y adolescentes en el contexto de viajes y turismo”.

<sup>480</sup> ECPAT International (2015)a “Report of consultation on Sexual Exploitation of Children in Travel and Tourism”.

# APPENDIX 1

## CORRUPTION PERCEPTIONS INDEX



Source: Adapted from TI (Transparency International) (n.d.), "Corruption Perceptions Index 2014", image, accessed 21 July 2015, <http://www.transparency.org/cpi2014/infographic/regional/americas>

# APPENDIX 2

## NATIONAL ACTION PLANS

Country	Plans and Programs related to SECTT	Commentary
Argentina	No national plan to combat CSEC	<ul style="list-style-type: none"> <li>The National Action Plan for Children’s Rights (2012-2015) contains suggested steps for eradicating child labour and the sexual exploitation of children.</li> <li>The National Protocol for Assisting Victims of Sexual Exploitation and human trafficking is presided over by the National Secretariat for Childhood, Adolescence and Family and is composed of representatives from the Childhood, Adolescence and Family Protection bodies in each of the provinces and the autonomous city of Buenos Aires. In April 2012, the First National Meeting of Authorities on human trafficking for purposes of sexual and labour exploitation was carried out.</li> </ul>
	Ministry of Tourism, Strategic Federal Plan for Sustainable Tourism: Responsible Tourism and Infancy	<ul style="list-style-type: none"> <li>The Responsible Tourism and Infancy Program sits under the National Ministry of Tourism (MINTUR). It started in 2005 and is the space from which the actions to prevent SECTT in Argentina have been carried out.</li> <li>2008 saw the start of the Code of Conduct Project to Protect Children’s Rights<sup>481</sup> in Argentina. It began with the signing of The International Code, which committed MINTUR to “raising awareness among all actors in the sector” to promote children’s rights and prevent the sexual exploitation of children.</li> <li>In August 2010, the Ministry of Tourism as well as organisations from the tourism sector and the areas of childhood and adolescence signed the Formal Commitment to Promote the Code of Conduct for the Protection of Children’s Rights in Travel and Tourism, with the aim of raising awareness about this issue as a preventive tool.</li> <li>Local ECPAT International representatives reported that only Meliá Hotels, Accor Hotels, Dream Time Travel and Het Andere Reizen had signed and implemented The Code.</li> <li>MINTUR is part of GARA, which coordinates actions at the international level.</li> </ul>

<sup>481</sup> Fundación Turismo para Todos (2010), “Argentina Código de Conducta Nacional para la Protección de los Derechos de Niñas, Niños y Adolescentes en Viajes y Turismo”, accessed 4 June 2015, <http://www.turismoparatodos.org.ar/seguridad/tsi/codigo-de-conducta.pdf>



Country	Plans and Programs related to SECTT	Commentary
<b>Brazil</b>	National Plan to Combat Sexual Violence Against Children and Adolescents (PNEVESCA) 2013-2020	<ul style="list-style-type: none"> <li>• The National Committee to combat Sexual Violence Against Children is the body responsible for developing the Plan; the Tourism Ministry is part of this Committee.</li> <li>• The main aims of this plan are prevention, attention for children, defence and accountability, participation of children, research and communication and social mobilisation.<sup>482</sup></li> <li>• On 18 May 2000, Brazil's government launched the National Day against the Sexual Exploitation of Children and Adolescents, celebrated since then with the campaign "Faça Bonito – Proteja nossas crianças e adolescentes" (Make Beautiful – protect our children and adolescents).<sup>483</sup></li> </ul>
	Program Sustainable Tourism and Childhood (TSI)	<ul style="list-style-type: none"> <li>• The Ministry of Tourism (MTur), in partnership with the National Tourism Council, State and Municipal Departments of Tourism, Issues Chamber of Sustainable Tourism and Childhood (Câmara Temática do Turismo Sustentável e Infância), several companies representing the tourism sector, universities and members of civil society, created this program in 2004.</li> <li>• The program aims to combat the sexual exploitation of children and adolescents in tourism following four lines of action. Important outcomes include: <ul style="list-style-type: none"> <li>◦ The Social Inclusion Project with professional qualification. Since 2008, this project has offered training courses related to tourism for socially vulnerable young people aged 16-26. Through the training, 1,800 young have gained professional qualifications.</li> <li>◦ Multiplier Training projects. These have trained 530 local staff to disseminate knowledge on SECTT in 26 States and in the Federal District, and have developed and implemented plans of action in the 12 host cities of the 2014 World Cup, as well as national campaigns.</li> <li>◦ Awareness seminars. These have targeted entrepreneurs in the tourism sector, institutions that work with the topic, members of civil society, and all those involved with tourism in Brazil. All Brazilian States have already received a seminar, with a total of 163 events conducted, and 110,000 people given a greater awareness of the issue.</li> <li>◦ Campaigns are carried out each year in national events to encourage the reporting of cases of sexual exploitation of children and adolescents. Between 2013 and 2014, these campaigns saw the distribution of 728,839 pieces of material related to the Child Protection campaign during the period of Carnival and World Cup 2014.<sup>484</sup></li> </ul> </li> </ul>

<sup>482</sup> Brasil, Secretaria de Direitos Humanos (2013), "Plano Nacional de Enfrentamento da Violência Sexual contra Criança e Adolescentes", accessed 5 July 2015, <http://www.sdh.gov.br/assuntos/bibliotecavirtual/criancas-e-adolescentes/publicacoes-2013/pdfs/plano-nacional-de-enfrentamento-da-violencia-sexual-contra-crianca-e-adolescentes>

<sup>483</sup> Childhood Brasil (n.d.), "Faça bonito no 18 de Maio", accessed 4 July 2015, [http://www.namaocerta.org.br/bo1\\_12402.php](http://www.namaocerta.org.br/bo1_12402.php)

<sup>484</sup> Brazil, Ministry of Tourism (2015), "Programa Turismo Sustentável e Infância", accessed 5 July 2012, <http://www.turismo.gov.br/aceso-a-informacao/63-acoee-e-programas/4818-programa-turismo-sustentavel-e-infancia>

Country	Plans and Programs related to SECTT	Commentary
Chile	Second Framework for Action Against the Commercial Sexual Exploitation of Children and Adolescents 2012-2014. <sup>485</sup>	<ul style="list-style-type: none"> <li>• The framework guides public policy in CSEC to facilitate cross-sector actions in the following areas: analysing the problem, prevention, early detection and primary health care, restoration of rights and reparation, punishment of exploiters and protection of victims.</li> <li>• The framework contains a definition of SECTT and explicitly includes the modality among the forms of CSEC being addressed.</li> <li>• The government's National Tourism Service (SERNATUR) was tasked with including the topic of CSEC in the Tourist Conscience Program.<sup>486</sup> All regional managers were trained in the subject of CSEC, and this training was then given to others to help prevent this issue.<sup>487</sup> As of December 2014, approximately 1,274 people had been trained.<sup>488</sup></li> <li>• May 18 was declared the National Day in the Fight Against the Commercial Sexual Exploitation of Children.</li> <li>• The framework could not be fully implemented because the actions defined for the institutions were not binding, human and financial resources were lacking, and there were no local bodies linked to execute and monitor the plan.</li> </ul>
Colombia	National Action Plan to Prevent and Combat the Commercial Sexual Exploitation of Children 2006-2011	<ul style="list-style-type: none"> <li>• Colombia does not have a current national plan and as of December 2014 the previous plan had not been evaluated, despite the Committee on the Rights of the Child recommending this in 2010.<sup>489</sup></li> <li>• Its implementation was limited because of lack of budget and human resources.<sup>490</sup></li> <li>• The Ministry of Commerce, Industry and Tourism played a key role in preventing SECTT as part of the National Inter-institutional Committee for Executing Policy to Eradicate CSEC.</li> <li>• Actions and coordination at the national level were repeated at the local level and plans to combat CSEC were created in 15 cities. However, the initiative did not cover the whole country.</li> </ul>

<sup>485</sup> Chile, Ministry of Justice (2013), "Segundo Marco para la Acción Contra la explotación sexual comercial de niños, niñas y adolescentes 2012-2014", accessed 20 May 2015, <http://www.minjusticia.gob.cl/media/2013/04/2do-marco-16-8-2012-1.pdf>

<sup>486</sup> Chile, Servicio Nacional de Turismo (SERNATUR) (2014), "Programa de Conciencia Turística", accessed 4 June 2015, <http://www.sernatur.cl/conciencia-turistica>. This is an initiative to encourage a positive attitude among workers and people in the tourism sector.

<sup>487</sup> Chile, Servicio Nacional de Turismo (SERNATUR), (2013), "Informe de Gestión 2013-Programa Nacional de Conciencia Turística", accessed 4 June 2015, <http://www.sernatur.cl/wp-content/plugins/download-monitor/download.php?id=Informe-de-Gestion-2013-Turismo-Municipal-FINAL-1.pdf>

<sup>488</sup> ECPAT International (2014)d, "Informe de Monitoreo de País sobre la Explotación Sexual Comercial de Niños, Niñas y Adolescentes – Chile", 64.

<sup>489</sup> ECPAT International (2014)e, "Informe de Monitoreo de País sobre la Explotación Sexual Comercial de Niños, Niñas y Adolescentes – Colombia", 28.

<sup>490</sup> *Ibid.*, 28.

Country	Plans and Programs related to SECTT	Commentary
<b>Colombia</b> <i>(continued)</i>	National Strategy for Preventing CSEC in the Context of Travel and Tourism 2009-2012 <sup>491</sup>	<ul style="list-style-type: none"> <li>• This strategy was developed by the Ministry of Commerce, Industry and Tourism – Vice Ministry of Tourism together with the Colombian Institute of Family Welfare (ICBF) and the National Police, starting in 2009.</li> <li>• The strategy's lines of work were: training; information; verifying compliance with regulations; national and international cooperation between institutions; and technical assistance.</li> <li>• The Ministry reported the implementation of a free virtual course titled "United Against CSEC in travel and tourism", which between 2010 and 2012 trained and certified 1,267 people, 80% of whom are tourist service providers.</li> <li>• In terms of information, the Ministry conducted a national campaign targeting tourists and travellers with the message "Our country is a great tourist destination, not our children", while tourism employees were targeted with the message "I'm not a tourist destination".</li> <li>• Signing the Code of Conduct and checking its implementation is one of the main areas of work.</li> <li>• Workshops and regional forums were conducted to raise awareness and provide technical assistance.</li> <li>• In 2012, six regional forums were conducted with representatives from tourist authorities.</li> <li>• In terms of international cooperation, the Ministry is a member of GARA. Locally, it participated in the National Inter-institutional Committee for Executing Policy to Eradicate CSEC and other committees that address sexual violence.</li> </ul>
<b>Costa Rica</b>	Road Map for Making Costa Rica a Country Free of the Worst Forms of Child Labour: human trafficking and Commercial Sexual Exploitation 2010-2020	<ul style="list-style-type: none"> <li>• In Costa Rica the issue of sexual exploitation was included in this instrument. According to ECPAT International however, "not all institutions explicitly included actions to combat CSEC".<sup>492</sup></li> <li>• The National Steering Committee for the Eradication of Child Labour and the Protection of Young Workers is responsible for implementing the Road Map. In 2014 it created the Manual for Inter-institutional Assistance to Minors for Sexual Exploitation, trafficking, Child Labour and Dangerous Adolescent Work, to encourage commitment from institutions.</li> </ul>
	Second National Plan Against Commercial Sexual Exploitation  National Development Plan 2008-2010	<ul style="list-style-type: none"> <li>• The National Commission Against Commercial Sexual Exploitation (CONACOES) is the national body for coordinating public policy relating to CSEC. Until 2012 it was coordinated by the National Child Welfare Agency (PANI). It is not clear how this Commission will work with the National Steering Committee for the Eradication of Child Labour and the Protection of Young Workers, bearing in mind that the actions to combat CSEC are included in the Road Map.</li> <li>• Barriers to implementing this plan included the lack of a commission like the CONACOES at the local level to fight CSEC across the whole national territory. Only six locations are reported to have established inter-institutional networks against sexual exploitation (San José, Limón, Santa Cruz, Aguirre, Los Chiles y Corredores).<sup>493</sup></li> </ul>

<sup>491</sup> Colombia, Ministerio de Comercio, Industria y Turismo (2012), "Protección de la Niñez Frente a la Explotación Sexual Comercial en el Contexto de Viajes y Turismo: Fortalezas y Retos Identificados en los foros de Prevención (Colombia – 2012)"

<sup>492</sup> ECPAT International (2014)c, "Informe de Monitoreo de País sobre la Explotación Sexual Comercial de Niñas, Niños y Adolescentes - Costa Rica", 16.

<sup>493</sup> IIN and OEA (2014), "Planes Nacionales de Acción contra la Explotación Sexual Comercial de Niñas, Niños y Adolescentes a Nivel Regional- XIV informe", 23.

Country	Plans and Programs related to SECTT	Commentary
<b>Dominican Republic</b>	National Action Plan 2003-2016	<ul style="list-style-type: none"> <li>• The plan is current until 2016.</li> <li>• The Inter-institutional Commission against Abuse and CSEC is the body responsible for implementing and monitoring the Plan, however, the Coalitions of Childhood NGOs (la Coalición de ONG por la Infancia) has reported that it is not operating effectively.</li> <li>• The Dominican Republic is in the consultation process for the National Development Strategy 2030, which mentions SECTT in section 3.5.5.: “Support the competitiveness, diversification and sustainability of the tourist sector”. The section includes a line of action: “Establish mechanisms for the prevention, reporting and punishment of sexual harassment, violence and exploitation against children, adolescents and women” (point 3.5.5.16).</li> </ul>
<b>Ecuador</b>	National Plan to Combat People Smuggling and Human Trafficking, Sexual and Labour Exploitation and Other Forms of Exploitation, Especially of Women, Children, Adolescents and People with Diverse Sexual Identities as a Primary Policy (name changed in 2008). <sup>494</sup>	<ul style="list-style-type: none"> <li>• The Inter-institutional Commission for the Implementation of the National Plan Against human trafficking is also responsible for implementing this plan.</li> <li>• There is no local version of the commission to coordinate actions, making it impossible to implement the plan across the whole national territory.</li> <li>• The Ministry of Tourism is responsible for preventing SECTT. It carried out the CSEC Prevention Program,<sup>495</sup> creating informative and educational materials about human trafficking and sexual exploitation for both the tourism sector and for children. It also created the “Path to the Restitution of Children’s Rights in Situations of Sexual Exploitation in Tourism”. It also promotes signing of The Code of Conduct within the tourist sector.</li> <li>• Ecuador’s Ministry of Tourism of Ecuador is currently leading the GARA.</li> </ul>

<sup>494</sup> Government of Ecuador (2008), “Decree of 10 December 2008 which reforms Executive Decree 1823 of 30 August 2006”, accessed 11 June 2015, <http://grupodeaccionregional.gob.ec/component/phocadownload/category/128-ecuador.html?download=610:2008-12-considerando-sr-presidente-de-la-republica-del-ecuador>

<sup>495</sup> An important precursor to this proposal was the Proposed Action Strategy to Prevent and Eradicate the Commercial Sexual Exploitation of Children Associated with Travel and Tourism Ecuador, created by consultant Milena Grillo R. at the request of the Ministry of Tourism and available at: <http://grupodeaccionregional.gob.ec/component/phocadownload/category/128-ecuador.html?download=608:2005-ecuador-diagnostico-escnna-turismo>.

Country	Plans and Programs related to SECTT	Commentary
<b>Guatemala</b>	No national plan to combat CSEC	<ul style="list-style-type: none"> <li>• The National Strategic Action Plan in Human Rights 2007-2017 mentions the “exploitation or prostitution of children” in the actions to protect and promote the rights of migrants,<sup>496</sup> and also includes actions to nationally promote training aimed at the tourist industry to educate them about the different forms of CSEC. However, this plan is yet to be implemented due to lack of budget and technical resources.<sup>497</sup></li> <li>• With the adoption of the Law Against Sexual Violence, Exploitation and human trafficking (Decree Number 9-2009), the Secretariat Against Sexual Violence, Exploitation and human trafficking (SVET) was created. Through this body, various actions have been undertaken to prevent SECTT. For example, the National Committee for the Prevention of Sexual Exploitation and Protection of Children in Activities Related to Travel and Tourism (Mesa Nacional para la Prevención y Protección de Niños, Niñas y Adolescentes contra la Explotación Sexual en las Actividades Relacionadas con Viajes y Turismo) was created. This committee designed an Immediate Response Protocol for cases of SECTT, as well as a Code of Conduct for prevention and protection of children against SECTT.<sup>498</sup></li> </ul>
<b>Mexico</b>	No national plan to combat CSEC	<ul style="list-style-type: none"> <li>• Mexico has addressed SECTT under the National Program to Prevent, Punish and Eradicate Crimes of human trafficking and for Protection and Assistance for Victims of these Crimes 2014-2018, which is led by the Intersectorial Commission of the same name.</li> <li>• ECPAT International reports that the effectiveness of the program has been compromised by limited indicators to tackle the problem in a holistic manner, and the lack of a specific budget for its implementation.</li> <li>• Within the Commission, the Secretary of Tourism (SECTUR) is tasked with designing programs and public policy to reduce sexual tourism, provide training to workers in the sector, and design and implement campaigns to combat the crime, which it has been doing with significant results, as can be seen below.</li> </ul>

<sup>496</sup> Government of Guatemala (2007) “National Action Plan in Human Rights 2007-2017”, accessed 4 June 2015, <http://www.ohchr.org/Documents/Issues/NHRA/Guatemala2007-2017.pdf>

<sup>497</sup> ECPAT International (2014)f, “Informe de Monitoreo de País sobre la Explotación Sexual Comercial de Niñas, Niños y Adolescentes – Guatemala”, 31.

<sup>498</sup> Government of Guatemala (2014), “Informe de Estado sobre la Declaración y la Plataforma de Acción de BEIJING y los Resultados del XXIII Período de Sesiones de la Asamblea General de la ONU”, accessed 10 June 2015, [http://www.unwomen.org/-/media/headquarters/attachments/sections/csw/59/national\\_reviews/guatemala\\_review\\_beijing20.ashx](http://www.unwomen.org/-/media/headquarters/attachments/sections/csw/59/national_reviews/guatemala_review_beijing20.ashx).

Country	Plans and Programs related to SECTT	Commentary
<b>Mexico</b> <i>(continued)</i>	Program to Prevent People Trafficking in the Tourist and Travel Sector and the National Code of Conduct for the Protection of Children in the Travel and Tourist Sector	<ul style="list-style-type: none"> <li>• SECTUR, together with other government, civil society and private entities designed the National Code of Conduct for the Protection of Children in the Travel and Tourism Sector (CCN).<sup>499</sup></li> <li>• In the context of the Program to Prevent People Trafficking in the Tourist and Travel Sector, 32 federal entities are working to prevent the trafficking of children in the sector through education and awareness campaigns. Initiatives have included awareness forums, workshops to train trainers who then pass on the information to others through the sessions titled “Redoubling Efforts Against People Trafficking” and the campaign titled “No + Trafficking”, aimed at national and international tourists with a message of zero tolerance towards people trafficking.<sup>500</sup></li> <li>• This program has been recognised as good practice at the national and international level.</li> </ul>
<b>Nicaragua</b>	National Plan Against CSE 2002-2008  Action Plan to Prevent the Sexual Exploitation of Children in the Travel and Tourism Sector	<ul style="list-style-type: none"> <li>• This Plan is not current and it was not possible to find out if it has been evaluated.</li> <li>• The Nicaraguan Tourism Institute is responsible for executing this plan.</li> <li>• The Project “Strategy to Combat Abuse, Commercial Sexual Exploitation and Trafficking of Children” is currently being carried out in the municipalities of Managua, León, Granada, Masaya, Rivas, San Juan del Sur and Bluefields. From July 2015, work will also be done in Chinandega, Corinto, Ocotal, Somoto, Estelí, and Corn Island.</li> <li>• Actions have focused on awareness raising, mainly among businesspeople in the tourism industry, workers in tourist establishments (wait staff, maids), university students and teachers, and members of tourist cabinets in each territory where work is taking place.</li> <li>• INTUR with help from la Cooperación Italiana, UNICEF, the Tourist Police, university teachers and students, conducted 1,283 direct visits to businesspeople in the tourism sector to raise awareness about the issue, 808 nocturnal inspections of tourist companies to ensure they were complying with the code of conduct, various workshops, a march and the celebration of World Tourism Day in 10 territories.<sup>501</sup></li> </ul>

<sup>499</sup> Mexico, Secretaría de Turismo (SECTUR) (n.d.), “Código Conducta Nacional para la Protección de las Niñas, Niños y Adolescentes en el Sector de los Viajes y el Turismo”, accessed 4 June 2015, [http://www.codigodeconducta.mx/?page\\_id=431](http://www.codigodeconducta.mx/?page_id=431).

<sup>500</sup> Mexico, Secretaría de Turismo (SECTUR) (2014), “Boletín 177.- Suma SECTUR a CONCANACO al combate contra la trata de personas en el sector turismo”, accessed 20 May 2015, <http://www.sectur.gob.mx/2014/08/13/boletin-177-suma-sectur-a-concanaco-al-combate-contra-la-trata-de-personas-en-el-sector-turismo/>.

<sup>501</sup> UNICEF (2010), “No Permitimos la Explotación Sexual”, accessed 8 June 2015, [http://www.unicef.org/lac/BOLETIN\\_ESPECIAL\\_DE\\_LA\\_NiNEZ.pdf](http://www.unicef.org/lac/BOLETIN_ESPECIAL_DE_LA_NiNEZ.pdf).

Country	Plans and Programs related to SECTT	Commentary
Panama	National Plan for the Prevention and Elimination of CSEC 2008-2010	<ul style="list-style-type: none"> <li>This Plan is current until a new plan is developed.</li> <li>The National Commission for the Prevention of Sexual Exploitation Crimes (CONAPREDES) is the intersectorial body responsible for implementing the plan.</li> <li>Some actions to combat SECTT have been conducted by the National Secretary of Childhood, Adolescence and Family (SENNIAF), which signed an agreement with the Panamanian Hotel Association (APATEL) to provide support material in the seminar-workshops that CONAPREDES ran for the hotel sector and university students studying hotel management.<sup>502</sup></li> <li>As this commission does not have an equivalent at the local level, actions have been limited to the main cities.</li> </ul>
Paraguay	National Plan to Prevent and Eradicate the Sexual Exploitation of Children 2012-2017	<ul style="list-style-type: none"> <li>The Intersectorial Committee for the fight against abuse and sexual exploitation of children is the national body responsible for implementing and monitoring the plan.</li> <li>The National Secretary of Tourism is part of this Committee and is responsible for raising awareness.</li> <li>No structures exist to implement the actions established in the plan at the local level, except for a local committee to follow up the Local Plan Against the Trafficking of Children in Ciudad del Este, which as the name suggests is focused on trafficking.</li> </ul>
Peru	No national plan to combat CSEC	<ul style="list-style-type: none"> <li>The National Action Plan for Childhood and Adolescence 2012-2021 recognises CSE as an issue and explicitly mentions SECTT (Expected result 14, literal b): “Commit tourist operators to working towards the eradication of focal points for child sexual exploitation.” This involves the Ministry of Foreign Trade and Tourism (MINCETUR).<sup>503</sup></li> <li>MINCETUR designed the “Guide for Tourism Service Providers: From Onlookers to Actors” to prevent SECTT, the “Stop Child Sex Tourism” campaign, and encouraged legal changes such as Supreme Decree N. 007-2007-MINCETUR that criminalises the infractions of tourism service providers that promote and permit CSE in their establishments.</li> <li>Peru also has the National Action Plan Against human trafficking in Peru 2011-2016, which recognises SECTT as a mode of SEC in human trafficking, however, in the intervention matrix in the National Plan, there are no actions to support the work in this issue.<sup>504</sup></li> </ul>

<sup>502</sup> IIN and OEA (2014), “Planes Nacionales de Acción contra la Explotación Sexual Comercial de Niñas, Niños y Adolescentes a Nivel Regional- XIV informe”, 31-32.

<sup>503</sup> Peru, Ministry of Women and Vulnerable Populations (2012), “Plan Nacional de Acción por la Infancia y la Adolescencia 2012-2021-PNAIA 2021”, 81, accessed 6 June 2015, <http://www.unicef.org/peru/spanish/PNAIA-2012-2021.pdf>.

<sup>503</sup> Peru, Ministry of the Interior (2011), “Plan Nacional de Acción contra la Trata de Personas en el Perú 2011-2016”, accessed 5 June 2015, <http://spij.minjus.gob.pe/Graficos/Peru/2011/octubre/19/DS-004-2011-IN.pdf>.

<sup>504</sup> Peru, Ministry of the Interior (2011), “Plan Nacional de Acción contra la Trata de Personas en el Perú 2011-2016”, accessed 5 June 2015, <http://spij.minjus.gob.pe/Graficos/Peru/2011/octubre/19/DS-004-2011-IN.pdf>.

Country	Plans and Programs related to SECTT	Commentary
Uruguay	National Plan to Eradicate the Commercial Sexual Exploitation of Children 2011	<ul style="list-style-type: none"> <li>• This plan, which is current, originated from the 2007-2010 National Plan, and focuses on preventing CSEC, developing and implementing the appropriate legislation, providing attention for children and improving the existing system, particularly with regards to internal coordination, restitution of rights to victims and their families, child participation, training and knowledge generation in the area of CSEC, sharing information about the work done by the committee, and monitoring and evaluation of the plan.<sup>505</sup></li> <li>• The National Committee for the Eradication of Commercial and Non-commercial Sexual Exploitation of Children (CONAPEES)<sup>506</sup> is the body responsible for the design and implementation of this plan. The Ministry of Tourism and Sport (MINDETUR) is part of the Committee.</li> <li>• In 2013, within the plan, Decree N° 398/03<sup>507</sup> established the obligation for tourist service providers to contribute to the prevention of SECTT, and gave MINDETUR responsibility for monitoring this task.</li> <li>• Since 2012, December 7 has been the National Day of the Fight Against CSEC. On this day, CONAPEES presents the progress it has made.<sup>508</sup></li> <li>• CONAPEES does not have local representation, limiting the implementation of the plan throughout the national territory.</li> </ul>

<sup>505</sup> ECPAT International (2014)i, "Informe de Monitoreo de País sobre la Explotación Sexual Comercial de Niños, Niñas y Adolescentes– Uruguay", 19-20.

<sup>506</sup> This Committee was created in Uruguay by Decreto N° 385/004 de 27/10/2004. For more information See: <http://archivo.presidencia.gub.uy/decretos/2004102703.htm>.

<sup>507</sup> Government of Uruguay (2013), "Decreto 398/013, Obligación de los prestadores de servicios turísticos a colaborar con la prevención de la explotación sexual comercial de niñas, niños y adolescentes, en la actividad turística", Decree No. 398 of 13 December 2013, <http://www.impo.com.uy/bases/decretos/398-2013>

<sup>508</sup> ECPAT International (2014)i, "Informe de Monitoreo de País sobre la Explotación Sexual Comercial de Niños, Niñas y Adolescentes– Uruguay", 24.



# APPENDIX 3

## CODE OF CONDUCT INITIATIVES

Country	Name of Code/Projects	Comments
<b>Argentina</b>	Project Code of Conduct for the Protection of Children's Rights in Travel and Tourism (The Code International)	<ul style="list-style-type: none"><li>• In 2008, MINTUR signed The Code International, committing to raise awareness about SECTT in the tourism sector.</li><li>• In 2010, a formal commitment was signed to promote the Code of Conduct for the Protection of Children's Rights in Travel and Tourism.</li></ul>
<b>Brazil</b>	Declaration of Corporate Commitment to Combat Sexual Violence Against Children	<ul style="list-style-type: none"><li>• This initiative originated in the Businesses Against Exploitation campaign, carried out by Associação Brasileira Terra dos Homens (ABTH) and the National Committee for Combating Sexual Violence Against Children, with support from the Brazilian Secretary of Human Rights (SDH/PR).</li><li>• By 2009, 46 people from the nine northeastern provinces of Brazil had been trained and had developed an Action Plan: Prevention and Combating the Sexual Exploitation of Children in Tourism – Northeast Region.<sup>509</sup></li><li>• By the end of 2011, 132 companies had signed the Declaration.</li><li>• Atlântica Hotels, with the technical support of Childhood Brazil, created a Code of Conduct for the Protection of Children and Adolescents against Sexual Exploitation, which has been adopted in all of approximately 40 Atlântica hotels in Brazilian cities. There is also a procedures manual that has been adopted by their company associates, who also frequently attend training.<sup>510</sup></li></ul>

<sup>509</sup> Ecuador, Ministry of Tourism (2009), "Avances del grupo de acción regional de las américas para la protección de la niñez y adolescencia en turismo", accessed 15 May 2015, <http://grupodeaccionregional.gob.ec/documentos/67-secretaria-ejecutiva.html>.

<sup>510</sup> ECPAT International (2014j), "Relatório de Monitoramento de País Sobre a Exploração Sexual Comercial de Crianças e Adolescentes – Brasil", Bangkok: ECPAT International, 63-64, accessed 15 August 2015: [http://www.ecpat.net/sites/default/files/CMR\\_BRAZIL\\_FINAL.pdf](http://www.ecpat.net/sites/default/files/CMR_BRAZIL_FINAL.pdf)

Country	Name of Code/Projects	Comments
<b>Colombia</b>	Code of Conduct (National) and The Code International	<ul style="list-style-type: none"> <li>• The national Code of Conduct was created by Law, and it is obligatory for the tourism sector and reinforced by The Ministry of Trade, Industry and Tourism.</li> <li>• In 2012, 16,200 tourist service providers with National Tourism registration had signed the code of conduct. Four series of compliance checks for the code of conduct had also been carried out by the Tourist Police (one per year).</li> <li>• Fundación Renacer-ECPAT Colombia as The Code International Local Representative has liaised with the tourism sector in different cities of Colombia to create protective environments for the children in the context of travel and tourism. As part of this initiative, 278 providers of tourist services have been certified and 9090 members of travel and tourism industry have been given information to raise their awareness of the issue.<sup>511</sup></li> </ul>
<b>Costa Rica</b>	Code of Conduct for the Protection of Children Against Commercial Sexual Exploitation Associated with Travel and Tourism (National)	<ul style="list-style-type: none"> <li>• In Costa Rica, the Costa Rican Association of Tourism Operators (ACOT) and the Costa Rican Association of Tourism Professionals, in alliance with the Paniamor Foundation (a civil society organisation), took up the Code of Conduct as a national strategy in 2003.<sup>512</sup></li> <li>• In 2014, ECPAT International reported that around 300 organisations (around half of the organisations affiliated with the National Chamber of Tourism) had signed the national Code of Conduct. Meanwhile, the Costa Rican Tourism Institute (ICT) and Paniamor reported that 400 more than companies had signed the Code.<sup>513</sup></li> </ul>
<b>Dominican Republic</b>	The Code (International)	<ul style="list-style-type: none"> <li>• This is a joint initiative between the Ministry of Tourism, the National Association of Hotels and Restaurants (ASONAHORES), the Inter-institutional Commission against Abuse and Commercial Sexual Exploitation and MAIS (the NGO representing ECPAT in the Dominican Republic) with the support of UNICEF.</li> <li>• Actions have been carried out to raise awareness and prevent SECTT. This includes training 435 hotel staff, tour operator groups, taxi associations, guides, salespeople and other direct service providers in the industry. Workshops have also been run with 233 students and 118 members of small hotel and restaurant associations in different tourist areas (Puerto Plata, Sosúa, Cabarete, Samaná, Las Terrenas, Bávaro, Punta Cana, Bayahibe and Boca Chica).<sup>514</sup></li> </ul>

<sup>511</sup> Fundación Renacer (n.d.)a, "The Code", accessed 14 April 2016, <https://fundacionrenacer.org>

<sup>512</sup> International Labour Organization (2010), "Code of conduct: The contribution of the tourism industry in the fight against the commercial sexual exploitation of children (Costa Rica)", accessed 28 May 2015, <http://www.ilo.org/ipecinfor/product/viewProduct.do?productId=15135>.

<sup>513</sup> ECPAT International (2014)c, "Informe de Monitoreo de País sobre la Explotación Sexual Comercial de Niñas, Niños y Adolescentes – Costa Rica", 43.

<sup>514</sup> ECPAT International (2014)k, "República Dominicana, Informe de Monitoreo de País"; and ECPAT International and Defence for Children (2013), "Protection of Children against sexual exploitation in tourism", accessed 16 June 2015, <http://www.defenceforchildren.nl/images/13/2817.pdf>

Country	Name of Code/Projects	Comments
Guatemala	The Code (International)	<ul style="list-style-type: none"> <li>The Guatemalan Tourism Institute (INGUAT) is a signatory of the International Code of Conduct (The Code).</li> <li>For the design of this national Code and its implementation, the National Committee for Prevention and Protection of Children Against Sexual Exploitation of Children in Tourist and Travel-Related Activities was formed. This includes representatives from the Executive Secretary of the Secretariat Against Social Violence, Exploitation and Human Trafficking (SVET), INGUAT, UNICEF Guatemala and ECPAT Guatemala.</li> <li>As of November 19, 2013, there were 56 organisations providing tourist services that had signed The Code, including government bodies, NGOs and private sector firms. There were 27 new signatories in 2014. The SVET reported that in one year 214 companies and 4000 people had received training.<sup>515</sup></li> </ul>
Mexico	National Code of Conduct for the Protection of Children in the Travel and Tourism Sector <sup>516</sup> and The Code International	<ul style="list-style-type: none"> <li>The Tourism Secretary (SECTUR) together with other government, civil society, and private entities designed this instrument to encourage the tourism sector to voluntarily protect children from sexual exploitation.</li> <li>As of November 2014,<sup>517</sup> 800 companies in Mexico had voluntarily signed the code, and 107 workers in the touristic sector had been trained on this topic. However as pointed out by EDIAC and ECPAT México taking into consideration the significant number of business in the travel and tourism industry there is still a long way to go and there is also the need for monitoring the real implementation of The Code from those who sign it so they do not finish benefiting of having a certification without really creating a protective environment for the children.<sup>518</sup></li> <li>ECPAT México, the local representative of The Code International, has developed important partnerships with airlines and hotels for the prevention of this issue in the tourism sector, such as the initiative with the airline Volaris mentioned before.</li> </ul>
Nicaragua	The Code (International)	<ul style="list-style-type: none"> <li>The Code of Conduct was signed by the country's different chambers of tourism and the Nicaraguan Tourism Institute (INTUR).</li> </ul>
Uruguay	National code of conduct	<ul style="list-style-type: none"> <li>Law No. 398/013, enacted on 13 December 2013, sets forth various actions that providers of tourism services must take in order to comply with their obligation to prevent the commercial sexual exploitation of children and young persons in the tourism industry, including the adoption of a corporate code of conduct that "provides for monitoring mechanisms designed to ensure the fulfilment of the obligations set forth the in the Constitution and domestic legislation and, in particular, in the Optional Protocol [to the Convention on the sale of children, child prostitution and child pornography]".<sup>519</sup></li> </ul>

<sup>515</sup> ECPAT International (2014)f, "Informe de Monitoreo de País sobre la Explotación Sexual Comercial de Niñas, Niños y Adolescentes – Guatemala", 51-52.

<sup>516</sup> Mexico, Secretaría de Turismo (SECTUR) (n.d.), "Código Conducta Nacional para la Protección de las Niñas, Niños y Adolescentes en el Sector de los Viajes y el Turismo".

<sup>517</sup> Mexico, Secretaría de Turismo (SECTUR) (2014)a, "Boletín 254.- Más de 800 prestadores turísticos participan ya en la protección de niñas, niños y adolescentes", accessed 20 May 2015, <http://www.sectur.gob.mx/2014/11/23/boletin-254-mas-de-800-prestadores-turisticos-participan-ya-en-la-proteccion-de-ninas-ninos-y-adolescentes>

<sup>518</sup> Espacios de Desarrollo Integral (EDIAC) y ECPACT México (2015), "Realidades y Compromisos. La ESCNNA vinculada a la industria de los viajes y el turismo", 57.

<sup>519</sup> Government of Uruguay (2013), "Decreto 398/013".

# APPENDIX 4

## SIGNING AND RATIFICATION OF CONVENTIONS AND PROTOCOLS<sup>520</sup>

	Argentina	Brazil	Chile	Colombia	Costa Rica	Dominican Republic	Ecuador	Guatemala	Mexico	Nicaragua	Panama	Paraguay	Peru	Uruguay
United Nations Convention on the Rights of the Child (UNCRC)	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography	✓	✓	✓	✓	✓	A	✓	✓	✓	A	✓	✓	✓	✓
United Nations Convention against Transnational Organized Crime (UNTOC)	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Protocol to prevent, suppress and punish trafficking in persons, especially women and children, supplementing the United Nations Convention against Transnational Organized Crime	✓	✓	✓	✓	✓	✓	✓	A	✓	A	✓	✓	✓	✓
Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (ILO Convention 182)	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Inter-American Convention on International Traffic in Minors	✓	✓	-	✓	✓	✓	✓	-	S	✓	✓	✓	✓	✓
Inter-American Convention on the Prevention, Punishment and Eradication of Violence Against Women (Convention of Belém Do Pará)	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓

A Accession without signing

S Signed without ratification/acceptation/accession

<sup>520</sup> Source for the status on UNCRC and Optional Protocols as of 23 June 2016: United Nations (2016)a, "Chapter IV: Human Rights", *United Nations Treaty Collection*, accessed 24 June 2016, [https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg\\_no=IV-11&chapter=4&lang=en](https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-11&chapter=4&lang=en); Source for the status on UNTOC and Protocol as of 23 June 2016: United Nations (2016)b, "Chapter XVIII: Penal Matters", *United Nations Treaty Collection*, accessed 24 June 2016, [https://treaties.un.org/Pages/ViewDetails.aspx?src=IND&mtdsg\\_no=XVIII-12&chapter=18&lang=en](https://treaties.un.org/Pages/ViewDetails.aspx?src=IND&mtdsg_no=XVIII-12&chapter=18&lang=en); source for the status on the ILO Convention 182: International Labour Organization (ILO) (n.d.)b, "Ratifications of C182 - Worst Forms of Child Labour Convention, 1999 (No. 182)", *International Labour Organization*, accessed 24 June 2016, [http://www.ilo.org/dyn/normlex/en/f?p=1000:11300:2288979479245126:::P11300\\_INSTRUMENT\\_SORT:1](http://www.ilo.org/dyn/normlex/en/f?p=1000:11300:2288979479245126:::P11300_INSTRUMENT_SORT:1); source for the status on the Inter-American Convention on International Traffic in Minors: OAS (n.d.)a, "Convención Interamericana sobre Tráfico Internacional de Menores (B-57)", *Organización de los Estados Americanos*, accessed 24 June 2016, [http://www.oas.org/dil/esp/tratados\\_B-57\\_Convencion\\_Interamericana\\_sobre\\_Trafico\\_Internacional\\_de\\_Menores\\_firmas.htm](http://www.oas.org/dil/esp/tratados_B-57_Convencion_Interamericana_sobre_Trafico_Internacional_de_Menores_firmas.htm); source for the status on the Convention of Belém do Pará: OAS (n.d.)b, "A-61: Convención Interamericana para Prevenir, Sancionar y Erradicar la Violencia Contra la Mujer 'Convención de Belém do Pará'", *Organización de los Estados Americanos*, accessed 24 June 2016, <http://www.oas.org/juridico/spanish/firmas/a-61.html>

# APPENDIX 5

## LAWS RELATING TO SECTT AND RELATED CRIMES<sup>521</sup>

Country	Legislation	Comments
Brazil	<b>Decree-Law N° 2.848, of 7 December 1940</b> – Penal Code <sup>522</sup>	<p>Article 218B. (Included by Law N° 12.015, 2009) - To submit, induce or attract into prostitution or other form of sexual exploitation someone under 18 years old or who, due to illness or mental disability, does not have the necessary discernment about the act to prevent it, make it easier or more difficult for its abandonment:</p> <p>Penalty – prison sentence of four to 10 years.</p> <p>II – the owner, manager or person in charge of the establishment where it occurs the sexual exploitation of children.</p> <p>§ 3º in case of item II of § 2, the binding effect is the closure of the establishment and the revoking of its operating licence.</p>
	<b>Law N° 8.069, of 13 July 1990</b> – on the Child and Adolescent Statute and other matters. <sup>523</sup>	<p>Article 244A. (Included by Law N° 9.975, of 23.6.2000) – To submit children, as defined in Art. 2º of this law, into prostitution or sexual exploitation:</p> <p>Penalty – prison sentence of four to 10 years and fine,</p> <p>§ 1º Incur in the same penalties the owner, manager or person in charge of the establishment where it occurs the sexual exploitation of children.</p> <p>§ 2º Its mandatory effect of conviction is the closure of the establishment and the revoking of its operating licence.</p> <p>Art. 82 – It is prohibited to host children or adolescents in hotels, motels, guest houses or similar establishments, unless authorised or accompanied by a parent or responsible adult.</p> <p>Art. 250 (As worded by Law N° 12.038, of 2009) – To host children or adolescents not accompanied by a parent or responsible adult, or without their or from a judicial authority written authorisation in hotels, guest houses, motels or similar establishments.</p>
	<b>Law 11.771 of 17 September 2008</b> – General Tourism Law – National Tourism Policy <sup>524</sup>	<p>Article 5. numeral X – prevent and combat the abuse-related tourist activities of sexual nature and others that affect the human dignity, respecting the competences of the various government agencies involved.</p>

<sup>521</sup> It is important to clarify that many of the laws referenced here have a broad coverage regarding other forms of sexual exploitation; however, for this study, only the sections related to the sexual exploitation of children in the context of travel and tourism were selected.

<sup>522</sup> Government of Brazil (2009), “Lei N° 12.015, de 7 de Agosto de 2009. Altera o Título VI da Parte Especial do Decreto-Lei no 2.848, de 7 de dezembro de 1940 – Código Penal”.

<sup>523</sup> Government of Brazil (1990), “Lei N° 8.069, de 13 de Julho de 1990 - Dispõe sobre o Estatuto da Criança e do Adolescente e dá outras providências”.

<sup>524</sup> Government of Brazil (2008), “Lei N° 11.771, de 17 de Setembro de 2008. Dispõe sobre a Política Nacional de Turismo, define as atribuições do Governo Federal no planejamento, desenvolvimento e estímulo ao setor turístico”.

Country	Legislation	Comments
Colombia	<b>Act 679 of 2001</b> By which a statute to prevent and counteract the exploitation, pornography and sexual tourism of minors is set forth, pursuant of Article 44 of the National Constitution. <sup>525</sup>	This act establishes the obligation of hotels and lodging establishments, as well as of domestic and international airlines to inform of the legal consequences of CSEC. It imposed penalties such as fines; suspension and termination of permits from the National Tourism Registry; it granted the national police control and surveillance powers, preventive action faculties to the Ministry of Commerce, Industry and Tourism; and, the governors and majors were given the task of including prevention and eradication measures into their security plans.
	<b>Act 1101 of 2006</b> “By which Act of 300 of 1996 – General Tourism Law-is modified, and other provisions are set forth”. <sup>526</sup>	Article 10. establishes that the National Tourism Promotion Fund has, as one of its objectives, to fund the implementation of prevention policies and campaigns for the eradication of SECTT as defined by the Ministry of Commerce, Industry and Tourism – Vice-Ministry of Tourism in coordination with the Family Welfare Institute.
	<b>Act 1336 of 2009</b> “By which Act 679 of 2001 on the fight against exploitation, pornography and sexual tourism with children and adolescents is added and reinforced”. <sup>527</sup>	This act established some administrative provisions applicable to tourism services and non-tourism accommodation providers, and airlines, such as the required signing of the Code of Conduct, “for the purpose of their registration into the National Tourism Registry”-Art. 1 and 5. By Article 6, it imposes the Ministry of Commerce, Industry and Tourism the responsibilities of advancing awareness and information campaigns on the problem of sexual tourism with children and adolescents; and for its fulfillment, requesting service providers and trade associations to participate. Likewise, Art. 25 provides the possibility of Assets Forfeiture which is applicable to “hotels, shelters, hostels, residencies, motels and any other establishments that provide accommodation services when such properties have been used for the commission of activities for the sexual utilisation of persons under 18 years of age”.
	<b>Penal Code – Chapter IV</b> (The Sexual Tourism offence was included again by Act 1336 of 2009) <sup>528</sup>	Article 219. <i>Sexual tourism</i> . That who runs, organises or promotes touristic activities that include the sexual use of minors shall be punished with imprisonment of four (4) to eight (8) years. The penalties shall be increased by up to one half when the conduct is performed with minors under twelve (12) years of age.
	<b>Penal Code – Chapter IV Title IV</b> On Sexual Exploitation (introduced by Act 1329 of 2009 by which Title IV of Act 599 of 2000 is modified and other provisions are set forth to counteract the commercial sexual exploitation of children and adolescents).	Article 217A. <i>Demand of commercial sexual exploitation</i> of a person under 18 years of age. That who directly or through a third party requests or demands to perform carnal access or sexual acts with any person under 18 years of age, through payment or promise of payment in cash, in kind, or in retribution of any nature, shall by this mere fact, be punishable with imprisonment of fourteen (14) to twenty-five (25) years. <i>Paragraph</i> . Consent given by the victim who is under 18 years of age, shall not constitute exoneration from criminal responsibility. The penalty shall be increased by on third to one half: 1. If the conduct is executed by a domestic or international tourist or traveler.

<sup>525</sup> Government of Colombia (2001), “Ley 679 de 2001 Por medio de la cual se expide un estatuto para prevenir y contrarrestar la explotación, la pornografía y el turismo sexual con menores”

<sup>526</sup> Government of Colombia (2006), “Ley 1101 de 2006 Por la cual se modifica la Ley 300 de 1996 – Ley General de Turismo y se dictan otras disposiciones”.

<sup>527</sup> Government of Colombia (2009)a, “Ley 1336 de 2009 por medio de la cual se adiciona y robustece la Ley 679 de 2001, de lucha contra la explotación, la pornografía y el turismo sexual con niños, niñas y adolescentes”.

<sup>528</sup> Government of Colombia (2009)b, “Ley 1329 de 2009 por medio de la cual se modifica el Título IV de la Ley 599 de 2000 y se dictan otras disposiciones para contrarrestar la explotación sexual comercial de niños, niñas y adolescentes”.

Country	Legislation	Comments
Colombia <i>(continued)</i>	<b>Resolution 3840 of 2009</b> “By which the Code of Conduct incorporated into article 1 of Act 1336 of 21 July 2009 is established”. <sup>529</sup>	It makes the adoption, implementation, and compliance of the code of conduct mandatory for all tourism service providers, which includes the duty to inform, report, impede and abstain from promoting SECTT.
Costa Rica	<b>Penal Code – Title III, section I</b> (Added by Act N° 9095 of 08 February 2013 against Trafficking in Persons). <sup>530</sup>	Article 162 bis. <i>Sexual Tourism</i> : That who promotes or makes programs, campaigns, or advertising ads –by any means– in order to domestically or internationally depict the country as a tourist destination accessible to the commercial sexual exploitation or prostitution of persons of any sex or age shall be punished by imprisonment of four to eight years.
	<b>Penal Code – Book Two, title III, section V</b> (added by Act No. 8811 of 12 May, 2010 on the incentives for corporate social responsibility in tourism). <sup>531</sup>	Article 168 bis. Disqualification for the practice of commerce shall be imposed for three to 10 years to the proprietor, manager or person in charge of a travel agency, accommodation establishment, an airline, a tour-operator or ground transportation who promotes or facilitates the commercial sexual exploitation of people under eighteen years of age.
Dominican Republic	<b>Penal Code – Section III</b> on Commercial Sexual Exploitation of Children and Adolescents and Similar Infringements. <sup>532</sup>	Article 193 <i>Penalty for sexual exploitation of children and adolescents</i> . The commercial sexual exploitation of children and adolescents shall be penalised with ten to twenty years of mandatory imprisonment, plus a fine of ten to twenty public sector minimum wage units.
		Article 194 <i>Classification of commercial sexual exploitation of children</i> . Sexual exploitation of children and adolescents shall be classified by any of the following punishable acts: <ol style="list-style-type: none"> <li>1. If, in any manner, the utilisation of children and adolescents is promoted, facilitated, incited, recruited, or organised in pornographic publications or activities, sexual shows, sexual tourism, or in the practice of remunerated sexual relations.</li> <li>2. If the Dominican Republic is promoted, offered or sold as a sexual destination of children and adolescents through electronic means, magazines, newspapers, brochures or in any other way.</li> </ol>
Ecuador	<b>Penal Code – Section Three</b> : Several forms of exploitation <sup>533</sup>	Article 102. <i>Sexual Tourism</i> . The person who organises, promotes, offers, provides, transfers, recruits, acquires or retains touristic activities that involve services of sexual nature shall be punished with a custodial sentence of seven to ten years. If victims fall into any of the following cases, the custodial sentence shall be of ten to thirteen years: <ol style="list-style-type: none"> <li>1. If the victims are girls, boys or adolescents or persons in a vulnerable situation even if they have given consent.</li> <li>2. When violence, threats or intimidation is used.</li> <li>3. When the person does not have the capacity to understand the meaning of the fact.</li> </ol>

<sup>529</sup> Colombia, Ministerio de Comercio, Industria y Turismo (2009), “Resolución 3840 de 2009 por la cual establece el Código de Conducta contemplado en el artículo 1° de la Ley 1336 del 21 de julio de 2009 y se dictan otras disposiciones”, Resolution No. 3840 of 24 December 2009, accessed on 14 May 2015, <http://www.alcaldiabogota.gov.co/sisjur/normas/Norma1.jsp?i=38492>

<sup>530</sup> Government of Costa Rica (2013), “Ley contra la Trata de Personas y creación de la Coalición Nacional Contra el Tráfico Ilícito de Migrantes y la Trata de Personas (CONATT). Ley 9095”.

<sup>531</sup> Government of Costa Rica (2010), “Ley Incentivo de la Responsabilidad Social Corporativa Turística”.

<sup>532</sup> Government of the Dominican Republic (2014), “Ley No. 550-14 que establece el Código Penal de la República Dominicana”.

<sup>533</sup> Government of Ecuador (2014), “Código Orgánico Integral Penal”.

Country	Legislation	Comments
Guatemala	<b>Penal Code – Title III – Chapter VI:</b> On crimes of sexual exploitation (added by for the Article 43 of the Law against Sexual Violence, Exploitation and Trafficking in Persons – CVSETP, Decree 9 of 2009). <sup>534</sup>	Article 195 quater. Utilisation of touristic activities for the commercial sexual exploitation of underage persons. Anyone who facilitates, organises, promotes or permits in any way the realisation of the crimes included in this chapter, by means of tourism related activities, shall be punished with imprisonment of six to ten years and a fine of one-hundred thousand to five-hundred thousand Quetzales.
Panama	<b>Penal Code – Title III:</b> Crimes against sexual freedom and integrity – Chapter II Corruption of underage persons and other conducts <sup>535</sup> (this Code was approved by Act N° 14 of 18 May, 2007)	Article 187. Anyone who promotes, directs, organises, publicises, invites, facilitates or manages, by any individual or mass communication means, local or international sexual tourism that involves the recruitment of any person older than 14 years of age but under eighteen years of age for their sexual exploitation, even if it is not executed or consummated, shall be punished with imprisonment of eight to ten years. The prison term shall be increased up to one half of the maximum term if the victim is a person with disabilities or is under 14 years of age.  Article 188. The proprietor, less or administrator of an establishment or place that is destined to the realisation of any of the crimes classified in this Chapter shall be punished with imprisonment of ten to fifteen years.
	<b>Act N° 16 of 31 March,</b> “which dictates dispositions for the prevention, and classification of crimes against sexual integrity and freedom, and modifies and adds articles to the Penal and Judicial Codes”. <sup>536</sup>	Article 30. The natural or legal persons who provide touristic services shall not be able to offer, explicitly or tacitly, any packages or programs, which aim to the sexual exploitation of underage persons. In like manner, they shall take measures to impede their personnel, dependents or intermediaries from offering sexual touristic information or contact with underage persons.  Article 31. Hotel establishments, boarding houses, seasonal homes, motels, guesthouses or any other classification, shall include a clause into the accommodation contracts they enter from the commencement of this Act, in which they shall inform about the legal consequences of sexual exploitation and abuse of underage people in the country. Travel and tourism agencies shall also include the same type of information in their tourism advertising. Domestic and international airlines shall inform of the existence of legislation against the sexual exploitation of underage persons to their customers of international flights bound to Panama.

<sup>534</sup> Government of Guatemala (2009), “Ley Contra la Violencia Sexual, Explotación y Trata de Personas”, Decree No. 9-2009 of 16 March 2009, accessed 07 June 2016, <http://www2.oj.gob.gt/justiciadegenero/wp-content/uploads/2015/03/Ley-contra-la-Violencia-sexual-explotaci%C3%B2n-y-trata-de-personas.pdf>

<sup>535</sup> Government of Panamá (2007), “Código Penal de la República de Panamá”.

<sup>536</sup> Government of Panamá (2004), “ Ley N° 16 Que dicta disposiciones para la prevención y tipificación de delitos contra la integridad y la libertad sexual, y modifica y adiciona artículos a los Códigos Penal y Judicial”.



Country	Legislation	Comments
Peru	<p><b>Penal Code – Chapter X Procurement – Articles 181A and 181B</b> (added by Act No. 28251 of 2004 and amended by Act No. 29408 of 2009)<sup>537</sup></p>	<p>Article 181A. <i>Commercial sexual exploitation of children and adolescents in the field of tourism.</i> That who in the field of tourism promotes, publicises, favours or facilitates commercial sexual exploitation by any written means, brochure, printed, visual, audible electronic, magnetic material or through the Internet, with the purpose of offering sexual relations of commercial nature from persons fourteen (14) years old and under eighteen (18) years of age. If the victim is under fourteen years of age, the agent shall be punished with a custodial sentence no shorter than six (6) nor longer than eight (8) years. The agent will also be punished with disqualification according to article 36 subsections 1, 2, 4 and 5. The custodial sentence shall be no shorter than eight (8) nor longer that ten (10) years when it has been committed by a public authority, his or her ascendants, teacher or person who, under any title, has been responsible for the victim’s care.”</p> <p>Article 181B. <i>Aggravated forms:</i> In the case of crimes under articles 179, 181 y 181-A, when the agent is a father, mother, tutor or care-taker, additional to the corresponding custodial sentence, the secondary punishment of disqualification as stated by article 36 section 5 shall be included.</p>
	<p><b>Law N° 29408 of 2009</b> – General Tourism Law<sup>538</sup></p>	<p>Article 28. <i>General duties of the tourist services providers.</i> The tourist services providers, in the development of their activities, must meet the following general requirements:</p> <p>3 To denounce any act related to the commercial sexual exploitation of children and any other criminal offense they acknowledge while carrying out their activity, to the competent authority.</p> <p>Title IX – <i>The Tourist Conduct and Prevention of Commercial Sexual Exploitation of Children and Adolescents in the Tourism Area:</i></p> <p>Article 43° – <i>The Tourist Conduct:</i> National and foreigner tourists are required to conduct themselves whith respect to the right of persons, environment, natural and cultural heritage of the nation, as well as of the multiethnic characteristics of the Peruvian society, beliefs, customs and ways of life of the inhabitants of the villages they visiting. Service providers should communicate, disseminate and publish the existence of rules on the prevention and punishment of commercial sexual exploitation of children and adolescents; as well as the prohibition of the use of narcotics, according to provisions of the Criminal Code and complementary norms.</p> <p>Article 44° <i>Prevention of Commercial Sexual Exploitation of Children and Adolescents in the Tourism Area.</i> The Ministry of Foreign Trade and Tourism has competence to coordinate, formulate and propose the issuance of regulations that are required to prevent and combat the commercial sexual exploitation of children and adolescents in the tourism area. Likewise, the Ministry of Foreign Trade and Tourism prepares and implements, in coordination with the Ministry of Women and Social Development and involved sectors, national programmes and projects related to this issue. Regional and local governments have the obligation to take measures for the prevention of commercial sexual exploitation children and adolescents in the tourism area in their respective territorial constituencies.</p>

<sup>537</sup> Government of Peru (1991), “Codigo Penal Decreto Legislativo N° 635”.

<sup>538</sup> Government of Peru (2009), “Ley General de Turismo”.

Country	Legislation	Comments
Nicaragua	<b>Penal Code – Chapter II</b> on Crimes Against Sexual Freedom and Integrity (Act No. 641). <sup>539</sup>	Article 177. <i>Promoting tourism with the purpose of sexual exploitation:</i> Those who within national territory or abroad, either privately or through tourism operators, advertising campaigns, reproduction of texts and images, promote the country as a sexual tourism attraction or destination, utilising persons under eighteen years of age, shall be punished with a penalty of five to seven years of imprisonment and a one hundred and fifty day fine.
Mexico	<b>Federal Penal Code – Book Two – Title eight</b> – Offences against the free development of human personality.  <b>Chapter III.</b> Sexual tourism against persons under eighteen years of age or persons who do not have the capacity to comprehend the meaning of the fact or persons who do not have the capacity to resist it. <sup>540</sup>	Article 203. The offence of sexual tourism is committed by any person who promotes, publicises, invites, facilitates or negotiates, by any means, that one or more persons travel within or abroad the national territory with the purpose of performing any type of real or simulated sexual acts, with one or several persons under eighteen years of age, or with one or several persons who do not have the capacity to comprehend the meaning of the fact, or with one or several persons who do not have the capacity to resist it. The author of this offence shall be punished with a prison term of seven to twelve years plus a fine of eight hundred to two thousand days.  Article 203 bis. Any person who performs any type of real or simulated sexual acts with one or several persons under eighteen years of age, or with one or several persons who do not have the capacity to comprehend the meaning of the fact, or with one or several persons who do not have the capacity to resist it by virtue of sexual tourism shall be punishable with a penalty of twelve to sixteen years of prison, plus a fine of two thousand to three thousand days; likewise, he shall be subjected to specialised psychiatric treatment.
	<b>General Law to Prevent, Punish and Eradicate Crimes of Trafficking in Persons and Protection and Assistance to Victims of these Crimes.</b> <sup>541</sup>	Article 18. Penalty of 15 to 25 years of prison and 1.000 to 20.000 days of fine, to whom promote, advertise, invite, facilitate, or manage by any means one or more persons to travel inside or outside of the national territory in order to carry out any type of, real or simulated, sexual act with one or more persons under 18 years old, or with one or more persons who are not able to understand the meaning of the act, or with one or more persons who are unable to resist it, and benefit economically from this.

<sup>539</sup> Government of Nicaragua (2007), "Código Penal".

<sup>540</sup> Government of Mexico (2016), "Código Penal Federal".

<sup>541</sup> Government of Mexico (2014), "Ley General para Prevenir, Sancionar y Erradicar los Delitos en Materia de Trata de Personas y para la Protección y Asistencia a las Víctimas de estos Delitos".

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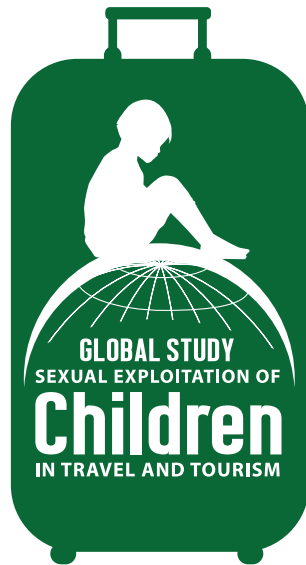
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