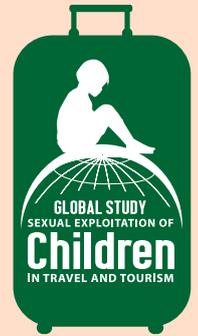


GLOBAL STUDY ON SEXUAL EXPLOITATION OF CHILDREN IN TRAVEL AND TOURISM

COUNTRY-SPECIFIC REPORT

COLOMBIA

2015



The country-specific report on Sexual Exploitation of Children in Travel and Tourism was written by Anika Quiñones and Nelson E. Rivera.



Fundación Renacer / ECPAT Colombia is a member of ECPAT International

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 in www.globalstudysectt.org.

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June 2016

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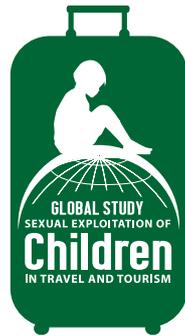
Design by: QUO, Bangkok

The Global Study has been made possible with the financial support from the Ministry of Foreign Affairs of the Netherlands through Defence for Children — ECPAT Netherlands.



Ministry of Foreign Affairs of the
Netherlands





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FOREWORD

This study seeks to contribute to a better understanding of the dynamics linked to the commercial sexual exploitation of children (CSEC) in travel and tourism within three regions of Colombia. These have diverse social, economic and cultural characteristics. In addition to the role of tourism as a core local economic activity, other economic projects have generated new vulnerability factors in two of the three selected cities, which increase the risk of CSEC. In Cartagena, the construction and implementation of an oil and by-products export project is noteworthy. In Acacias, several oil exploration and extraction ventures stand out. In Leticia, businesses are beginning to emerge, and these incipient developments play a determinant role on the everyday life of local dwellers, as well as victims.

Due to a lack of time and resources to conduct prolonged field visits and become more deeply immersed in these territories, this study does not aim to be exhaustive. It, nonetheless, presents some analytical elements that can prove very useful to understand, from the perspective of actors and victims, the underlying factors — particularly in the field of social representations — that underpin the dynamics produced by CSEC. This information should help foster and strengthen prevention mechanisms in each municipality.

The overarching goal of this research project — funded by Defence for Children-ECPAT Netherlands — is to contribute to the definition and implementation of national and local public policies that are based on a well-documented analysis of the contexts, dynamics and particular factors that foster CSEC. Hence, this report will have a practical application in as much as it is made known to local authorities and agencies capable of mobilizing resources to influence the transformation of the social and economic conditions at the root of this problem, as well as the lives of victims.

INTRODUCTION

The commercial sexual exploitation of children in travel and tourism is a reality that affects Colombian children living in different locations, beyond the cities and sites that are nationally and internationally renowned as touristic destinations. This study shows how the growth of tourism in three regions of the country, based, more or less explicitly, on political perceptions of development, has fostered conditions that favour CSEC. However, tourism as an industry and as a social and economic activity is neither the only nor the determining factor to explain the presence of this crime. In each region, particular worldviews, interests, cultural or collective traditions combine with the activities of individuals that use the bodies and lives of children as a means to pursue their criminal activities. These and other relevant concepts are discussed in chapter 2.

Methodologically, as we discuss in chapter 3, this study resorted to a social ethnographic approach. This approach explores the everyday lives of a given group of individuals, in order to capture the ways in which they perceive and understand their reality, whilst focusing on an element of their complex worlds, which in this case was the commercial sexual exploitation of children. As part of this process, we conducted direct observations in different locations, in order to determine whether these were used as settings to contact victims or commit crimes. These included many “traditional” locations, but we remained open to explore new sites, not identified in previous research.

At the same time, we interviewed different social actors and some victims. Many of the former became key informants. We also interviewed public officials whose mandated role was directly related to assisting or protecting children. Victims were not considered actors in a strict sense, since they cannot be held responsible — much less indicted- for participating in the production of the dynamics of CSEC.

Considering that our research involved people below the age of 18 years, who are entitled to special protection under the Constitution and other Laws and who are additionally being victims of a crime that violates their fundamental rights, we adopted as an ethical principle for our research a commitment to provide, in parallel to our inquiries about their reality, a concrete set of alternatives for the protection and restoration of the rights of victims, which would allow them to exit the ominous situation in which they find themselves.

For the conceptual and legal frameworks, which are presented in chapter 4, we based our analysis on a desk review. We developed two sets of categories for the analysis of our findings: the first set includes the empirical data gathered in the field using pre-established categories, which were developed based on the previous experience of Renacer with this type of research process; the second refers to data gathered using emerging analytical categories, based on unanticipated findings which add new dimensions to our understanding of the problem, broaden our perspective on the issue and lead us to adopt more complex models. These categories are presented in chapter 5 of the report.

Chapter 6 describes the characteristics of the victims that were interviewed for this study, highlighting only some elements to provide a general overview of their profile. Chapter 7 incorporates some of the perceptions and opinions held by representatives of state bodies working on prosecution, prevention and victim assistance. These offer an overview of the actions and difficulties the State faces in trying to address CSEC in a comprehensive manner within each of the regions we studied.

Finally, the last section of this report summarizes the main conclusions of the study and offers some recommendations based on the findings from our fieldwork and from the interviews we conducted with public officials.

Fundación Renacer would like to thank Defence for Children-ECPAT Netherlands for funding this research and the State officials and citizens who participated as informants in the different municipalities where the study was conducted for their valuable contributions. We also thank the professional team at Renacer that worked on the field and contributed to the discussions where the results were analyzed. Without them all, this study would not have been possible.

Finally, we thank the children who agreed to be interviewed for our research. We know that, despite the difficult situations they have undergone, they preserve the will to fight to build a better future and the generosity to share their experiences in order to prevent other children from falling into the traps of commercial sexual exploitation and trafficking. To them, we are endlessly grateful and express our utmost respect and recognition.

CHAPTER 1

This chapter describes the commercial sexual exploitation children in travel and tourism, and identifies the goals and relevance of this study.

CONTEXT OF RESEARCH: TOURISM AND THE COMMERCIAL SEXUAL EXPLOITATION OF CHILDREN

In 2012, the number of national and international travellers in Colombia reached a total of 24,723,366, which represented a 14.5% increase compared to 2011, when 21,592,093 trips were registered. According to figures provided by Colombian Immigration (*Migración Colombia*), 1,692,821 foreign visitors entered the country in 2012, which represented a 7% increase compared to the 1,581,914 arrivals of 2011. By 2014, the country received a total of 4,192,742 non-resident foreign visitors, which represented an increase of 11.9% compared to 2013, according to the report published by *Migración Colombia* in 2014. This report also states that international arrivals originated mainly in the United States, followed by the European Union.

According to the UN World Tourism Organization (UNWTO), over 600 million international tourism trips are made every year. Around 20% of travellers taking part in these seek to have sex during their journey, and around 30% of the latter confess to having paedophilic tendencies. This suggests that over 3 million people travel across the world looking to have sex with children. Therefore, tourism businesses should recognize the commercial sexual exploitation of children (henceforth, CSEC) in travel and tourism as a risk and a distortion of the goals of tourism and, as a result, should adopt policies aimed at protecting the human rights of local populations and to prevent the potential negative impacts derived from their operation.

Thus, there is a need to engage companies, state agencies and CSOs in an articulated effort to better understand how the dynamics of CSEC — particular combinations of actors, settings, interactions and social and cultural contexts are articulated within each territory. At the same time, it is important to evaluate

the institutional capacity to respond to the issue, in order to develop more comprehensive interventions and, as a way to counter its growth, promote changes in the social representations that communities create and use to relate to this issue.

Despite the many actions taken within Colombia to combat the Commercial Sexual Exploitation of Children, the concrete results in terms of preventing and eradicating this violation to children's rights in the context of travel and tourism are still incipient. Although current prevention strategies to tackle this issue have been extended to a large portion of the national territory, these do not always prioritize generating knowledge, or the analysis of the particular contexts and needs of local populations. Instead, they often respond to general lines of action, seeking only to comply with the current legal framework.

The creation of a Code of Conduct by the Vice Minister for Tourism, combined with the application of current legislation, have contributed to reinforce the commitment of authorities and tourism service providers to combat CSEC, in order to offer quality tourism destinations, based on criteria of competitiveness, sustainability and social responsibility, giving priority to the protection of the dignity of children.

Competitiveness: An efficient and effective management stands out as an important factor for the competitive production and delivery of products of value that are creative and innovative. This is a standard that guides the activities of nations, authorities and the business sector. Competitiveness, in this case, includes good practices for the prevention of adverse situations and crimes such as CSEC.

Sustainability: It is impossible to imagine that humanity can be sustained without the knowledge, interpretation and implementation of practices that are clean, responsible, fair and beneficial for the population as a whole. This implies not only rejecting all forms of exploitation, but also a determined pro-activity and shared responsibility with regards to the prevention and eradication of CSEC, which would certainly contribute to making tourism sustainable.

Social responsibility: Tourism is presented as a powerful economic sector that should contribute to human development and to the wellbeing of all communities.

An example of the application of these principles in the tourism sector at an international level is the “UNWTO Statement on the Prevention of Organized Sex Tourism” (Cairo, 1995). In it, sex tourism affecting children is condemned as a violation of Article 34 of the Convention on the Rights of the Child.

The Initiatives set forth by UNWTO to combat the so-called sex tourism were strengthened after the First World Congress against the Commercial Sexual Exploitation of Children (Stockholm, 1996) was convened. The following World Congresses (Yokohama 2001, Rio de Janeiro 2008) reiterated a worldwide commitment to combat CSEC at its root, and the need to collaborate with the private tourism sector. As a response to the Stockholm Program of Action, the UNWTO created the collective on Child Prostitution and Tourism in 1997, which was later renamed “Action group to protect children from sexual exploitation in tourism”, in order to emphasize the role that receiving countries play in protecting children.

Self-regulation initiatives to prevent CSEC have been developed within the travel and tourism industry. Numerous debates, declarations, resolutions and actions promoted by UNWTO have motivated organizations within the sector to define their position with regards to the commercial sexual exploitation of children and have prompted them to adopt principles and standards to guide their actions regarding this issue. These include the following:

- Letter of the Child and the Travel Agent of the United Federation of Travel Agents' Association (UFTAA), 1993.
- Resolution against Sex Tourism of the International Federation of Women's Travel Organizations (IFWTO), 1995.
- The Code of Conduct against the Sexual Exploitation of Children of the International Federation of Tour Operators (IFTO), 1996.
- Resolution to Combat Child Sex Tourism of the Federation of International Youth Travel Organizations (FIYTO), 1997.
- Resolution against the Sexual Exploitation of

Children of the International Hotel & Restaurant Association (IH&RA), 1996.

- Declaration against Child Sex Tourism of the Group of National Travel Agents' and Tour Operators' Associations within the EU (ECTAA), 1996.
- Declaration against the Sexual Exploitation of Children of the Confederation of National Associations of Hotels, Restaurants, Cafés and Similar Establishments in the European Union and European Economic Area (HOTREC).
- Final Resolution Condemning Commercial Sexual Exploitation of Children of the International Air Transport Association (IATA), 1996.
- Resolution on Prostitution Tourism and Standard Agreement of the International Union of Food, Agriculture, Hotel, Restaurant, Catering, Tobacco, and Allied Workers' Associations (IUF/UITA/IUL)¹

Following these resolutions and declarations, a large number of businesses within the travel and tourism sector across the world have signed agreements adopting measures to cooperate in the fight against CSEC.

Some international initiatives have sought to combat CSEC in travel and tourism by establishing and applying administrative and legal measures to eradicate this crime. Thus, for example, UNWTO has conducted multiple regional consultations to define common policies and strategies for international cooperation to achieve this goal. Two consultations have been carried out in Latin America: Sao Paulo, Brazil in 2001, and San Jose, Costa Rica in 2003.

The Final Declaration of the I Meeting of Ministers and High-Level Tourism Authorities of South America on the prevention of the commercial sexual exploitation of children in tourism, signed in Rio de Janeiro in 2005, is another contribution that reflects the concern and interest of countries within the region to act in coordination to respond to this issue.

UNWTO works in close collaboration with international organizations such as United Nations Children's Fund (UNICEF) and End Child Prostitution, Child Pornography and Trafficking of Children for Sexual Purposes (ECPAT) to define strategies and join efforts to combat CSEC at an international level. The Latin American countries that have made the most progress at a regional level with regards to this issue are Brazil, Colombia, Peru, Costa Rica, Dominican Republic and Mexico.

1. Prevention of Commercial Sexual Exploitation of Children and Adolescents: Contributing to a Sustainable Tourism in Central America. UNICEF, Regional Office for Latin America and the Caribbean, 2005.

Although the rise in the number of travellers and non-resident tourists in Colombia has a positive impact on the economic growth of the country, it also poses a high risk for children of becoming involved in processes of commercial sexual exploitation. In order to contribute to the development of stronger actions to prevent CSEC and protect children, this study explores how the dynamics of commercial sexual exploitation are structured after the establishment of the tourism industry in a given region. For this purpose, we have chosen the departments of Meta, Amazonas and Bolivar (Cartagena and the island area of Baru and Playa Blanca) as field sites for this study.

Based on these concerns, it becomes relevant to ask, *what are the dynamics associated to the commercial sexual exploitation of children in travel and tourism in the municipalities of Leticia, Cartagena and Acacias?*

GOALS

To answer this question, we suggest the following goals:

General goal:

- To understand the dynamics linked to the commercial sexual exploitation of children in each of the chosen municipalities from the perspective of the social representations held by the social actors involved.

Specific goals:

- Analyze the characteristics of the actors involved in the commercial sexual exploitation of children.
- Describe the settings in which the commercial sexual exploitation of children takes place.
- Identify the key elements that link CSEC to tourism and travel.

CHAPTER 2

In this chapter we introduce the concepts used by Renacer to examine the issue of the commercial sexual exploitation of children, the actors involved in this offense and their particularities in the context of travel and tourism.

COMMERCIAL SEXUAL EXPLOITATION OF CHILDREN – CSEC

The Declaration and Agenda for Action of the First World Congress against the Commercial Sexual Exploitation of Children, which took place in Stockholm (1996) defines CSEC as: “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”.²

CSEC is comparable to torture, understood as inhuman, cruel and degrading treatment. It is inhuman, since it fails to recognize and crushes the human dignity of children; cruel, since it humiliates, provokes pain, shame and constitutes an assault on the decency of children; it is degrading because it reduces children to a condition of objects.³

The violence intrinsic to CSEC, therefore, cannot be reduced to the immediacy of the sexual aggression, supposedly mitigated by the exchange or promise of money or other kind of retribution. It is grounded in cultural and symbolic representations that portray children as available sexual objects; images that are further fuelled by audiovisual messages disseminated, for example, through pornography.

The aetiology of this issue, therefore, goes beyond any particular decision made by a victim — which in turn dispels false notions that attribute them autonomy and responsibility over the exploitation they suffer-

and places the moral and legal responsibility for this crime on the actions of those carrying out the sexual aggression, as well as on those facilitating and fostering conditions that allow for such assaults to happen. An ethical and critical position recognizes the historical inequalities and inequities created by the processes of domination of men over women, of the possessors over the dispossessed, of heterosexuals over homosexuals and of adults over children, as structural factors that favour the dynamics of CSEC; highlighting, at the same time, how intolerable this offense is and the obligation of state, society and family to protect children’s rights.

CSEC cannot be considered a form of work⁴, since that would imply that the actions of victims are autonomous, and that they have the actual possibility of making conscious and deliberate choices, based on a capacity for judgement. This framing assumes that subjects have the authority to choose the means and goals of a form of labour, lucrative or otherwise. In other words, while choosing an occupation is an independent choice that adults can make, and constitutes a benchmark of their freedom to build their life project in conditions that uphold their human dignity, children are still in the process of developing and consolidating these faculties.

Childhood is a formative period when meaningful life lessons begin to be acquired, defined by play and a dependency from tutors, as well as by obvious limitations in the choices children can make. As a result, children who are faced with this crime endure sexual exploitation, since it involves an exercise of violence by another person with the power to influence their body, behaviour, feelings or decisions. Their counterpart is a person that abuses and exploits; someone that, in fact, dominates, manipulates and holds power over children, who are forced to satisfy his sexual desires or needs. Proof of this is offered by cases that involve drug consumption, and by the way offenders take advantage of the needs that victims develop as a result of their addiction; in the use by offenders of the lack of economic means of their victims to blackmail them; or in the multiple forms of coercion offenders resort to, which share, as common

2. ECPAT International, *Questions and Answers about the Commercial Sexual Exploitation of Children*. Bangkok. 2008. p. 5.

3. Cfr. Galvis, Ligia (2003) Para que los niños y las niñas puedan crecer en dignidad. Unicef. Bogota.

4. Rivera, Nelson (2009) Ni peor ni igual, la ESCNNA no es trabajo infantil. In Rayuela, Revista Iberoamericana sobre Infancia y Juventud en Lucha por sus Derechos. Mexico. Year 1, Number 1, November 2009. Pages 54 -59.

trait, an absence of subjective and objective elements for victims to make free choices, and differences in power between those involved.

Any objective analysis demonstrates that by equating CSEC to a form of work, we place victims and perpetrators in a false identical level of autonomy and self-determination. At the same time, this obscures the abuse and exploitation that children endure, and neglects the multiple forms of physical and psychological harm that are inflicted upon them. It is, therefore, an euphemism that replaces a condition of violence for one of work. This way of framing CSEC also attributes a false notion of freedom to children, understood as a full capacity to make free and informed decisions; where this capacity is, in fact, limited by both conditions intrinsic to their development and by the relative absence of means within their families, societies and education to adequately foster the full development of their potential.

CHILDREN AS VICTIMS OF CSEC

In the context of CSEC, all children used as sexual objects or merchandise by a person or group of people are considered victims.

According to Beristain (2000):

“A victim is a person who has suffered a physical or mental lesion or harm, a material loss or damage, or any other social damage as a result of an action that:

- a. Is in violation of national criminal laws;
- b. Is a catalogued crime under international law; or
- c. Constitutes a violation of the norms of internationally recognized human rights that protect life, freedom and personal safety;
 - I. Constitutes an abuse of power exercised by a person whom, by virtue of his political, economic or social position, either because he is a political official, or an agent or employee of the state or a commercial entity, is beyond the reach of the law; Or
 - II. That, although not actually proscribed by national or international laws, causes physical, psychological or economic damages comparable to those caused by abuses of power, thus

constituting a form of crime within international law and a violation of internationally recognized human rights’ norms, and creates serious need among their victims, similar to those caused by violations of these norms” (pp. 74-80)

In line with this author — and taking into account that CSEC is a manifestation of violence based on economic power, age and gender — children affected by this offense are considered victims and not actors, since they cannot be attributed the same level of responsibility as adult offenders or authorities in charge of protecting their rights. The latter two are considered relevant actors in any case where their actions and omissions — considering that they have a responsibility to define clear and continuous positions and measures to ensure the protection of children — facilitate the harm done to the latter.

It is very important that children receiving assistance are perceived as victims by officials in charge of the programmes providing support and not as actors responsible for this offense. If this is not the case, children will face, in addition to the harm caused by their sexual exploitation, secondary victimization, which adds further difficulties and increases the impact of the abuses suffered in the hands of offenders.

Secondary victimization, to paraphrase Albertin (2006) — who builds on Beristain’s (2006) idea — is a process created in the interaction between victim and institutions such as social, health and legal service providers, among others, when these deliver inadequate services. This interpretation of the effects of inadequate attention on a person whose rights and integrity have been violated resembles the definition provided by the UN (1996), which states that this is “the victimization that takes place not as a direct result of criminal action, but through the responses of institutions and individuals towards the victim” (p. 14). In the mid- and long-terms, secondary victimization erodes the trust children place in protection and assistance services offered by the state or by civil society organizations and, particularly, how credible they consider these to be.

Thus, programmes providing assistance to children who have been affected by CSEC should avoid causing secondary victimization. This means that they have a responsibility not only to restore the administrative and legal rights of children, but also to approach them in a professional manner that is sensitive to the diverse

impacts that the experience of sexual exploitation has had on their emotions, cognition, motivations, family structure and in their expectations, which affect how they plan their future life.

While every child is at risk of sexual exploitation, there are situations and conditions that violate the rights of children and place them at a higher risk of sexual exploitation. Some of the populations most at risk are:

- Children living or working on the streets
- Children with a history of drug abuse/addiction
- Children living with disabilities
- Children victims of disasters
- Working children
- Children facing difficulties related to their sexual orientation

- Underage mothers
- Undocumented migrant children
- Children victims of trafficking for purposes different from sexual exploitation
- Unaccompanied children
- Displaced children

SEXUAL EXPLOITERS

Actors involved at any stage in the sexual exploitation of children are generically denominated “sexual exploiters”. Different actors, however, play specific roles in the production of this crime and, thus, are further differentiated by the terms presented in the table below:

<p>SEXUAL EXPLOITER</p> <p>Any person who promotes, facilitates, develops or profits in any way from sexual activities involving children.</p>	<p>Exploiter – client</p> <ul style="list-style-type: none"> • Generates the demand for CSEC. His fundamental interest is an erotic or sexual gratification through the exercise of power based on age, gender and economic status
	<p>Exploiter- Pimp</p> <ul style="list-style-type: none"> • Contacts, invites, entices children; facilitates or establishes the link between them and the exploiter-client. • Owner of establishments where prostitution takes place; controls the finances and carries out negotiations. • Acts alone or as part of trafficking & CSEC networks.
	<p>Exploiter- Intermediary</p> <ul style="list-style-type: none"> • Offers information or facilitates sexual contact between victims and exploiters – clients. • They can be taxi drivers, hotel bellboys, owners of housing facilities, informal vendors, tarjeteros, classmates or acquaintances of the victims. • They derive indirect economic profits.

MANIFESTATIONS OF CSEC

There are different manifestations of CSEC. Child victims can be involved in one or many forms of exploitation. Below, we provide a brief description of each of them:

Use of children in prostitution

It is defined as “...the use of a child in sexual activities for remuneration or any other form of consideration”.⁵

5. CRC. Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography. Article 2, No. B. 2002.

It can take place in well-known locations, such as streets or high-impact zones, businesses such as whisky shops or reservados and, more covertly, in discotheques, schools, shopping malls, hotels, transport stations, video game halls etc.

A child can be exploited by an intermediary that organizes the interaction and/or by a sexual offender who directly offers a child money or some form of retribution.

Children are also involved in prostitution when they take part in sexual activities in exchange for food, consumer goods, shelter or safety, or in exchange for favours such as better grades in school.

Use of children in pornography

This refers to the production, exchange, dissemination by any means, commercialization, storage and possession of any type of material such as photographs, drawings, texts, videos, films, computer hard drives or other media where a person under 18 years of age or who appears to be that age is depicted in sexual poses or taking part in sexual activities, whether these are real or simulated, explicit or suggestive.

Many children are tricked or seduced by different means into accepting being filmed or taped while they participate in sexual activities with other children or adults, and are subsequently blackmailed with those images and subjected to new abuses. "A Dutch study points out that over 20 per cent of the victims of child sexual exploitation are forced to have sexual relations after having been induced to see pornographic material".⁶

Trafficking in children for sexual purposes

The UN Convention Against Transnational Organized Crime, in its Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, defines trafficking in persons as follows:

"[...] the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments

or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs".⁷

Even if victims express consent, tacitly or explicitly, exploiters are responsible for these acts.

Trafficking in persons is considered a crime against humanity and is different from smuggling and migration.

Forced or servile marriages or unions

This refers to the masked sale of girls and adolescents, under the guise of unions or *de facto* marriages, even legal in appearance, to be subjected to sexual and domestic servitude by their husband, who pays a sum of money or presents the parents with some other benefit in exchange for obtaining rights over the girl.

In the case of Colombia, especially in certain rural areas, it is considered to be a "beneficial" and culturally accepted practice for a person in a favorable economic position to pay poorer families to agree upon these types of marriages.

Sexual use of children in armed conflict

Children are vulnerable to all types of rights violations by armed parties. Many are victims of sexual violence, forced recruitment and forced labour. They can also be forced to have sex with one or various members of these armed forces to avoid or mitigate taking up chores, such as night guards, cooking or taking part in long walks.

In other cases, pimps bring girls and adolescents to armed groups' camps where they are kept for days or weeks and subjected to all sorts of sexual vexations by many combatants. It is also known⁸ that some armed groups control prostitution zones in different cities, where they impose fines on women, girls and adolescents, or sexually abuse them in exchange for granting them the right of transit. Women and girls are also used as informants, and forced to have sex with members of opposing groups.

6. Op. Cit. INWA. p. 13.

7. United Nations. Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, which complements the United Nations Convention Against Transnational Organized Crime. Article 3 (Definitions), 2004.

8. Rivera, Nelson y Cárdenas, Stella (2006) Escenarios de la Infamia. Fundación Restrepo Barco, Fundación Renacer, Plan Internacional. Bogotá.

Finally, there are documented cases where children have been sexually exploited by members of the Armed Forces and state policing bodies, in zones that are considered to be under their control.

Offenders also use the infrastructure of the places they visit — including hotels, means of transport, entertainment venues- to engage in sexual activities involving children.

CSEC IN TRAVEL AND TOURISM

This refers to the use of children for sexual purposes by a person travelling from one country to another, or from a city to another within their own country, either for business, study or recreation, and whom, once there, takes advantage of the permissiveness or complicity of the authorities, or of perceptions shared by local residents that “normalize” violence against children, to

Tourists and travellers attracted to this type of practice assume they can safely evade their moral and legal responsibility for the sexual exploitation of children, since they feel protected by the sense of anonymity that stems from being away from their social environment, as well as by the belief that they are economically or culturally superior to the community they visit.

Within this modality we find three basic types of sex offenders:

Situational offenders	These offenders exploit children to experiment, taking advantage of their anonymity and impunity as tourists, without showing strong preferences regarding the gender or age of the victim. They do not have an exclusive sexual preference for children. Most tourists that engage in sex with children belong to this category.
Preferential offenders	Offenders that have an active sexual preference for children. This type of sexual predator can have a general preference for sexual contact with children or feel sexual desire exclusively for children. A minority of tourists that engage in sex with children belong to this category.
Pederast or paedophile	A person suffering from a clinical condition or pathological disorder. The pederast exclusively desires sexual contact with children and not with adults. They tend to have a preference for prepubescent children. A minority of child sex offenders belongs to this category.

Actors and factors in travel and tourism

There is a large body of literature and much conceptual work done regarding travel and tourism. For this reason, we will provide only an overview of some fundamental concepts

that are specifically related to the issue of the commercial sexual exploitation of children in these contexts.

The following table defines the concepts of tourist, traveller and visitor:

Tourist	Any person travelling outside his usual place of residence for a period longer than a day and shorter than twelve months, who returns to his place of origin and whose main purpose for travelling is rest, entertainment or personal growth; during this period, the person does not engage in any profit-making activity.
Traveller	Any person travelling outside his usual place of residence for a period shorter than twelve months and whose main purpose for travelling is to take part in an activity that is remunerated or linked to his professional, family or academic interests, to public or personal management duties, among others.
Visitor	Any person travelling within his usual place of residence for a period no longer than a day and whose main purpose of travel is to take part in unpaid activities associated to the use of free time in any form.

It is clear that there is a conceptual and practical difference between tourism and travel. Although both involve a displacement from a place of origin to a destination followed by a return trip to the place of departure, the main difference resides in the interest or motivation that define each of these trips: a tourist engages in activities associated to the use of free time and his visit is not profit-oriented, while travel is conducted for reasons different from rest and leisure. What is relevant here is that, according to available research, both tourists and travellers take part in activities involving the sexual exploitation of minors. For this reason, we have opted to change the term used to refer to this phenomenon from “child sex tourism” to the sexual exploitation of children in travel and tourism.

Other concepts related to the sector are the so-called actors and factors of tourism. By actors we understand individuals and groups that have a direct or indirect incidence on the reception, production, service, management, study or consumption of tourism. These include host communities, individuals or businesses offering tourism services, authorities and guilds, experts and academic community and, finally, tourists and travellers themselves.

The factors of tourism are the research variables or units of analysis that allow for the phenomenon to be known or interpreted; they synthesize information and foster a better understanding and performance in this field. These factors are *kinetic-static*: time, space, movement; *economic*: exchange of goods and services for money; *sociological*: interactions between people and communities; *psychological or recreational-motivational*: desires, needs, ambitions.

Both actors and factors of tourism relate, directly or indirectly, to CSEC. Regarding the actors, some tourists and travellers can act as sexual exploiters, as can some operators, who play a role as intermediaries or facilitators in the sexual exploitation of children. The host community can either be unaware of the existence of this phenomenon, assume a position of indifference or tolerance, or contribute to combat this phenomenon by reporting abuses.

The tourism market model has two constitutive elements: supply and demand. Tourism demand is the factor boosting the consumption of travel and tourism and includes the set of attractions, products, services and activities requested by tourists and travellers to

satisfy their needs and desires. Tourism demand is characterized by the multiplicity of formal and practical conditions required to produce and deliver the different products and services that tourists or travellers pursue. Using the terms provided by this model, a demand for CSEC is created by sex offenders that, travelling within the country or across its borders, seek to engage in these practices in their destination.

The general theory of tourism planning and development has sought to address the aspects that differentiate consumers by formulating theories, such as tourism typologies and morphologies, that can provide organizing concepts for the study, analysis and operation of the sector.

Typologies distinguish between different types of tourism based on the motivations of the consumer. These are: cultural tourism, metropolitan tourism, religious tourism, health tourism, ecotourism, rural tourism, agri-tourism, adventure tourism, and sun and beach tourism. Other variants such as business travel, events, fairs and conventions are also included in travel typologies.

Morphologies are based on differences in the way tourism is practiced. Some of the most frequently used morphologies are: origin and/or destination, level of income and tourism expenditures, means of transportation used, distance from destination and length of stay, age groups.

Tourism supply, on the other hand, is the universe of tangible (natural or created) and intangible (climate, culture, events) assets and tourism services (transportation, accommodation, food services, animation, among others) that are offered to satisfy tourism demand. These include, mainly, tourism attractions, the tourism infrastructure or facilities and the general and specialized infrastructure.

Tourism supply is characterized by its intersectoral and systemic nature, which is expressed in its productive processes, production linkages and the integration of value chains. This means that, in order to build an integrated supply of products and services, there is a need to implement processes that allow for the interaction, integration and accumulation of efforts between the different service providers operating in both the place of origin and destination. Tourism packages and plans can become means to promote not only sexual tourism, but also CSEC.

While “sexual services” are supplied in many touristic destinations, it is an activity that is proscribed or illegal almost throughout the world. It becomes an issue for concern for the travel and tourism industry in those cases where certain operators or workers of the sector are involved — generally in a personal capacity — in illicit activities such as providing information, allowing or facilitating contact between potential sex offenders and victims, sometimes within the premises of hotels or vehicles used to cater for tourists.

The touristic destination is a setting where multiple elements converge: a geographical location, an image and brand that distinguish it, a suitable offer of infrastructure, facilities and sights and tourism demand. In the context of travel and tourism in Colombia, CSEC feeds from the presence of a market created by demand — assaulters or offenders — and supply — sexually exploited children. Simultaneously, tourism propaganda and the media can contribute to promote images that associate a touristic destination with an unlimited sexual freedom for tourists and travellers and an unrestricted sexual availability and access to local women, adolescents and girls.

Sex tourism and CSEC in travel & tourism

Current debates regarding sex tourism and the sexual exploitation of children in travel and tourism, in Colombia and abroad, require an analysis of certain theoretical concepts and facts. These discussions refer to the spatial and temporal dynamics inherent to travel and tourism; to the economic, environmental and sociocultural effects of the industry; to the diversity, in terms of ethnicity, psychology and values, present among the masses of national and international travellers and tourists on the move around the world; to the worldviews, power relations and needs that accompany this floating community of individuals and organized groups of consumers.

Another set of reference points that guide these discussions are those related to embodiment and sexuality, as spaces of subjectivity that determine the behaviour of individuals in their interaction with local populations in a destination where sexual-commercial transactions that eventually or intentionally involve children can emerge.

By cross-referencing or mainstreaming these analytical categories, it is possible to approach the issue of sex

tourism — in cases where such transactions involve only adults — as well as the damaging presence of CSEC in cases where children are used by adult sex offenders. Thus, the so-called sex tourism can be interpreted, in the first case, as a category within a tourism typology, while the commercial sexual exploitation of children constitutes, without any doubt, a crime.

In this case, sex tourism can be interpreted as the form of travel that is motivated by the desire of the person on the move to engage in sexual encounters with adults that, generally, reside in the place of destination. This category can include encounters between unattached people, the search for a partner or for sex through prostitution. Such behaviours, however, must adjust to and respect the ethical, social, legal and health standards of the destination and the host communities.

Recent trends show that sex tourism has undesirable effects in tourism and travel destinations, in Colombia and abroad. Some sources state that sex tourism tends to be associated with prostitution, alcohol and drug consumption, and it can also be associated with extreme situations which jeopardize personal safety, such as theft, physical violence and trafficking in persons — particularly women and girls — for the purpose of sexual exploitation. All of the above are also found in settings where CSEC takes place, and, in connection to the latter, mafia networks that infringe upon children’s rights in myriad ways also emerge.

While there are sources that present sex tourism as an acceptable activity, the great majority see it as unacceptable and harmful. The Declaration on the Prevention of Organized Sex Tourism adopted by UNWTO’s General Assembly in 1995 explicitly condemns these practices.

Sex tourism has made its presence felt in all continents; however, despite its global dimensions, it seems to be most visible in developing countries. At the same time, the borders between sex tourism and commercial sexual exploitation in tourism have become almost imperceptible.

With regards to CSEC in travel and tourism, the Global Code of Ethics for Tourism — 1999 stipulates in article 2, section 3 that “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”. Article 6, section 6 states that “...the new communication and

electronic commerce technologies [...] as is the case for the media and other communication means, should not in any way promote sex tourism”.

Among public and private sectors in Colombia, there is a growing concern and interest in addressing CSEC. This is reflected in the approval of Act 679 of 2001, 1329 and 1336 of 2009, which, along with resolution 3840 — Code of Conduct — approved by the Ministry for Commerce, Industry and Tourism that same year, and the conditions stipulated by the technical legal norms for the sector on the sustainability of tourism, offer stronger instruments to combat CSEC in travel and tourism.

Sex tourism and CSEC negatively affect destinations, deteriorating their image, leading to a loss of quality, poorer safety conditions and turning them into permissive territories where “everything is possible”. However, the greatest impact is the psychological, physical, social and health-related effects suffered by children. The latter constitute a problem that is both great in scale and complex in treatment.

Sex tourism is not recommended for any geographical setting or from any point of view. As for CSEC in travel and tourism, it is an abominable practice that must be opposed with full conviction until it is completely eradicated.

CHAPTER 3

CHOICE OF METHODOLOGY

For this study, we have gathered qualitative data through ethnographic methods. Therefore, we observed the cultural practices of social groups, in order to describe the interactions that create their social reality. As stated by Javier Auyero (Jaramillo and Del Cairo, 2013), ethnography is not only a method to get to know certain social practices, it also provides an opportunity of examining how the subjects make sense of these practices.

Ethnography, according to Rosana Guber (2001), has taken different meanings depending on the academic traditions that have defined it, but its systematization has played an important role in contributing to our understanding of its temporal and spatial dynamics in the late XIX and early XX centuries. During this period, the work of European, North American and Latin American ethnographers gave continuity to some of the methodological approaches scattered across the humanities and natural sciences and focused on rediscovering, reporting and understanding worlds that, until then, had been referred to in accordance with European thinking; in other words, as ways of life in a process of extinction due to the advance of modernity.

Ethnographic work has been associated to the study of “exotic cultures” in anthropology and of marginal segments of society in sociology. However, it is important to note that, while these distinctions were considered to be very important, both the North American and British traditions were responsible for shaping ethnographic practice for other social sciences throughout the XX century (Guber, 2001).

In that sense, ethnography has been reconceptualized over time, and has thus become a common tool used by all the social sciences. In fact, as Vera and Jaramillo (2007) suggest, current research resorts to shared, converging and dialogical uses of theories, concepts, methodological approaches and techniques, which challenge the broader paradigms, disciplinary

traditions and, particularly, the classical canons for doing, thinking and writing social sciences. This push to open the social sciences has created the conditions for the emergence of new forms of ethnographic work, allowing any researcher to make use of these technical instruments for collecting data, since these are considered plural and heterodox means for accessing and processing information produced through the different ways in which social reality is expressed, moving beyond classical distinctions between disciplinary approaches.

To this end, we established as our general goal to comprehend the dynamics linked to the commercial sexual exploitation of children in each of the chosen municipalities. By comprehension we mean the cognitive hermeneutic function *par excellence*⁹, that sphere of production of meaning where the relationships between the different parts of a contextualized narrative are established. This approach is well suited for our research goals, since it provides a means to access social, political, economic and subjective aspects that shape the complex reality of CSEC in contexts of travel and tourism.

In order to achieve this general goal, however, we had to identify specific goals that would allow us to ground our research. We first focused our analysis on the characteristics of the actors involved in the commercial sexual exploitation of children, since a great variety of people, situations and factors take part in shaping CSEC. Identifying their particular characteristics and effects on the phenomenon, therefore, would allow us to improve early identification, which would, in turn, allow us to develop preventative actions to avoid these violations to the integrity of our children.

Secondly, we wanted to describe the settings where the sexual exploitation of children takes place. In this regard, we sought to illustrate the ways in which CSEC operates within specific territories, in order to provide insights into the concrete conditions under which these exploitative practices occur.

9. With regards to the hermeneutic approach, Casilimas (2002) states that Gadamer argued that highlighting the linguistic nature of our understanding, given that interpretation is expressed through linguistic formulations, sheds light on the categories of understanding that are used by the person to support this process. Equally, Gadamer suggests that the possibility for interpretation creates what he calls a “hermeneutic encounter”, which enables a dialogue between the horizon of understanding and the lived world, transcending the spatial and temporal references of the person interpreting.

SELECTION, HIRING AND TRAINING OF FIELD RESEARCHERS

In order to ensure that our fieldwork followed the approach and goals of the study, we involved the entire team in training field researchers through thematic analysis and discussion workshops. These were grouped into 5 themes:

- Conceptual framework of CSEC: Definition, approaches, manifestations with a focus on CSEC in travel and tourism; predisposing and precipitating factors (individual, social and cultural); profile of the children and impacts of CSEC.
- Forms of gender-based violence: Conceptualizing gender, rights-based and differentiated approaches, gender-based violence and sexual violence; national and international legal framework to combat the different forms of gender-based violence.
- Legal framework: National and international political and legal frameworks regarding CSEC.
- Tourism: Sustainable tourism: environmental, economic and sociocultural aspects.
- Research methodology: Ethical, methodological and conceptual guidelines for researching CSEC; safety protocol; informed consent; analysis of the work plan; overview of instruments.

Reference frameworks regarding public policy

It was crucial that field staff internalized three frameworks that are used by Renacer as reference for conducting field research into CSEC. These are: a gender-sensitive approach, an age-sensitive approach and an ethnic-sensitive approach, based on the principles of non-discrimination, prevalence, universality and best interest of the child.

Gender is not only a women's issue; it involves men as well. Gender refers to the cultural and historical construction of masculinity and femininity; in other words, to the values, attitudes and behaviours that are considered appropriate for women and men based to these categories. Men and women, therefore, are expected to fulfil different roles, and their necessities and demands are differentiated.

"[A gender-sensitive] approach recognizes the different manifestations of sexual violence, as a

form of gender-based violence, understood as any action based on gender that causes physical, sexual or psychological harm or suffering both in the public and private spheres".¹⁰

A gender lens allows us to identify interactions based on control and power relations built around commercial sexual exploitation. By allowing us to identify the victims and the dynamics in which they are immersed, this approach can help us to define strategies to assist them. At the same time, by identifying the main perpetrators and individuals responsible for perpetuating the problem and fostering impunity, it can help us design mechanisms to prosecute and punish offenders.

Finally, a gender-based analysis helps us understand the root causes of the issue, the factors that generate a demand for children to trade for sexual purposes and the social and cultural processes that sustain this form of exploitation. In other words, a gendered perspective can also help guide preventative action by identifying the factors (social, economic, cultural, institutional) that must be directly addressed in order to inhibit demand, protect children and ensure that their rights are respected.¹¹

An age-sensitive approach allows us to recognize the specific characteristics and needs of children that stem from being immersed in a specific moment of human development. These are different from the needs at other stages of life and incorporating them into our analysis allows us to identify the particular and distinctive implications and impacts that result from sexual exploitation in every dimension of the child's development according to her age.

A differential approach assumes the need to consider particular social and cultural characteristics not only of indigenous peoples, but also of other ethnic groups (afro-descendants, Roma etc.). This implies a recognition of their worldviews, practices and social, territorial, cultural and even legal systems that, on the one hand, render children vulnerable to CSEC, but, on the other, can be potentiated to foster appropriate mechanisms to protect children within these communities, in coordination with state bodies and in accordance with the guidelines derived from both the International Convention on the Rights of the Child (UNCRC) and the Optional Protocol on the sale of children, child prostitution and child pornography.

10. National Action Plan for the Prevention and Eradication of the Commercial Sexual Exploitation of Children 2006-2011. P. 53.

11. Montserrat Sagot, "La otra mitad del firmamento: integrando la perspectiva de género en la acción social" in: *¡Ya es hora!*, Bulletin No.4, April 2006. p. 4.

After this thematic training, we conducted training workshops on methodological aspects of ethnographic research, focusing on reflexivity, privacy and confidentiality, the protection of information, and achieving good results from ethnography.

Reflexivity refers to the need for field researchers to evaluate the scientific and commonsensical preconceptions that guide their thinking. As Guber (2001) states, throughout the process of participant observation these will unavoidably be confronted with the empirical world that is being accessed through fieldwork, which in turn will provoke feelings and emotions that can become obstacles or vehicles for knowledge, depending on the receptivity of the researcher. The researcher's subjectivity, therefore, plays an active role in the research process. This process is presented by Guber as follows:

"A researcher will know more about himself after having engaged with locals, precisely because at first he knows only how to think, address others and formulate questions from within his own frameworks. But through fieldwork, he learns how to do this vis-à-vis other reference structures against which he will naturally compare his own. In sum, the reflexivity inherent to fieldwork is the process of interaction, differentiation and reciprocity between the reflexivity of the knowing subject — common sense, theory, explanatory models — and of the actors or subjects/objects of research. (...) precisely, as Peiran cautions when he states that knowledge does not reveal itself "to" the researcher but "in" the researcher, by appearing in the field, by re-learning how to understand oneself and the world from a different perspective. For this reason, fieldwork is long and commonly compared to a form of "re-socialization" that is filled with setbacks, untimely events and lost time".

Reflexivity, practiced during the thematic training, is registered on the third section of the forms to record observations that researchers were asked to complete during fieldwork. This section requested researchers to identify and reflect upon what they perceived or felt while doing participant observation.

Participants' privacy and data confidentiality¹² are emphasized as key ethical concerns in Renacer's charter "Ethical Principles in Ethnographic Research.

Renacer 2015", as well as in our data management policies, which are explained in the section on ethical issues of this research report.

FIELDWORK

According to Marga Sánchez-Candamio (1995), ethnographic research is a way of engaging with the world that focuses on meanings. For this reason, fieldwork consists of activities centered on observation, description, interpretation and comprehension. At the same time, following Valles (2003), we can distinguish three moments of fieldwork from an ethnographic perspective: moving in the field, observation and participation and data collection.

Moving in the field

Fieldwork dates were planned for each territory prior to immersion; the length of stay ranged from a minimum of 5 days to a maximum of 15 days spent in the municipality where fieldwork was conducted. At the same time, each researcher studied the historical, social, political and economic characteristics of the municipality, so that, once there, they would be able to contextualize their interpretations¹³, and thus avoid making de-contextualized "over-interpretations".

Alongside this review of background information regarding their fieldsites, the research team also negotiated with child protection institutions to ensure that children who were identified as victims during research could be offered the possibility of accessing the public assistance network that the Colombian State has established for these cases; or that some grassroots organization would be able to shelter victims while completing the administrative procedures required to direct cases, according to the needs of each child, to the relevant public or private institutions.

Observation and participation

Within ethnographic work, fieldwork is documented as a textual description of the behaviors of a particular culture; the researcher must interpret or translate a culture, or specific aspects of it to the readers, who are not familiar with it. "[...] What is at play in the text is the relationship between theory and fieldsite, mediated by

12. Our use of these terms follows the definition provided by the Real Academia de la Lengua Española's dictionary which states: Confidential (from confidence). 1. adj. Which is done or said in confidence or with reciprocal assurances between two or more people. Privacy. 1. f. Sphere of a person's private life which is entitled to protection from any form of intrusion. (RAE, 2015).

13. Clifford Geertz (2003) refers to interpretation as a thick description that recognizes the interpretative frameworks within which social actors classify and, therefore, attribute meaning to different behaviours.

ethnographic data” (Guber, 2001, p. 14).

After we identified the locations that informants considered to host or potentially host children facing sexual exploitation, we visited them in order to interact with the actors present.

Ethnographic fieldwork includes unplanned interactions with different individuals that can become potential informants. Vasilachis (2007) considers that not all conversations researchers have in the field will directly provide information, but some of them could be fundamental for linking researchers with specific informants (victims and actors in this case) or to provide information about the sites the researcher must visit to study the phenomenon of interest (the dynamics of exploitation, in our case).

“regarding this point, we must mention two types of encounters, unplanned and planned. The first refers to encounters that stem from our travels, and take place in the context of our daily socialization. The casual, spontaneous encounters that result from our presence in the field, demand adopting a dynamic attitude of openness and availability, a sensibility attuned to “perceive” in the flow of social life and in all our interactions with other subjects, points of view and meanings (...) in the latter case we refer to encounters that result from the need to establish contact with a given subject whom we consider an informant. These situations, in turn, can have different facets. It is possible that the researcher decides to visit a place previously known to host certain people, in order to establish contact with them, or it may be necessary to agree on a meeting to arrange an interview” (Vasilachis, 2007, p. 128).

Since fieldwork offers the possibility of both types of encounters, people we engaged with through unplanned interactions were referred to as spontaneous informants, while those we spoke to during planned meetings were identified as victims, actors, government officials and NGO members.

We seek to speak directly to the actors involved in CSEC in the context of ethnographic work because ethnographies (Javier Auyero, in Jaramillo and Del Cairo, 2013) allow us to observe a phenomenon from the perspective of the subjects, to explore not only what

they do but also the how they perceive it. Ethnography offers a method not only for knowing, but also for understanding how subjects imbue their practices with meaning. Thus, it is important to consider that:

“(...) ethnography attempts, as a basic principle, to reconstruct the point of view of the subjects. This type of research, as a fundamental principle, takes place in real time and space; not through retrospective reconstruction. This type of research in real time and space requires witnesses, regardless of its object. It should attempt to see how subjects feel and think about an institution, a practice in real time and space” (Cairo, 2013, p. 33).

For this reason, seemingly casual conversations are guided by the contents of interview cards, which have been previously analyzed, discussed and memorized by field researchers; these interactions are registered in as much detail as possible in the instruments designed to collect data. Parallel to these conversations, the researcher must observe the interactions of those around him, which are also part of the dynamics surrounding CSEC.

Data collection

The process of ethnographic research requires the social researcher to be exposed to the reality he wishes to understand. According to Guber (2001), it is an interpretive/descriptive effort, which aims to create a coherent representation of what social actors think and say, such that the description is neither the world of those actors nor the way the world appears to them, but an interpretive conclusion developed by the researcher, based on the articulation between his theoretical constructs and the contact he has had with the social subjects.

In order to engage social actors in a way that allowed us to understand the dynamics of CSEC and, in particular, to be able to speak with victims and exploiters, we needed to become immersed in the researched communities. To accomplish this, the population of the municipalities of interest had to accept the researchers. Thus, to gain their approval, researchers identified themselves as educators, interested in promoting activities for the prevention of sexually transmitted diseases and unwanted teenage pregnancies.

The role researchers adopted generated an identity, but, above all, helped to justify their presence in the field, particularly in municipalities where armed groups linked to the internal conflict, who perceive outsiders as potential threats, still operate. The role as educators, therefore, was also conceived as a form of self-protection.

Among the requirements of ethnographic research, an important aspect is that social researchers should understand the action under study and, in particular, the terms that the subjects involved use to characterize it. The latter are privileged informants that can recount what they feel, think, speak and do regarding events they partake in.

“While explanations and reports must be adjusted to social facts, description must be adjusted to the narrative perspective of the “members” of a social group. A good description does not misinterpret them, or, in other words, does not incur in ethnocentric interpretations, substituting their point of view, values and reasons for the point of view, values and reasons of the researcher” (Guber, 2001, p.11-12).

When researchers provide a description (recorded through the data gathering instruments explained below) based on the terms used by the social subjects, they attempt to capture the conceptual structures that serve as a basis for people to act and make their behaviour and those of others intelligible.

Fieldwork data gathering instruments

Every researcher was asked to hand in records of the semistructured interviews and observations they carried out using standard forms. Below, we describe the characteristics of each instrument.

Semi-structured interview guides: Four semistructured interview guides were validated using the following procedure:

1. Select data gathering instruments from a pool of materials used over the past 5 years by Renacer for conducting research.
 2. Identify questions within those instruments that could be incorporated into a new instrument.
 3. Complete a semantic validation of the chosen questions. The team in charge of methodological design identified three types of questions:
 - General questions: those included in the instrument that should be completed after conversations with spontaneous informants from the municipality, such as students, taxi drivers, street vendors, individuals spending prolonged periods of time in the municipalities parks or squares.
 - Questions for businesses: those included in the instrument that should be completed after conversations with staff employed in businesses or commercial establishments located in the municipality.
 - Questions for government officials or members of grassroots organizations: those included in the instrument that should be completed after conversations with government officials or NGOs with presence in the municipality.
 - Questions for victims: those included in the instrument that should be completed after conversations with children who are victims of CSEC.
4. Evaluation of interview questionnaires by experts. For this purpose, we developed evaluation forms for experts to complete. The criteria for selecting them included: being over 18 years of age, having participated in at least one (1) study related to CSEC as informants, interviewers or researchers over the past five years. In addition, experts were required to have over ten years of experience identifying and assisting children who had been victims of sexual exploitation.

Experts were given 15 days to evaluate the interview protocols. The evaluation protocol explained that each item should be given a grade ranging between a minimum of 0 and a maximum of 5, based on the following criteria:

- Pertinence: is the question related to the research topic?
- Sufficiency: is the scope of the question adequate to respond to the research goals?
- Coherence: is it logically linked to the research topic?
- Relevance: is the item important to meet the research goals?
- Syntax: are words arranged appropriately to create coherent sentences?
- Remarks: all judges were asked to write any remark regarding the evaluated items.

Experts were made aware that questions would be included or eliminated based of the following criteria:

- The question is eliminated: items with an average score between 0 and 3.
- The question is fully modified: items with an average score between 3.1 and 3.5.
- The question is partially modified: items with an average score between 3.6 and 4.
- The question is included as originally formulated: 4.1 to 5.

After receiving all evaluated questionnaires, the research team identified necessary changes and made a final decision regarding the items included in the research guides.

Formats for recording observations: Considering both the choice of methodology and the nature of the phenomenon under study, observation is a fundamental component of the research process. Therefore, we developed an instrument to systematize the information gathered through observation.

This instrument distinguishes three analytical clusters as explained below:

- Description of actors involved: the field researcher must provide some details regarding the characteristics of the actors present in the site where an observation or interview (as applicable) took place, describing their gender, age, attitudes, aspects of their personal appearance and performance that caught his attention.
- Description of the setting: the researcher must specify the spatial and environmental conditions of the site where observations or interviews (as applicable) were conducted, in a way that conveys the architecture, hygiene conditions, lighting conditions, smells, background music, details of the decoration or furniture that caught his attention, people that entered or left, among others.
- Characteristics of the interview/observation: the researcher must allow himself to be reflexive (a central aspect of ethnographic research). For this purpose, he is instructed to indicate the phrases, parts of the account or responses that produced in him a feeling or emotion (sadness, joy, indignation, pain, disgust, tenderness, impotence, guilt, admiration, etc.).

Submitting results from fieldwork

After fieldwork, researchers submitted their results. This was done individually (by delivering their completed interview formats and observations forms) and in group settings (in a team meeting attended by all members of the research team).

Submitting results individually

Researchers had three days upon returning from fieldwork to submit their written reports, using the interview formats and observations forms designed for this purpose.

Submitting results in group settings

Once individual submissions were completed, researchers met with the study coordinators and the methodological adviser. The main purpose of these group meetings was to discuss the dynamics of CSEC in each municipality, in order to gather and analyze qualitative data that could help identify and outline partial results for every municipality.

DATA MANAGEMENT, SYSTEMATIZATION AND ANALYSIS

To organize the responses gathered through these interviews, each interviewee (and each answer they provided) was assigned an alphanumeric code. This system allowed researchers to protect the identities of the children interviewed, while, at the same time, ensuring that every contribution could be located within the set of matrixes used to process information.

After being codified, responses were classified according to the information they provided to each of the pre-established or emerging categories used to group findings.

- a. Pre-established categories: these are categories that refer to three variables. First, those regarding the settings within each municipality where there is a potential presence of CSEC or of conditions that facilitate it. The settings are conceptualized as micro territories or places with a presence of factors such as prostitution, selling and consumption of psychoactive substances, a flow of tourists, among

other elements that the literature identifies as factors that facilitate the phenomenon.

Another pre-established set of categories refers to the actors involved in CSEC. These should be analyzed from a perspective that is broad enough to address the particular characteristics of victims and their families, to include both male and female pimps (exploiters), intermediaries, offenders (clients) and any other actor whom, by action or omission, plays a part in the process of exploitation in the studied settings. This includes tourism operators, both individuals and companies.

Finally, the categories that refer to the dynamics encompass the codes and practices to which actors resort in order to facilitate situations where CSEC can take place. This last set contains the former to an extent, since dynamics must be evaluated taking into account the realities and characteristics of each

municipality, including its settings and actors.

- b. Emerging categories: these are categories that had not been identified as such prior to fieldwork, on the basis of previous knowledge, but whose relevance became apparent.

RESEARCH PARTICIPANTS

Research was carried out in Acacias (Meta), Cartagena (Bolívar) and Leticia (Amazonas). We interviewed children affected by CSEC; sexual exploiters (pimps and intermediaries) and other spontaneous informants (taxi drivers, hotel staff and other employees working in public locations, adults in prostitution). We also interviewed government officials to discuss their insights into the issue and institutional responses implemented to address the issue. In the following tables we detail the number of interviewees within each category:

Victims

Number of victims	
Acacias	4
Cartagena	11
Leticia	11
Total	26

Actors – Key Informants

	Acacias	Cartagena	Leticia
Exploiters pimps	1	1	-
Exploiters intermediaries	-	1	3
Others: spontaneous informants	6	2	4
Total		18	

Institutional actors

	Acacias	Cartagena	Leticia
Colombian Immigration	-	-	1
Police	1	3	2
ICBF	-	1	1
Commissioners' Office for Families	1	1	1
Health	1	2	2
Education	1	2	-
Attorney /municipal ombudsman (personaría)	1	-	1
Office of the Attorney General	-	1	1
Judicial Branch	-	-	1
Ministry of Tourism	1	1	1
Ministry for social development	-	-	1
Total		29	

ETHICAL CRITERIA

This study is guided by an institutional policy to ensure the integral protection of children. Therefore, it recognizes children as rights bearing subjects before and beyond their involvement as key informants for this study. Researchers assumed the ethical commitment of promoting alternatives for reparation and reintegration in every interaction with children whose rights had been violated. We strongly believe that research cannot merely consider children to be instrumental for its purposes.

To guarantee that our ethical criteria were upheld, we followed three lines of action:

Integrating the research team

In the section on selection and hiring we detailed the training process that field researchers underwent in order to guarantee they internalized the importance protecting the integrity of research participants and committed to this task.

This training process was also designed to ensure the team would treat all research participants, particularly

children, in a manner that fully respected their human dignity. Training also aimed at guaranteeing that the team would use differential, age and ethnically-sensitive procedures, as well as rights-based approaches. Thus it allowed researchers to adopt unequivocally tolerant and considerate attitudes towards the religious beliefs, cultural background, level of education, as well as respect and recognition for both the sexual identity and forms of expressing gender of all research participants.

Protocol on ethical research criteria

In order to establish shared standards regarding the ethical principles that should guide all interactions during fieldwork, we developed a charter entitled "Ethical criteria in ethnographic research Renacer Foundation 2015" which contains the following information:

- Relevant aspects of ECPAT Colombia and Fundación Renacer's ethical codes
- Informed consent
- Verbal framing
- Assistance to victims
- The researcher's position

We emphasized the need to ensure interviewees (staff members of NGOs, public and private institutions) gave their informed consent, which could be done verbally or in writing. Thus, we designed an informed consent form to apply in cases where consent could be obtained in writing. Whenever this was not possible, researchers were instructed to frame the question as follows: the researcher should introduce him or herself as a Renacer officer, explain the goals and purpose of the research (research question, general and specific goals).

In the case of conversations involving child victims, in addition to providing the information outlined above, researchers were instructed to avoid any inquiry into the intimate personal experiences of their interlocutors during the semi-structured interview, in order to avoid provoking new emotional harm. Finally, all interviewees under 18 years of age were presented with the

possibility of being directed to the attention programs provided by Renacer.

Data confidentiality

While there is a database containing information on the identities of all participants, each participant was assigned an alphanumeric code, selected with the field researchers during the training process, to allow researchers and coordinators to discuss the information provided by each interviewee without having to refer to their specific identity.

In the case of the victims that were directed to attention and rights redress programs provided by Fundación Renacer, only staff in charge of processing their admission to the shelter, located in Cartagena, had access to their real information.

CHAPTER 4

In this chapter, we explore the legal aspects of the country's commitment to uphold children's rights, as well as the ratification of various international conventions by Colombia. Equally, we discuss national laws and institutions that regulate the operation of the tourism and travel sector in the country.

CONSTITUTIONAL FRAMEWORK

The Commercial Sexual Exploitation of Children (CSEC) is present in six modalities in Colombia: children are used in prostitution, pornography, as victims of domestic and international trafficking, used in contexts associated to travel and tourism, in early or servile marriages, and by actors involved in armed conflict. A higher prevalence of violence is observed in cases involving girls (70%) and in cases involving children that have been displaced, who belong to ethnic groups (particularly afro-descendants and indigenous peoples), or who have diverse sexual orientations.

To combat these crimes, Colombia has based its actions on the Political Constitution and on International Conventions that uphold human rights, which have been incorporated into national legislation by the State through laws that ratify its commitment to ensure the promotion, guarantee and restoration of children's rights.

Within the Colombian constitutional framework, there are established parameters, based on upholding the respect for human dignity (the foundation of the country's Social State under the Rule of Law established in Article 1), such as Article 12 of the National Constitution of 1991, which stipulates that *"no person shall be subjected to ... torture or cruel, inhuman or degrading treatment or punishment. (...)"*; in Article 13, which states that *"every person is born free and equal before the law ... and will enjoy the same rights, freedoms and opportunities without any form of discrimination based on sex, race, national or family origin, language, religion, political or philosophical opinions"*. Additionally, Article 17 of the Constitution stipulates that *"slavery, serfdom and trafficking in persons in all its forms are*

prohibited". Article 43 also establishes that *"women and men have equal rights and opportunities. Women cannot be subjected to any form of discrimination (...)"*.

Article 44 recognizes the fundamental rights of children, prioritizing them among those of other members of society and establishing that they *"will be protected against all forms of abandonment, physical violence, kidnapping, sale, sexual abuse, exploitation... enjoying all other rights established in the Constitution, laws and international treaties ratified by Colombia, assigning full obligation over assisting, protecting and guaranteeing these rights to family, society and State"*.

With regards to the international legal framework, Colombia has ratified the international Convention on the Rights of the Child under Act 12 of 1991, which has become one of the most relevant international legal instruments to improve the living conditions of children through the comprehensive protection of their rights. Articles 19 and 34 of the CRC impose the following obligations upon states:

"Article 19. States Parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child".

"Article 34. States Parties undertake to protect the child from all forms of sexual exploitation and sexual abuse. For these purposes, States Parties shall in particular take all appropriate national, bilateral and multilateral measures to prevent: (a) The inducement or coercion of a child to engage in any unlawful sexual activity; (b) The exploitative use of children in prostitution or other unlawful sexual practices; (c) The exploitative use of children in pornographic performances and materials".

The convention is complemented by an Optional Protocol on the sale of children, child prostitution and child pornography, which was incorporated into Colombian legislation through Act 765 of 2002.

Article 1. Each State Party shall ensure that, as a minimum, the following acts and activities are fully covered under its criminal or penal law, whether such offences are committed domestically or transnationally or on an individual or organized basis: ... a) sexual exploitation of the child, b) offering, obtaining, procuring or providing a child for child prostitution, as defined in article 2”.

While a universal legal framework for abolishing slavery began to be discussed in 1926, no clear distinction was established in these earlier documents between trafficking in persons and the exploitation of trafficked persons, with the exception of some treaties which were limited to combatting trafficking in women and children, or even the proscription, which persisted, on “white slave trafficking”.¹⁴ This distinction appeared in International Law with the United Nations Convention against Transnational Organized Crime and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, signed in the city of Palermo, Italy (2000).

This instrument reflects a specific concern with trafficking in women and children, and was ratified by Colombia through Act 800 of 2003. The definition derived from this instrument has been used in the specific legal frameworks designed to combat this crime:

Article 3: *“Trafficking in persons” shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of*

vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs”.

All of these international instruments bolstered the development of national frameworks that promote comprehensive protection schemes for children, and attribute states an obligation to take measures to allow them to be implemented within their territory, through policy plans and programmes operating throughout the country.

Constitutional Bloc¹⁵: The concept of a constitutional bloc was developed in our country by the Constitutional Court. Based on this concept, international treaties on human rights and international humanitarian law are incorporated into the constitution, which means they are integrated into the body of legislation that must be respected by all Colombians and any other person passing through our territory. By virtue of this concept, if an administrative or court official disregards the rights granted by these international treaties, they disregard the constitution, since these treaties form part of the constitutional text; and, as is well known, the constitution is the basic norm that should prevail over all other laws. In Article 93, the constitution establishes that “international treaties and agreements ratified by the Congress that recognize human rights and prohibit their limitation in states of emergency, take priority within the domestic order (...)”

14. International Agreement for the suppression of the “White Slave Traffic” of 1904, International Convention for the Suppression of the “White Slave Traffic” of 1910, or the International Convention for the Suppression of the Traffic in Women and Children of 1921.

15. Guidelines for articulation of intersectoral approaches to tackle sexual violence developed by the Ministry for Health 2011.

Some International Instruments ratified by Colombia relating to Sexual Violence¹⁶

<p>Declaration on the Elimination of Violence against Women</p>	<p>Art. 2. Violence against women shall be understood to encompass, but not be limited to, the following:</p> <ul style="list-style-type: none"> a) Physical, sexual and psychological violence occurring in the family, including battering, sexual abuse of female children in the household, dowry-related violence, marital rape, female genital mutilation and other traditional practices harmful to women, non-spousal violence and violence related to exploitation; b) Physical, sexual and psychological violence occurring within the general community, including rape, sexual abuse, sexual harassment and intimidation at work, in educational institutions and elsewhere, trafficking in women and forced prostitution; c) Physical, sexual and psychological violence perpetrated or condoned by the State, wherever it occurs. <p>Art. 4. States should condemn violence against women and should not invoke any custom, tradition or religious consideration to avoid their obligations with respect to its elimination. States should pursue by all appropriate means and without delay a policy of eliminating violence against women</p>
<p>Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)</p>	<p>Recognizes that discrimination against women can take place in private and public life, extending human rights beyond their traditional scope, which focuses on the public sphere, without considering private life, where so many of the human rights violations against women routinely take place.</p> <p>It holds states responsible not only for fostering legislative change, but also cultural changes that contribute to creating a culture that fully respects the rights of women, inasmuch as violence against women is a form of discrimination that severely restricts their enjoyment of rights and freedoms in full equality with men.</p> <p>Art. 6. States Parties shall take all appropriate measures, including legislation, to suppress all forms of <i>trafficking in women and exploitation of women in prostitution</i>.</p> <p>This is the first international treaty that openly condemns discrimination against women in different areas (employment, health, education, credit, family, justice), as a human rights violation.</p> <p>The Convention recognizes the Committee on the Elimination of All Forms of Discrimination against Women as the mechanism responsible for implementing the CEDAW.</p>
<p>Convention on the Rights of the Child, ratified by Colombia in Act 12 of 1991</p>	<p>Art. 1. For the purposes of the present Convention, a child means every human being below the age of eighteen years.</p> <p>Art. 19. States Parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse.</p> <p>Art. 34. States Parties undertake to protect the child from all forms of sexual exploitation and sexual abuse. For these purposes, States Parties shall in particular take all appropriate national, bilateral and multilateral measures.</p>

16. Fundacion Renacer-UNODC. Manual de representación jurídica a Víctimas de Trata. 2003.

<p>Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, ratified by Colombia through Act 765 of 2002</p>	<p>Art. 8.</p> <ol style="list-style-type: none"> 1. Protect the rights and interests of child victims at all stages of the criminal justice process: a) Adapt procedures to recognize their special needs, including their special needs as witnesses; b) Inform child victims; c) Consider their views, needs and concerns; d) Provide appropriate support; e) Protect, as appropriate, the privacy and identity of child victims; f) Provide, in appropriate cases, for the safety of child victims, as well as that of their families and witnesses on their behalf; g) Avoid unnecessary delays. 2. Uncertainty as to the actual age of the victim shall not prevent the initiation of criminal investigations, including investigations aimed at establishing the age of the victim. 5. Protect the safety and integrity of those persons and/or organizations involved in the prevention and/or protection and rehabilitation of victims of such offences. <p>Art. 4. Transnational dimensions of the crimes of sale, sexual exploitation — “prostitution and pornography”-</p> <p>Art. 3. Definition of criminal offenses.</p>
<p>Rome Statute of the International Criminal Court</p>	<p>Colombia signed the Rome Statute (RS) on December 10th, 1998, and ratified it on August 5th, 2002.</p> <p>Art. 5. Crimes within the jurisdiction of the Court</p> <ol style="list-style-type: none"> 1. The jurisdiction of the Court shall be limited to the most serious crimes of concern to the international community as a whole. The Court has jurisdiction, in accordance with this Statute, with respect to the following crimes: <ul style="list-style-type: none"> b) Crimes against humanity; <p>Art. 7. Crimes against humanity</p> <ol style="list-style-type: none"> 1. For the purpose of this Statute, ‘crime against humanity’ means any of the following acts when committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack:.... <ul style="list-style-type: none"> g) Rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization, or any other form of sexual violence of comparable gravity.
<p>Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime</p>	<p>The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children entered into force on December 25th, 2003 through Act 800 of 2003. By means of this instrument, States are bound:</p> <ol style="list-style-type: none"> a) To prevent and combat trafficking in persons, paying particular attention to women and children; b) To protect and assist the victims of trafficking, fully respecting their human rights; and c) To promote cooperation among States Parties in order to meet these objectives <p>States that ratify the Protocol are bound to strengthen their national legislation and support international coordination initiatives to combat trafficking in people.</p>

Other international instruments concerning trafficking in people

<p>1926. Slavery Convention by the United Nations Office of the High Commissioner for Human Rights</p>	<p>Art. 1.¹⁷</p> <p>For the purpose of the present Convention, the following definitions are agreed upon:</p> <ol style="list-style-type: none"> 1. Slavery is the status or condition of a person over whom any or all of the powers attaching to the right of ownership are exercised. 2. The slave trade includes all acts involved in the capture, acquisition or disposal of a person with intent to reduce him to slavery; all acts involved in the acquisition of a slave with a view to selling or exchanging him; all acts of disposal by sale or exchange of a slave acquired with a view to being sold or exchanged, and, in general, every act of trade or transport in slaves.
<p>1948. Universal Declaration of Human Rights (UDHR)</p>	<p>Art. 1.¹⁸</p> <p>All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.</p> <p>Art. 2.</p> <p>Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty.</p>
<p>1994. Inter-American Convention on the Prevention, Punishment and Eradication of Violence Against Women “Convention of Belém Do Pará”</p>	<p>Art. 2.¹⁹</p> <p>Violence against women shall be understood to include physical, sexual and psychological violence.</p> <ol style="list-style-type: none"> b. that occurs in the community and is perpetrated by any person, including, among others, rape, sexual abuse, torture, trafficking in persons, forced prostitution, kidnapping and sexual harassment in the workplace, as well as in educational institutions, health facilities or any other place; and c. that is perpetrated or condoned by the state or its agents regardless of where it occurs.
<p>2008. Brasilia Regulations Regarding Access to Justice for Vulnerable People</p>	<p>(74) Whenever necessary, the vulnerable person will be protected²⁰ from the consequences of having to declare before a public audience; it may be possible to consider them participating in the judicial proceeding under conditions that make it possible to reach said objective, even excluding their physical presence at the place of the trial or hearing, provided this is compatible with the Law in force. To such effect, it may be useful to use the videoconference system or a CCTV system.</p>

17. <http://www.ohchr.org/Documents/Publications/ABCannexesp.pdf>

18. <http://www.acnur.org/biblioteca/pdf/2433.pdf?view=1>

19. <http://www.oas.org/juridico/spanish/tratados/a-61.html>

20. <http://www.acnur.org/t3/fileadmin/scripts/doc.php?file=biblioteca/pdf/7037>

COLOMBIAN LAWS REGULATING INTERVENTIONS REGARDING SEXUAL VIOLENCE

Over the past years, Colombia has strengthened its national legal framework to comply with the

obligations acquired through the ratification of international human rights instruments. Some of these improvements involve specific laws on different forms of sexual violence and others have taken place through reforms to the country's Codes. Below, we list some of the relevant articles in these laws:

<p>Act 906 of 2005. Code of Criminal Procedure</p>	<p>Art. 11. Victims of any crime have the right:</p> <ul style="list-style-type: none">a) To be treated, throughout the proceedings, in a humane manner, respectful of their dignity;b) To the protection of their privacy, guarantees for their safety, and for the safety of their families and defence witnesses;c) To speedy and full compensation of damages suffered, either from the perpetrator of -and participants in- the wrongdoing or from a third party called upon to respond under the terms of this Code;d) To be heard and allowed to submit evidence without hindrances;e) To receive, from the first contact with authorities and in accordance with the terms established by this Act, pertinent information on the protection of their interests and to know the facts of the circumstances surrounding the wrongdoing they have suffered;f) To have their interests considered when adopting discretionary decisions regarding the investigation and prosecution of the wrongdoing;g) To be informed about the definitive decision regarding criminal prosecution; to appear, as appropriate, before the supervisory judge, and file motions before the presiding judge, in view of any trial;h) To be assisted throughout the trial and incidental issue of redress, if required in the interest of justice, by a lawyer, which can be appointed by court;i) To receive comprehensive assistance towards their recovery, according to the law;j) In the event that they do not know the official language or have a language-related impairment, to be assisted, free of charge, by a translator or interpreter.
<p>Act 1098 of 2006. Code on Children and Adolescents²¹</p>	<p>Art. 192. Special Rights of Children and Adolescent Victims of Crime. In criminal procedures in which children and adolescents are victims, the judiciary authority will take into consideration the principles of best interest of the child, prevalence of their rights, full protection, as well as all rights embodied in International Treaties ratified by Colombia, in the Political Constitution, and this Act.</p> <p>Art. 193. In all proceedings where children and adolescent victims of crime are involved, their opinion shall be taken into consideration, their dignity, privacy and all other rights shall be respected. Likewise, it shall be ensured that they are not stigmatized, and that no further damage is done to them in the course of the judiciary process against those responsible... It shall order special measures to guarantee the safety of the victims and/or witnesses of crime and their families when they become necessary in the course of the criminal investigation.</p>

21. Translator's note: Throughout the translated text, the tropes children and child are used to refer to any person, of any gender, under the age of 18 years. While it is standard in Spanish to distinguish between children and adolescents, and between boys and girls, this terminology will only be preserved in the translated document when referring directly to legal documents that make this distinction, or in translated quotes.

<p>Act 1098 of 2006. Code on Children and Adolescents²¹</p>	<p>Art. 196. Child victims shall have the right to be assisted during the trial and reparation proceeding by a qualified lawyer who represents his or her interests, even without parental consent, and whom will be appointed by the Office of the Ombudsman (<i>Defensoría del Pueblo</i>).</p> <p>Art. 199. In the case of offenses against freedom, integrity and sexual development of children and adolescents the following shall take place: Precautionary measures. Confinement in detention centers. Non-custodial measures are not applicable. Detention in place of residence shall not be granted. The principle of discretionary prosecution shall not proceed. No sentence reduction based on “agreements and negotiations between the prosecution and the accused” may be lodged. No other benefit and judicial or administrative subrogation shall apply, except for those benefits granted on the basis of collaboration as stated by the Code of Criminal Procedure, as long it is effective.</p>
<p>Act 1146 of 2007/ Resolution 1776 of 2008</p>	<p>The National Health Authority may impose, in the case of violations to Act 1146 of 2007, fines from 1 to 2000 Current Legal Monthly Minimum Wage to Health Promotion Agencies (EPS), Health Promotion Institutions (IPS) and Health Promotion Agencies of the Subsidized Regime (EPS-S), when they deny immediate assistance as a medical emergency to children and adolescent victims of sexual abuse; or, when they fail to perform an appropriate physical and psychological evaluation of the child or adolescent victim during the medical emergency; or, when they fail to ensure that the integrity of the evidence is preserved. b) when they breach the legal precept of collecting evidence in a timely and appropriate manner following chain of custody procedures, c) ...when they refuse to provide antiretroviral drugs in case of rape and/or risk of HIV/AIDS, or when they refuse to perform examinations and treatments. d)... when they fail to give immediate notice to the judicial police and the Colombian Family Welfare Institute.</p>
<p>Act 1257 of 2008. Act 1098 of 2006. Gender Equality Law</p>	<p>Art. 2. Gender-based violence comprises any action or omission that causes death, or physical, sexual, psychological, economic, or proprietary injury or suffering to a woman because of her status as a woman, including threats of such acts, coercion, or the arbitrary deprivation of liberty, whether these occur in the public or private sphere...</p> <p>Art. 8. Rights of victims of violence. Any victim of gender-based violence as provided by this law has the right to:</p> <ul style="list-style-type: none"> • Receive comprehensive, integrated care that is adequate, accessible, and of good quality. • Receive immediate, specialized guidance, legal advice, and legal assistance, free of charge. The aggressor can be required to assume the costs of this advice and assistance. The state will guarantee this right by providing public defence units; • Receive clear, complete, timely, and accurate information regarding a victim's rights and the legal mechanisms and processes she may follow to vindicate those rights; • Give informed consent for medical legal exams in cases of sexual violence and to have the exam performed by the doctor of the sex she chooses. Entities fostering and providing health services will encourage the presence of practitioners of both sexes to assist victims of violence; • Receive clear, complete, timely, and accurate information regarding sexual and reproductive health services; • Have her confidentiality respected when receiving medical, legal, or social assistance;

- Receive specialized medical, psychological, psychiatric, and forensic assistance for herself and her children;
- Access protection measures for herself and her children;
- Truth, justice, reparation, and the guarantee of non-repetition for the constitutive crime;
- Stabilization of her situation according to the provisions established in the law;
- To decide freely whether or not she wants to face the aggressor in judicial, administrative or other types of proceedings.

Art. 13. Actions in the field of health. In addition to those established by other laws, the Ministry for Social Protection²² shall have the following functions:

- Create or update protocols and guidelines for the treatment of victims of violence
- Regulate the Compulsory Health Plan to include attention to victims (Ruling C-776-10 of September 29th, 2010)
- Incorporate into national and territorial health plans a section on prevention and comprehensive intervention regarding violence against women.
- Promote respect for the decisions of women regarding the exercise of their sexual and reproductive rights.

Paragraph. The National Health Plan shall define actions and allocate resources to prevent violence against women as a component of public health. Public health plans and programs at the territorial level shall contain similar actions.

Art. 17. Protective measures: it shall order the aggressor to refrain from the behavior subject of a complaint, or any similar act against the victim or any other family member

a) Order the aggressor to vacate the house shared with the victim when his or her presence threatens the life, physical integrity or health of any of the family members; b) Order the aggressor to refrain from entering any place where the victim is located for the purpose of preventing him from disrupting, intimidating, threatening or interfering with the victim or minors whose provisional custody she has been granted; c) Prohibit the aggressor to hide or move out of their home the children or defenseless disabled persons who are family members; f) When violence or abuse is severe or if there are fears of a repeated commission, the competent authority shall order special temporary protections for the victim from the police, in both her residence and place of work; g) Order police authorities to accompany the victim into her place of residence with the purpose of protecting her safety; h) Decide a provisional visitation arrangement and custody of children — if any; i) Suspend the aggressor from possessing, carrying and using guns; k) Decide, provisionally, the use and enjoyment of the family home;...l) Forbid the aggressor from executing any act of disposal or encumbrance on any of his assets subject to registration, should there be any applicable joint property marital regime; m) Order the aggressor the immediate restitution of all personal objects, identity documents or any object property of or subject to custody by the victim; n) Any other measure necessary for the fulfillment of the objects of this Act.

Paragraph 2. The same measures may be dictated in a provisional and immediate manner by the judicial authority presiding over domestic violence offenses.

Art. 18. Protective measures in case of violence, other than domestic. a) Refer the victim and her children to an establishment that safeguards their life, dignity and integrity, and the integrity of their family group; c) Order the transfer from the detention facility for women prisoners; d) Any other measure necessary for the fulfillment of the objects of this Act.

22. Currently, Ministry of Health and Social Protection

Act 1257 of 2008.
Act 1098 of 2006.
Gender Equality
Law

Art. 19. ... a) Guarantee room and board for the victim through the Social Security Health System. Health Promotion Agencies (EPS) and Administrators of the Subsidized (Health) Regime (ARS) shall provide room and board services; transportation services for the victim and her children shall be included in every case. (See Ruling C-776-10 of 29 September, 2010). b) When the victim decides not to stay at the available accommodations, or when such services have not been provided, a monthly monetary subsidy shall be assigned to cover room and board for the victim and her children. *This subsidy shall be conditioned to the attendance to medical, psychological or psychiatric appointments needed by the victim.* c) EPS and ARS shall provide medical, psychological and psychiatric assistance services to women victims of violence, and her children.

Paragraph 1. The implementation of measures established in letters a) and b) shall last up to six months, renewable for up to six more months in situations where this proves necessary. **Paragraph 2.** The implementation of these measures shall be charged to the General Social Security Health System. **Paragraph 3.** The location of the victims shall be classified in order to ensure her safety and that of her children.

Title 1. Chapter 1. Art. 3. Victims: For the purpose of the present Act, a victim shall be considered to be any person who has suffered, individually or collectively, direct damage by an offense committed after January 1st, 1985, as a result of violations of international humanitarian law or gross violations to the international human rights standards, which occurred during the internal armed conflict. [...] Equally, any person who has suffered harm in intervening to assist victims in distress or to prevent victimization shall be considered a victim.

Paragraph 2. Members of organized armed groups outside the law shall not be considered victims, except in the cases of *children who were demobilized from the armed group outside the law being still below the age of 18 years*. For the purposes of the present Act, *the spouse, constant companion or relatives of the armed groups members will be considered as direct victims* for harm suffered in their rights [...]

Paragraph. For the purposes of the present Title, children born as a result of pregnancy from rape during the internal armed conflict shall also be considered victims.

Art. 35. Counseling and support. Reinforced guarantees of information, by personnel specialized in psychosocial care. Personnel trained in care of victims of sexual and gender violence.

Art. 38. Evidence in sexual violence cases. PRINCIPLES OF EVIDENCE IN SEXUAL VIOLENCE CASES. In cases where offences under investigation involve the use of sexual violence against the victims, the Judge or Magistrate shall apply the following rules: 1. Consent shall not be inferred from any of the victim's words or behavior when force, threat of the use of force, coercion or [...] have diminished her or his capacity to give voluntary and free consent; 2. Consent shall not be inferred from any of the victim's words or behavior when she or he is incapacitated; 3. Consent shall not be inferred from silence or lack of resistance from the victim to the alleged sexual violence; 4. Credibility, honorability or sexual availability of the victim or a witness shall not be inferred from the sexual nature of [her] prior or subsequent behavior; 5. The Judge or Magistrate shall not allow evidence regarding the prior or subsequent sexual behavior of the victim or witness.

Paragraph. The Office of the Public Prosecutor of the Nation (Fiscalía General de la Nación), supported by the inputs from the Office of the Ombudsman (*Defensoría del Pueblo*), the Office of the Attorney General of the Nation (*Procuraduría General de la Nación*), international organizations and agencies working on the matter, shall create an investigation protocol for offenses against freedom, integrity and sexual development in which legal and psychosocial measures shall be included, along with elements such as

strengthening the investigative capabilities of the authorities, treatment and assistance to victims during the proceeding's stages; as well as specific actions for assisting women, children and adolescent victims.

Art. 39. In camera statements. When, for safety reasons; or when the nature of the offense makes a description of the facts difficult at a public hearing; or when the presence of the accused generates changes in the victims' state of mind, the trial's Judge or Magistrate shall order — ex officio or by ex parte- that the statement be rendered behind closed doors [...].

Art. 40. Witness statements via special audio or video facilities. The Judge or Magistrate may allow a witness to give his or her statement orally or via audio or video as long as such procedure allows for the witness to be cross-examined by the prosecutor, the defense and the official who has taken cognizance of the alleged act or acts, at the time of testimony.

Paragraph. In the case of children and adolescent victims, the Judge or Magistrate has a duty to protect them and ensure the necessary arrangements to facilitate their participation in the legal proceedings.

Art. 41. Special testimony modality. The Judge or Magistrate may order — ex officio or at the request of the prosecution, the defense, the public prosecution authorities, or the victim- special measures that facilitate the testimony of the victim, a *child*, an *adolescent*, an elderly person or a victim of sexual violence. [...].

Art. 42. Presence of qualified personnel. When the Judge or Magistrate considers it convenient — ex officio or by ex parte-, she may order that the victim's testimony be rendered with the accompaniment of expert personnel qualified on trauma, such as psychologists, social workers, psychiatrists or therapists, inter alia. The victim shall have the right to choose the sex of the person before whom she or he wishes to make her statement. This norm shall be implemented specially in cases where the victim is a woman or an elderly person; or, when she or he has been subjected to sexual violence, torture or any other cruel, inhumane or degrading treatment; and *it shall be mandatory in cases where the victim is a child or adolescent*.

Paragraph. When the victims cannot express themselves in Spanish, translators or interpreters shall be made available.

Act 919 of 2004

Art. 1.²³ Donation of anatomic components, organs, bodily tissues and fluids must always be made for humanitarian reasons. It is forbidden to receive any form of compensation, payment in cash or in kind for the anatomic components.

Those who donate or supply an organ, bodily tissue or fluid, shall do so free of charge, without receiving any form of remuneration for the anatomic component. Neither the person benefitting from the component, nor his or her family nor any other person shall pay any price for it or receive any form of compensation.

Art. 2. Those who traffics, purchases, sells or commercializes human anatomic components shall be punishable with three (3) to six (6) years of imprisonment.

23. http://www.secretariasenado.gov.co/senado/basedoc/ley/2004/ley_0919_2004.html

Act 1453 of 2011	<p>Art. 59.²⁴ Request for the imposition of a preventative detention measure. Article 306, Act 906 of 2004.</p> <p>Article 306. Request for the imposition of a preventative detention measure. The prosecution shall request the supervisory judge to impose a preventative detention measure by indicating the person, the offence, and the components of knowledge required to support the measure and its urgency, which shall be evaluated in a hearing that allows the defense to present a controversy.</p> <p>After hearing the arguments from the prosecution, the public prosecution, the victim or her legal proxy and the defense, the judge shall issue her ruling.</p> <p>The victim or her legal proxy may ask the supervisory judge to impose preventative detention measures when they have not been requested by the prosecution.</p>
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CRIMINAL CODE: OFFENSES ASSOCIATED TO SEXUAL VIOLENCE

SEXUAL OFFENCES INCLUDED IN OTHER CHAPTERS OF THE CRIMINAL CODE:	
Art. 138. Violent Carnal Access on a Protected Person	An offence is committed by those who — in the context of an armed conflict (including displacement) — perpetrate a violent carnal access or sexual act when the victim is a member of the civilian population or does not take part in the hostilities; is part of the civilians under the rule of the opponent party; or is a combatant who is wounded, ill, shipwrecked or <i>hors de combat</i> . An offence is also committed if the victim is part of any health or religious personnel, of the journalists in missions or of the combatants who have laid down their weapons. Offences of this type are also committed by those who subject a protected person to being exploited or sexually used in this context.
Art. 139. Violent Sexual Acts on a Protected Person	
Art. 141. Sexual Slavery of a Protected Person	

OFFENCES ASSOCIATED TO COMMERCIAL SEXUAL EXPLOITATION	
OFFENCE	DESCRIPTION
Chapter IV, title IV: On Sexual Exploitation	It refers to offences where the means employed by the aggressor is the objectification of the victim; that is, [the victim] is turned into a sexual merchandize. This chapter — previously known as “On procurement”- refers to acts of a third party (the “pimp”) who profits or benefits from the “sexual trade” of another person, and it was modified by Act 1329 of 2009. This modification enlarged the protection from these offences, and it includes all parties and participants of the sexual exploitation chain: not only the pimp’s actions, but also those of the intermediaries, and the “client’s” especially in cases where children and adolescents are involved. The articles included in this chapter are the following:

24. <http://wsp.presidencia.gov.co/Normativa/Leyes/Documents/ley145324062011.pdf>

OFFENCES ASSOCIATED TO COMMERCIAL SEXUAL EXPLOITATION

OFFENCE	DESCRIPTION
Article 213. Enticement to Prostitution	<p>Those who seeking profit or the gratification of another entice a person to carnal commerce or prostitution.</p> <p>This offence considers as a victim any person (older or younger than 18 years of age) who is convinced by a third party to be subjected to sexual exploitation.</p>
Article 213-A. Procurement of a minor	<p>This offence criminalizes those who directly offer the victim, as well as any person who facilitates contact with her. For example, the person who hands the victim's telephone numbers to the "exploiter-client", the taxi driver who takes the tourist to the place where victims are located, the employee who asks adolescents to visit the venue where the aggressor is located, and so on."</p>
Article 214. Constraint to Prostitution	<p>Those who seeking profit or the gratification of another constrain a person to carnal commerce or prostitution.</p> <p>In the case of Enticement (Art. 213) the aggressor needs only to convince the victim; whereas the verb "constrain" means that the aggressor impels (through the use of force, blackmail, threats or any means of coercion) the victim (older or under 18 years of age) to subject herself to sexual exploitation.</p>
Article 217. Encouraging Child Prostitution	<p>This offence criminalizes the owners or administrators of venues where minors are sexually exploited. It can take place simultaneously to procurement of a minor (213A), which would carry a bigger penalty.</p>
Article 217-A. Demand of Commercial Sexual Exploitation of a Person under 18 Years of Age	<p>This offence takes place when the aggressor requests, offers or accepts to pay in cash or kind for having sexual contact with a person under 18 years of age. Contact does not need to be consummated; simply "requesting" it is considered an offence. For example, the person who pays a ticket to a strip tease show performed by an adolescent girl, the adult who gives a market to the victim's family in order to have sex with her, the passenger who offers a tip to the taxi driver for looking for an adolescent and driving her to his hotel. This offence includes aggravating circumstances that may increase the penalty up to 32 years of imprisonment: being a tourist or traveller, being an armed actor outside the law, or when the act becomes cohabitation (sexual or domestic servitude).</p>
Article 218. Pornography Involving Persons under 18 Years of Age	<p>This offence takes place when someone photographs, films, records, produces, discloses, offers, sells, buys, possesses, carries, stores, transfers or exhibits by any means, for personal use or exchange, pornographic material involving a person under 18 years of age.</p>
Article 219. Sexual Tourism	<p>This offence includes the person who runs, organizes or promotes touristic activities that include the sexual use of minors.</p>
Article 219-A. Use or Facilitation of Communication Means to Offer Sexual Activities Involving Persons under 18 Years of Age	<p>An offence committed by anyone who uses or facilitates any communication means (internet, classified ads, radio, television, cellular phones, etc.) to obtain, request, or facilitate sexual contact with a person under 18 years of age. This offence punishes a specific modality of contact between the aggressor and the victim, which is one of the most frequent ones: through a cell phone or by setting up online chat conversations in order to arrange an encounter for the purposes of sexual exploitation. Another frequent means is the use of classified ads on newspapers to offer victims to offenders.</p>

Common circumstances that aggravate these offences and increase the penalties imposed to the offender

Article 211 and article 216

The penalties for the offences described in the preceding articles shall be increased by one third to one half when:

- When the act is committed with one or more persons.
- When the person responsible holds a position or rank of authority over the victim or when he/she encourages her to trust him.
- If the victim is infected with a STD
- If the victim is under fourteen (14) years of age
- If the aggressor is a relative, spouse, partner or permanent companion of the victim, or is permanently part of the family unit of the aggressor, or if the aggressor has taken advantage of the trust given to him or any of the participants by the victim.
- If the victim becomes pregnant.
- If the victim is in a vulnerable situation due to age, ethnic origin, physical, psychiatric or sensorial disability, occupation or trade.
- If the violent sexual act is committed with the intention of creating social control, fear or obedience by the community.

Other Offences Against Sexual and Reproductive Rights Included in Different Chapters of the Criminal Code

Article 101. Genocide

Anyone who purposely seeking to destroy, in whole or in part, a national, ethnical, racial, religious or political group, commits any of the following acts: 2. Forced pregnancy. 4. Taking measures to impede births within the group.

Article 137. Torture on a Protected Person

Anyone who, in the occasion or development of an armed conflict, inflicts pain or suffering, whether physical or mental, on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind.

Other Crimes against Personal Autonomy Associated to Sexual Offences included in Different Chapters of the Criminal Code

Art. 188-A. Trafficking in Persons

The offence is committed when the aggressor captures, that is, attracts the victim (for example, through an offer, a classified ad, etc.) with the intention of transferring her, or transfers her (within or outside the city, department or country) and finally harbours her in order to sexually exploit her. This type of offence can have adults and minors as victims, and the victim's consent does not abrogate the criminal responsibility of the aggressor (because nobody can consent to her own exploitation), regardless of whether the victim was aware or not of the reason why she was captured.

Art. 188-C. Trafficking of Minors

This offence criminalizes the sale of a child or adolescent regardless of the reason for the sale (exploitation, adoption, and so forth). Some victims of sexual exploitation may have been sold for that purpose, in which case this crime would have been committed, and would amount for a minimum 30-year sentence.

Offences that might be committed by a person who is aware of these crimes and fails to notify the authorities

Article 219-B. Failure to Report

Anyone who by reason of his or her office, position or activity is aware of the use of minors for the performance of any of the conducts described in this chapter and fails to report such events to the competent administrative or judicial authorities, having the legal duty to do so, shall incur a fine of thirteen point thirty-three (13.33) to seventy-five (75) minimum monthly wages as defined in the legislation in force at the time. If the conduct is committed by a government employee, that person shall also lose his or her job.

Article 441. Failure to Report a Complaint from a Private Individual

Anyone who being aware of the commission of a crime under any of the conducts included in chapter IV of Title IV in this book, when the victim is a minor, fails -without reasonable cause- to immediately report it to the authorities, will be punishable with three (3) to eight (8) years. This offence refers to the lack of reporting stated in the Sexual Exploitation chapter.

ANALYSIS OF THE MODIFICATIONS TO THE CRIMINAL CODE BY MEANS OF ACT 1329 OF 2009

This analysis focuses on the conducts typified by the Criminal Code, Title IV Chapter IV, under Book II on Commercial Sexual Exploitation, in accordance with the legal precepts of the Colombian Political Constitution, Act 1098 of 2006 — Code on Children and Adolescents — and the High Courts' jurisprudence regarding CSEC. Similarly, an analysis is made of the acts and decrees that positivize the international treaties signed and ratified by Colombia, and those ratified by the Constitutional Court.

The starting point of this discussion is the concept of anti-juridicity or the violation of a legally protected right. Commercial Sexual Exploitation of Children crushes the right to Freedom, Integrity and Sexual Development of children. The latter is a right subject to special protection, given that the interruption of sexual development gives rise to a distortion regarding sexuality, which in turn produces mistaken perceptions or ideas of sexuality and the body.

The commercial sexual exploitation of children is any action or activity performed by an adult when the body of a child is used to take advantage or profit sexually or financially. It is based on power relationships built around age differentials, on social hierarchies based on gender or financial capabilities²⁵. Under these conditions, a person under 18 years of age is subdued

to perform acts that involve parts of her or his body (images included) in order to gratify the needs of a third person or a group of persons, in exchange for any promise, tangible or intangible, of retribution (in cash or in kind, goods or favours) to her or a third party. The child is treated as a sexual object and as merchandise, which constitutes a serious violation to her rights to life, health, dignity and development.

It also involves a relationship between generations based on subordination and domination (cross-generational perspective). People with greater power take advantage of their position to gratify their own desires; violating the physical, psychological and moral integrity of underage victims of both sexes. No analysis of the dynamics of sexual exploitation should, under any circumstances, assume that victims have given their "free consent", particularly considering their lack of maturity, and their social and financial vulnerability.

The pervasiveness of CSEC is fostered by cultural tolerance, social permissiveness and a lack of effective legal sanctions. Children are not regarded as victims but rather as "enticers", provoking the adult's sexual desire (for instance, "girls and adolescents offer themselves" or "they like it"). Such understanding ignores the real conditions and power asymmetry which characterize the relationship between exploiters and exploited. CSEC depends, partially, on the conditions of vulnerability of children, however as a "market for sexual trade", it is the demand for such forms of exploitation that determines the supply, thus increasing the number of victims.

25. Declaration of the World Summit against Commercial Sexual Exploitation of Children; Stockholm, Sweden, June, 1996.

In line with this reasoning, it became necessary to adapt chapter IV — starting with the title — to fit the international instruments and the current Code of Children and Adolescents. Prior to the Act 1329 of 2009, this chapter was called “CHAPTER IV. ON PROCUREMENT”; however, after multiple discussions on whether or not it should include, in addition to the pimp’s conduct, the actions of intermediaries and, particularly in cases involving children, of the exploiter — “client”, the decision was made to change the title to “CHAPTER IV. ON SEXUAL EXPLOITATION”, considering that “sexual exploitation” is a broader concept.

The Criminal Code sets the following penalties for the Offences of Commercial Sexual Exploitation:

ARTICLE 213. ENTICEMENT TO PROSTITUTION. Before Act 1329 of 2009 introduced the criminal classification of “Procurement of a minor”, this used to be the only article that could be used to frame events of sexual exploitation. Nonetheless, it was still necessary to prove that the victim had been enticed or constrained into carnal commerce for the first time.

Nowadays, Article 213A states that Procurement of a minor includes anyone who participates in CSEC, starting with the person handling out the cards or the victim’s phone number, will be subject to penalties. It also introduces a new criminal offence and establishes three core actions: ORGANISE, FACILITATE OR PARTICIPATE in any way in the carnal commerce or sexual exploitation of a person under 18 years of age. This new criminal classification grants the judicial operator more freedom to respond to specific events of CSEC, which, by their nature, are constantly changing, and therefore, they do not always follow the same modus operandi.

Since the Political Charter establishes a Social State under the Rule of Law for Colombia, rooted in “respect for human dignity” (PC, art. 1), the Constitutional Court has underlined that the State must ensure the reduction of all ill effects of such practices, because personal values, human dignity and the rights of children involved directly and indirectly in such processes require special protection from the authorities.

In Ruling SU476 of 1997 which analyzed the complaint filed by a citizen against the public practice of prostitution, the Court reasoned that, even if the law cannot criminalize prostitution of people over 18 years of age because it must respect the unhindered

development of the personality of those who choose to practice it, it does demand the authorities to “... use all social protection means available in order to prevent it and facilitate the rehabilitation of those who have this occupation. The law even expressly empowers the Nation, the departments and municipalities to establish institutions where people who practice prostitution can find effective means for rehabilitation free of charge (articles 178 and 181 of the National Police Code)...”

ARTICLE 213-A. PROCUREMENT OF A MINOR. This article was introduced to the code by Act 1329 of 2009. It was created to address the need for anti-criminal policy to provide judicial operators with tools to handle new CSEC practices, distinguishing them from cases involving adults.

This offence complements articles 213 and 214, which require proof that the victim has been enticed or constrained for the first time into this trade, and allows for the prosecution of those who act as intermediaries in the carnal commerce of a person under 18 years of age. What is most important to underline following this breakthrough, are the core actions “FACILITATE AND PARTICIPATE”. These provide a wide array of possibilities to confront the actions of any person who, one way or another collaborates or intervenes in the sexual utilization of a minor.

Even more relevant is the introduction of the expression “in any way”, because it encompasses any action that may arise as a result of the changing dynamics of the Commercial Sexual Exploitation of Children. In other words, it allows for the prosecution of any conduct within this criminal classification.

The foundation for the punishment of both behaviours lies on international instruments. The Convention for the Suppression of Trafficking in Persons and the Exploitation of the Prostitution of Others, adopted by the General Assembly of the United Nations in 1949, states, in article 1, that:

“The Parties to the present Convention agree to punish any person who, to gratify the passions of another:

“(1) Procures, entices or leads away, for purposes of prostitution, another person, even with the consent of that person;

“(2) Exploits the prostitution of another person, even with the consent of that person”.

Article 4 states that “intentional participation in the acts referred to (...) above shall also be punishable”.

The Convention on the Elimination of All Forms of Discrimination against Women of 1979 states, in article 6: “States Parties shall take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women”.

In addition, The Convention on the Rights of the Child of 1989 states, in article 39:

“States Parties undertake to protect the child from all forms of sexual exploitation and sexual abuse. For these purposes, States Parties shall in particular take all appropriate national, bilateral and multilateral measures to prevent:

- “a) The inducement or coercion of a child to engage in any unlawful sexual activity;
- “b) The exploitative use of children in prostitution or other unlawful sexual practices;
- “c) The exploitative use of children in pornographic performances and materials”.

Lastly, the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime of 2000 establishes that sexual exploitation includes “(...) the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person (...)” (Article 3, letter a). Furthermore, it provides that consent from the victim is irrelevant in these cases (letter b) and, when minors are concerned:

- “(c) The recruitment, transportation, transfer, harboring or receipt of a child for the purpose of exploitation shall be considered “trafficking in persons” even if this does not involve any of the means set forth in subparagraph (a) of this article;
- “(d) “Child” shall mean any person under eighteen years of age”.

By creating article 213-A of Act 599 of 2000, the legislature intended to increase the criminal severity to the conduct of enticement to prostitution when the passive subject is a minor. This intention is clearly stated in the opinion reports used in the debates of the act proposal:

“I. It is proposed to change the Title of article 213, ‘Enticement to Prostitution’ into ‘Procurement’ because, in agreement with the recommendations of international instruments, it should include the conduct of those who profit, benefit, organize or participate (new core actions), in any form of carnal commerce or the prostitution of another person. In these cases it is not necessary to prove consent from the victim, only the intent to profit or the intermediation in cases of sexual exploitation of adults.

“II. When it is a case of minors under 18 years of age, the penalty increases. This aims to protect people between the ages of 14 and 18, who are currently unprotected, because the article referring to punitive aggravating circumstances (article 216 P.C.) only stipulates a bigger penalty when this conduct is performed on a person below the age of 14 years”.²⁶

Along these lines, procurement of a minor must be interpreted as a crime of inducement to prostitution in which the victim has not reached 18 years of age.

ARTICLE 214. CONSTRAINT TO PROSTITUTION: In spite of the fact that the criminal offence of constraint (use of physical or psychological violence) with the purpose of commercialising the body of a person may be even more burdensome than enticement, the minimum and maximum penalties imposed are lower than those of Enticement to Prostitution.

ARTICLE 217. ENCOURAGING THE PROSTITUTION OF A MINOR. The first thing that needs to be said with regard to this offence is that, when it comes to children, it is not possible to talk about prostitution of a minor simply because prostitution should be understood as the free and voluntary use that a person — older than 18 years of age — makes of her own body in order to profit from such practice. And, since children cannot consent to their own sexual exploitation, the law provides for ways to protect their rights based on the “pro infans” principle, where the best interest of the child prevails. Hence, it should be underlined that the title for this offence must be changed in order to convey a proper perspective of children rights.

Chapter II of Act 1336 of 2009 on “... the Assets Forfeiture and other control measures in cases of sexual exploitation of children and adolescents...” states:

26. Opinion report, second debate on Act 181 of 2007 Senate proposal by which Title IV of Act 599 from 2000 is modified; and other provisions are issued. Congressional Gazette 358 of 2008. Likewise, the Opinion Report for first debate on Act 181 of 2007 proposal, Senate, Gazette 257 of 2008.

“...Article 9. Rules on Assets Forfeiture. Act 793 of 27th December, 2002 which derogates Act 333 of 1996 and sets fore the governing rules on assets forfeiture, and the modifying rules; it shall be applicable to hotels, shelters, hostels, residencies, motels and any other establishment that provides accommodation services when such properties have been used for the sexual utilisation of children and adolescents...”

Nonetheless, neither in this Act nor in the text referring to enticement to the prostitution of a minor can a clear enforceability of assets forfeiture be observed when it comes to places like brothels, call houses, private clubs, and so on, which are dedicated trading in children, since the law refers to the assets forfeiture of venues that *provide accommodation services*.

It is also important to highlight that Colombia lacks clear legislation concerning the modus operandi of venues where adult women provide sexual services, and which are used to disguise — with the help from the owners—the presence of underage girls, for whom they get fake identifications to make them pass as adults.

ARTICLE 217-A. DEMAND OF COMMERCIAL SEXUAL EXPLOITATION OF A PERSON UNDER 18 YEARS OF AGE: This article, added by Act 1329 of 2009, criminalises the conduct of those who offer payment, in cash or in kind, in order to perform sexual acts with any person under 18 years of age. That is, it criminalises the conduct of the “exploiter-client” who demands and sustains such serious violation of rights.

It is necessary that the core actions that are used to define this offence include the verb “TO ACCEPT”. As jurisprudence from the Supreme Court of Justice, and High Courts of Colombia have repeatedly stated, demand and request for sexual services on the part of a “exploiter-client” are not the only actions that fit this crime perfectly, accepting any sexual exchange offer made by the victim does as well. This has been so stated in order to prevent any future misinterpretations of the law by judicial operators. Before this criminal classification existed, there used to be a legal loophole which allowed for people who paid for the sexual exploitation of a person older than 14 and younger than 18 years of age to avoid punishment.

ARTICLE 218. PORNOGRAPHY INVOLVING PERSONS UNDER 18 YEARS OF AGE: Provides compliance to prescriptions from the Optional Protocol Act (Act 765/02) by the inclusion into Article 218 of the

core actions “to possess, to store, to disclose, to offer, to carry and to feed data bases” with pornographic materials in which minors take part. This assists in the criminalisation and international cooperation for the prosecution of criminal networks committing this transnational crime.

Before these changes were made, there was a legal loophole which allowed consumers of child pornography to go unpunished. It also prevented joint criminal investigations with police units from other countries because the offence only punished the actions of the person who photographed, filmed or traded pornographic materials of minors. The possession of pornography for personal purposes use was allowed; but now it is a punishable offence.

ARTICLE 219. SEX TOURISM: This article had been derogated by the first act on trafficking in persons (Act 747 of 2002), based on the argument that, merely by naming the purpose of sex tourism, the conduct was properly criminalised. However, the use of this new Act for enforcement purposes proved that trafficking does not fit certain conducts included in the original Act. Nowadays, after Act 1336 of 2009 was approved, Article 219 of the Penal Code once again criminalises the organization and promotion of tourism activities that involve CSEC.

ARTICLE 219-A. USE OR FACILITATION OF MEANS OF COMMUNICATION TO OFFER SEXUAL ACTIVITIES INVOLVING A PERSON UNDER 18 YEARS OF AGE: Such behaviour was originally included in the criminal statute by Act 679 of 2001 as follows:

“Article 219-A. Use or facilitation of means of communication to offer sexual services of a person under 18 years of age. Anyone who uses or facilitates traditional mail, global information networks or any other means of communication to obtain sexual contact with a person under eighteen (18) years of age, or to offer sexual services where minors participate, shall be punished with imprisonment of five (5) to ten (10) years, and a fine of fifty (50) to one hundred (100) minimum monthly wages. “The penalties for the offences set forth in the preceding article shall be increased by up to one half (1/2) when performed with minors under the age of 12 years”.

According to the statement of reasons of the act’s proposal, the intent of the legislature was to combat “sexual exploitation of children within tourism activities”²⁷:

27. Opinion for the first debate on Act 143 of 2001 proposal. Senate, 085 of 1999. Chamber, by which a statute to prevent and counteract exploitation, pornography and sexual tourism of minors, to be included in the development of article 44 of the Constitution. Congressional Gazette 160 of 2001.

“The provisions of the proposal are propitious to tackle pederasts and sexually aberrant persons who employ magnetic information channels to manipulate minors or to make contact with them through tourism agents. Researchers from DAS [Administrative Department of Security] have reported that some companies and travel agencies in Europe explicitly present their customers with the offer of child sex tourism trips to “erotic destinations” in several countries, Colombia included, as an abhorrent form of profiting from tourism, which subjects children to sexual abuse. Cyberspace and the information reported by some servers are being used freely and with no access controls. While adequate systems, capable of blocking the flow of information online, are acquired and employed, it is imperative to tackle the information handlers and intermediaries who profit from acting as a bridge between the abuser and the minors with such despicable intent.

“UNICEF’s report states that, through the Internet, pedophile networks place images of children in sexual poses, or even advertisements for “touristic packages” that include the sexual company of minors. This is about defending the rights of those who lack the personal autonomy to defend, by themselves, their freedom and rights. This is about taking a hard-line approach to prevent the corruption and prostitution of our children. Within the current capabilities of intervention and interdiction on such communication means, the project propounds the possible means to do so, which is why it should be endorsed”.²⁸

Prior to this Act, any of the cases in which exploiters used mobile phones to contact their victims would go unpunished, because the offence typifying the use means of communication to obtain or offer sexual contact with minors did not consider cell phones as a global means of communication.

Later, with the amendment of Act 1329 of 2009 (article 4), the criminal classification was worded as follows: “Article 219-A. Use or facilitation of communication means to offer sexual services of a person under 18 years of age. Anyone who uses or facilitates traditional mail, global information networks, telephone or any other means of communication to obtain, request, offer or facilitate contact with an activity of sexual purpose with a person under 18 years of age shall be punished with imprisonment of ten (10) to fourteen (14) years,

and a fine of sixty-seven (67) to seven hundred and fifty (750) minimum monthly wages. “The penalties for the offences set forth in the preceding article shall be increased by up to one half (1/2) when performed with minors under 14 years of age”.

The explicit aim was to broaden “the scope of this criminal offence to include its perpetrator (client or abuser), as well as its co-perpetrator (procurer or intermediary)”.²⁹ Likewise, it aimed to “include both the action of obtaining, which would implicate the person requesting the contact; and that of offering or facilitating, which refers to the intermediary”.³⁰ Lastly, it included the concept of telephone services as “a means of communication regularly used by the perpetrators of this criminal offence to get in touch with their victims”.³¹

Telephone services were included in order to enable the judicial operator to punish and penalise the situations in which land and mobile phones are used to contact children with the purpose of sexual exploitation. The *aggravating* factors were also increased when the victim is under 14 years of age, instead of 12.

In this sense, the classification of article 219-A of the Penal Code currently seeks to punish people who attempt to obtain sexual favours from minors and those who act as intermediaries for such contact inasmuch as they have used any means of communication to that effect, and not just the internet and cyberspace.

ARTICLE 188-A PENAL CODE. TRAFFICKING IN PERSONS: The offence of trafficking in persons was added to Colombian law per Act 747 of 2002 through articles 188-A and 188-B of the Penal Code.

From this article, it can be inferred that the offence includes an undetermined active subject because anybody can be the one capturing, transferring, harbouring or receiving a person. In trafficking in persons, the passive subject is undetermined in the sense that the offence can be committed against any person, adult or minor.

In the words of the Penal Court of Cassation of the Supreme Court of Justice³², from the very same title of the offence it can be understood that the inflection “Trafficking” — “according to its two main meanings, refers to “Handling, managing or disposing of a

28. Ibid.

29. Opinion report, second debate on proposal of Act 181 of 2007, Senate, by means of which Title IV of Act 599 of 2000 is modified and other provisions are set forth to counteract sexual exploitation, Congressional Gazette 358 de 2008.

30. Opinion for the second debate on proposal of Act 146 of 2008 Chamber, 181 of 2007 Senate, by means of which Title IV of Act 599 de 2000 is modified, and several provisions are set forth to counteract the commercial sexual exploitation of children and adolescents, Congressional Gazette 463 of 2009.

31. Ibid.

32. M.P. Eugenio Fernández Carlier. Process number 39257. 16th October, 2013.

business”, being a matter of basic logic to conclude that the forbidden action is the instrumentation or objectification of a person as if he or she were merchandise. Even more so, the dictionary defines the word “trafficking” as “trafficking that consists of selling human beings”.

With regards to the core actions, it can be said that “to recruit” implies attracting someone, to earn his or her will; “to transfer” is to take a person to a different place; “to harbour” means to provide refuge, shelter or a roof; and, “to receive” means to take or be in charge of someone who is delivered by a third party. Such actions can be executed, as foreseen by international legislation, by means of threats, the use of force or similar forms of coercion such as abduction, fraud, deception, or by abusing the power or trust held over someone else; or by taking advantage of a person’s situation of vulnerability, means which do not need to be demanded when the victim is a child.

It is possible to observe, by location of the criminal classification in the penal code, that trafficking in persons protects the right to freedom along with some other rights (title III). Nonetheless, trafficking is a multiple-offence crime against human dignity which can simultaneously harm or endanger several protected rights such as freedom, autonomy, sexual freedom, among others. Also, it is a mixed criminal classification type in the sense that, despite including several types of behaviours, the crime is committed when one of the behaviours described above takes place.

On the other hand, the offence of trafficking in persons includes a subjective ingredient referring to the intended purpose of exploitation. The article clearly indicates the methods by which the active subject of the conduct usually subdues the passive subject with the aim of profiting financially or, in any other way, obtaining a benefit for himself or a third party, includes the exploitation of prostitution of someone else, or other kinds of sexual exploitation, forced works, slavery, or practices similar to slavery, servitude, the begging of others, servile marriage, organ extraction, sexual tourism; or, any other forms of exploitation. Therefore, even if the criminal classification does not require the aim of the victim’s exploitation to be accomplished — because, any conduct that falls into the core actions included in this classification is sufficient for the offence to be committed-, it is also true that for the danger brought about by the actions of the active

subject to be considered a criminal offence, there must exist an imminent, forthcoming, real and effective risk that a violation will take place.

Additionally, and regarding the dogmatic difference between the offence of trafficking in persons and other offences, it is clear that because of the ample scope of trafficking in persons, it is possible that it may take place in other punishable acts. “... The dividing line between the trafficking in persons offence and other types of crimes is very thin; which is why, often, it is not easy to meet the criminal classification...”³³. Similarly, jurisprudence from the Criminal Chamber of the Supreme Court of Justice acknowledges that:

“...the Chamber considers it appropriate to emphasise that the active subject (plural or single) of the punishable conduct of trafficking in persons, when incurring in the criminal act, can -as in fact often happens- incur in different wrongful conducts against other protected rights, such as abduction, document forgery, etc., without thereby vanishing the ultimate attempted and achieved goal, that is, the commodification or commerce of a human being, nor the real and effective concurrence of criminal classifications whose adequate and complete attribution corresponds to the body in charge of criminal prosecution...”³⁴.

Through Act 800 of 2003, the Colombian legislature approved “The Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children” which complements the “United Nations Convention against Transnational Organised Crime” approved by the United Nations General Assembly on November Fifteen (15) of two thousand (2000).

Letter (a) of article 3 of the Protocol defines trafficking in persons as “the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.”

33. López, Pinilla. Legal Analysis of Penal Law regarding the offence of trafficking in persons, article 188^a of the Colombian Penal Code C. EAFIT University, Ministry of the Interior and International Organisation for Migrations, page 19.

34. Criminal Cassation Chamber of the Supreme Court of Justice. M.R. Eugenio Fernández Carlier. Process no: 39257. 16th October, 2013. (P. 10.4).

In offences such as servile marriage, this criminal classification necessarily requires the attainment of a financial profit by the active subject of the punishable conduct. It is not possible to demonstrate this situation in most of the known dynamics that take place in the territorial contexts, particularly when the Civil Code determines that men and women older than 14 years of age may marry if they have their parents or legal guardian's consent, which evidently becomes a risk factor for the commission of sexual exploitation.

NATIONAL PLANS AND POLICIES ON THE PROTECTION OF CHILDREN FROM CSEC

According to the Stockholm Declaration, governments should develop and implement specific policies and National Action Plans to protect children's rights, including an exhaustive and detailed component on CSEC which contains a detailed structure to intervene in five key areas: coordination and cooperation, prevention, protection, recovery and reintegration, and child participation.

Between May 25th and June 11th, 2010, during the 54th session, the Committee on the Rights of the Child examined the initial report presented by the State of Colombia, and it approved a set of recommendations for the implementation of the Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography. With regards to the National Action Plan 2006-2011, the Committee expressed its concerns on the fact that "...the effects on its implementation have not been evaluated"³⁵. Also, it recommended that the State Party "ensures that the National Action Plan covers all areas of the Optional Protocol, is provided with adequate human and financial resources for its implementation and its impact periodically evaluated"³⁶.

Five years after the Plan's period of validity ended, the conditions reported by the Committee have not changed, and the country is yet to conduct an evaluation on the impact of Action Plan 2006-2011. The Committee's recommendations have not been rigorously upheld. Also, a new Action Plan that draws on these recommendations

has not been formulated, neither one that suits the social, political and economical changes the country has experienced across all of its regions in that past few years.

Nowadays, it is possible to say that even though the Code on Children and Adolescents carries the obligation of mayors and governors to prioritise issues concerning children in their development plans, and that such plans have to be based on territorial diagnostics — a duly controlled obligation by the Office of the Attorney General of the Nation—, most departments and municipalities in the country do not have diagnostics or specific plans to prevent and eradicate CSEC.

The Interinstitutional Committee that was created by Act 1336 of 2009 as the coordinating body of all strategic actions to combat CSEC has neither had an effective leadership in the evaluation of the National Action Plan 2006-2011, nor on the formulation and implementation of a new one.

There are some sectoral plans in the country that address prevention and eradication of CSEC in an indirect way. They include:

National System on Human Rights and International Humanitarian Law (SNDDHI). It was created as a result of Ordinance 4100 of November 2, 2011 as the main strategy of the National Government for the protection, promotion and guarantee of Human Rights and International Humanitarian Law. Its purpose is to "articulate the national and territorial entities and authorities, and to coordinate their actions in order to promote the respect and guarantee of Human Rights, and the application of International Humanitarian Law by means of the design, implementation, monitoring, and evaluation of the Integral Policy on Human Rights and International Humanitarian Law; as well as by means of the design and consolidation of sectoral public policies from a human rights and differential approach".³⁷ It aims at "including a human rights approach and a differential perspective on the sectoral public policies and the integral public policy".³⁸ However, it is noteworthy that the Colombian Family Welfare Institute -the main body responsible for children, adolescents and family protection- was not explicitly included, neither have any specific responsibilities on the subject been assigned to it.

35. Aldeas SOS, ECPAT Colombia, Fundación Renacer, Plan por la Niñez, Fundación Saldarriaga Concha, Save the Children y Visión Mundial (2008). First Alternative Report on the Implementation of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict and on the sale of children, child prostitution and child pornography — Colombia 2003-2008. Page 60. Available at: <http://resourcecentre.savethechildren.se/library/primer-informe-alterno-sobre-la-implementacion-del-protocolo-facultativo-de-la-convencion-de-derechos-del-niño>

36. Ibid

37. Article 1, Ordinance N° 4100 of 2011 (2nd Noviembre) by means of which a National System on Human Rights and International Humanitarian Law is created and organised, and by means of which the Intersectional Commission on Human Rights and International Humanitarian Law is modified< and other provisions are set forth. Available at: <http://www.alcaldiabogota.gov.co/sisjur/normas/Norma1.jsp?i=44543>

38. Article 2, Ordinance N° 4100 of 2011 (2nd Noviembre) by means of which a National System on Human Rights and International Humanitarian Law is created and organised, and by means of which the Intersectional Commission on Human Rights and International Humanitarian Law is modified< and other provisions are set forth. Available at: <http://www.alcaldiabogota.gov.co/sisjur/normas/Norma1.jsp?i=44543>

The SNDDHI is divided into 8 subsystems. Subsystem “Equality, non-discrimination and respect for identities” -led by the Ministry of the Interior, and the Ministry of Culture- includes an explicit reference to children and adolescents as “individuals and population groups who are victims of discriminatory conducts”³⁹ along with indigenous people, people of African descent, *Raizal and Palanquero communities*, Rom, women, LGBTBI people, the elderly, and people with disabilities. Evidently, a rights approach includes special, prioritised and comprehensive protection of boys and girls not only from discrimination as stated by the system, but also from other forms of violence such as CSEC. Not making this acknowledgement explicit may create an invisibility effect, along with a conceptual and practical disarticulation of the children’s rights.

National Strategy against Trafficking in Persons⁴⁰: The Second National Comprehensive Strategy was made through a participatory process and joint effort. It was set forth by Act 985 of 2005, and it stipulates the lines of action for the fight against trafficking in persons in Colombia for 2013-2018. Its goal is to “Combat Trafficking in Persons, guarantee the fundamental rights of the victims by means of the consolidation of measures and mechanisms of prevention, protection, care, and penal punishment of this criminal offence”.

This strategy entails seven (7) lines of action: 1) Coordination and sustainability; 2) Prevention; 3) Assistance and protection of victims; 4) Investigation and prosecution; 5) International cooperation; 6) Knowledge generation and management; y 7) Monitoring and evaluation. On the other hand, it encompasses different approaches such as rights, gender, differential, territorial and crime prevention.

The differential approach recognises the inequities and inequalities among different population groups due to the convergence of different characteristics, situations or conditions such as ethnic affiliation, sex, age, sexual orientation, disability, being a victim of an armed conflict, and so on. These factors may contribute to the degree of vulnerability and risk exposure to trafficking in persons.

In order to develop a differential approach, the actions implemented by the State in the fight against Trafficking in Persons and the Assistance and Protection of Victims of trafficking must recognise the particularities

of each population group in order to reduce the above-mentioned inequalities and exclusions, and to guarantee the free and effective exercise of Human Rights.

Ordinance 1069 of 2014, which partially regulates Act 985, recognises: “6. Best interest of children and adolescents. Best interest of children and adolescents is the imperative that obligates every person to guarantee the comprehensive and simultaneous fulfilment of all of their rights which are universal, prevailing and interdependent”.⁴¹

Title III, Single Chapter, provides for the Assistance and protection of children and adolescents victims of trafficking in persons. It states that such assistance and protection should be based on the principles of the best interest of the child, shared-responsibility, and restoration of rights as established by Act 1098 of 2006, and under the responsibility and coordination of the Colombian Family Welfare Institute.

Article 30 states that, “for the immediate and medium term assistance and protection of children and adolescent victims”, the corresponding authority “shall accelerate the Administrative Procedure of Restoration of Rights where it shall provide protection measures, take the appropriate legal actions, and guarantee the required assistance conforming to the technical guidelines defined by the Colombian Institute of Family Welfare”.

It also states that “when a Colombian child or adolescent victim of trafficking is on foreign land, the Consular Office shall look after his or her safety, and shall inform the Ministry of Foreign Relations and the Colombian Institute of Family Welfare (ICBF) in order to conduct the required repatriation steps”. Correspondingly, it issues rights restoration measures for foreign children victims of trafficking who are on Colombian soil under the supervision of ICBF, the Family Advocate, the corresponding administrative authority and the Ministry of Foreign Relations.

The above-mentioned Ordinance has value in the fact that it acknowledges as victims of trafficking the children who are in need of special assistance. This is a step forward compared to previous regulations; and, it reaffirms the protection and rights restoration responsibilities defined in the Code on Children and Adolescents.

39. Government of Colombia. National System on Human Rights and International Humanitarian Law. Page 15. Available at en: <http://www.derechoshumanos.gov.co/Observatorio/Publicaciones/Documents/131113-cartilla-sistema-nacional-web.pdf>

40. Ministry of the Interior (2013, 17th and 18th October). Validation process of the proposal for a National Strategy for the fight against trafficking in persons 2013-2018. Presentation made during the VI Departmental Committees Meeting against Trafficking in persons. Barranquilla. Available at: http://www.mininterior.gov.co/sites/default/files/noticias/decreto_estrategia_nacional_trata_de_personas_2013-2018_dic9_2013.doc.pdf

41. Ordinance N° 1069, 12th June, 2014. Page 6.

42. Ministry of National Education (2013). Education for Sexuality and Construction of Citizenship Programme. See: http://www.orealc.cl/practicaregionaleducacionsexualidad/wp-content/blogs.dir/23/files_mf/ppescocolombiaunesco.pdf

Programme on Education for Sexuality and Construction of Citizenship⁴²: In terms of prevention, this programme is intended to ensure children between ages 6 and 19 include into their daily lives the practice of their sexual and reproductive rights, gender perspective and the experience of sexuality, enriching their own life project and that of others through the construction and update of school community life handbooks, and through three approaches: 1) Human Rights, 2) Differential Approach, and 3) Gender Approach.

Legally, this Programme is endorsed by Act N° 1620 of 2013 which creates the National System on School Community Life and Training on Sexual and Reproductive Rights, and Prevention and Mitigation of school violence. In various parts of the system it is said -in a rather unclear way- that CSEC is a manifestation of sexual violence, as well as of gender violence and inequality, and it must be prevented through citizen competencies training.

Public policy guidelines for the development of children in departments and municipalities: In 2012, the Ministry of Health and Social Protection issued these guidelines with the purpose of “orienting a coordinated and articulate action, with a country-wide perspective, that promotes the comprehensive protection of the fundamental rights of children, recognising the prominence of family, school, the community and territory as real scenarios where their lives pass and develop”⁴³. These take on Article 204 of Act 1098 of 2006, which makes mayors and governors the “prime authorities responsible for the fulfilment of children’s rights, obliges them to have a differential public policy that prioritises children, which fosters the coordination of municipal councils, assemblies⁴⁴ and the national Congress in order to guarantee the establishment and allocation of resources for the implementation of the proposed public policy”.⁴⁵

The Guidelines present a characterisation of children’s

rights in relation to the goals of public policy. The category “Rights to protection” corresponds to two policy goals directly associated with CSEC: 1) “None in a harmful activity”, which implies that “none shall be subject to child labour, labor exploitation, begging or sexual exploitation”, and, 2) “None a victim of personal violence”, which means that “none shall be subjected to violence, abuse or sexual exploitation”⁴⁶.

Even though CSEC, as a harmful activity (equivalent to the worst forms of child labour) is confused for an offence of violence and sexual exploitation, it is important that this crime is explicitly mentioned as a key goal of municipal, district and departmental public policies.

Lastly and regarding CSEC, the Guidelines provide the following recommendation for territorial governments: “It is necessary to formulate plans at a local level⁴⁷, in order to ensure that institutions work in coordination to guarantee not only the prevention of these actions, but also health care, protection and access to justice for the victims, to guarantee that they will not be victimised again; and, ensure the prosecution and conviction of aggressors”.

These actions can also be linked to the tourism sector in places where sexual exploitation is associated to travel and tourism. Much effort is needed to delegitimize, in public opinion, this phenomenon and to convey the seriousness and negative impact on the victims and the locations”⁴⁸.

In 2010, the Ministry of Health and Social Protection together with the United Nations Development Program launched the Comprehensive Model of Assistance for Victims of Sexual Violence⁴⁹. It seeks to provide the health sector (Social Security Health System — SGSSS) with different tools to comprehensively tackle sexual violence in Colombia in addition to health care, in a way that includes several types of social abilities in order to assist victims, help them in their recovery, and to prevent any re-victimization. This model acknowledges

43. Ministry of Health and Social Protection (2012). Public policy guidelines for the development of children and adolescents in departments and municipalities. Bogota. Page 9. Available at: http://portalterritorial.gov.co/apc-aa-files/7515a587f637c2c66d45f01f9c4f315c/guia_conceptual_definitiva_Oasiempre.pdf

44. Departamental political and administrative entities

45. Ministry of Health and Social Protection (2012). Public policy guidelines for the development of children and adolescents in departments and municipalities. Bogota. Page 9. Available at: http://portalterritorial.gov.co/apc-aa-files/7515a587f637c2c66d45f01f9c4f315c/guia_conceptual_definitiva_Oasiempre.pdf

46. Ministry of Health and Social Protection (2012). Public policy guidelines for the development of children and adolescents in departments and municipalities. Bogota. Page 19. Available at: http://portalterritorial.gov.co/apc-aa-files/7515a587f637c2c66d45f01f9c4f315c/guia_conceptual_definitiva_Oasiempre.pdf

47. Underlined added.

48. Ministry of Health and Social Protection (2012). Public policy guidelines for the development of children and adolescents in departments and municipalities. Bogotá. Page 60. Available at: http://portalterritorial.gov.co/apc-aa-files/7515a587f637c2c66d45f01f9c4f315c/guia_conceptual_definitiva_Oasiempre.pdf

49. Ministry of Health. Comprehensive Model of Care for Victims of Sexual Violence. Available at: http://www.google.com.co/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&cad=rja&uact=8&ved=0CBsQFjAA&url=http%3A%2F%2Fwww.minsalud.gov.co%2FDocumentos%2520y%2520Publicaciones%2FMODELO%2520DE%2520ATENCION%25C3%2593N%2520A%2520V%25C3%258DCTIMAS%2520DE%2520VIOLENCIA%2520SEXUAL.pdf&ei=0YWyVKO2LYSkwSq1YHIDQ&usq=AFQjCNHtJIEtzwPQVl64ef8zWrEak3C_5g&bvm=bv.80185997,d.eYX

that Commercial Sexual Exploitation of Children is a variation of sexual violence, and it emphasises the need to tackle it in a differential way because each type of violence has its own dynamics and consequences.

Likewise, one of the chapters provides keys for detecting sexual violence in health care services; and it devotes space to specifically pin out the warning signs of CSEC with the purpose of detecting any new cases of sexual exploitation.

National Plan for Children and Adolescents 2009-2019⁵⁰: Children and Adolescents Happy and with Equal Opportunities. Its goal is to assure that during the Children and Adolescents' Decade, their basic rights are fulfilled, and that they have better opportunities. Among its objectives, it states that no child shall be subjected to mistreatment or abuse, and that they shall not be victims or take part in any harmful activity. Despite the fact this Plan is part of the Approach to the Eradication of Child Labour, it refers to the National Plan for the Eradication of CSEC. Yet and even after its publication, the Plan is not in effect.

ANALYSIS OF COLOMBIA'S LEGAL FRAMEWORK STRENGTHS AND WEAKNESSES

It is important to underline that the normative reinforcement of commercial sexual exploitation offences per Acts 1329 and 1336 of 2009 is an important step forward that provides legal mechanisms to punish the abuser-exploiter figure (termed 'client' in sexual trade jargon) that were not available before. Additionally, it allows for the criminalisation of different intermediation forms; that is, it opens the possibility to punish all different participants in the chain of commercial sexual exploitation of children. It is a bigger opportunity to criminalise (facilitate, participate, organise).

The Colombian constitution of 1991 was a definitive breakthrough in this country's Legislature's optics which created a new vision on the Social State Under the Rule of Law. It recognises the primacy of Human Rights, and it creates structures such as the Constitutional Court. The Court, being the head of constitutional jurisdiction, exclusively deals with constitutionality matters, and it sets -as the authorised interpreter- the jurisprudential

rules on the scope of the constitutional norms. This makes the guarantee and protection of human rights possible, going beyond a simple declaration.

Nevertheless, one of the main weaknesses of the Colombian judiciary system is law enforcement, since it depends on the interpretation given by the judicial operator. This is why enforcing the law from a human rights perspective not only depends upon having such rights protected by the Constitution and the law, acts or treaties. It also depends on the judicial operators -particularly those in charge of guaranteeing and administering justice in all fields- knowledge of the letter of the law, and knowledge of the spirit and the goals of the norms that include and acknowledge human rights, especially the ones concerning violations to children's rights.

Correspondingly, the implementation of the normative system of human rights by national judges and attorneys is paramount in guaranteeing the respect and validity of such rights under any circumstances. For this implementation to become possible, it is necessary that the judicial operator is aware of the international norms which are binding to constitutional norms that protect children; also, that they recognise their best interest as set forth in the convention, and that they know the interpretation criteria, as well as its application possibilities and modalities. This means that they have to know the norms, but also, that they have to know their scope and limitations because fundamental rights require a series of hermeneutic guidelines that are different from the ones that can be applied to the rest of the legislation; and above all, they are different from the interpretation rules of ordinary law.⁵¹

Additionally, both a human rights approach and a gender perspective are cornerstones to approximating any form of violence against children. Therefore, having a clear knowledge of them is essential to an adequate design of actions in the defence, protection and restoration of rights, especially when it comes to crimes such as commercial sexual exploitation and trafficking, which take place under a plurality of circumstances and are surrounded by a set of false beliefs that prevent them from being considered crimes, and frequently cause blaming of the victim, plus forgiveness and exoneration of the perpetrator. The lack of knowledge of the conceptual and legal framework, as well as of the specificities of sexual exploitation vis-à-vis other types

50. National Plan for Children and Adolescents 2009-2019. Available at http://www.google.com.co/url?sa=t&rc=j&q=&esrc=s&source=web&cd=1&cad=rja&uact=8&ved=0CBsQFJAA&url=http%3A%2F%2Fproyectoiiacdi.org%2Fwp-content%2Fuploads%2F2011%2F04%2FPLAN-PAIS-OCTUBRE-2010.pdf&ei=UYVYvIWhNsaZntqEgaAK&usq=AFQjCNEP_Q-5G8j31gGCFtpwBEI5VwHRA&bvm=bv.80185997,d.eXY

51. Cfr. Carpio Marcos, Edgar, *La interpretación de los derechos fundamentales*, Lima, Palestra, 2004

52. Fundación Renacer, *Informe Monitoreo Cartagena*. Abril 2015

of sexual violence is a flaw that, unless corrected, will continue to negatively impact the way public officials treat the victims, whom inadvertently increase the harm to the victims, or simply carry on unaware of their presence.⁵²

On the other hand, in Colombia and since the start of the past decade, a decentralization process has been instated which has put more responsibility on territorial authorities to promote strategies, services and actions aimed at guaranteeing and restoring children's rights, particularly management of areas such as health, education, community participation, comprehensive protection, among others. These actions are still a joint responsibility of the national and local governments, but by falling directly on the hands of Colombian departments and municipalities, they have become a considerable flaw in the generation of sustainable strategies that impact the protection of children in Colombia in the face of high corruption indexes and the prioritisation of security and road development. These priorities leave aside plans and programs targeting impoverished children, which lessens their empowerment and weakens the role that civil society organisations working on children's rights play in gathering resources for developing actions to tackle the effects of violence on girls and boys from different surroundings.

In the case of pornography of minors, there are some conducts like grooming or "sexting" that are not included in the national legal framework; consequently a new crime configuration becomes needed in order to prosecute them. Act 1581 of 2012 on personal data protection provides protection against "sexting" in cases where privately shared information ends up online, regardless of whether the person involved is a minor or an adult, she or he has the right to be protected from this crime. Per this act on personal protection data, every file containing information on the sexual or private life of a person is protected by the law, and sharing it without consent from the author can carry penalties of up to 12 years in prison. This sort of laws hides the protected right, which in this case is sexual freedom and development; therefore, even if it could be used as a means to prosecuting the aggressor, it is not culturally acceptable to understand it as a protection against sexual violence instead of data protection.

It is important to underline that legislative breakthroughs such as Act 1098 of 2006 (Code on Children and Adolescents) or Act 1448 of 2011 (Care, assistance

and comprehensive restoration for victims of the armed conflict) do not come hand in hand with breakthroughs on investment or strengthening of infrastructure, human resources and their qualifications. According to recent analysis like the ones found at national development plans (by law, they include sectoral plans and those of the Office of the Prosecutor-General of the Nation), along with documents like "Colombia 2019: Vision Colombia II Centenary: Guaranteeing efficient justice, an action proposal"⁵³, several problems can be observed:

- Scattered supply and difficulties to access justice. They require a normalised justice service and access improvement.
- Productivity issues, delays and bottlenecks. Some measures are being proposed to speed up the response capabilities, to improve productivity, and to reduce bottlenecks and delays.
- Impunity and functioning issues of the penal system. There are alarming numbers of victims who do not have access to justice, which is why major investment and improvement projects are required in the justice system.
- Overcrowding and frailty of the penitentiary and prison system. It is being proposed to undertake a major redesign and operation review.
- Lack of information on records, and lack of updated statistics available that allow for a clear and current view on the situation of justice in Colombia. It is essential to strengthen the information systems, as well as the systematisation and telecommunications of the justice sector.

Another concern is that the Colombian Civil Code still includes include an exception to the minimum legal age for marriage, which is set at 18, but allows for 14 year-old girls and boys to marry provided they have parental consent. This is a major concern because there is a high occurrence of early marriage, and because the cultural imaginary at the territories facilitates child marriage and forced cohabitation, which affects girl-children in particular.

Another issue has to do with the ongoing Senate proposal of Act 79 of 2013 regarding sexual violence and exploitation. It is being introduced as an initiative to guarantee personal and social rights of people over 18 years of age who resort to prostitution as a way to derive their personal and family's livelihood and income. It is endorsed by unions and sexual workers groups.

53. National Planning Department. 2019: Vision Colombia; guaranteeing efficient justice. Proposal. National Press. 2008

Seen from a rights perspective, some of its articles appear to be intended to conceal the situation of people subjected to prostitution in our country, based on the apparent personal autonomy people in most cases. However, the proposal ignores that sexual exploitation of human beings and trafficking are social problems routed on gender inequality. For instance, it is women (96%)⁵⁴ from popular communities who by reason of poverty, displacement and inequality constitute one of the main vulnerable groups affected. It is through enticement, deceit and constraint -often in contexts of armed conflict- that they are pushed into selling their bodies in order to survive.

Additionally, this proposal conceals the real beneficiaries and interests behind human slavery; that is, the exploiters who make money on this profitable business. The businesses based on the promotion and creation of enterprises dedicated to sex, such as prostitution rings, bars, agencies, and clubs will be the real beneficiaries of this legislation because the figure of the procurer — which is presently included in our penal code, and it is a fundamental tool to prosecute most networks and exploiters — would disappear.

From our perspective, care must be taken with legal initiatives of this sort because world-wide evidence shows that legalisation of prostitution, instead of protecting the prostitute's rights, ends up allowing their exploitation and the increase in crimes like trafficking in persons. Also, they sustain the social imaginaries of a hegemonic patriarchal culture over women, in the sense that prostitution is a response to the oldest demand for sexual services, which is determined by the subjugation of women, along with their instrumentalisation and objectification towards the needs of men; all of which validate gender inequality situations.

In the face of the globalisation of capital, another matter

of concern in the context of the present macroeconomic policies in the country is the absence of binding regulations for mining companies that compel them to set up protocols for the protection of children as a consequence of their operations and of the different components of the value chain. Albeit the existence of self-regulation initiatives based upon the Principles of Human Rights and International Humanitarian Law, such as the Ruggie Principles and the Global Compact, the State must take a more proactive role and should warn on the risks of the operation of these companies in some locations and production sectors. The State should also ensure that laws, policies and judicial mechanisms are able to prevent human rights violations, particularly acts of violence where children are the victims. Likewise, the State must have an effective response to human rights violations, and to crimes like commercial sexual exploitation which are normalised and fostered by the communities near the locations with undergoing mining processes.

REGULATORY ASPECTS REGARDING TRAVEL AND TOURISM IN COLOMBIA

This section presents a summary of the legal, institutional and political contexts that relate to the intersection of tourism and CSEC. It offers a conceptual and situational framework that serves as reference to address the issue as a matter that impacts society as a whole.

This framework is based on the principles of competence, concurrence and subsidiarity. It includes several areas of activity and competence levels. The following are some of the main provisions regarding travel and tourism in Colombia in relation to CSEC:

<p>Global Code of Ethics for Tourism (GCET) World Tourism Organization (UNWTO)</p>	<p>It is a set of ethical and responsibility principles to guide the sector and its stakeholders: service providers, officials, tourists, visitors, and receiving communities. Article 2 number 3 states that it aims to combat “the exploitation of human beings in any form, particularly sexual, especially when applied to children”.</p>
<p>Act 300 of 1996, General Tourism Law, Congress of the Republic</p>	<p>Along with the Amending Act 1101 of 2006, it became the legislation that regulates the organisation, structure, functioning and controls regarding tourism.</p>
<p>Ordinance 1524 — 24th July, 2002, Presidency of the Republic</p>	<p>“By means of which Article 5 of act 679 of 2001 is regulated”.</p>

54. Ministry of Social Integration, Characterisation of people in the practice of prostitution 2009-2012. Bogota.

Act 1101 — 22nd november, 2006, Congress of the Republic	“By means of which Act of 300 of 1996 — General Tourism Law- is modified, and provisions are set forth”. Articles 10 and 11 concentrate on the Tourism Protection Fund as the entity responsible for the implementation of prevention policies and campaigns for the eradication of tourism associated to sexual practices with minors. Article 12 of the Act, amends article 62 of Act 300 of 1996 regarding the definition of tourism service providers.
Resolution 3840 — 24th December, Ministry of Commerce, Industry and Tourism	“By means of which the Code of Conduct is set forth as provided by article 1, Act 1336 of 21st July, 2009 and other provisions are set forth”.
Sectoral technical standards (STS) for Travel and Tourism.	These are voluntary standards that establish principles on the regulation, quality and stability of the services offered by tourism service providers.

POLITICAL AND INSTITUTIONAL FRAMEWORK FOR TRAVEL AND TOURISM AND CSEC

The political framework is the set of guidelines for travel and tourism, whether public or private; national, regional or local, in a range of products and

provision of services.

The political framework for tourism in Colombia is extensive. It includes various approaches, purposes and goals, missions, programs, projections, operation, promotion and marketing, all of which constitute the basis for the macromanagement of the tourism sector as a whole, including its different subsystems.

NATIONAL LEVEL	
National development plan	The national development plan is the official document that establishes the standards that define the goals, strategies, plans, programs and actions that guide the steps towards achieving the social and economic development of the nation.
Sectoral tourism plan	It establishes the political and programmatic priorities for the development of incoming and internal tourism through strategies such as: improvement and consolidation of competitiveness -including the quality of service providers and products- as well as the improvement of tourism infrastructure which includes better and more connections between tourist destinations; the strengthening of marketing, promotion and commercialisation; the development of a tourism information system; the implementation of demand and supply stimuli; resource allocation to foster productive tourism projects from the communities; and, education to support a tourism culture.
Vision 2020 for the tourism sector (2000)	It is a project undertaken by the Ministry of Commerce, Industry and Tourism. It is in addition to the efforts made to create the “Colombian Vision Second Centenary: 2019”, which aims at setting the priorities that must guide the consolidation process of the tourism sector in Colombia by 2020.
National strategy against sexual exploitation of children and adolescents in travel and tourism 2009 — 2010.	It establishes the actions that compel public authorities and private companies in the fight against CSEC associated to travel and tourism in Colombia. It creates three core strategies: communication and information, training (training and awareness); plus, public policy.

COMPETENT AND/OR TOURISM-RELATED BODIES

In order to itemise the institutional framework for tourism in Colombia, a summary of its main institutions is presented and organised depending on whether they are public, private, or a joint undertaking; plus their jurisdiction, as well as their scope of action.

PUBLIC SECTOR , TRAVEL AND TOURISM NATIONAL JURISDICTION

Ministry of Commerce, Industry and Tourism
— Deputy Ministry of Tourism

It is the State's entity in charge of comprehensively promoting, supporting and managing entrepreneurial activities dedicated to the production of goods, services and technology in all regions of the country. The Deputy Ministry of Tourism is the top authority of the sector; and, it is responsible for coordinating the design of the Sectoral Tourism Plan, providing technical assistance to territorial bodies for the elaboration of tourism development plans, ensuring the participation of the sector in land-zoning plans; and, fostering the design of tourism products. It also provides technical assistance to tourism service providers in subjects like quality and certification. Together with the National Police, it coordinates the Tourism Police; also, it suggests and implements international agreements on tourism cooperation.

Proexport-vicepresidency of tourism

It is a joint public-private body dedicated to the commercial promotion of non-traditional exports, international tourism and foreign investment in Colombia.

Below is a list of trade associations with an active

interest in tourism, and which are jointly responsible for creating the conditions to prevent, detect and tackle CSEC associated to travel and tourism.

PRIVATE SECTOR, TRAVEL AND TOURISM, DOMESTIC SCOPE

Hotel Association of Colombia (COTELCO)

It is an organisation that brings together businesses from the hotel industry in order to strengthen, represent, and support the industry on achieving competitiveness and development. It has 22 regional chapters, one of which is in Bogota.

Colombian Association of Travel and Tourism Agencies (ANATO)

It is a guild-like body that represents, manages and defines the interest of the travel agency industry at a domestic and international level. Some of its objectives are to ensure the representation and defence of their common interests, to lead their members, to propose and analyse solutions for the sake of the industry's development; and, to advance a closer approximation of the member entities and organisations.

Colombian Association of the Gastronomy Industry (ACODRÉS)

It is the trade association that represents its members before unions and the authorities. It aims at leading the industry's representation at the national and international level.

Association of International Airlines in Colombia (ALAIICO)

It is an association that gathers the international airlines flying into Colombia, as well as Colombian airlines operating abroad.

Tourism Promotion Fund of Colombia

It is responsible for the implementation of tourism promotion and marketing plans in Colombia. It is also responsible for strengthening and improving the industry's competitiveness as it seeks to increase incoming and domestic tourism according to programs and plans.

CHAPTER 5

In this chapter, we present the findings of the study, derived from an analysis of empirical data and secondary sources.⁵⁵

The material presented in this chapter is divided into three sections: the first provides an overview of the broader context of the selected territories; the second discusses the data gathered through the analytical categories selected prior to fieldwork (victims/actors, settings and dynamics of sexual exploitation in travel and tourism); and the third explores four emerging categories (1. Cartagena: openness to modernity, exclusion and excess; 2. Tabatinga (Brazil) and Leticia (Colombia): flexible borders, institutional fragility and sexual exploitation; 3. Sexualized constructions of ethnicity and gender, and victimization; 4. Megaprojects and CSEC: local impacts of a global tendency).

CONTEXTUALIZING THE RESEARCH TERRITORIES

Leticia

Leticia is located in the Amazonas department, 1100 kilometres away from the country's capital. This jungle region is known for its indigenous cultural traditions, is inhabited by various indigenous communities, including the Ticunas, Huitotos, Camsas, Yaguas, Nukaks and Tucanos, living in a total of 28 indigenous reservations (resguardos). It is located in the southern border of Colombia, and limits to the east with the municipality of Tabatinga, Brazil, and to the south — across the Amazon river — with the municipality of Santa Rosa, located in the Peruvian province of Iquitos.

In 2010, the per capita GDP of the Amazonas department (over 4.8 million pesos) was almost 3 times less than the per capita GDP of the country (\$12,018,370). Social service activities, including contracts with department and municipal level governments, and other institutions present in the department, constitute the main economic activity, responsible for over 45% of the department's GDP.

Commerce is the second most important economic activity, and represents 17% of the department's GDP.

The relevance of this activity is partly explained by the location of the department, in the border with Peru and Brazil and along the trade route of the Amazon River, one of the most important in the region. Given the need for economic development in the region, and taking into account its environment and natural resources, a tourism development plan was defined for the Amazonas department in recent years. This plan has been put into practice mainly in the corridor between Leticia and Puerto Nariño, along the river.⁵⁶

Act 300 of 1996 recognizes the tourism sector as a service industry operating under the principles of *free private initiative, free access and free competition*, essential for the economic and social development of the country and, particularly, for local communities, regions and provinces. The Act further defines typologies for specialized tourism in Colombia, two of which have been particularly prioritized in the touristic development of the Amazonian region:

- **Ecotourism:** specialized and directed form of tourism in natural areas of particular interest, guided by the standards of sustainable development. This is a controlled and directed activity, which produces minimal impacts on natural ecosystems, respects cultural heritage, educates, and raises awareness about the importance of preserving nature among the actors involved.
- **Ethnic tourism:** specialized and directed form of tourism carried out within the territories of ethnic groups. This may be done for cultural, educational or recreational purposes and allows visitors to become familiar with the cultural values, ways of life, environmental management practices and traditions of ethnic groups, as well as with some aspects of their history.

This has been incorporated into a legislative framework, which in turn has set the foundations to prioritize, over the past years, the economic development of regions such as Leticia, which ranked very low among the state interests until a decade ago.

Articles 40 and 60 of the Decree 2755 of 2003 from the Ministry of Finance and Public Credit state that hotel

55. For more information regarding the process, see chapter 3 on methodology.

56. Tourism Development Plan for Amazonas.

services provided by new establishments, or by those undergoing refurbishment, shall not be subjected to income tax. Articles 10 and 11, also exempt ecotourism services offered within the national territory from this tax, as long as they cater for and educate guests in areas of particular natural beauty. The services comprised include: lodging, interpretation of natural heritage, transportation, food provision and eco-activities.

For this reason, over the past years, Amazonas has received outstanding revenues from tourism, transforming the sector into one of the main pillars of the department's economic development, leading to a significant growth in hotel infrastructure and in public works, such as the construction of docks for river cruises, which aim to exploit the touristic potential of the Amazon region.

Leticia and Puerto Nariño — another municipality in Amazonas influenced by the tourism industry — saw the number of registered lodging facilities grow from 14 to 41 within a six year period,⁵⁷ and this figure continues to grow. Romero states that, during this period, as tourism changed and gained strength, the Council of Leticia implemented a tax for tourism development, which required foreigners to pay the equivalent of a legal daily minimum wage to enter the city, and thus see the jungle.

Tourism supply in the region has focused on the ecotourism and adventure tourism markets, offering a large number of activities, such as tree climbing, hiking in the rainforest, canopy tours, Amazon River cruising, nature watching and river trips headed for remote locations in the heart of the jungle.

According to Romero (2013), the recent history of drug trafficking in Leticia left behind important infrastructure, which is currently being used to support commercial growth and the boom of the department's tourism industry, which has grown rapidly in the past years.

Tourists and travellers arriving in Leticia experience a world that places them at the centre; where boats, restaurants, taxis, hotels and other services depend on foreigners' money. Local supply, therefore, is transformed according to their demand, which in turn has economic, environmental and social consequences. For example, the Pirarucu fish has become an endangered species as a result of the efforts to create a traditional gastronomic product and the high demand it has attracted. The well-known *chicharrón de Pirarucú*

can be bought for only 15 dollars, but excessive fishing to satisfy the tourists' demand for this dish has led to environmental imbalances, because seasonal bans on fishing are not respected.

The livelihoods of many families and communities have come to depend on tourism; their lives have been adapted to suit visitors and geared towards the exchange of services. In some cases, this has led to the abandonment of inherited activities, or to the transformation and sale of elements of ancestral cultures. This contradicts the fundamental principles established in the Lanzarote Charter for Sustainable Tourism (1995), which establishes that tourism development should be based on criteria of sustainability. In other words, that tourism should be ecologically bearable in the long term, economically viable and ethically and socially equitable for local communities.

Acacias

Acacias is located in the department of Meta, which hosts 89 hotels, 972 rooms and 1,183 beds. Acacias is one of the municipalities within this department that attracts tourists, most of them national, due to its municipal celebrations, such as the *Festival del Retorno*, the gatherings of the Colonias, Repentistas, among others. However, the highest number of outsiders in the municipality consists of travellers that are brought in by businesses working in the extractive and oil industries.

Acacias is one of the municipalities of the Meta department (along with Guamal and Castilla) that has experienced the benefits and disadvantages of the oil boom. Acacias⁵⁸ has an extension of 9,913 hectares, which equate to 4.7% of surface of Block CPO-09. The block consists of 208,248 hectares devoted for extractive purposes, under the responsibility of Ecopetrol and Talisman, which hold 55% and 45% of the production respectively under contract CPO-0.

According to Orduz, N. (2012), these processes of economic development have attracted many outsiders, due to the large number of jobs the oil industry generates. This has led to a growth in the floating population of Acacias, composed mainly of men working in the industry's projects, travelling without their families. Along with their arrival, we often find an increase in the number of adolescent pregnancies, alcohol and drug consumption and CSEC, as shown by our research.

57. Most hotel development activities took place between 2003 and 2009.

58. El heraldo, 2013.

Orduz further states that outsiders arrive to Meta in high numbers because Ecopetrol and their contractors prefer to hire outsiders over workers from the municipality. This holds true for both for skilled and unskilled workers, and has fuelled inconformity among locals, leading to additional strikes and pickets in gas pumping stations, such as the one that took place on August 9, 2012. After this blockade, a negotiation table was set up between the Company and the Office of the Ombudsman (Defensoría del Pueblo), to demand the inclusion of local dwellers from Castilla, Guamal and Acacias as workers in the oil extraction projects, since over 2000 of the men hired to work there are outsiders.

Cartagena

Cartagena is located in the department of Bolívar. It hosts 6.5% of the rooms available for tourists in the country, which amounts to 8,272. These are mainly located in Cartagena de Indias, which has an offer of 14,134 beds. Between January and September of 2014, 743,682 foreign residents were registered to have visited, an increase of 14.5% compared to the same period in the previous year.

The departmental administration responsible for tourism created the Departmental Development Plan 2012-2015, called “Winner Bolívar”, which placed much emphasis in the implementation of the program “Bolívar, a sustainable and competitive tourism destination”. This initiative focused mainly on improving and negotiating the development of infrastructure, equipment, regulations for tourism operators, innovation and development for a better tourism supply, as well as stronger marketing tools.

In February 2015, the certification of the Old City, San Diego and Getsemani as Sustainable Tourism Destinations was reactivated. According to Arcieri (2010), this certification process seeks to strengthen tourism development by protecting its three fundamental dimensions: environmental, sociocultural and economic.

In addition to the walled city and the beach zone of Bocagrande and el Laguito, Cartagena is surrounded by a series of islands that the tourism sector also considers to be very attractive. The islands of Rosario and Baru are particularly well suited for adventure tourism. Baru can be reached by land, through the Pasacaballos village (corregimiento), or by sea, from

the dock for touristic vessels crossing the Cartagena Bay. In this destination, tourists can enjoy different beaches, including Playa Blanca, playita de Cholon, los Muertos, Punta Iguana, Puerto Naito and Playa Bobo.

In Baru, which is in fact a peninsula located half an hour to the southwest of Cartagena and separated from the latter only by the Dique Channel, locals are responsible for providing the different services offered to tourists. A beach club owned by the company Decameron operates in an extreme. This was a tourism project promoted by the government, planned to occupy, in the long term, over 500 hectares. Franco, J. (2007) reports that, despite causing multiple legal quarrels with the local afro descendent population that resided in this land before the company was granted the permit, the project was outlined in a document produced by the National Council for Economic and Social Policy in 2005.

Puerto Bahía⁵⁹ is a complex multipurpose port located in a 155 hectare plot in Baru, in the Cartagena Bay. Its main investors are Pacific Rubiales and the IFC, as well as an investment of US\$580 million. This megaproject was developed with the goal of building the infrastructure to provide an alternative venue for the country's large-scale fossil fuel export industry. Currently, as a result of this project, eight storage tanks are being built, but the port will also be open for containers, vehicles and bulk production, as part of the development of a multipurpose free economic zone.

FINDINGS BASED ON PRE-ESTABLISHED CATEGORIES

The data collected through pre-established categories reflected that social representations are a central and cross-cutting variable, affecting actors/victims, settings and dynamics of commercial sexual exploitation in travel and tourism. Thus, findings were interpreted with reference to theoretical postulates derived or related to social representations.

Victims

The social representations of actors and victims encourage the continuity of social dynamics that sexually infringe upon children. These social representations structure subjective constructions which are reflected in opinions, beliefs, attitudes and values. Despite being subjective constructs, they are

59. <http://espanol.pacinfra.com/portfolio/puerto-bahia/>

shared by social actors in their everyday interactions across different settings.⁶⁰

The following excerpt, illustrative of many statements found in the observations forms completed by field researchers, reflects the persistence of value systems, notions and practices that facilitate the commercialization of children's bodies.

During the interview a sense of sadness and frustration arise when the interviewee expresses that "it is a common phase that middle-aged men (30 and above) go through, when they seek out girls, teenagers and young adults to have sex with", expressing that he does not approve but understands this behaviour, being a man himself. It was unavoidable to feel anger, outrage and impotence towards the ease with which a traveller apparently aware of the situation would not question the supposed "mid-life crisis of men", which is used to justify actions that infringe upon children's rights, because the myth or belief that victims get involved for pleasure or money persists" (excerpt from an observation form, Cartagena).

The values, notions and practices of the interviewee provide an example of what we understand by social representations. Social representations shape everyday interactions, frame value judgments and opinions, act as mechanisms for understanding and validating social reality, and have, therefore, a direct effect in the way social actors interpret and behave with regards to this phenomenon. In the municipalities covered by this study, the sexual exploitation of children continues to be referred to as a "situation" — for which, generally, victims are considered responsible — and not perceived as a crime, nor recognized as a violation of children's rights.

On the contrary, it is justified from the arrogant vantage point of the exploiter-client as a need produced by an alleged "middle-age crisis" that men undergo, or else, in some cases, as an economic transaction

supposedly agreed upon between victim and exploiter, explicitly or implicitly, in a way that hides the criminal act of imposing abusive sexual activities or carnal access upon children.

This study recognizes that there are underage people⁶¹ faced with or believed to be faced with a situation of commercial sexual exploitation, and approaches them in order to understand their perceptions, opinions and impressions about what happens and "happens to them" in the environments where this offense takes place or is assumed to take place. These children are crucial primary sources for understanding the dynamics of CSEC. However, this does not mean that they are actors or protagonists; nor, therefore, responsible for the situation they are forced to endure.

Internalization and normalization of abuse

Multiple expressions used by the young people interviewed for this study reveal that they have internalized⁶² their situation, believing themselves to be active participants in interactions and dynamics where they play roles that are only theirs and out of which they can derive some type of benefit or profit. When abuse situations are interpreted in such a way, it is not possible for victims to identify that their rights and physical/psychological integrity are being violated. This process of subjectification — following Berger and Luckmann (2001) — is produced by the appropriation and immediate interpretation of an event, with the exception that, in this case, the social "event" is an act of abuse. In the words of an interviewee:⁶³

"Yes, my mother supports me and my sisters pretend they don't know".

"(...) there are times, when I give money to my mother and she asks me where I got it from, that I just go out running and don't answer anything (...) A year ago, my cousin, who is younger than me, took me to a client and, since then, I do this".

60. It is important to note that by social representations we do not mean deliberate verbal expressions; we refer to a concept that is understood as follows: "(...) a particular form of knowledge, whose function is to shape behaviors and communication between individuals. It is an organized body of knowledge and one of the mental activities through which men make physical and social reality intelligible; they integrate into a group or web of daily exchanges; they free the powers of his imagination (...) These propositions, reactions or evaluations are organized in very different ways according to classes, cultures or groups, and create as many universes as classes, cultures or groups exist. Each of these universes has of three dimensions: attitude, information and fields of representation..." (Moscovici, 1961/1979, cited in Perera, M., 2005, p. 43).

61. In Colombia, a person is considered to be underage if he or she is below the age of 18 years, therefore all children and adolescents are underage. These categories are defined according to Article 3 of Act 1098 Code of Children and Adolescents which states "any person below the age of 18 years is considered a rights bearing subject entitled to protection under this Law. Without detriment to article 34 of the Civil Code, a child shall be understood to be any person between 0 and 12 years of age, and an adolescent any person between 12 and 18 years of age".

62. "(...) in the complex form of internalization, I not only 'understand' the other's momentary subjective process, I 'understand' the world in which he lives, and that world becomes my own. This presupposes that he and I share time in a more ephemeral way and a comprehensive perspective, which links sequences of situations together intersubjectively" (Berger y Luckman, 2001, pág. 165).

63. 16 year old male and female adolescents interviewed in Cartagena.

These social representations indicate that victims have a responsibility to “do something” in order to provide money for their families, with what appears to be the approval or “complicity” of the latter. The terms used by the male and female adolescents we interviewed, such as “*rebusque*” (foraging), “*puteo*” (“slutting”) or, simply, prostitution, express how victims understand commercial sexual exploitation and their role within it. By means of their everyday use, these terms have the social and psychological effect of portraying sexual violence as normal⁶⁴ and, in line with the implications of this representation, to adopt lifestyles that are relatively congruent with the social structure⁶⁵ that victims consider to be their immediate reality and future.

Based on these representations, which victims adopt from their environments, the act of “engaging in prostitution” is premised — for them, but also for others around them- in their apparent capacity for autonomously determining their actions and making their own decisions. All the young men and women we interviewed perceived this as a way of living and making a living, since it constitutes a genuine source of income, a perception that hides the fact that they are or have been forced, not necessarily through personal and immediate coercion, but by *their* own desire to conform to the social structure they have internalized.

The ways in which money is put to use⁶⁶ allows subjects to integrate into a normalized social life, since it shows that, like most people, they “can work and consume”. For adolescent victims of CSEC, the effect of having money and being able to use it to cover everyday costs, to study, buy certain goods or “help with household expenses”, makes their situation appear legitimate and obscures connotations that associate it to violence and crime.

On the other hand, these shared social practices and beliefs⁶⁷, embedded in representation, validate exploitation as a way of living, and turn it into an ordinary

phenomenon, at least among the victims interviewed as part of our research. This way of living allows them to flee from social and family settings where they have suffered from other forms of violence. As a result, they view CSEC as an activity that allows them to survive.

“I am arrechita⁶⁸ and that is why men seek me out and offer me gifts”
(Adolescent girl, 16 years, Cartagena)

Following Berger y Luckmann (2001), the internalization of the processes of socialization⁶⁹, which fosters the adoption of identity values among individuals, is not the result of an autonomous construction of meaning — in this case, by victims — but begins when the victim accepts the world in which others inhabit and of which she becomes a part. As the girl quoted above, many children display cognitive styles charged with symbolic and affective content that transform the meaning of sexual exploitation, explaining it as a process that they have provoked by means of their personal traits.

Thus, the subject, in this case the victims we interviewed, shape their truth based on the relational and communicational activities of the particular setting where they spend their adolescent years, a period during which identity is consolidated. In the context of social representations, the concept of truth does not express, according to Joas⁷⁰, a “correct cognitive representation of reality”, but is rather defined by its function of increasing *the power of the subject to act* in relation to its surroundings.

Evidently, the process by which CSEC victims become embedded in their settings, increases their vulnerability, as well as the range of possibilities for sexual offenders to act in ways that reinforce the apparent identity of their victims, through the use of invitations, money or gifts as means to manipulate them, in a way that prevents them from realizing their need to escape this harmful dynamic, leaving them fully exposed to sexual exploitation.

64. The word normal is defined as “conforming to a standard; usual, typical, or expected” (OED, 20).

65. This refers to the compulsory process of adaptation that children must undergo in order to take part of the social structure.

66. See: Cárdenas, S. y Rivera, N. (2000). Cfr. We use the category “fetish money” to refer to the power of these exchanges to justify or hide the inherent violence of sexual exploitation under the appearance of a commercial transaction.

67. It is important to consider that these representations or imaginaries are unconsciously shared. See the concept of “consensual validation” formulated by Erich Fromm (xxxx) in *The Sane Society*.

68. Arrecha, arrechito: is a vulgar expression meaning an excessive or insatiable sexual appetite.

69. Socialization is an important process that incorporates elements of the surroundings into the sense of self of an individual. “(...) The formation within consciousness of a generalized other marks a decisive phase in socialization. It implies the internalization of society as such and of the objective reality established therein, and at the same time, the subjective establishment of a coherent and continuous identity. Society, identity and reality are subjectively crystallized in the same process of internalization” (Luckman, 2001, p. 169).

70. (Joas, 1987, p. 118).

Fantasy as a mechanism to endure a painful reality

According to Žižek⁷¹, fantasy obscures the horrors of a situation and emerges in situations that appear to be insignificant or utilitarian.

Although families in the municipality of Acacias are aware of the tendency among travellers settling for short periods of time, as a result of their jobs in the extractive industry, to establish occasional affective relations with school girls; they hope that, with time, these will become stable relationships, guaranteeing a promising future for both the girl and their family. This fantasy prevents them from seeing the risks of CSEC and servile marriages that are inherent to these relationships.

Another fantasy that we identified was associated to the idea of adventurous or mischievous conducts.⁷² These terms were used by victims, school-attending youth in Leticia and Acacias, who referred to their first sexual contacts with adult men as adventures associated to the transgression⁷³ of school norms, such as remaining outside the classroom to avoid specific classes, or changing their route home to meet up with people they considered to be “friends”, but whom they later discovered to be exploiters that used a classmate as an agent to induce or trap them.

We also identified fantasies that referred to the advantages of physical beauty. In Cartagena, victims assumed that their exploitation was due to their beauty, since they are attractive and lure tourists with their physical attributes. A young person reported using injected hormones which modify the body to meet the assumed expectations of clients. Despite recognizing that these modifications can have health impacts, the interviewee considered that these provided a competitive advantage over those not taking hormones, since they led to a bodily shape that is more attractive to clients, due to its similarities with the bodies of women.

Some phenotypical traits associated to Afro descendent populations, both men and women, are deemed to help increase the amount of money that exploiters-clients are willing to pay, since they consider

these exotic. Similarly, many female tourists who exploit Afro descendent young men and teenagers, operate under the fantasy that they will get more sexual pleasure if they seek out black men, since they assume them to be endowed with larger genitals than the average white and mestizo man. The prevalence of this false belief has been reported and confirmed by other research.⁷⁴

The construction of sexual identities⁷⁵ seems to provide propitious grounds for the dissemination of fantasies that can facilitate the sexual exploitation of adolescent males. For many of them, the search for “friends” with whom to explore certain erotic experiences and to reaffirm their homosexual preferences can lead to encounters with exploiter-clients, particularly foreigners, with whom they interact under the illusion that they are building a friendship or a sense of camaraderie as fellow gay men, as reflected in the excerpts presented below:

“(...) to come to this place — to the Vaults sector above the city wall- to meet up with your friends and meet people (some are from the coast, others are tourists)” (Adolescent male, 17 years, Cartagena).

“...We cross-dress and go to a discotheque in the centre that is called Via Libre and Studio 54. There, we make ourselves pretty and, yes, we pickup men and they invite us to their apartments...” (Adolescent male, 17 years, Cartagena).

Another common fantasy found to operate among victims was that they would not face health consequences; particularly those related to STDs. Victims assume they face no risk of infection, particularly in Leticia and Acacias. In the aforementioned municipalities, none of the victims we interviewed had information regarding the risks of unprotected sex. While victims in Cartagena had some information regarding these risks, only 10% had accessed some form of control system to identify STD and HIV, 20% reported they had had an STD and had been cured through home remedies and self-medication and 70% reported they had not suffered from any sexual health problem.

71. (Žižek, 2010, p. 11).

72. According to the OED “(from mischief) 1. Causing or showing a fondness for causing trouble in a playful way” (OED, 2015)

73. Confront with Carvajal’s (1993) description of adolescence as an “adventure of metamorphosis”.

74. See, for example, the research carried out by Fundacion Renacer and the Colombian Family Welfare Institute (ICBF) in 1996, in the archipelago of San Andres and Providencia.

75. For Velandia (1999:65), who builds on Bonilla (1995), sexual identity “is the awareness each person has of themselves regarding their sex, body, gender, sexual preferences and behavioral sexual expressions, which can match or not socialized notions of what these “ought to be”. It is structured in the process of socialization. Therefore, family, social and school settings play a fundamental role in its determination. However, sexual identity is not unchanging, and, instead, can be modified according to the specific “want to be” of the person constructing it” [inverted commas in original].

The illusion of immunity fosters risky sexual behaviours. In all three municipalities, victims reported that sporadic exploiters-clients increase their money offer to sexually access them without the use of a condom. In the case of recurring interactions with the same exploiter-client, these were reported to frequently appeal to an alleged “bond” of trust between them and their victims to demand not using protection.

Actors: Pimps, intermediaries and exploiters-clients

“I would be asked by girls (peladas) that like to party (ir de plan) (...) you look at them and then and there they begin to laugh (...) when you see that they use a pair of shorts like this, showing their ass, you know for sure they like to party (son de plan)”⁷⁶ (Female pimp, Acacias).

For this pimp, as for others in the cities where we conducted this research, certain behaviours or attitudes among girls and adolescents, related to their way of dressing or interacting with others, authorizes her to make assumptions about their sexual availability or appetite. By assigning them specific traits, she justifies and legitimizes her own activity as an intermediary, enticing children through “job offers” to satisfy the demand of exploiters-clients.

This is a process where children’s bodies are objectified for utilitarian purposes, in order to fulfil the expectations of clients in a fully commercial setting. In other words, the pimp moulds (Goffman, 2001) the bodily image of children in order to meet the well known representations of the final buyers.

Following the same logic, and building on Le Breton (2002:24), who considers that bodily representations are always embedded in the worldviews of different human communities, we found that, regarding the bodies of adolescents and children, pimps, intermediaries and clients project their worldviews and interpret the behaviour of their victims at their own convenience. Thus, they accuse, and to some extent condemn the

victims for offering themselves, revealing themselves and making advances towards clients.

In Leticia, some *motocarro*⁷⁷ drivers have asked multiple underage women, whom they perceive as potential victims, for their telephone numbers, in order to offer them to tourists visiting the city. In Baru, intermediaries locate themselves close to the hostels where tourists are lodged and offer the latter services associated to night parties, drugs and company (carnal access to women and children).

Along these same lines, Entwistle⁷⁸ considers that social norms are imposed upon the body, constraining it to act in concrete ways, turning it into a symbolic instrument. Thus, a link is created between the body as a ground for cultural representations and the particular symbolic portrayal of its uses, which, among others, validates — for offenders- the satisfaction of its sexual appetite.

Thus, exploiters frame the possibility of accessing victims as an occasional event, available for those planning short tourism trips to enjoy the rest and recreation offer of the city (Cartagena and Baru); but also for other travellers whose trips are more prolonged, due, for example, to their work in the oil industry, and who may assume that they will require some company in the city, since they will be residing there alone (Acacias and Leticia), or for those who, in anticipation to their arrival (Cartagena), have contacted victims through a virtual social network.

Settings where abuses are perpetrated⁷⁹

During fieldwork, we conducted observations in different places where, according to the reports of spontaneous or institutional informants, interactions linked to the phenomenon under study could take place. These included the initial contact of exploiters with victims, as well as sexually abusive behaviours (sexual acts or carnal access). The following table offers a summary of the types of places where we conducted fieldwork:

76. This woman states that she acts as a pimp to other adult women and, only in the past, to individuals below the age of 18 years.

77. Motocarro: is a vehicle used for individual or collective public transport, it consists on an awning and a chair mounted on a motorcycle. These operate informally, without legal authorization.

78. (Entwistle, 2002, p. 21).

79. As stated in the definition of sexual exploitation, these are cases where sexual abuse is compounded with some form of retribution or remuneration for the child or for another person or persons. Thus, this form of abuse has connotations that make these cases radically different from sexual abuse within the family.

	Streets	Bars	Public squares	Commercial establishments in public squares	Hotels	Schools	Beaches / riverside
Acacias	5	3		3	3	2	3
Cartagena	6		2	2	3	1	3
Leticia	4	2	3	4	3		1

Social representations are at the root of everyday life and manifest themselves in social relations that are perpetuated through accepted practices. One of the practices that enable abusive sexual acts and carnal access by adults against children is the lack of real restrictions preventing minors from entering establishments such as bars, hostels and accommodation sites, in spite of an explicit prohibition instituted in laws protecting children.⁸⁰ The situations where CSEC takes place are not hidden, these crimes happen under the gaze and are met by the silence of employees working in the different establishments that tourists attend either accompanied by minors or searching for them.

In Leticia, interviewed victims report that there are residencies or accommodation sites on the side of Tabatinga (which they do not identify by name) where they are taken to be sexually accessed:

“Men drinking in bars close to the border, people who pass by in their cars and invite me to join them; generally, I am there with a friend, while she is with a man I wait for her — outside the hostel- until she comes out, and if I am with a man she waits for me too, according to whom they choose”;

These adolescents do not attempt to hide when entering hostel rooms, nor when they spend time waiting outside for each other. Bars in this area do not hide their presence either. Everything takes place in front of employees, clients and citizens. In this same municipality, young women are transported by clients in their private vehicles across the border, between Tabatinga (Brazil) and Leticia (Colombia), to be sexually accessed in hostels located close to the aforementioned bars, near the border. Once these acts have been consummated, the women cross the

border on foot to return to their homes.

In Cartagena, exploiter-clients travelling to the city on business, search for young men and women in the street during the night time, in places such as *Camellón de los Mártires*, the clock tower and the cars’ Plaza in the Old City. Equally, gay offenders establish contact with young men and adolescents in night entertainment venues identified as gay discotheques. The two main venues identified are *Vía Libre* and *Estudio 54*.⁸¹ When exploitation takes place in the daytime, they contact children on the beach of Bocagrande.

In Acacias, according to reports from spontaneous informants and some representatives from the educational system, contact between exploiter-clients and victims are also initiated in the immediacy of schools at the end of the school day. From there, girls are taken to shops (ice cream parlours, juice and soda shops) located in the central square of the municipality. Through invitations and gifts, offenders win the trust of girls until they get their approval to have sex in exchange for some form of remuneration.

Adult men accompanied by underage women do not hide from public sight. They visit these commercial establishments during the day and by night, without fear of being condemned by citizens or of facing a reaction from the authorities.

In Cartagena and Baru, victims reported that they are brought into hotels and hostels where offender tourists stay. In Cartagena, exploiters-clients ensure that victims are granted access to the premises by bribing the employees in charge of the hotel (the victims we interviewed identified hotels such as the Hilton, Emperador, as well as Cangrejas hostel, located in the neighbourhood of Torices, as places where this is taking place).

80. Resolution 3840 of the Viceministry of Tourism, December 2009.

81. These establishments had already been mentioned as places of contact used by young gay men in a study in 2011 (Rivera 2011). However, by the time this research was conducted, interviewees report that, while Estudio 54 continues to exist, it is no longer operating. The establishment called Via Libre is currently in operation and is located next to the University of Cartagena within the city walls. Another establishment that is mentioned as currently operating is Le Petit.

In Baru, the staff in charge of managing accommodation venues places no restrictions on offenders entering their premises accompanied by underage victims. Administrators merely warn tourists about the extra cost charged for overnight guests that were not registered upon arrival.

Dynamics

According to Fairclough (2003), the commercial sexual exploitation of children can be understood as a domain of action and social interaction that is controlled by offenders, since their behaviour animates the entire dynamic. In this context, some actions by offenders can resemble, in their own social representations, flirting, conquering or making the other fall in love; social practices that are observed in some travellers and reported by victims.

These men, who arrive alone and settle for short periods of time in the city, for work-related activities (relocated from their regular city of residence to a branch office of their company), manage to earn the trust of young people employed in domestic work⁸² by offering them gifts and “additional payment”, which in time leads to touching and sexual contact.

These exchanges of objects, gifts and extra money in their monthly pay checks, are assumed to be generous or uninterested donations made by the exploiter-client. At the same time, victims — young and adolescent women — usually assume these to be manifestations of an honest interest among offenders in winning their love, to which they assume they must respond positively. This makes it difficult for them to recognize when there is an intention to take advantage of them, or the risk that their rights will be infringed upon.

According to victim’s reports, some travellers in Leticia regularly organize private parties with friends who come to visit and, for these events, request their young “domestic workers” to bring their friends to be sexually exploited by the guests, under the guise of a friendly and festive exchange.

Similarly, in Baru, Cartagena and Leticia, young men and women who are sexually exploited are recruited through offers that create an expectation of economic profits, but are initially not associated with sexual exploitation. Instead, these are disguised as other types of jobs or temporary employment, such as cleaning work, serving tables, food and beverages.

In Leticia, victims, government officials and spontaneous informants agree that children are most exposed to being approached directly on the street during the weekends, when there is a higher number of tourists in the establishments surrounding the Santander Park, as well as in Los Loros Park and the port in front of the market’s square.

In Cartagena, victims report that clients approach them at night and during the daytime, particularly Fridays and weekends. This increases during the tourist high seasons, when sex commerce increases in specific zones of the city.

EMERGING CATEGORIES

We identified three emerging categories, which are explained below.

Cartagena: openness to modernity, exclusion and excess

Cartagena is usually portrayed as a *tropical and alluring city, an inebriating breath of the exotic*. This image carries the implicit notion that the city’s offer is homogeneous and available to every type of consumer. However, some districts — particularly the walled city and other tourist destinations such as Bocagrande, Baru, Islas del Rosario and La Boquilla-, which are at the mercy of foreign investment, are becoming exclusive locations, accessible to only some sectors of society, many of which are visitors from outside the city.

Presented with this offer, “... the tourism-subject, feels therefore special, and gathers information prior to travelling. (...) The tourism trip is guided by a previously defined goal and role. Thus, there is premeditation to the being-tourist” (Korstanje M.E. 2013:10). The traveller has, therefore, created expectations not only regarding the destinations, independently of whether the trip is done for leisure or business, but also about his place as a traveller or tourist, based on his consumption capacity.

For their part, destinations also make arrangements to host such travellers or tourists. Their strategies are the result of the city’s modernization processes, which residents are expected to understand and accept as a necessary undertaking, as a result of the lobbying of the tourism industry and the authorities in charge of regulating the sector. The city and its inhabitants are

82. These travelers rent apartments or houses during their stay, which almost always last between three and six months.

thus required to internalize a certain model of society, shaped by the new processes of urbanization for hotel and residential development, which cater to occasional or permanent visitors and to their consumption habits and capacity.

Thus, two types of tourism products converge in Cartagena: one that is dominated by the desire to satisfy the high-level consumer lust stemming from the walled Old City, with its global fashion brand stores; the other, focused on appreciating the historical colonial architecture of the city or enjoying the exotic natural conditions that the island offers.

“Tropical and sultry, its candy-colored colonial houses draped with bougainvillea and its plazas buzzing with fruit vendors and flamboyantly costumed dancers, Cartagena carries a heady whiff of the exotic. Days move to a slower rhythm, while nights are electric with possibility. Horses pull carriages over cobblestone streets, and musicians amble across plazas. It is worlds away from home.

Yet it’s surprisingly close. JetBlue’s 4.5-hour flight from New York is about to run (seasonally) six days a week, and flights from Miami and Fort Lauderdale are even easier. Getting there isn’t any harder than visiting many islands in the Caribbean. (...)

*Many others are well trafficked as purveyors of pleasure, designed to cater to the city’s increasingly sophisticated visitors, and they’re still almost all homegrown. While international brands from Desigual to Ferragamo have started hanging out their shingles (a development some locals seem overly enthusiastic about), the city’s best shopping is at the newly opened St. Dom, “the Colette of Cartagena,” which sells high-end men’s, women’s and kids’ fashion; jewelry; books; and home decor, all from Colombian designers. It’s owned by a charismatic young Colombian and his equally charismatic Croatian-American wife, who met while working for Ralph Lauren in New York and moved back to Colombia to rejuvenate his family’s fashion house, Azulu.” (Excerpt from the article *Your Next Long Weekend Escape: Cartagena*. Forbes Magazine. Abel. A. 2014)*

The assumption that it is in everyone’s best interest to become a part of the “global culture”, benchmarked against the countries that have had the greatest economic development, is legitimized by a discourse on the modernizing powers of progress. Tourism has been one of the preferred avenues by which local authorities and elites have chosen to insert the city into the global economy, guided by free market principles. It is not a coincidence that the private sector — which includes a high percentage of foreigners-, has invested heavily in high-quality infrastructure and services to receive a customer base that is used to a lifestyle highly associated to luxury.⁸³

*“Victims are more often girls than boys, but we also find boys in these interactions. In Baru, people get off from yachts with bills in their hands. Girls are taken to the island of Rosario or to cabins located in Baru”.*⁸⁴

Cartagena is increasingly subsumed in the market dynamics produced by the competitive race for a place in the ranking of cities with the best supply of leisure activities of all kinds. This may seem positive, until the implications for the population (and not only for business owners) are taken into account. These dynamics create an expectation of unfettered consumption, where the products to be consumed include people’s cultures and sexuality, including those of women and children, who are thus transformed into sexual merchandise.

The current free market dynamics are justified by neoliberal legal and economic laws and institutions, but their effects occur in the sphere of governmentality, which, according to Foucault (2009), is not only a product of the obedience to the law or formal rules set by a government, but also results from human behaviours that adjust to specific hegemonic rationalities of power.⁸⁵

Thus, the goal of developing standardized universal ideals demands the internalization of neoliberalism as one of these hegemonic rationalities. As stated by Eva Illouz (2007), this model ceases to be only an economic theory to influence and shape the emotions of subjects. Therefore, it could be argued that modern emotions run parallel and adjust to the construction of a capitalist governance model. At the same time, the specific emotions of our current times translate and reflect this

83. The term “lust” is directly related to the term “luxury”.

84. Excerpt from an interview with a staff member from a locally influential NGO. Highlighting added.

85. Hegemonic refers to anything that commands, conduces and guides. For Gramsci, cultural hegemony is the domination of a social class over others, through the imposition of its own values, beliefs and ideology.

capitalist social organization with its laws regarding production, distribution and consumption. This is precisely the case in situations involving the tourist, on the one hand, and the tourism supply, on the other.

In particular, the historic district of Cartagena is considered by various investors — many of them foreigner — to have great potential for economic growth. While this in itself does not represent a problem, the blueprint for the city's development that it implies does, since it involves establishing exclusionary boundaries between this district and the "other" Cartagena:

"In parallel, the evolution of the relationship between the city and its fortifications has translated into a reinforcement of the border effect that the city walls have. As these become a touristic attraction, they will also transform into a material and symbolic enclosure of the historical city center. Walls signal a partition between two cities: one that concentrates all investments, which is the object of policies for urban renovation, tourism development, public safety, etc.; the other, marginalized, abandoned, isolated from the center, without public services, which continues to live in misery".⁸⁶

The "heroic city"⁸⁷ is often called the "little stone pen", a reference to the wall that surrounds the old city.⁸⁸ The city wall is, indeed, spectacular; but, besides offering a beautiful sight and bringing back memories of the colonial period, it is identified by some academics as a tangible symbol of the separation between the two cities that share this territory. The wall, an often deemed "paradisiacal site"⁸⁹, which hosts increasingly expensive and exclusive businesses, such as restaurants, hotels, boutiques and souvenir shops, has been identified as a setting where contacts are established between CSEC victims and exploiters, particularly near the crafts boutiques, located in the area known as The Vaults:

"[In] ... The Vaults [...] there is a group of young gay men laughing, hugging, kissing, and making their genitals touch. Looking at them from up

close was an older man that looked interested in the group. Later, during an interview with these young men, they stated that he had asked if they would be willing to perform sexual acts in exchange for money".⁹⁰

Hence, the dynamics of the commercial sexual exploitation of children in the context of tourism in Cartagena involve not only concrete acts of victimization by exploiters, but an entire structure — real and imagined — that facilitates these types of practices, supported by an unexamined expansion of the tourism industry. By locating themselves in the vicinity of the old city, where the power of money is concentrated — and, with it, the demand and supply of luxury goods and services —, victims of CSEC attempt — in some imaginary way — to become integrated and take advantage of this ideal of wellbeing, even if only residually.

Another critical aspect of the relationship between tourism and sexual exploitation is the commercial exploitation of certain aspects of the local culture. We agree with Santana (1997) who, building on Hannerz (1996), argues that, as soon as the tourism sector becomes involved in the management of culture, and transforms it into an administrative concept in the eyes of the state, cultures become highly dependent on their potential profitability. The authors emphasize that the tourist *uses and consumes cultural traits*, while at the same time contributes to reshape, produce and maintain cultures.

Referring to the arrangements made by a destination to improve its offer for tourists and travellers, Santana (1997) considers that *"specific local cultures are adapted by the residents themselves, consciously or unconsciously, for these encounters with visitors (...)"*. Based on the social configurations generated by the dynamics of tourism, many residents of Cartagena manage their lives in ways that are directly or indirectly suited to fit the modern, global, neoliberal discourse of tourism and guarantee the social conditions to achieve what they wish or have idealized. Hence, more than a

86. Rinaudo, Year 2, No. 2 MMV ISBN 17948886, p. 3.

87. In Colombia, the city of Cartagena is also called the "heroic city", a reference to the Independence process of 1811, or the "little stone pen". This name identifies the entire city by reference to its most emblematic district.

88. The Old City is demarcated by a stone wall.

89. "Its romanticism emerges from the corners, the estate houses, the balconies, the cobble stones, the walls and every bedrock. Often, lovers climb the city walls to watch the moon and the Caribbean Sea. (...) They enjoy the surroundings, the scents, the climate, the people, their cuisine, their music... They visit the craft stores and boutiques owned by famous national and international high-fashion designers (...) The night's magic can also be felt in the sound of the accordion notes, in the reverberations of drums, in the melody of guitars and in the voices of singers that serenade lovers (...) The sensual hip movements of black women are another ingredient of the walled city's nightlife. Dressed in colorful outfits — typical from the Caribbean coast- they dance in the main squares", Excerpt from donde.com, "Tu guía turística en Cartagena", MILENA CONRADO BARRIOS, <http://www.donde.com.co/secciones/informacion-util/centro-historico-magico-fantastico-y-romantico?page=2>

90. Excerpt from interview format, group interview, victims of approximately 15 years of age.

conscious and deliberate choice, this self-management is a condition pushed upon people who wish to avoid becoming segregated from the progress produced by the economic development of their city.⁹¹

However, beyond an economic interest linked to subsistence, the discourse of the cosmopolitan city creates cultural identities and common sensitivities among subjects, which align with the needs of the market. As a result of these, residents begin to prioritize certain interactions, which satisfy the desires of visitors, tourists or travellers and, thus, respond to the market's dictates.⁹² In doing so, they seek to contribute to the development of the city, and to feel that they are part of its progress, a task that can only be completed by allowing oneself to be used by travellers and tourists. This process, in turn, creates a propitious environment for the social exclusion of the local population.

"(...) after a few minutes, a man — who identifies himself as Jose- approaches me. He is a local, with a red bandanna wrapped around his head, average height, thin, and approximately 55 years old. He greets me effusively, as if he knew me, asks for my name, and asks what I think about all the revelry. We start a conversation, and from this I learn that he is native to the region, that he builds huts, but in weekend nights he likes to hang out with the tourists. As part of the conversation he



states that in this place he can provide anything, if we want girls and drugs he can take us around (...) at 1:00 am a female tourist, who is hanging out with her male and female friends in a beach area, approaches the man in the red bandanna, who is accompanied by various young afro descendents, she was negotiating a sexual act" (excerpt from a fieldwork journal entry, provided by researcher ICE 1)

91. "Residents are not only being evicted from the walled Old City. The demand for luxury housing, hotels, apartments; the construction of big shopping malls, large avenues and ring roads, will in the end push the residents of La Boquilla, Torices, Lamaitre, Pie de la Popa and Olaya to search for new places to live (...) In Cartagena, urban displacement due to increases in the value of property is extremely severe. In addition to the invasion of the islands of Tierrabomba, Baru, el Rosario, the vulnerability experienced by the neighborhoods located between the canal of Caño Juan Angola and La Popa hill, from Torices to Canapote must also be considered. This zone offers a privileged viewpoint overlooking the sea; it receives the ocean breeze, two factors that urban developers chase. The presence of an Intelligent Building as an administrative center and the plan to build a large tower in Chambacu — supermarkets, cinemas, clinics, offices and apartments-, have rapidly increased the value of land in this sector and some investors and money launderers are rubbing their pockets at the idea". Excerpt from an online article <http://www.elespectador.com/noticias/nacional/destierro-de-nativos-cartagena-articulo-331626>

92. An expression of this dictate is the maxim "the client is always right".

The tourists or travellers visiting Cartagena arrive to the city expecting to experience an overwhelming sense of enjoyment, particularly in festive environments. Visitors seek to access these settings without regard to the impact that their activities have on the everyday lives of the local population. Thus, children can be seen in party settings, without this becoming a matter of concern for tourists. Some tourists interviewed during our research held expectations that match the following description by Santana (1997):

*“beyond their traditions, customs and conventions, their attributes [of the tourist] are expressed through a range of very widespread behaviors and symbols. No resident of a tourist destination is surprised by the extreme and anodyne combinations in clothes and footwear, which favor criteria such as comfort and freshness, an evident parting with the most visible aspect of their societies (...) They are equally freed from many taboos, fears and prohibitions of their places of origin. Their behavior in these destinations reflects the importance of occupying a preeminent position and, to the extent permitted by the country, it is common for them to abandon any due obedience to legality or morality (...) everyday social order is temporarily placed on hold, as tourists become anonymous members of a multitude of people (...) and only limited by their economic means. Merely by being tourists, this community is the recipient of transitory values, norms and attitudes, which create a new type of culture or subculture that, while not unique, is rather homogeneous (...)”.*⁹³



Soldiers in camouflage

In Cartagena, visitors are defined and perceived, without distinctions, as consumers, independently of their country of origin. By losing their individual identities, they can become whomever they want to be, whatever they cannot be in their place of origin. Thus, in an environment where poverty is also manifested through a lack of protection for the weakest members of society, children are easily used, instrumentally, as part of the experiences of consumers. Even illicit behaviours become then valid, by the mere fact that perpetrators are categorized as tourists, to whom *transitory* values, norms and attitudes are attributed for as long as they remain in these destinations.

Implications for CSEC

The tourism industry and booming urban development projects absorb not only the — usually poorly paid- workforce of residents, but also their cultural manifestations, putting them at the service of foreign tourists and visitors and further segregating and displacing locals, even geographically.⁹⁴ Cartagena is a city organized for the benefit of outsiders. Property, commerce, industry are managed, at least in the most prosperous regions, by outsiders, both national and foreign.

As an industry, tourism has grown and become increasingly important for the local economy, but there have been no actions to guarantee that local residents, the majority of the population, often living in poverty, are offered fair and sustainable development alternatives. Their exclusion from the benefits derived from the modernization and growth of the tourism industry places children in a position of vulnerability with regards to the unfettered search for enjoyment of some and the ambition for profit of others. This is a clear vulnerability factor that increases the risk of commercial sexual exploitation.

Tabatinga (Brazil) and Leticia (Colombia): flexible borders, institutional fragility and sexual exploitation

*“MARIQUINHA*⁹⁵

Doña Mariquinha ta querendo passear / [...]

Vai pra Los Lagos, vai ao INCRA, no

Tacana / Vai por Oito e Benjamin...

93. (Santana, 1997, pág. 61).

94. In La Boquilla, the construction of large housing and hotel complexes has displaced the traditional fishermen communities, and led to a brutal contrast between luxurious hotels and apartments, on the one hand, and the humble houses of the latter, on the other. A similar process is taking place in Baru, where a project aiming to build a high-end hotel complex is making progress, while the local populations lives in poverty. Land acquisitions, which are done by means of purchases that appear to be legal, have been accompanied by violent actions against traditional owners or their legal representatives during the litigations over ownership.

95. PEDRO BERNAL, songwriter from Leticia.

*No passeio tocaremos batucada / E
dançaremos uma cumbia e um samba
Um vallenato, um bolero, uma lambada
/ Um forró e um carimbo...
E nos bebemos caipirinha e tatuzinho
/ Uma aguardente, uma batida, um daiquiri
Ou com cachaça nos curtimos esse encontro
/ Depois ficamos malucos, falamos portuñol...
(...)"*

This poem by Pedro Bernal illustrates the daily cross-border dynamics, which are reflected in the ties between Colombia, Brazil and Peru. It exemplifies the appropriation of “places, music, drinks, portuñol, food, and fruits from the region”.⁹⁶ In our research regarding Peru, we found only one instance where family ties were identified as a vulnerability factor, in combination with living in a zone affected by armed conflict and flood risks:⁹⁷

“I was born in Leticia, but my mother comes from a village in Peru, called Santo Tomas. We went there once with my mother and worked scraping coca leaves; a drug lord (padrino) that my mother knows gave her the job. My grandfather is a teacher, but we have not gone there in a long time because it is a hot spot. It was a large factory where they worked with coca. There were only families working there. My sister was always faster than me scraping the leaves. My father does come from Leticia” (Interview, CSEC female victim, 16 years).

Less poetically, Goulard (2003) has called the border zone the Amazonian Trapeze⁹⁸, drawing attention to the position of this border as a meeting point between countries.

Around 27% of the victims identified in Colombian territory were originally from Tabatinga. Among these, 66% spoke only Portuguese — although they attempted to communicate in Spanish, leading them to use the mix of languages that Bernal refers to in his poem as “portuñol”. Young women are exploited irrespective of their nationality, in Tabatinga and Leticia, particularly in places such as hostels or bars. Border crossings linked to sexual exploitation were found to be common:

“... from Tabatinga to Leticia, I almost always return walking. Other times, a moped or mototaxi recognizes me and drives me back”. (Female victim of CSEC, 16 years, born in Leticia)

“I go by foot, back and forth, from Tabatinga to Leticia”. (Female victim of CSEC, 16 years, born in Tabatinga, interviewed in Leticia)

“Yes, here in the border. There are some small bars over there” (excerpt, unifying table for victim interview formats)

The free movement of people between countries across this border has fostered social, cultural and economic ties among its population, even before 1930. At the same time, according to Vargas G.M. and Grimson A.⁹⁹, the border is a site of diluted power, a place in transition, the location of fluctuating interpretations and interactions that, in different circumstances, strengthen or soften the boundaries, make them wider or more narrow, as a result of the changing interests of multiple actors, who adapt to the differences in sovereignty and legislations as best serves their interests.

This institutional flexibility has allowed criminal organizations to use the border region for illegal

96. DANIEL ESTEBAN UNIGARRO, Maguaré magazine. UN.

97. The interviewee lives in a neighbourhood known as fantasy island (la isla de la fantasía), which, according to a municipal official from the Ministry of Health, is transformed into an island in the winter, when the water level of the river rises, surrounding the neighborhood and usually flooding their houses. Usually, the rainy season takes place between the months of April and May, and between October and November.

98. According to this author, the Colombian Amazonian Trapeze was formed after the 1932-1933 conflict between Colombia and Peru, in the area located between the two countries. Similarly, Molina (2005) locates this territory in the southeastern section of the Amazonas department, “it is located between 0° 44’ and 4° 13’ South and between 69° and 70° 11’ West. It is a territory politically divided into three strategic spots or enclaves that expands over 9635 km². One of them, Leticia, has a predominant geopolitical character, and is also the capital city of the department, while the other two, the corregimientos of Taparaca and Pedrera, are predominantly oriented towards extractive economic activities. This part of the national territory is commonly known as the Amazonian Trapeze” (2005: 27)

99. Page 36 and page 16, respectively.

100. “Tabatinga, Brazil is known as the “port of entry” for a large amount, if not most of the drug smuggled into the country. This is due to its favorable geographic location, to the extension of the river and its climatic variety, with drought times followed by flood seasons, which change every six months. It becomes difficult [to stop smugglers] because all operations must be carried out by people that are familiar with the zone and, for the most part, there is no human capacity to tackle this crime” Leticia, in Colombia, is the capital of the Amazonas department. It is considered the drug “exports capital” of the tri-border region. It is an unassuming city, but filled with the movement of money and people. It is said that this city is almost an obligated stop for many traffickers, and that many big “business” schemes involving large organizations from other countries are agreed upon there. Santa Rosa, Peru is the most humble of the border cities. It is merely an island that has very little governmental oversight and physical and human infrastructure. It persists merely as a result of its geographical location, since the neighboring cities are visible in plain sight, and separated from Santa Rosa only by the powerful Amazon River flowing in from Peru. The Solimoes River — the name given to the Amazon in the Brazilian side of the border- begins there. The village of Santa Rosa has only one police branch and very little resources, since this is considered to be merely a “stopping point” for people crossing in or out of Peru to complete bureaucratic procedures requested by international law, in order to check documents and inspect travelers. For more information, see:

<http://www.monografias.com/trabajos95/combate-al-trafico-drogas-na-frontera/combate-al-trafico-drogas-na-frontera.shtml#ixzz3hCsCf812>

<http://www.monografias.com/trabajos95/combate-al-trafico-drogas-na-frontera/combate-al-trafico-drogas-na-frontera.shtml#ixzz3hCs5gfbf>

<http://www.monografias.com/trabajos95/combate-al-trafico-drogas-na-frontera/combate-al-trafico-drogas-na-frontera.shtml#ixzz3hCruHj6Q>

activities, such as drug trafficking¹⁰⁰, gun smuggling or trafficking in persons. Equally, it offers individuals seeking to sexually exploit children easier access, partly due to the freedom granted to move across the border, but, above all, due to the absence of social and state mechanisms to reduce the opportunities for criminals to commit offences and to promote preventative actions and provide assistance to victims.

At the same time, while the Amazon has a wealth of biodiversity and water resources, the projects aiming to develop the region, socially, economically or administratively, pose threats to the environment– not only to plant and animal species, but also to human populations:

“I first visited Leticia when I was a girl, and I remember that it was a long ride to get to any indigenous community, because there were no roads. However, when they opened the road known as Los Kilometros, it provided easier access to indigenous communities and allowed many people to profit in some form or another from their ethnic heritage. That’s when they came up with ecotourism and similar immersive products” (Excerpt from an interview with an NGO worker).

Leticia has, indeed, undergone a series of social and cultural changes as a result of the growth of ecotourism. The previous excerpt echoes a concern that is shared by many inhabitants. Cahuache, E. (2008) stated that it would be counterproductive to open roads in the jungle territories between Leticia and Taparaca, where indigenous communities are located, since this would provide entry to individuals who would disrupt the life and traditions of autochthonous peoples in different ways.

Thus, lying in the shadow of the opportunities generated by the extension of economic development initiatives to indigenous communities, and contrary to the common expectation that these would foster other types of social development, there is a risk of further marginalizing these communities. For example, the construction of *Los Kilometros* has launched Leticia into a transformative process, which is already evident in the community of Macedonia, where some ancestral cultural practices, symbols and objects have been absorbed by commercial interests and logics and turned into tourism attractions.

This, in turn, has deteriorated the sense of belonging and ethnic identity of local communities.

One of the negative effects that these changes have had on the population is the sexual exploitation of children, as reported in this study. In this particular case, the impacts of the social and economic changes brought about by development have not been adequately addressed through an institutional response at the state level, nor has this issue been adequately incorporated into foreign policy¹⁰¹ actions for the tri-border region. This is exemplified by the following statement, made by a Colombian Immigration officer:

“We do not prosecute CSEC perpetrated by foreigners. There are protocols for smuggling and trafficking in persons that we use in those cases, but there is none for CSEC. The specialized group for trafficking in persons is located in Bogota, which limits its capacity to intervene promptly and adequately. There is a need for coordinated actions involving the immigration authorities of Peru and Brazil, in order to implement preventative measures against potential sexual exploiters travelling in the tri-border region. It is necessary to establish a transnational or border unit that facilitates the coordination between the authorities of all three countries. It is necessary to establish formal communication channels to ensure authorities in each country can respond to this issue” (excerpt from interview E1FPMC)

There are also challenges with regards to full coverage, in ensuring the assistance, prevention and protection of all children from commercial sexual exploitation. A government official interviewed in the Office of the Ombudsman (Defensoría del Pueblo) stated that *“There are multiple villages (corregimientos) without the presence of the State because they cannot be reached by plane. These are: La Victoria, El Encanto, Puerto Arica, Miriti. The Office of the Attorney (Fiscalía) does not have the resources to reach them, and planes only travel to three villages (corregimientos) (Chorrera, Tarapaca y Pedrera). It is an even longer distance away by river, and it is more costly”*.¹⁰² This institutional void is a factor that contributes to create the conditions and opportunity windows for criminal activities linked to drug trafficking¹⁰³, trafficking in persons and CSEC.

101. When we refer to foreign policy, we understand it as follows: “the set of policies, decisions and actions that integrate a body of coherent and consistent doctrine, based on clear, solid and immutable principles; forged through evolution and historical experience, permanently enriched and improved. Every State defines its conduct and establishes goals and courses of action in every field and issue that transcends its borders or can impact within its own. These policies are systematically applied with the goal of influencing and taking advantage of the international environment to better reach its set goals, in the pursuit of the common good of the nation, as well as seeking to maintain harmonious relations with the outside world” (Hernandez 1999).

102. Excerpt from interview E1FPMC.

103. <http://www.eltiempo.com/colombia/otras-ciudades/cultivos-de-coca-y-narcotrafico-en-el-amazonas-/14538975>

Sexualized perceptions of ethnicity and gender, and victimization

Today, nobody recognizes that eroticism is an insane world whose depths, far beyond its ethereal forms, are infernal. Georges Bataille

In addition to the sexual aggression it entails, violence for sexual purposes directed against children in the context of travel and tourism reproduces preexisting symbolic and cultural configurations that attribute specific characteristics to victims and define their position in society. Among these, sexualized social constructions regarding ethnicity and gender create the conditions that transform our children into targets and victims of CSEC.

In our analysis of the role of ethnicity in CSEC, we follow Viveros, M. (2008), who argues that, in Latin America, the dominant trend in social research regarding human sexuality (usually from a socio-anthropological perspective), had been to focus on the links between body and desire, without taking into account the colour of the skin and other multiple cultural constructs that shape our perception of the body. Recently, however, the social sciences have begun to look more closely into these racialized perceptions of sexuality and sexual desire.

Throughout this study, we confirmed that there are dimensions of sexuality that operate according to pre-established social norms, and that the latter continue to be used by offenders in their selection of victims. In other words, that the choice of subjects to exploit responds to a set of expectations that offenders seek to fulfil, a search for specific sexual characteristics that are generally attributed to ethnic minorities:

"(...) some believe that the vaginal conduit of girls, by virtue of being smaller and tighter, will provide more sexual pleasure to men, and additionally, if they are afro descendants, there is a belief that the inner and outer labia of their genitals contract and move in special ways. Hence, it is believed that they will bring more pleasure to men" (Excerpt from an interview with a researcher at a public institution)

The previous excerpt highlights some of the beliefs that lead offenders' to chose victims based on their stage in the life cycle, and on their condition as afro descendent

women. In the case of afro descendent men, there are myths regarding their sexual capacity based on racialized orderings too. For example, "it is considered that afro men have a larger penis than average men of the different other races (over 15 cm when erect). [This] is a myth, specialists agree".

Colombia — like the majority of Latin American countries — recognizes its multiethnic and pluricultural composition. Cartagena is characterized by a high percentage of Afro descendent population (according to the demographic census of 2005, the total population of Cartagena was 875,730 which amounted to 2.2% of the total population of the country; 36.5% of these were Afro descendent, which represents 7.4% of all Afro descendent inhabitants of the country).¹⁰⁴ Similarly, in Leticia, a high percentage of the population is indigenous (25.8% of the population in this municipality identifies as indigenous¹⁰⁵). According to Viveros, Latin America has created a new narrative regarding national identities, as well as a series of legal mechanisms that have transformed the ancestral character and culture of ethnic communities into elements for political negotiation. Therefore, it is increasingly common to find investments in tourism projects that profit from these local ethnic specificities.

Opening these municipalities to a market that attracts tourists or travellers creates opportunities for commercial growth; however, it is important to consider and anticipate the risks derived from commercial sex. Otherwise, these processes would lead, as stated by Escobar, A. (2007), to an objectivising regime in which peasants, women, the environment become a productive spectacle, transforming the development discourse into a social system that normalizes exploitation.

The sexualisation of individuals belonging to specific ethnic groups places them at risk of sexual exploitation. Thus, it is necessary to incorporate protection and prevention measures actions against CSEC that are designed specifically to protect these populations.

The concept of gender becomes a particularly relevant in the case of Cartagena, to explore the ways in which homosexual and transvestite identities are constructed, and Acacias, to explore the constructs that identify women as dependent and subordinate, but at the same time portray them as taking advantage of others.

104. CEPAL/FI (Economic Commission for Latin America and the Caribbean/Indigenous Fund) (2007), Socio-demographic System on Indigenous Peoples and Populations in Latin America (SISPP), version 1, Santiago de Chile.

105. DANE. General Census Bulletin 2005, Leticia-Amazonas profile.

Gender is an analytical tool developed by the social sciences, but anchored in theoretical discussions stemming from the medical sciences. In an effort to differentiate nature from culture, sex was confined to discussions about biology and the body (genes, hormones, genitals, etc.) and gender was linked to culture (psychology and sociology). Viveros, M. (2004) argues that the introduction of gender theory into the social sciences creates two new possibilities: “to bring together in a single concept the differences between the sexes that can be attributed to society and culture, and to prove the existence of a unique principle that hierarchically orders social practice (gender)”.

The work of anthropologists and historians has led us to acknowledge that our understandings of sex and the body are necessarily symbolically mediated. Thus, we have come to understand that people do not grasp sex directly, but rather make meaning of it in relation to other social constructs regarding gender. Since the representation of gender is neither the monopoly of men nor of women, transvestitism can be understood as an expression of sexuality that subverts (hetero) normative sexuality. As Ben Sifuentes-Jáuregui (2002) explains, transvestitism questions, in the personal, social and cultural spheres, the assumption that gender is static; it evidences how problematic the concept is and deconstructs the sense of “normality” built on the basis of a binary and hierarchical model.¹⁰⁶

Erving Goffman (1989) emphasizes the role of gender in shaping social interactions and argues that gender creates a space for the personification of social actors, where the forms in which they present and represent themselves in the social scene are defined. However, in locations such as Cartagena, many adolescent and young males who perform gender in non-hegemonic and diverse ways (diverging from dominant expressions of sexuality) only find the space to do so in conditions of marginality, within the settings created by commercial sexual exploitation. The hegemony of heteronormative masculinity is clearly expressed in these forms of sexual exploitation, which subdue and subordinate adolescents and youth precisely by taking advantage of the absence of safe and legitimate

social settings where they can express and discuss the contingencies of their sexual identities.

The anthropologist Gayle Rubin¹⁰⁷ argues that a system of social relations, which she calls “sex/gender system”, transforms biological sexuality into a product of human activity. She emphasizes the interdependence between economic and political processes, on the one hand, and the position of each gender as dependant and depended upon, on the other.

In the case of Acacias, the construction of femininity by young women and adolescents takes place in a context that considers women’s dependency to be normal. This leads to an unreflexive acceptance of traditional social practices that derive in situations that violate — in even more astonishing ways — the human rights of these young women, such as forced marriages:

“When they come here, we try to make them see that what they are taking away is a daughter, but they say that it is a done deal, that they will take care of all her needs. It is very difficult to argue with them about whether, at 22, someone can make a 13 year old fall in love with him, when the family, the girl and everyone else agrees with them” (Excerpt from an interview with a public education official)

In this interplay of beliefs, attitudes and practices, men reinforce their traditional social role as economic providers — in an environment incapable of pushing against such pattern — or as “buyers”, which entitles them to behave, without even realizing it, in ways that constitute acts of commercial sexual exploitation.

Regardless of whether the victims are gay adolescent men, transvestites or heterosexual women, there is, in addition to the dependency that is attributed to them in a dominantly masculine and heteronormative environment, a *stigmatization* of their bodies. In this sense, Goffman (2001) considers that certain actors whose attributes are socially discredited as a disability — such as being underage-, whom are considered inferior based on race or gender, etc. are stigmatized, and, as a result, the possibility of abusing them is considered valid.

106. “This introjection of the transvestite into personal, social, and cultural psyches introduces a series of problems about uncertainty and authenticity, imposition, interiority and exteriority. Transvestitism is about the raw touching, gentle tampering, and, literally, fucking up of any fixed notion of genders. Transvestitism is the figure that describes in its own embodiment and realization the difficulty of gender. [...] Transvestitism is an operating strategy that deconstructs a specific «normality» in a gender binary and hierarchy”.

107. See: Rubin, G (1975) *Tráfico de mujeres: Notas sobre la economía política del sexo*. Also see “Reflexionando sobre el sexo: Notas para una teoría radical de la sexualidad (1984)”.

CSEC and mega-projects: local impacts of a global tendency

Megaprojects — whether industrial, touristic or related to infrastructure — are considered to reflect the commitment of states and industry to the development of a region. Business activities, whether in the hospitality or construction sectors, or linked to the oil supply chain, are portrayed as symbols and guarantees of the certain progress of all. At the same time, companies and their employees come to be seen as benefactors of the local population, both in the eyes of the local population — who feel like their beneficiaries —, and in the discourse of workers themselves, particularly when they are foreigners.

These arguments, which present scenarios where all parties win, attempt to level up in discourse and collective thought the obvious inequities inherent to any project of this nature, driven by free market dynamics and oriented towards private profit. The dominating parties take actions and invest with the goal of bringing progress and development to the region and their firms. The dominated parties, formed by members of the community, recognize the possibilities for improving their condition and the benefits of progress, but also realize that, slowly but progressively, they lose their territory and become more profoundly excluded.

Despite the inclusive discourse used to frame corporate activities¹⁰⁸ (investments projects for hotel infrastructure, oil extraction or refining processes), which strengthens the notion that local communities have been considered and consulted for decisions involving the mitigation of potential negative social and environmental effects that may occur in the locations where these projects are developed, the latter are placed within a particular social category: as locals, beneficiaries and, at the same time, subordinates.

The dichotomy between subordinate local subject and dominant outsider is discursively sustained by a differentiation between both subjects, associating the former with preconceived notions about local cultures, for which so many connotations exist (aboriginal, exotic, primitive, *raizal*, indigenous, rural), and contrasting it to the culture of the visitor, who becomes by this comparison the bearer urban and modern cultural traits, which are considered to be scientifically and technologically more advanced. This clash between traditional and modern appears as a

significant element in the construction of the subjects' sensitivities (local and foreign). Subjects establish distinctions that indicate their social status according to their social, cultural, educational and economic capitals. Thus, outsiders are identified as those with a higher purchasing power while locals are expected to wait for and receive whatever outsiders are willing to give.

"We have suffered. It has not been easy to endure all of this. You cannot even demand your rights. There is so much repression. Colombia is a free country, but what is happening here is like a bomb. When the companies arrive, they already have a permit from the government. Their project is going to happen; we can't do anything about it..."

"The environmental damage is great, the felling of mangroves, fishermen are pushed out of their lands as soon as there is a dock. They are supposed to consult with us, but they have their papers in order by the time they arrive... nothing else is done. Once we managed to get money from one company; we got a thousand million pesos from them. With that money, we have been building this place [the Community Council offices]. Another company built a second floor during a consultation process, but that company did not stay, they did not win the contract, but we did win"

"There is an invasion, so many sailors, petrol tank drivers (muleros) and drivers. There is a large outside presence that is affecting our traditions and culture, very much. For example, before, champeta was the most popular music in town, but not anymore. Now they hear carrilera music, which invites you to kill. Also, before, people would talk about fighting and showing their fists, now people, the guys (pelaos) talk about shooting each other with revolvers, and that is something that has really changed a lot"

"Here as well, peasants would start their day before dawn, that can't be done anymore. Now, you have to wait for the sun to rise because you never know who you might find. There is a lot of danger, many outsiders" (interview with community leaders from Pasacaballos, Cartagena).

108. There is a significant trend among big companies with foundations, whose main function is to manage the relationship of the firm with the community by developing social programs, to work on projects usually associated to childhood and youth development, such as education, nutrition, sports and recreation, approached as charitable work.

The following interview with a foundation, created as a result of the corporate social responsibility program of an international hotel chain, reflects a certain perception of the local population:

"We have offered employment to all of these people, but they say this is not what they do. They say they are fishermen, and that is a lie, because there is no fish here. What they are is lazy" (excerpt from an interview with an NGO worker, Cartagena).

In this context, the outsider, backed by his connection to the sources of investment capital, attributes himself the — frequently arrogant — identity of a noble and generous individual, willing and in a position to help locals by hiring them as technicians and labourers, since local populations do not have the qualifications, or resources, to take part in the management of these projects, which involve highly complex scientific, administrative and technological developments. Thus, the technical standards of the productive processes of these companies by themselves impose some degree of exclusion in employment that, over time, breeds social exclusion.

Thus, the industry uses the labour force of local populations, but expects these populations to lose control over the productive process and merely work. Under this logic, none of the projects that are undertaken emerges from local initiatives, but, instead, locals simply partake in the production and reproduction of the social and productive structures that grant stability to the hospitality, tourism and oil industries. Within this process, it is the megaprojects that draw a large number of outsiders to the region, determine the mechanism and limits for the acts of reciprocity with the community, and distribute the goods available for locals.

"Ararca is a village in Santana (corregimiento) that was declared to be free from poverty four years ago. But look, this is not true. There are no parks, no cultural centres; there is no health clinic, not even a police station. Here, in our school, despite all the support provided for infrastructure by companies such as Argos, Ecopetrol, Poliban and foundations such as Manos Arriba and Puerto Bahia, the facilities built are insignificant, compared with all the wealth those companies have. The community

of Ararca settles for whatever businesses are willing to give" (excerpt, interview with staff member from local school).

This defining role of the outsider, stemming from his cultural and economic power — and his embodiment of the economic power of the firm — influences the use of local populations outside the purely productive and labor spheres. This is the space where other types of exchange or relationships, such as those involving commercial sex, are established. Many residents of these municipalities report, for example, that, simultaneously to these productive projects, brothels were established in their regions. However, when hiring sex workers is no longer considered acceptable or possible, visiting local communities in search for simple sexual gratification or other types of sexual and affective ties becomes a possibility.

"There are many girls in prostitution. This is, first of all, a result of the lack of a family, many mothers agree to sell their daughters, but it is also due to the presence of these companies, because if they were not here, the petrol tank drivers (muleros) that seek out the girls would not have a reason to come here. They come because of the companies, to bring and take away material" (excerpt from an interview with a community leader of Pasacaballos, Cartagena).

"It is true; these are the girls that seek out the men working in the oil industry the most. You can hear the girls saying I wish I was going out with someone like that! [...]" (excerpt from an interview with an NGO worker, Acacias).

The staff employed directly in these megaprojects, or along their supply chains, are often able to create identities that can be used to establish manipulative affective and sexual ties with local children. These ties hide the sexual exploitation of children under the guise of temporary relationships, expected to last only for as long as these men reside in the city due to work.

The overriding power that outside visitors hold allows them to fulfil their wishes in any way they chose. At the same time, it allows them to avoid bearing responsibility for their actions. Some accounts collected during this study clearly show how common perceptions protect those engaging in illegal behaviours, in detriment of children's wellbeing:

"Nowadays, I don't know why, girls want to have a husband right away" (excerpt from an interview with an NGO worker, Acacias)

"I say this because I had a beautiful girl who studied in Sabiduria, she was 14 years old and had a boyfriend and she loved this boyfriend very much and wanted to give him little presents, little details; but where from, if her mother barely had enough for her? And a friend told her that for that, all you had to do is place a call and it is sorted, and when it was her turn to go (laughter) imagine who she was assigned to? The bodyguard (laughter), and she wanted to go

for the money, it is for money that this girls go looking for them" (Excerpt from an interview with an NGO worker, Acacias)

Views, such as those shown in the previous examples, that focus on the role of children, as individuals making decisions, and privilege the notion that they bear responsibility because of these decisions, fail to recognize the colonial and neocolonial, hierarchical and asymmetric social and political relationships in which sexual exploitation — as other forms of exploitation- is rooted, as well as the fact that these are further strengthened in a context of economic globalization.

CHAPTER 6

In this chapter we discuss the socio-demographic characteristics of the underage¹⁰⁹ people we identified as victims of CSEC, as well as some features that relate to the exploiters.

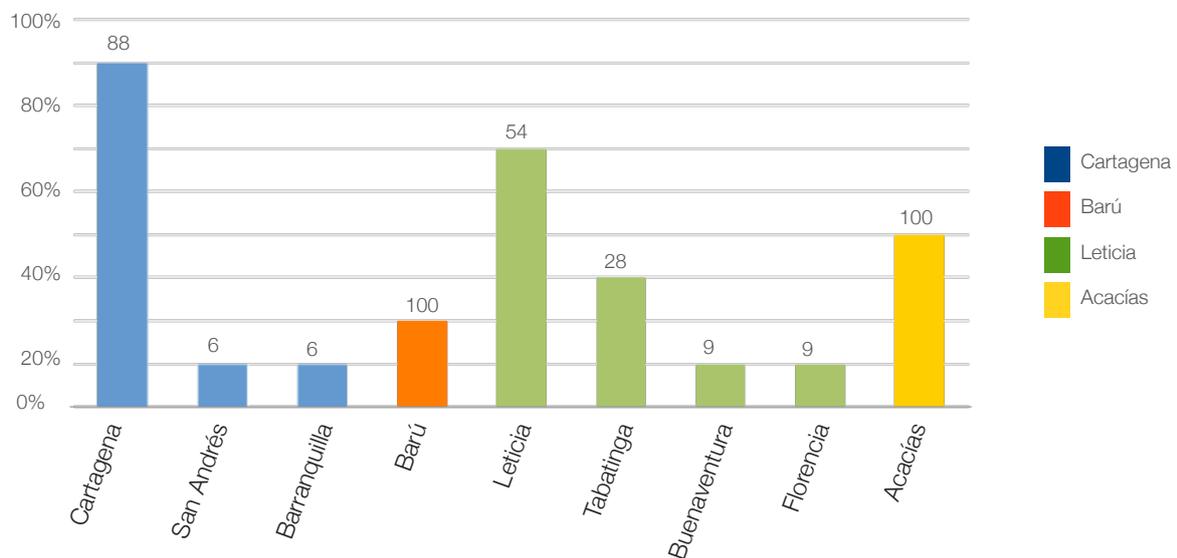
FAMILY STRUCTURE AND LIVING ARRANGEMENTS

We interviewed a total of 26 underage female victims of CSEC. In Leticia, victims had lived in the city from an early age. Around 73% of the interviewees reported that they had no information regarding their father, 27% had a nuclear family, out of which 33% reported to have regular interaction with both parents; 33% reported to hardly ever see their father, because of his long working hours and 33% reported their father was in prison. Around 9% of the interviewees lived with their father within a family formed with the parent's new partner.

Furthermore, 9% lived in mono-parental households headed by women, 9% was looked after by a member of her extended family, 9% cohabited with an adult male whom they considered to be their partner and 36% reported living alone in a rented room in a friend's house.

In Cartagena, 33% of the interviewed victims were part of a nuclear family¹¹⁰, 22% were part of a mono-parental family under a female head of household, 22% lived with their extended family, 11% with their partner (an adult gay man whom she considers to be her partner) and 11% lived in a friend's house. In Barú, 50% lived with her entire nuclear family and the other 50% was abandoned by her parents and lived with an elderly couple that looked after her. In Acacías, 75% of the interviewees lived with their entire nuclear family and 25% in a mono-parental household headed by the father.

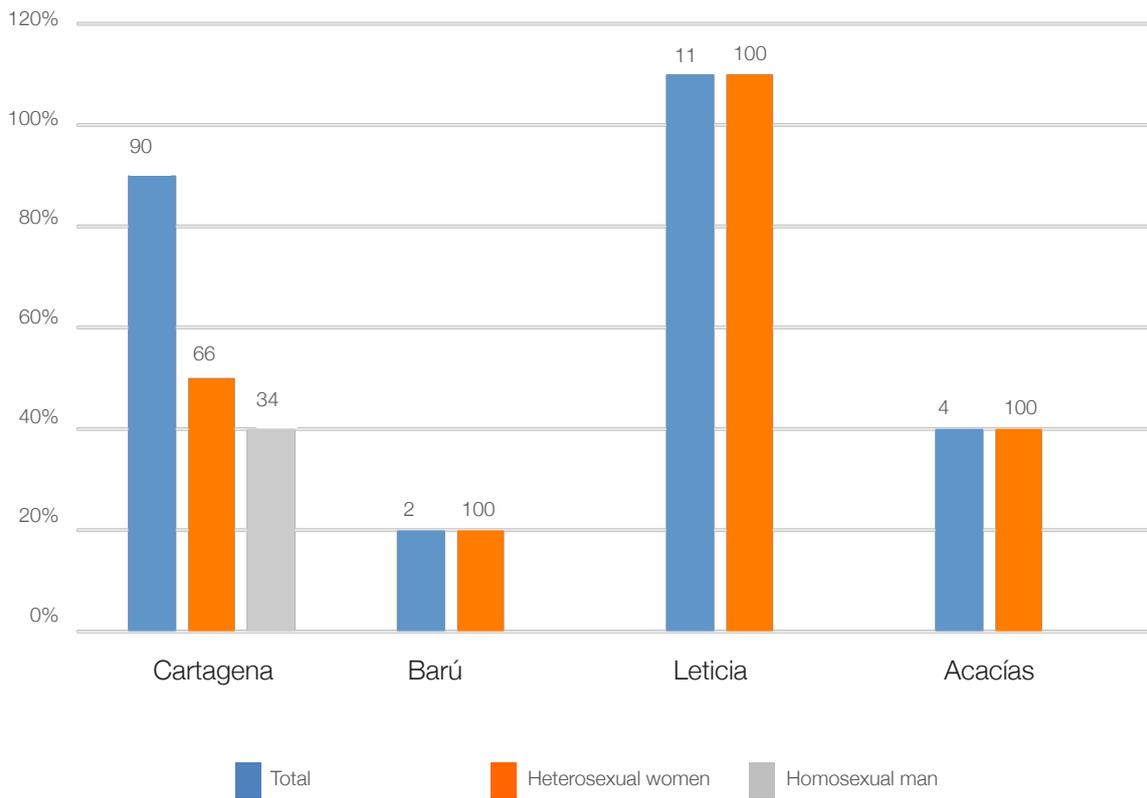
Graph 1. Place of birth of the interviewed victims



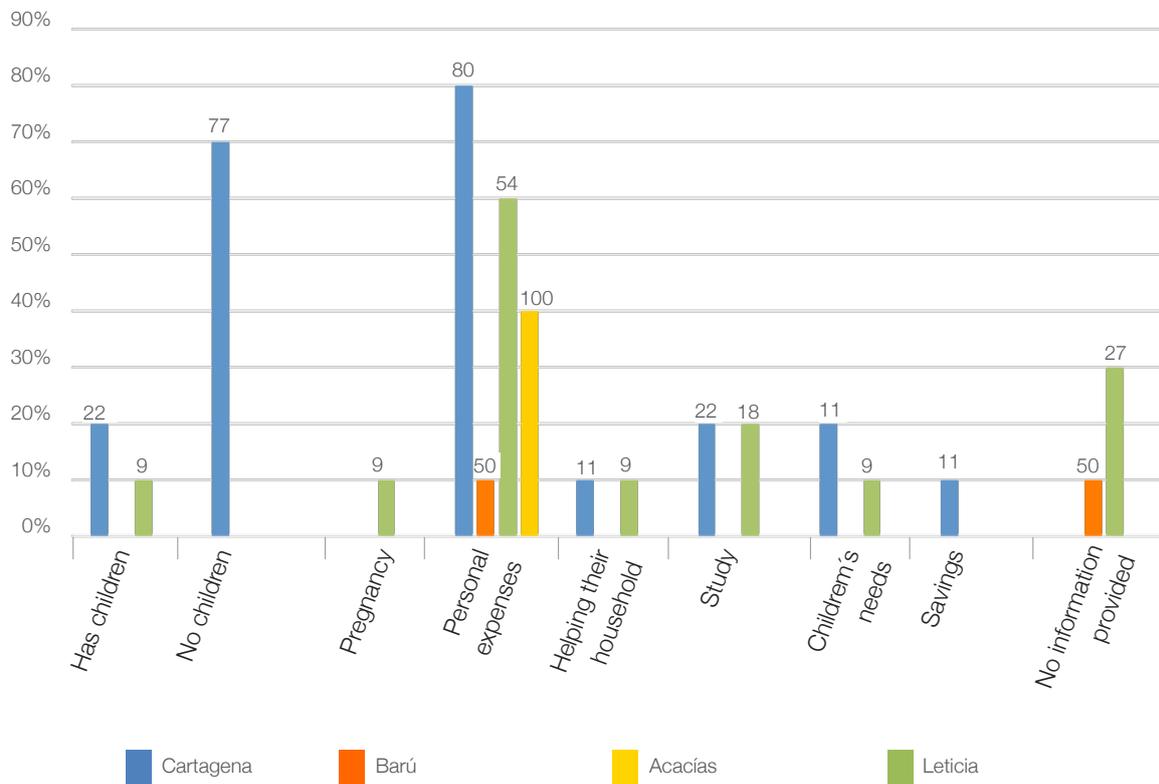
109. In Colombia, any person below the age of 18 years is considered to be underage; therefore, all children are underage. This designation is used in accordance with Article 3 of Act 1098, the "Code on Children and Adolescents", which states that: "for all the purposes of this law any person under 18 years of age is a bearer of rights. Without detriment to the principles established in article 34 of the Civil Code, any person between 0 and 12 years of age is considered a child, and any person between 12 and 18 years of age is considered an adolescent".

110. We follow Jiménez (1998) in our use of the term family. He recognizes different forms of family grouping, among them the nuclear family, formed by parents and children. Families can be binuclear, in cases where, after a divorce, one of the partners remarries, leading to a cohabitation of children of different parents within the household. Also mono-parental, which is a family conformed by a single partner and his children, with a female head if the partner is the mother or paternal if it is the father.

Graph 2: Gender of the victims interviewed

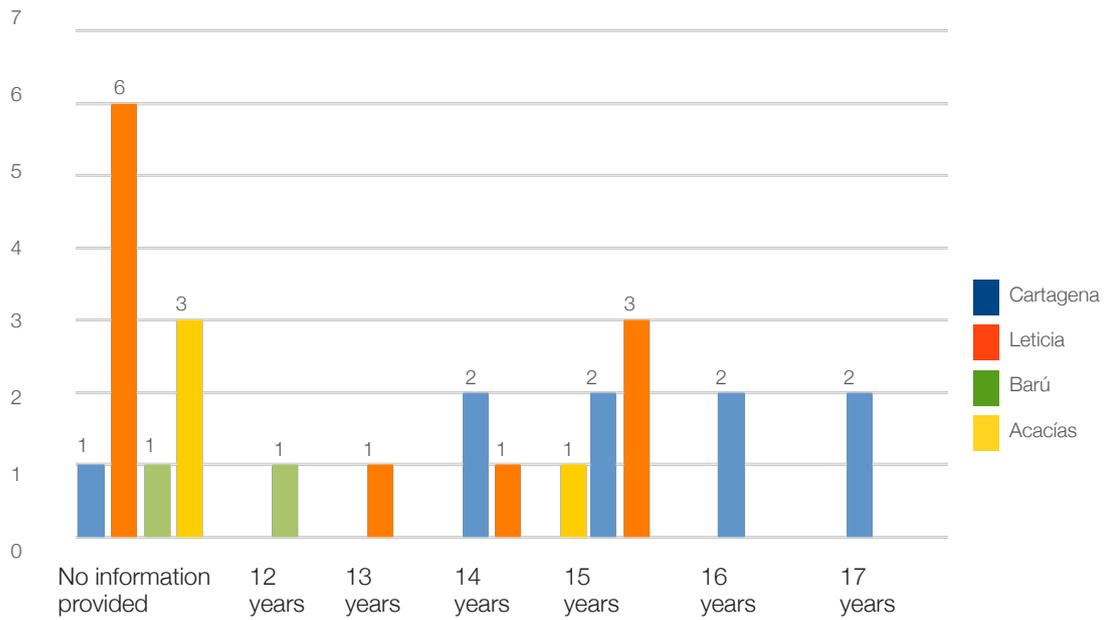


Graph 3: Uses given by victims to the money

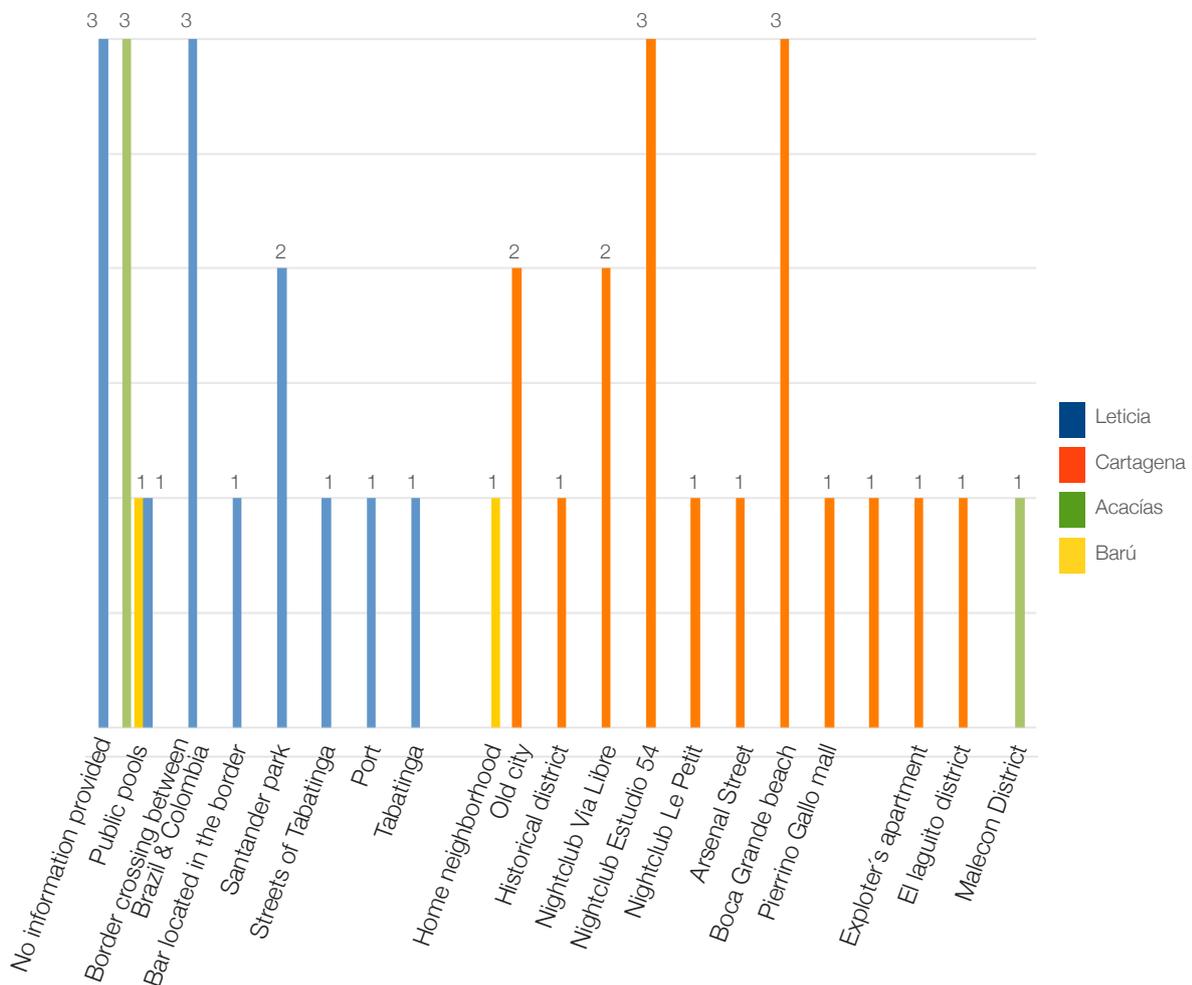


Lineal (Cartagena)

Graph 4. Age at time of first victimization (CSEC)



Graph 5. Places where victims are contacted



PLACE OF ORIGIN

Graph 1. Place of birth of the interviewed victims

Most victims were originally from the municipality in which they resided; however, some arrived at an early age from a different location. The following graph summarizes the places of origin of the victims that we interviewed.

SEX AND GENDER

Graph 2: Gender of the victims interviewed

Most interviewees were women that, as girls and adolescents, were constructing their sexual identity as part of the feminine gender. The four young people interviewed in Cartagena that were male (the only municipality where contact was made with male victims) recognize themselves as gay or homosexual; they reported that they would occasionally wear makeup and dress up as women. Only one of them reported using hormones to modify his body, with the goal of developing a body that resembles that of a woman.

USES GIVEN TO THE MONEY

Graph 3: Uses given by victims to the money

Most victims reported using the money to satisfy needs related to their own living expenses. This reflects the

degree of family disintegration that victims experience, and the loss of a sense of duty among parents towards their children, despite this often being confused with autonomy on the part of children.

AGE OF FIRST VICTIMIZATION THROUGH SEXUAL EXPLOITATION

Graph 4. Age at time of first victimization (CSEC)

This table shows the ages of victims at the time when they were first approached by an adult or made an offer to engage in sexual activities with adults.

PLACES WHERE VICTIMS ARE CONTACTED

Graph 5. Places where victims are contacted

This graph indicates different venues/areas where victims are contacted.

In conclusion, the socio-demographic characteristics of the youth we identified as victims of CSEC, as well as some features that relate to the exploiters, help illustrate this complex problem in the three regions under study and might aid in future investigations on SECTT in Colombia.

CHAPTER 7

The institutional responses to CSEC are presented in this chapter taking into consideration three types of actions that were identified during our research: preventative actions; assistance and victim protection; and actions pursuing the prosecution of exploiters.

PROSECUTION ACTIONS

With regards to prosecution, in the border land of Leticia, for instance, one of the main institutional stakeholders is Colombian Immigration (Migración Colombia). An officer provided the following information on trafficking in persons intended for exploitation:

“When foreign nationals commit crimes in Colombia, some prevention protocols are applied, and information is shared with the relevant countries regarding the entry of probable trafficking victims into Leticia. When foreign nationals commit CSEC offenses and they are detected by the authorities, the general attorney will prosecute. Migración Colombia is responsible for the implementation of the secondary penalty of expulsion from national territory”. (excerpt from an interview to a Colombian Immigration officer).

Their work focuses largely on trafficking in persons. They work with the GIAT (Anti Trafficking Investigative Group)¹¹¹ which, in coordination with the police, is responsible for prosecuting and dealing with traffickers, but also of redirecting victims to the local authorities so they can receive assistance. However, the headquarters of GIAT are located in Bogota, and it only has one specialised prosecutor commissioned to respond to proceedings from the Group. This attorney only travels to Leticia to investigate if it is requested by the municipal authorities.

Leticia’s Police have appointed two investigators on children’s issues, in addition to two investigators from SIJIN. The Tourism Police has 4 units, but only two are available. The group in charge of children and adolescents issues has a total of 11 members, nine of whom take care of preventative measures, surveillance and control. They indicate that:

“There have been two cases of procurement, which were reported by the girls’ parents. We usually verify if there are children at venues that are open to the public. We do it in coordination with ICBF, the Mayor’s office, and the police station. Adolescents found in there are taken into custody and their parents are called. Venues get temporary closed and receive a subpoena” (excerpt from an interview with a police officer from Leticia’s Children and Adolescents department)

The case which triggered the largest amount of police actions involved procurement, and it took place in 2013. They report the following:

“On the procurement case prosecuted in 2013, we obtained the repatriation of three girls. It was done after asking Interpol (Bogota) to issue notices to locate the victims in Peru and Brazil”

When Leticia’s Office of the Attorney (Fiscalía) is involved — in cases of CSEC occurring on national soil which do not fall under the responsibility of GIAT — the Sectional Attorney’s Office, which was recently created, is in charge of investigating (previously, this office was subordinated to Cundinamarca’s Sectional Office). Even if there is no prosecutor specifically appointed for this type of offences, the sexual violence unit has two case attorneys who are assigned to the cases. They also have forensic medicine service available 24 hours a day.

When there is a case of CSEC, several state agencies coordinate their actions to give notice to the authorities in order to initiate a formal investigation:

“Reports on these cases are collected at the Office of the Attorney or at the claims department of SIJIN located at Police Headquarters. SIJIN and CTI take turns to take reports, they report on urgent cases, CTI does 24 hour shifts and SIJIN 48 hour shifts, but they are permanently available. Depending on the day and shift, the place where the report must be filed changes”.

There are some weaknesses in terms of the training that the personnel in charge of working with victims

111. Initials in Spanish

undergo. Albeit they report having a Gessell room to conduct interviews on the victims, at the time of this research, the CTI judicial police did not have the qualified personnel to perform forensic interviews, in spite of reporting they have the training to fulfil Act 1652's protocol.

The Colombian Family Welfare Institute (ICBF), which is present in Leticia, provides protection and assistance to victims. However, when it comes to indigenous children, it is required to contact the native authority. In order to give coverage this population group, the Family Defender team is present in all nine townships. They actively look out for victims and take reports on the field, then, they report back to the Office of the Attorney for Amazonas.

With regards to the judiciary branch, it is important to develop capacity-building processes for judges regarding the national and legal frameworks on sexual exploitation and trafficking of children. No convictions have been made in cases of sexual exploitation, and only two convictions have been set on cases of sex crimes. With regard to their ability to respond, they state the following:

"We have two investigative judges at the courthouse who are available 24 hours a day, from Monday to Friday, 8:00 am till 12:00 pm, and 2:00 pm till 6:00 pm. But, they have not yet received any training on issues of sexual exploitation and children's rights. They did receive training on migrant trafficking from the Peruvian Government. (...) jurisdiction — jurisdiction on CSEC cases- the investigative courts legalise urgent actions, captures, searches, seizure of property, records, selective data base searches, and so on, legalisation of captures. The case judge knows the case during trail. It takes a month on average for a case to go from the investigating stage to trial." (excerpt from an interview to judiciary branch officer)

In Cartagena's jurisdiction, which includes a few neighbouring municipalities, there is no CAIVAS. Therefore, all cases are taken to the Family Commissariat, but not all of them receive an appropriate response. This is what a person interviewed had to say on that matter:

"One expects this institution to open up two courses of action: the criminal one, to file a case

at the Attorney's Office; and, the administrative one, for the restoration of rights and protection of the victims. But unfortunately, at some precincts this just does not happen" (excerpt from an interview to a police official).

PREVENTIVE ACTIONS

In Acacias, the sexual exploitation of children is not acknowledged. Even if they report the implementation of preventative actions on sexual violence, they do not consider CSEC a crime that must be included into prevention and victim care programs.

"No, the Family Commissariat does not emphasize CSEC. To tell you the truth, I had never even heard of it before" (excerpt from an interview with an official from Acacias' Family Commissariat)

Through the Office for Children and Adolescents, Acacias Social Protection Ministry manages the budget provided for the prevention of different forms of violence. Training for officials from the Commissariat is scarce, adding up to a few conferences and seminars on different forms of violence which are taught by the Ministry of Justice and civil society organizations:

"(...) at some point the nuns talked to us about sexual exploitation and tourism, but I didn't understand it very well" (excerpt from an interview with an official from Acacias' Family Commissariat)

Regarding preventative actions, Colombian Immigration at Leticia has made some alliances that allow it to set off alerts in other countries to prevent the entry of sexual criminals into Colombia. This role of providing information is performed by the Ministry of Foreign Affairs, to ensure entry into the country is prohibited to offenders. Yet, there are no formal guidelines regulating these exchanges; no protocol has been agreed upon between countries, so it is only done with a few.

Together with the local authorities, in Amazonas there is a Committee to tackle informal hotel services. The Department conducted a census on hotel accommodations which was used to regularize them, and make them aware of immigration regulations. In order to do so — and in partnership with the tourism authorities-, they disseminated information about Acts 679/01 and 1336/09. Additionally, the police performed

in situ verifications on the presence of foreign nationals and their legal entry into the country.

“When there are complaints about the behaviour of foreign nationals, it is possible to process their deportation to the last port of entry. However, we do not run an alert on their possible participation in acts of sexual exploitation with those port’s authorities. These complaints are processed via a report from the community, an authority or ex officio, and they are based on the intentions and behaviour of the foreign national. Then, we write the report, verify the facts, and indicate the process for an administrative sanction (deportation). When the foreign national has an irregular migratory status in the country, it is possible to do it quickly. Even if this person can pay the fine for entering the country illegally, Colombia can deny entry”.

According to Colombian Immigration, communication in cases like this is run through Iquitos, Peru, and in Brazil, through the Federal Police in Tabatinga. However, an interview to a member of the Attorney’s Office revealed that “there is no real coordination with the authorities of the victim’s country of origin if she is Peruvian or Brazilian”.

Leticia’s police work is focused mainly on preventative actions intended to verify if there are any cases of sexual exploitation of children in public venues (sometimes this is done in coordination with Brazil’s Federal Police). When this is the case, the victims are sent back to Leticia — there is no mention of any specific protocol for providing care, except for being sent to GIAT when their case qualifies as trafficking in persons -, and Brazil initiates the formal prosecution against the exploiters.

Partnerships between the Children and Adolescents Police and the Tourism Police in Cartagena were identified in order to create awareness on the issue among the community and police members in general. At the time of the interviews, some training processes had been undertaken with officials from other organisations participating as professors at educational institutions. The Family Commissariat made it a point to inform about false beliefs, regulations, institutional jurisdictions as well as teaching the parents about parenting techniques and how to protect their children from sexual exploitation, “not just using the police to take their child when they can’t put up with him any longer”.

Also, they run some activities directly at tourism trade sites:

“Now, when I visit public venues such as hotels and stores, I tell them about the law and the crimes they would be committing if they took part in the sexual exploitation of minors. I also let them know that it would lead to a seizure of assets. At the end, I remind them that ignorance of the law does not discharge them of the criminal responsibility, and I inform them of what they should do to identify cases”.

At the time of the interview, a change was detected in the way the Tourism Police role is seen in terms of prevention. The person interviewed reported that “we decided to go to the most vulnerable neighbourhoods in town, because being the Tourism Police does not mean we can only work in tourist sites: it was necessary to go to the places where the victims come from”.

The persons who were interviewed believe that preventative actions have been favoured due to the coordination within the Police. The interviews for this research were made *in situ*, right in locations where children are sought after for the purpose of sexual exploitation. Although, during the course of the interviews, it was possible to observe police officers moving around the area in motorcycles, no direct interactions with the victims were observed.

ASSISTANCE AND PROTECTION OF VICTIMS

There is no clarity on the care protocols or about the steps that needs to be followed to provide comprehensive assistance to CSEC victims in Acacias. The official who we interviewed at the Family Commissariat reported that “I believe it is the same path implemented for cases of sexual violence which means reporting to the Office of the Attorney, referral to the ICBF, and referral to the health and forensic medicine department”. Yet there is no knowledge of the proceedings that need to be followed to provide shelter or comprehensive assistance in the cases that are identified.

The ICBF is in charge of rights restoration proceedings for the victims, which last four months¹¹². Within this period of time, together with the CAIVAS Attorney’s team — which monitors and verifies the child’s welfare

112. Code on Children and Adolescents

— and only with their consent and that of the Public Prosecutor, the child is returned to his or her home.

“Then, there is a six-month follow up. Once it is sent to another country, the case is closed. When it is sent to a regional authority from the ICBF, all the information for PLATÍN¹¹³ is sent, and then the family intervention takes place in Amazonas. When the case file is sent to the Prosecutor from a central zone which corresponds to the Regional authority, the monitoring continues (...) Non-Colombian girls initiate proceedings, and once their nationality is determined, the Consulate is informed so they can start looking for their extended family. If she needs to be in foster care, she has the right to do so. Foster homes have room for only 35 children in the whole Department” (excerpt from an interview to an ICBF official).

When it comes to Perú, there is a need to wait for communications to arrive to Iquitos, which makes everything more difficult. In the case of Brazil, the Council of Guardianship and the Tabatinga Consulate coordinate efforts in a more direct manner.

Leticia’s health authorities provide assistance through the hospital. However, there are no specialised or comprehensive assistance care systems available to victims. They implement the sexual violence protocol, but there is no specific treatment for CSEC victims.

“There are basic promotion and prevention services, emergency response, semi-intensive care, a psychologist and a social worker who does not assist in these cases. They have post-exposure kits, and they implement the sexual violence care protocol for the victims. There is also a clinic in Leticia. The monitoring is done by the mental health department; they do it at the Social Development Ministry. Once a case is identified, the ICBF must get involved (...) There were 13 reported cases of CSEC in 2013, in 2014 there was only one identified. A SIVIGILA¹¹⁴ notice must be issued”

The person interviewed reported that sexual violence victims from Peru are provided assistance, but as non-registered impoverished beneficiaries¹¹⁵, and the cost for the Department is too high.

With regard to school population, it is possible to say that in this same Department, the prevalence of current victims of sexual exploitation is minimum because 60% of all interviewed victims are not enrolled in school, and they cannot foresee the possibility of returning to school in the near future; 30% are currently studying; and only 10% completed Basic Secondary School or Middle Vocational School and wishes to go on into higher education.

As for the Police Authority in this municipality, the victims reported that during some control incursions at the border, Colombian Police agents would tend to have more considerations towards the victims’ rights, compared to raids conducted by Brazilian police, who would treat them as participants, not as victims.

In Cartagena’s case, ICBF showed it has more capacity to respond. During the interview, the official reported that rights restoration proceedings were being started on the basis of mere threats to personal safety. This is done because the child might be in danger of becoming a victim of sexual exploitation. Likewise, they tend to have the parents or legal guardian present during the proceedings in order to create awareness on appropriate parenting. Before, they used to focus only on completing the administrative formalities.

Nonetheless, the official commented that the training, awareness and ability to properly take care of CSEC cases is not sufficient, even among the ICBF personnel. It was also reported that the training efforts were not having the expected results due to the high rotation of personnel.

“Personnel rotation between interdisciplinary teams affects victim assistance because they come here uneducated on this type of violence and with embedded false beliefs. This issue must be reviewed in order to ensure the continuity of teams, and hence, the prevalence of children’s rights” (excerpt from an interview to ICBF official)

Therefore, the personnel in charge of conducting assistance and protection activities do not always have the knowledge on the matter, neither on the needs of children who are victims of commercial sexual exploitation.

113. Plan for the Comprehensive Care of the Child and her/his Family.

114. Epidemiological Surveillance System, Health System.

115. This category is used by the social security healthcare system, to ensure healthcare provision for populations affected by extreme poverty or homelessness, that are not formally affiliated.

CONCLUSIONS AND RECOMMENDATIONS

This chapter presents the general conclusions of the report as well as some recommendations that resulted from the observed dynamics, linked to CSEC in travel and tourism or in the context of large-scale development projects.

- Our research corroborated the findings of previous CSEC analysis done in Cartagena and other cities in the country. They all reveal the continued presence of practices of commercial sexual exploitation of children, in spite of the actions taken in many places to mitigate or counteract the root causes, as well as the effects and impacts of CSEC. The permanence of certain scenarios and contact modalities, of strategies for trapping victims and other harmful realities reflect the persistence of vulnerability factors embedded in everyday life and in the social imaginaries of the populations studied.
- This has led us to identify a process whereby the commercial sexual exploitation of children is normalized, which takes place in territories with diverse social, economic and cultural characteristics. An expression of this phenomenon was the shift of CSEC away from public scenarios and towards community settings, where it is camouflaged and harder to identify and tackle. The normalization of CSEC reflects, on the one hand, a decline in the ethical attitudes and commitments of social solidarity towards the victims. In turn, this element produces what we have called the “sedimentation” of sexual exploitation, which is characterized by the inversion of responsibilities; that is, by attributing blame and guilt — in a moral sense — to the victims, and impunity to the exploiters.
- This report enabled us to identify that travel, tourism and large-scale projects linked to the oil and tourism industries significantly contribute to creating social and economic conditions that increase the vulnerability to CSEC within the communities where they are established. Large capital investments — many of which are international- are presented as a guarantee of welfare and development for local populations. However, this illusion soon fades: the travellers and visitors who come under the auspice of capital end up penetrating their traditions and ordinary life, transforming their customs and life expectations. During the week, these outsiders are employees of the different companies involved in these projects, but on the weekend, they become tourists, they embrace anonymity, their alien status and the transitory identities that facilitate the commercial sexual exploitation of children.
- On the other hand, businesses change the economic life of local populations by becoming poles that absorb, hegemonically, the productive potential of cities — including the exploitation, and sometimes, depletion of lands and natural resources. They control the economic rules of the game, and — having a favourable effect at first — create employment for the local population. However, they also establish patterns that influence consumption and the satisfaction of needs in ways that, in the long run, are not sustainable due to market fluctuations. Combined with the loss of productive alternatives, this reduces the options available to locals who want to meet the needs and life expectations that were initially created. As a consequence, families are forced to migrate or to create new sources of income which leave them vulnerable to the sexual exploitation of their members, especially young women.
- One of the negative side effects of economic development policies centred on the expansion of tourism is the commodification of the cultural goods of some indigenous communities. This is possible because these communities have been neglected by the national and local governments, who lack the political will to boost and promote their social and economic development in ways that respect the community’s ethnic and cultural diversity, as much as their autonomy and participation. Such neglect increases the vulnerability of these communities to the actions of sexual exploiters of children.
- The report also confirms that the construction of the sexual and gender identities of many male and female adolescents under conditions of discrimination, exclusion and marginalization

becomes a factor of vulnerability to commercial sexual exploitation. This socially established and internalized context fosters certain practices that transform the bodies and sexual identities of victims, in order to accommodate the needs of exploiters (clients, pimps and intermediaries). The risk of reoccurrence and sedimentation of CSEC is made greater because this context is not explicitly, practically and effectively taken into consideration by public policies created to protect the human rights of the children and adolescents who live in environments marked by social permissiveness and unfettered consumerism — which includes the consumption of bodies as merchandise.

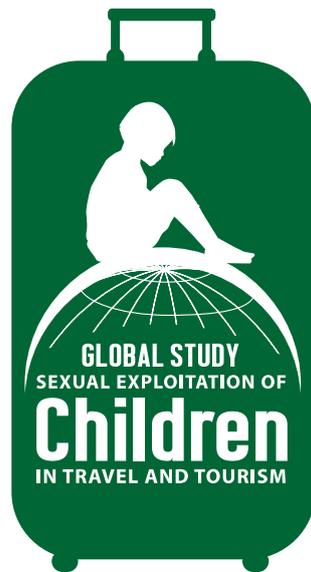
- The fragility of the State in some municipalities where this research was conducted is a factor that helps explain the persistence of the commercial sexual exploitation of children. This fragility is made visible by the limited capabilities of public authorities to identify scenarios, practices and participants of CSEC; by the limited or lacking technical and financial resources to undertake systematic actions for a comprehensive approach to tackle the issue; and by the influence of illegal participants who obstruct the work of local State authorities by setting their own means of social control. It is also shown by the inability of institutional stakeholders to mobilize the commitment of other actors such as tourism and oil companies to work on the mitigation of the negative impact their business have on the regions, and on the prevention and eradication of commercial sexual exploitation of children.
- Tourism and oil extraction projects must be controlled by a more expedite and strict regulation on behalf of the State of Colombia, which should be enforced directly in the studied municipalities. This regulation must make mandatory the identification of the potential impacts resulting from their operation and implementation as well as the launching of effective mid and long term measures to mitigate them. Even if not all businesses directly create conditions for CSEC, it is essential to acknowledge it as a risk derived from their presence in these territories, especially when they bring in people from abroad as part of their personnel and supply chains. Businesses should include into their planning processes effective strategies for preventing the sexual exploitation of children on the hands of their personnel. They should also set up measures to bring their productive practices into line with the social and cultural processes of the region, especially those of the indigenous

communities. This is why it is essential that prior consultation processes acknowledge the social and cultural particularities of the communities and that the mitigation measures do not become palliative and paternalistic remedies.

- Similarly, it is important that the implementation of tourism and oil extraction projects is preceded by processes of preparation for the impact that the economic and social changes will have. This should be done in order to enable true sustainable development in the communities. At least two types of actions should be implemented: on the one hand, specialized technical capacity building for the population, which should increase their possibilities of employment by the very companies and projects in question; on the other, it is important to promote productive projects within the communities which bring economic and social balance such that, when the tourism or oil businesses decline or withdraw from the territories, the communities still have alternatives for sustainable survival.
- As for international cooperation and coordination, it is imperative to strengthen coordination among institutions from Peru, Brazil and Colombia in matters of victims' protection and prosecution of sexual exploiters. This cooperation measures must be highly sensitive to recognizing and protecting the cultural values of the ethnic communities who populate the region. They should also promote their empowerment through self-managing productive projects that enable them to integrate into the social and economic dynamics of the region — including the development of ecotourism and ethno-tourism projects — in a way that does not risk the livelihood and integrity of their members, especially children.
- One of the challenges that must be undertaken by local governments and businesses — particularly those in the tourism sector — in order to combat one of the determining factors of the commercial sexual exploitation of children is the effective mainstreaming of a gender-based approach, sensitive to sexual diversity, that brings legitimacy to being different; one that prevents discrimination and the exclusion of specific social groups. This should be done by empowering them to take on development strategies — including, for instance, places for personal development, productive projects or political participation — as well as social mobilization to advocate for a generalized respect for differences.

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**The Global Study was made possible thanks to financial support from the
Ministry of Foreign Affairs of the Netherlands through Defence for Children
- ECPAT Netherlands**