

# LEGAL CHECKLIST

## KEY LEGAL INTERVENTIONS TO PROTECT CHILDREN FROM SEXUAL EXPLOITATION IN TRAVEL AND TOURISM (SECTT)

Despite 20 years of efforts, the sexual exploitation of children in travel and tourism (SECTT) has expanded across the globe and out-paced every attempt to respond at the international and national level. The results of the first comprehensive [Global Study on SECTT](#)<sup>1</sup> confirm that no region is untouched by this crime and no country is ‘immune’. The Global Study also provides recommendations on how national legal frameworks can be used to combat SECTT.

Based on the Global Study the below check list has been composed for governments with suggestions for legal interventions they may consider to adopt – if they have not done so already – to improve their national legal frameworks to address SECTT along with its online elements more effectively.

An explanatory note is attached to this document for further reference.

1. Establish by law <b>extra-territorial jurisdiction</b> , within the parameters of Article 4 OPSC, for all offences of sexual exploitation of children, including those occurring in the online environment
2. Include in extradition treaties the sexual exploitation of children as <b>extraditable offences</b> and apply when appropriate the rules of article 5 OPSC, regardless the nationality of the (alleged) offender
3. Do not apply the principle of <b>double criminality</b> for sexual offences against children
4. Abolish <b>statutory limitations for the prosecution of offences of sexual exploitation of children</b>
5. Deny entry/leave of persons convicted of sexual exploitation of children or set up <b>strict conditions for their travel</b>
6. <b>Define ‘child’</b> for the purposes of sexual exploitation (such as exploitation in prostitution or involving child sexual exploitation material) as anyone <b>under the age of 18</b> , regardless of the age of sexual consent where there has been abuse of a relationship of trust, authority or dependency
7. Provide criteria to determine whether the <b>consent for sexual activities between peers under the age of 18, or if there is a close-in-age exception is e.g. voluntary, well-informed and mutual</b> , to avoid misunderstanding and clarify non-exploitative situations and to prevent criminalization of young people in consensual sexual relationships

8. Develop a <b>sex offender registry</b> that complies with international standards on confidentiality and privacy
9. Exclude sexual offences committed abroad from <b>bail</b> or establish bail conditions that prohibit the (alleged) offender from traveling outside of the country
10. Provide appropriately <b>severe penalties</b> for SECTT-related offences, including attempted crimes, and ensure asset forfeiture provisions are provided for in law and procedure to allow for asset seizure during investigations
11. Impose more severe sentences for <b>recidivists</b> who commit sexual offences against children, e.g. by defining reoffending as an aggravating circumstance, regardless of whether the crimes were perpetrated abroad or in-country
12. Make <b>reporting by professionals working with children and institutions that, due to the nature of their activities, may come across suspected cases of sexual exploitation of children</b> (e.g. healthcare professionals, social service professionals, teachers, law enforcement officers, ISPs, credit card companies, and banks) mandatory by law and establish an effective system for receiving and addressing reports, with strong sanctions for noncompliance; develop protection mechanisms for those who report the crime; accept anonymous complaints as sufficient evidence to open an investigation
13. Establish obligatory government-regulated child protection standards for the tourism industry for example, identify an appropriate regulatory authority and implement industry specific <b>national codes for child protection</b> as a legal requirement for the travel and tourism industry to operate in-country
14. Ensure the <b>liability of the private travel and tourism sector</b> for SECTT by taking the following legislative measures: <ol style="list-style-type: none"> <li>a. Criminalize the organization of travel arrangements or transportations that are explicitly or implicitly meant to create or facilitate opportunities to engage (involve) children in sexual activities.</li> <li>b. Ensure by law that travel and tourism companies are liable, under the criminal and/or civil law when, within the context of their business, the following acts occur:           <ul style="list-style-type: none"> <li>• Procuring, aiding or abetting the exploitative sexual conduct with a child;</li> <li>• Organizing or making travel arrangements for a person (or a group of persons) for the purpose of engaging a child or children in sexual activities;</li> <li>• Advertising or promoting sexual exploitation of children;</li> <li>• Benefitting, by any means, from any form of sexual exploitation of a child (or children) in the context of their travel and tourism business</li> </ul> </li> </ol>
15. Criminalise the solicitation of children ( <b>'grooming'</b> ) for sexual purposes including through the use of the Internet and other information and communication technologies and regardless of the actual intention to meet the child
16. Regulate and monitor the use of international volunteers ( <b>'volun-tourism'</b> ) in children care centers and in activities with direct child contact
17. Ratify and implement relevant regional and <b>international child rights and SECTT instruments</b>

18. Introduce (by law) the rule that **the criminal background** is checked for every national or non-national applying for work with or for children or who is currently working with or for children. Introduce legislation prohibiting convicted sex offenders to hold positions involving or facilitating contact with children
19. Establish **protection measures** for both national and non-national child victims at any stage of the legal proceedings against the suspected perpetrator
20. Establish **child-friendly interview** methods for both national and non-national child victims
21. Ensure that child victims fully enjoy their **right to recovery and rehabilitation**, including by providing tailored support and re-integration services
22. Establish **national reporting systems** with response protocols that allow children and citizens to report without fear
23. Create **data retention and preservation** laws and procedures, following the principle of the best interest of the child, to allow for retention and preservation of digital evidence and cooperation with law enforcement which applies to ISPs, mobile phone companies, social media companies, cloud storage companies, and the technology industry as a whole.
24. Establish the legal possibility for national and non-national child victims to seek **compensation** in national courts from convicted perpetrators who harmed them and/or through state-managed funds