DETERRENCE MANAGEMENT TO KEEP CHILDREN SAFE FROM SEXUAL EXPLOITATION

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Preface

PREFACE

ECPAT International's 2nd Edition country monitoring reports on the status of action against commercial sexual exploitation have collated evidence of widespread sexual exploitation of children in institutions, schools and agencies. Whilst the majority of staff and volunteers working with children have no intention to harm children, the targeting of children's organizations by child sex offenders has been well documented.

The potential for perpetrators to gain access to these children is often exacerbated by the lack of strategies, policies and procedures to deter such potential exploiters – whether from national or foreign workers who are recruited into the workplace or from the travel of child sex tourists or foreign volunteers.

This ECPAT Journal Series No. 6 is dedicated to the fundamental responsibility that duty-bearers have to ensure the protection of children from those who may have malicious objectives when they travel or seek work. The first article examines ECPAT International's experience in implementing its Child Safe Organisations Project with ECPAT group members and over 300 of their partners. The article explains how establishing and maintaining a child safe environment does not automatically happen and that an on-going process needs to be set up which updates staff on the basic legal framework and national referral mechanisms in country as well as supporting them in relevant human resource development, management and procedures.

The dependence of many child protection organizations in different parts of the world on the contribution of volunteers can create particular risks as local cultures are often welcoming and differential to visitors (especially those coming from abroad) which can make them less suspicious or cautious from a child safety perspective. Child sex offenders will often exploit these scenarios to ingratiate themselves within these agencies and to travel to regions of the world where child protection systems are lacking. The second article in this journal therefore looks at initiatives from different parts of the world where known child sex offenders can be stopped from re-offending through the targeted implementation of key offender management strategies. The article illustrates the different positions, arguments and potential benefits of the proposed measures.

This ECPAT Journal demonstrates the importance of robust policies and procedures for deterring potential child sexual abuse through the establishment of child safe organizations and the targeted monitoring of child sex offenders which it is hoped will assist in advocacy, policy development and programming.

Lessons Learnt in Creating Child Safe Organisations: Principles and Good Practice

By Mark Capaldi

Introduction

Any institution, school, religious organization, NGO or project directly working with children has a fundamental responsibility to ensure the protection of children within their care. Nevertheless, despite their best intentions, child abuse can occur within an organization, either unintentionally by those who may not be aware of the impact of their actions towards children, or deliberately by those with malicious objectives.

ECPAT International has found that very few local organizations and institutions working with children in Africa and Asia are fully aware of the child protection needs within their organization and that few organizations have internal child protection measures or systems in place. In response to this concern, in 2006, ECPAT International, in collaboration with Save the Children UK and UNICEF Thailand, designed and piloted an innovative Child Safe Organizations (CSO) Framework and Training Toolkit that promotes child protection policies and procedures (ECPAT International, et al., 2006). The toolkit was designed as a simple and participatory training process to assist staff in addressing the organizational challenges and constraints in child protection policy development and practice with developing country contexts. The toolkit also illustrates how children can participate and learn about their right to protection.

Over the last few years, the training resources have been widely implemented in Asia and Africa and have been highly effective in ensuring that grassroots organizations working with children develop child protection policies and processes that are known to all staff members and children, and imbedded into all aspects of the work that they are already doing with vulnerable children (King, 2010). The ECPAT International Child Safe Organisations Project is currently being implemented with over 300 partner organizations which are supported by ECPAT member groups in seven Asian and four African countries[1] in order to put in place a framework for the development and practical application of child protection policies within local organisations that work directly with or for children. ECPAT International works as a coordination body and provides technical support to the implementing partners. After six years of using the Child Safe Organisation Toolkit, this study aims to assess the lessons learnt from this initiative and to evaluate the principles and good practices of the ECPAT International Child Safe Organisations approach in improving the child protection standards

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1. CPA The Gambia; CHIN Zambia; CLOSE Benin; NGO CRC Ghana; ECPAT Cambodia; ECPAT Foundation Thailand; CEFACOM Vietnam; PKPA Indonesia, STOP India; SANLAAP India; and ACD Bangladesh

within partner agencies. Challenges and obstacles faced are also presented with the view to identifying recommendations that can contribute to the progress of child protection systems as a whole.

Information gathering for this study involved an in-depth literature review of the available secondary data (academic papers, UN and NGO publications, ECPAT reports etc.) plus a detailed questionnaire sent to each of the current ECPAT CSO Project country teams (follow up discussions took place through email). In November 2012, a consultative and participatory workshop to distil lessons learnt and good practice case studies took place in Benin for the West African participating ECPAT group members.

Risks and harm to children within organisations

The majority of staff and volunteers working in children's organisations are dedicated and committed and do not intend to do harm to children. However, where a lack of professional training or awareness of appropriate practices prevail, children may be harmed through harsh disciplinary methods, emotional abuse (e.g. excessive teasing) or failing to provide sufficient care. Within and across cultures, people have different ideas on parenting and caring for children which may result in unintentional harm. Staff's relationship with children should not create emotional dependency or undermine the children's self confidence and esteem. Behaviour management techniques should never include corporal punishment or the withholding of basic necessities (Hicks et al, 2007).

Humanitarian, emergency and conflict contexts create particular dangers of abuse and exploitation for children (ECPAT International,

2006). The high numbers of military forces, peacekeepers, volunteers and a proliferation of civil society organisations working in the area interferes with the traditional societal structures and safety nets for children which can result in increased violence and exploitation (Kirby, 2008; ECPAT International, 2011). Furthermore, the relationships between NGO staff and beneficiaries are based on unequal dynamics which can result in unscrupulous exploitation as emerged from scandals of child sexual abuse and exploitation by humanitarian workers in the last decade (UNHRC and Save the Children UK, 2002; Walker and Purdin, 2004).

Experiences in the late 1980s and early 1990s also led to a growing awareness that sex offenders were specifically targeting and infiltrating children's organisations in order to access children (McMenamin, 2004). The term 'professional perpetrator' has also been used to describe those who use their professional position to seek employment which allows them to access children for sexual abuse within the workplace (King, 2010). Whilst the fast changing and fragile environments of emergency settings make the vulnerabilities of children easier prey for potential child sex abusers, sexual exploitation can occur in all institutional settings such as development agencies, shelters, orphanages and schools. ECPAT International's 2nd Edition country monitoring reports on the status of action against commercial sexual exploitation has collated evidence of sexual exploitation by teachers across the Asia and Africa continents.[2] Children are sexually harassed or forced into sexual exploitation in order to pass exams, to pay for school fees or to escape punishment. ECPAT's country monitoring reports have drawn attention to the widespread abuses that can take place in religious institutions (ECPAT International, 2011b) and agencies providing support directly or indirectly to vulnerable children.[3]

[2.]   See ECPAT International Country Monitoring Reports for Pakistan, Sri Lanka and Thailand and Benin, Ethiopia, The Gambia, Kenya, Togo, Uganda and Zambia.
[3.]   See ECPAT International Country Monitoring Reports for India, Nepal and Sri Lanka.

The potential for perpetrators to gain access to groups of children within the workplace is exacerbated by the lack of strategies and processes to assess and deter such potential exploiters from being recruited. Many organisations also lack reporting procedures, making it harder for suspicions or actual abuse to be reported. Child sex offenders are usually skilled at gaining the trust of children and their co-workers through premeditated planning and secrecy (McMenamin, 2004). Research first carried out in the early 1990s identified that organisations with limited resources, lack of specialised skills, minimal staff supervision and inadequate policy guidelines and practice were at greatest risk to child abuse occurring (Cashmore, et al., 1994). In many parts of the developing world, these conditions still prevail. In Africa, poverty, long standing conflict, natural disasters and the HIV/AIDS pandemic all contribute towards making the care and protection of children difficult (ECPAT International, 2010). Children in care across the continent is largely within the remit of unregulated NGOs in the form of orphanages, shelters, drop-in centres or outreach projects, often catering for large numbers of children and in many cases lacking the necessary financial resources, skills and knowledge (Delaney, 2008). In Asia, care also tends to be provided in institutional settings suffering from similar constraints and in East Asia alone there are an estimated 8,000 residential care facilities, housing approximately 500,000 children (UNICEF, 2008). Some countries are also drawn to make use of Western volunteers that can then present certain threats to children's safety (Delaney, 2008).

These scenarios were corroborated by the ECPAT group members participating in the Child Safe Organisations Project who confirmed that most of their project partners did not yet have child protection policies and procedures in place and for many, had not initially seen the need, believing that all staff and volunteers had good intentions.[4] Complacency and a feeling that child protection policies and procedures add workload and an extra layer of bureaucracy was also raised by ECPAT group partners as a barrier to developing a robust child protection framework, particularly where senior managers had not attended the initial Child Safe Organisation trainings and were less engaged.[5]

What is a 'child safe organisation'?

Over the last two decades, many child rights professionals have developed and refined definitions of a 'child safe organisation' (CSO).[6] One of the earliest comes from Child Wise (the ECPAT group in Australia) who defines a CSO as one that "takes a preventative, proactive and participatory stance on child protection issues' whereby fostering 'a child safe environment is the main consideration in all of its activities and management practices' (McMenamin, 2004). The establishment and maintaining of a child safe environment is an important element identified as something that does not automatically happen but needs to be 'embedded in the organisation's culture and responsibility for taking action understood and accepted at all levels of the organisation'. It is also

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4. In the isolated cases where a partner agency may have had a Child Protection Policy it was generally reported as a requirement of a donor and the policy was not well mainstreamed throughout the organization.
5. Specifically raised by ECPAT groups in Cambodia, Bangladesh and Benin.
6. Note: The Child Safe Organisations Toolkit does not actually provide a definition of what it means to be a child safe organization.

a continuous process that is never finished – a dynamic process of learning, monitoring and reviewing (Child Safety Commissioner, 2006).

Child safe organisations are not just about protecting children from risk or harm but also about building an environment that is child safe and child-friendly (Save the Children Australia et al., 2007). 'Child friendly' is a comparatively newer child rights term that includes a context whereby children are respected, valued and where they are supported to help build their skills and to participate in society as active citizens and rights-holders (Upadhyay, 2007). Children's participation is an essential element of building a child safe organisation as children who are encouraged and enabled to express their views and participate in decision making processes that are relevant to them are less vulnerable and better able to protect themselves and other children (Capaldi, 2011).

Academic papers and journal articles tend to take a more conceptual approach to understanding child safe organisations by identifying the need to first define child protection and the identification of what children are being protected from (Farmer and Owen, 1995; Keys, 2009). Definitions of child abuse vary and as the ECPAT Child Safe Organisation Project partners repeatedly found, cultural and local perceptions of what was abuse and what constituted child protection differed.[7]

Whilst nearly all of the NGO CSO Toolkits and Manuals give their own definitions of child abuse and neglect, many of them situate these within overarching principles and the fundamental

rights which are enshrined in the United Nations Convention on the Rights of the Child (1989). In particular, the specific articles of the Convention on the Rights of the Child (CRC) state that organisations have a moral and legal responsibility to ensure that children in their care or with whom they work with are safe. The concept of an organisation's 'duty of care' to children stresses that the paramount consideration must be the rights, well being and best interests of the child (Haarsma, 1996).

Nevertheless, this study has found that whilst there is consistency in NGO definitions of physical, sexual and emotional and psychological abuse of children, the issue of neglect (and negligence) is not so comprehensively covered. Harmful cultural or religious practices and discrimination or denial of a child's ethnic, cultural or religious identities are generally given scant attention in most of the child protection policy and procedures handbooks and manuals. Furthermore, the transposition of the international standards of the rights and best interest of the child in light of the appreciation of the complexity and cultural diversity of local communities in different country contexts is one area recommended for strengthening within the ECPAT CSO Toolkit.[8, 9]

Review of the ECPAT Child Safe Organisation Toolkit Framework

To promote good standards in organizational child protection and to assist and support local organizations to develop appropriate child protection policies and procedures, ECPAT International, in

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collaboration with Save the Children UK and UNICEF Thailand, developed the Child-safe Organisations Toolkit (2006) which consists of three modules: an awareness raising workshop in child abuse/child protection; a workshop focusing on staff's interactions with children, risk management and good practices within an organisation regarding child protection; and a policy development consultation structure. The toolkit curriculum supports organizations to develop their own policy and provides guidelines to ensure that staff members have a sense of ownership. In achieving this, the training process encourages participation from staff at all levels and involves and reaches out to children and young people.

In 2011, ECPAT International started implementing the Child Safe Organisation Project in 11 countries across Asia and Africa with the specific objective of strengthening "the protection for children within the organizations, institutions and communities using the Child Safe Organization Toolkit as a framework to support organizations in developing/improving their organizational policies and procedures on child protection actively and by participatory techniques". During the first six months of the project two Regional Training of Trainer workshops (of four days in length) on child´s rights and CSO were facilitated by ECPAT International for the participating ECPAT groups in Asia and West Africa.

The Baseline

As the ECPAT groups had all been exposed previously to the CSO Toolkit by the start of this particular project, all of them had their own child protection policies in place already. However, the regional trainings were an opportunity for participating staff to go back to their agencies and review their existing child protection

frameworks. To assist in this task, Baseline Surveys were completed by the organizations (which also function as monitoring and follow up tools to track changes and progress over time). These map the basic legal framework and national mechanisms in the country; general information about the organization (e.g. relevant HR policies and procedures); and other fundamental elements that provide an assessment of the organisation's policies and procedures related to child protection. Whilst the baseline surveys confirmed the presence of fundamental policies and procedures related to child protection in the organizations, they also demonstrated a prevailing disconnect between the theoretical plans, the knowledge of staff and how it relates to practice.[10] For example:

- Staff knew very little about the national legislation and referral mechanisms in their countries and so this is unlikely to be taken into account when identifying or responding to child protection concerns.

- Policies were not always linked with the presence of procedures that were written down. This is likely to create an overwhelming expectation and burden on supervisors to inform and direct staff on a case by case basis. Staff training or refresher courses were seldom institutionalized.

- Risk assessments and related policies had generally focused more internally within the organization and had not taken into account the access of external visitors to the organization and to the children they serve.

Nevertheless, the baseline survey is not a replacement for undertaking regular, participatory risk management assessment exercises and this forms Module 2 of the Child Safe Organisations

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[10]. Note: Baseline surveys were only carried out with ECPAT member groups prior to the regional trainings.

Toolkit. Most child protection risk management exercises work through a logical sequence of steps used to identify potential risks to a child's safety or well-being. McMenamin (2004) and the Child Wise 'Choose with Care' handbook recommends seven stages of risk management:

1. Establishing the context (the scope and the setting)

2. Identifying the risks

3. Analysing the risks

4. Evaluating the risks

5. Implementing strategies to minimize and prevent risks

6. Reviewing and revising the risks and the preventative measures

7. Communicating and consulting

The Keeping Children Safe Coalition Toolkit (2006) uses a checkpoint questionnaire on minimum requirements (criteria) that child protection agencies should strive to meet. The answers are transferred to a 'self-audit web' which through colour coding reveals gaps in the organisation's child protection safety net.[11] This is seen as the precursor to a more detailed assessment using the Child Wise 'seven stages of risk management' (as presented above) through a Risk Assessment Form.

Presumably recognizing the more limited resources and context of small, local organizations in developing countries, the Save the Children Australia, Child Wise and World Vision Australia (2007) handbook on Child Safety in Organisations in Cambodia has adapted the original Child Wise stages to three steps to

Child Safety Risk Management (1. Make a list of all services, programmes or activities you offer that involve children or young people; 2. Evaluate the possible consequences of the risk; 3. Develop strategies to minimize the risk in order to reduce the likelihood of harm or abuse occurring) and they use real life case studies to guide the organisation to fill out a three column Risk Assessment Form (Activity; Risks; What we need to do to reduce the risks).

Of all the toolkits and handbooks reviewed for this study, the ECPAT et al., Child Safe Organisations Toolkit probably has one of the most comprehensive and interactive risk assessment activities following six steps that build upon each other:

1. The 'circle of interactions' (which identify the different levels of involvement that staff and others have with children and potential impacts that follow);

2. Risk factors that examine a 'day in the life' of an office or a worker in the field;

3. Minimising risk using the 'Triangle of Consequences' (Nature of risks; Severity of incident; Likelihood of occurrence);

4. Child protection case studies and what should be done;

5. The Grid of Good Practices based on the severity and frequency of potential risk;

6. Reviewing examples of child protection policies and procedures from other organizations to enable comparison and learning.

It is the simple and participatory activities, group work and

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11. This type of Self-Audit Tool/'spiders web' was originally developed by the NSPCC (UK) and also forms part of the Terre des Hommes 'Setting the Standard Resource/activity pack for NGOs on Child Protection Policy' (2005).

discussions of the Risk Assessment exercises which were particularly appealing to the ECPAT group members and their partners in the Child Safe Organisations Project. For example, the 'Risk Factors' exercise illustrates the risks in their programmes or daily operations in a practical and easy to understand format which aids the identification of appropriate changes in their organizational and individual practices. This often resulted in more streamlined, simplified and concrete procedures.[12] Similarly, the participatory nature of the process and sense of ownership instilled in staff helps to ensure that they don't feel they are being criticized or accused of bad practice. In fact, the discussions around the benefits of risk management were not only apparent for preventative purposes but for also building the reputation and credibility of the organization amongst peer agencies, partners and donors (as specifically reported by CHIN Zambia, NGO CRC Ghana, ACD Bangladesh, STOP India and ECPAT Foundation Thailand).

Promoting the ECPAT 6 Core Principles

The Child Safe Organisations Toolkit consists of three modules: an awareness raising workshop in child abuse/child protection; a workshop focusing on staff's interactions with children, risk management and good child protection practices within an organization; and a policy development consultation framework. The training approach supports organizations to develop their own policy and guidelines whilst ensuring that staff members have a sense of ownership. As such, it is important that all staff from different sections of the organization participate to ensure the policies and procedures are workable and relevant; this includes support and administrative staff up to the most senior Directors of the organization. Some ECPAT groups even encouraged Board

members of their organizations and partners to attend the trainings.[13] Unfortunately, many reported that it was consistently difficult to secure the participation of the senior managers of partner organizations which then had a further negative impact on the ease and speed with which the partners could draft and approve new policies.[14]

Policy development can be particularly challenging for smaller, grassroots organizations. In working with partners, ECPAT group members tailored their follow up to the needs and capacities of the individual agencies so that they could work through each of the three modules at their own pace. This often meant that small amounts of funds needed to be allocated specifically to policy development and that the process of drafting the new policies and procedures was slower and more labour intensive then the project originally anticipated. A number of groups identified the need for more budget to support follow up activities; SANLAAP India recommended that trainings should be residential in nature to allow all staff to focus and concentrate on the workshop content; and ECPAT Foundation Thailand noted that some larger, more well established partners mobilized their own funds to work through the modules of the Toolkit.[15]

Most organizations committed to a robust child protection framework will have identified core standards and principles to keep children safe that extend basic human resource policies and management. ECPAT International has identified six core principles that it believes provides organizations with clear standards and indicators of compliance for establishing and maintaining child safe environments:
1. Development of Child Protection Policies and Procedures

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12. Questionnaire feedback from SANLAAP India and ECPAT Foundation Thailand.
13. Questionnaire response from CPA The Gambia.
14. Questionnaire responses from ACD Bangladesh, CLOSE Benin, PKPA Indonesia and ECPAT Cambodia.
15. Questionnaire responses from CPA The Gambia, CHIN Zambia, NGO CRC, SANLAAP India and ECPAT Foundation Thailand.

(including how policies / procedures have been developed and specific contents related to local contexts)

A Child Protection Policy is a statement of the organisation's commitment to child safety and its procedures are an outline of the strategies that will be implemented to meet this commitment. The role of the policy is to provide principles and guidance on decisions and action on child protection issues (McMenamin, 2004).

The Child Safe Organisations Toolkit emphasizes that the responsibility and ownership of the policy must be with all staff at all levels and as such, all staff should be involved in its creation and children should be invited to be part of the process (see criteria 4 below). In this sense, it becomes unique and specifically designed for the size and structure of the particular organization and more useful and operational. Importantly, the Child Safe Organisations Toolkit places greater emphasis on the stages and process of policy development as opposed to providing a 'carbon copy template' of the content of an 'ideal' Child Protection Policy (although examples of other agencies policies and guidance on what should be included is still given).

This aspect of the toolkit raises an interesting dilemma between a potential lessons learnt and element of good practice. A number of ECPAT groups have suggested that the Toolkit be revised to include a simple Template Child Protection Policy and Procedure. However, the danger then exists that the model becomes a cut-and-paste and therefore more of an imposed document with less real local ownership and relevance to the realities of the organisation's own context. However, examples are a good and useful starting point – particularly where there are differences between the character or role of the organization (e.g. if it is a school, a shelter home or a child rights NGO implementing or coordinating out-reach projects).

2. Training / Awareness Raising & Orientation of Staff (including

how staff and volunteers have been made aware of child protection issues, policies and procedures, training and awareness and ongoing support)

Education and training are the best ways to empower staff to be able to effectively carry out their role in child protection. Agencies working with children have a responsibility to provide training and development opportunities to staff so that they can learn more about keeping children safe and ensure that they have the necessary skills and attributes (Keys, 2009). Furthermore, the nature of the role of child rights agencies, schools and institutions is that staff are likely to be the first line professionals to be able to detect child protection concerns (Walsh and Farrell, 2008).

One of the primary training needs that immediately emerged as ECPAT group members started implementing the Child Safe Organisations Project was on the definitions and concepts of child protection itself as staff were not always clear on what children needed to be protected from.[16] Furthermore, the differences in legislation across the world also mean varying implications in legal and regulatory responsibilities for referrals, mandatory reporting and the range of potential victim interventions and criminal liability (Pollack, 2007).

Child protection therefore includes a wide range of responsibilities at different individual and institutional levels requiring different levels of knowledge and skills. The risk assessment exercises carried out also identified risks and possible interventions by staff members who may not traditionally have seen themselves as having a key role (such as cooks, guards and other ancillary staff); ACD Bangladesh therefore recommended developing different teaching modules for different categories of staff (e.g. senior management, mid-level staff/practitioners, support staff).

Sadly, on-going periodical and refresher trainings were generally

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[16]. ECPAT groups generally found that specific knowledge on child protection was very lacking in staff and partner agencies and that the CSO Toolkit training package helped bring the level of knowledge up to a foundational level.

not systematically planned for or budgeted (particularly as staff turnover for small, resource strapped local NGOs can seem quite high). Nevertheless, the availability of current project funds saw many of the groups developing innovative awareness raising materials, posters and booklets detailing their child protection policies and procedures which were displayed in offices and distributed to new staff, partners and visitors.[17]

3. Recruitment Practices & Management of Staff (including processes and steps undertaken to ensure that staff recruited are appropriate – especially in situations where it is difficult to get reference checks, police checks etc.)

Selecting suitable and appropriate staff is vital for any child rights organisation. Careful preparation and selection during recruitment can help screen out those people unsuitable to work with children and reduce the risk of employing child sex offenders. All the various child safe organisations manuals, handbooks and training guides offer similar comprehensive lists of the necessary recruitment, selection and screening processes that should be adopted in a structured, systematic and sustained approach (such as child protection declaration forms, police background checks, child protection character reference forms and examples of child protection questions to ask during the recruitment process). Once recruited, staff require induction, supervision, support and monitoring. The requirements of good supervision led some ECPAT groups and partners to examine their work/staff ratios and also the gender balance within their organisations.[18]

As ECPAT groups experienced, some local contexts test the applicability of some of these recommended standards and procedures where jobs are not advertised publically or police reports or identity checks not possible. In such cases, SANLAAP

India ensures that direct follow up on reference checks is mandatory.

 One reported aspect frequently overlooked in the recruitment process was the safety checks needed when selecting interns and volunteers who are often key personnel resources for many local organisations. Interns and volunteers were viewed somehow differently than permanent staff. CHIN Zambia noted that this may be due to the welcoming and respectful culture that Africa has towards foreign visitors in particular and the ECPAT Foundation Thailand referred to fears of seeming ungrateful for offers of volunteer work that appeared to come from the goodness of people's hearts. This is particularly worrying in emergency response settings where organisations may be under pressure to select personnel and volunteers quickly and where travelling sex offenders can be extremely shrewd at presenting themselves as caring, good-willed individuals (immediately following the Asian 2004 tsunami, the Australian authorities refused travel visas to Thailand for 12 known sex offenders, ECPAT International (2006)). Furthermore, students and interns often operate with very little understanding of the organisational context yet can find themselves thrust into vulnerable situations where they are largely dependent on the availability of supervisors or colleagues to provide the necessary information, direction and support.

4. Involvement of Young People and Children (including how children are involved in procedures and practices, what is done to ensure that children and young people are aware of these and how children are involved in policy development)

Article 12 of the UN Convention on the Rights of the Child gives children the right to express their views in matters which involve the children themselves. With respect to developing organizational

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[17].   Questionnaire responses from ACD Bangladesh, CHIN Zambia, ECPAT Cambodia and ECPAT Foundation Thailand.
[18].   Questionnaire response from CHIN Zambia.

policies and procedures, children's perspectives as a rights holder can help improve the quality, effectiveness and validity of the process. Article 13 of the Convention gives children the right to obtain and impart information which is particularly relevant with respect to child protection policies and procedures and the opportunities for raising concerns and complaints. Indeed, when children and young people's opinions are sought and valued, they are much more likely to speak up about matters concerning their safety and wellbeing (Child Safety Commissioner, 2006).

Undoubtedly, the ECPAT Child Safe Organisations Project has achieved a high level in relation to the respect of children's right to participation, despite the fact that this is not an area significantly covered in the Child Safe Organisations Toolkit.[19] This is probably in large part aided by the ECPAT member groups' already strong commitment to child and youth participation - many ECPAT groups already have vibrant child participation projects: CPA support the Voice of the Young and CHIN Zambia works closely with a Children's Caucus; PKPA Indonesia has forged links with one of their coalition member's youth group; CPA The Gambia, SANLAAP India, ECPAT Foundation Thailand, ECPAT Cambodia and CEFACOM Vietnam are all members of the ECPAT Youth Partnership Programme.

Enabling and promoting the participation of children can include establishing what safety means to children and educating them about their rights (ECPAT Foundation Thailand included youth members in their organizational trainings and all ECPAT group members developed child friendly awareness raising materials such as cartoons and posters on child protection issues). Children can also be included in the policy development process (ACD

Bangladesh formed a Child Protection Unit which includes two child representatives to help support the development of policies and procedures).

Nevertheless, without sufficient care, the process of consulting children can slip into tokenism or become bias and unrepresentative.[20] In particular, school-based partner organizations in Thailand have not always engaged ethnic minority groups or those who are at particular risk of experiencing abuse and exploitation (Munro, 2010). Furthermore, in many cultures, including in certain African and Asian countries, children's participation is heavily influenced by society's expectations of children as submissive and deferent to adults (Capaldi, 2011) which ACD Bangladesh especially noted in their own efforts to mainstream children's participation within the Child Safe Organisations Project.[21]

5. Responding to Specific Concerns / Allegations of Abuse (including any innovative ways of overcoming identified risks / concerns, and how allegations of abuse have been dealt with in practice)

In order to appropriately respond to complaints, it is necessary that the organization develops a reporting procedure and clearly defined strategy of response that is kept up to date. Most of the ECPAT groups appointed a named Child Protection Officer which can simplify reporting procedures and ACD Bangladesh formed a Child Protection Unit within the organisation to deal with referral case management (PKPA Indonesia formed an Ethics Council with a similar mandate).[22] It is more likely that staff and children will raise a concern or suspicion if the policy and reporting process is well

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19.   Questionnaire response from ECPAT Foundation Thailand.
20.   Furthermore, in some cases, the consultation and participation of children was mostly after the CPP was drafted or revised and was therefore more for sharing as opposed to children feeding into the development of the policies and procedures.
21.   Questionnaire response from ACD Bangladesh.
22.   Questionnaire response from ACD Bangladesh and PKPA Indonesia.

publicised (as previously noted, a number of ECPAT groups have displayed their policy on the office wall and widely disseminated related materials).

The types of concerns that should be reported are often first observed through suspicions of inappropriate relationships developing between staff/volunteers and children or observations of changed behaviour. The Child Safe Organisations Toolkit recommends developing a "Code of Conduct" which can identify professional boundaries, behaviour protocols or guidelines at the onset that both help reduce the risk of child abuse occurring in the organisation but also highlighting inappropriate behaviours which if observed should be reported.[23]

The best Codes of Conduct are kept brief and clear; ECPAT Cambodia has developed an independent policy which is displayed on their office wall for all to see.

None of the countries currently participating in the Child Safe Organisations Project have mandatory reporting to the authorities of child abuse suspicions, but the Toolkit assists organizations in developing a multi-agency reporting process. The ECPAT member groups in Africa have developed strong links and referral mechanisms with relevant Departments of Social Welfare and specialized child protection police units.[24] Umbrella/support organizations such as CHIN Zambia and ECPAT Cambodia have developed a database of relevant response agencies which are available to their network members. SANLAAP India and CLOSE Benin have published Resource Directories on the various child protection services and structures available from national to district level.

Nevertheless, procedure knowledge and actual response can sometimes lead to discrepancies. Some ECPAT groups reported challenges in dealing with concerns over behaviour outside of the work environment and where tensions existed with more cultural practices and norms (see section below). SANLAAP India noted that the CSO Toolkit had not covered issues where older children were found to be abusing their younger peers and the ECPAT Foundation Thailand noted that the widespread use and impact of new ICT developments and social networking opened up new avenues and concerns for risk and abuse that needed to be addressed. STOP India stressed the importance for confidential documentation and appropriate debriefing and feedback mechanisms can reduce situations of uncertainty and the spread of rumours.[25]

6. Links to Wider Child Protection System (for example how referrals are made, the links to government or law enforcement offices that are relevant to the organisation's child protection policies, cooperation with other agencies on child protection issues etc.)

In recent years, there has been growing recognition in international policy platforms that responses to child protection concerns are best responded to if they are situated within an integrated Protective Environment Framework (UNICEF, 2008). The principles of good practice around child safe environments and child safe organisations should be developed in accordance with robust laws, policies, standards and regulations that are in line with

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23. Organisational Codes of Conduct generally provide lists of "Do's and Don'ts" around issues such as physical contact and relationships with project beneficiaries, discipline, cultural sensitivity, security and other ethical concerns. Child Protection Codes can include specific topics such as adult/child ratios, out of hours contact, sleeping and bathroom arrangements etc.
24. Questionnaire responses from CPA The Gambia, CHIN Zambia, NGO CRC Ghana.
25. Questionnaire responses from SANLAAP India, ECPAT Foundation Thailand and STOP India.

international human rights instruments and standards. Coordination and cooperation are crucial to ensure the efficient implementation of both formal and informal protection mechanisms and services by various suitably qualified professionals within government and civil society across various sectors. Sufficient national budget must be allocated to education, health, nutrition and protection to ensure that the state's obligations to child protection and child well-being are realised.

Not surprisingly, there are huge variations in the child protection systems found in Africa and Asia with the majority of the CSO project countries unable to offer formal systems that extend down to the grassroots level. Legal frameworks and law enforcement are patchy and the lack of dedicated financial resources is compromising the availability of services and qualified personnel.[26] Through their implementation of the CSO project, ECPAT groups have offered their experiences of the huge challenges faced. CPA The Gambia describe the national child protection system as porous resulting in limited and slow service coverage. In some instances, communities may mistrust or be suspicious of government service providers; NGO CRC Ghana said that people prefer reporting to NGOs as they have less trust and confidence in government agencies.

In developing countries, the situation in relation to care and protection services that have been developed tend to be organised around specific categories of children and types of abuse, often reflective of donor trends (Child Frontiers, 2011). SANLAAP and STOP in India both reported that whilst child welfare mechanisms may respond to physical or sexual abuse cases, instances of neglect and discrimination were not so well dealt with.[27] The ECPAT Foundation Thailand report good provincial coordination

and collaboration as they are members of a multi-stakeholder and multi-disciplinary child protection network (Munro, 2010); a model found in many other provinces of Thailand and most likely reflective of the extra financial resources that lower-middle-income countries can generally allocate to their child protection systems that the low-income countries. Furthermore, this close working relationship has developed a level of trust that has resulted in the Bureau of Anti-Trafficking in Women and Children (BATWC) and the Department of Social Development and Welfare agreeing to pilot the Child Safe Organisation Project in selected government run shelters in 4 regions of the country; if successful the BATWC will consider replicating the project further.[28] PKPA Indonesia is participating in a similar process in North Sumatra where they are part of the drafting team working on new Local Regulations on Child Protection and are therefore integrating many of the components of Child Safe Organisations Project.[29]

Dealing with Obstacles and Challenges

Child protection work around the world takes place within very different socio-economic, cultural, political and institutional settings which often creates a tension between the professional standards that should be attained and the environment in which the practice occurs. Few of the child safe organization manuals and handbooks examined deal with the full range of challenges reported by the ECPAT member groups which can often mean that trainers feel out of their depth as they struggle to link specific theories and standards with the necessary practice.

Some of the challenges experienced in the implementation of

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[26]. See ECPAT International 2nd Edition Country Monitoring Reports available at: www.ecpat.net
[27]. Questionnaire response of SANLAAP India.
[28]. ECPAT International Internal Monitoring Report.
[29]. Questionnaire feedback from PKPA Indonesia

the CSO Framework have already been covered, further barriers impeding good practice are discussed below.

Appropriate behavior management of children

Children who have had difficult experiences or have been abused or neglected often suffer from emotional and psychological difficulties that can manifest in a range of behaviours from being sullen and withdrawn to being overly aggressive, demanding or unpredictable (Cotterill and Delaney, 2005). SANLAAP India reported that staff involved in shelter care (many of whom have never received professional training) often struggled to know how to respond to children who displayed difficult behaviour. Research undertaken by Taylor and Sigfried (2005) has shown that schools and children's homes frequently struggle to understand the behaviour of victimised or vulnerable children and are quick to reprimand or punish children without looking for the reasons causing such behaviour. Corporal punishment and smacking children is a disciplinary method explored in the Child Safe Organisations Toolkit, as in many parts of the world, this is viewed as a necessary method of disciplining children. Through the training exercise 'Always, Sometimes, Never', participants begin to understand that smacking is a form of physical punishment or violence against the child, not discipline that is addressing his/her behaviour.

Providing appropriate emotional security to children that have suffered difficult experiences is a challenge raised by STOP India as staff can struggle to balance the development of personal relationships with children and the recommended professional boundaries espoused in the CSO Toolkit. SANLAAP India and CHIN Zambia have also seen how volunteers and visitors can quickly

form close relationships with children (kissing, hugging and picking up children) which can often give confused messages about who is safe and who is not.[30]

A number of ECPAT groups have recommended that more attention is given in the CSO Toolkit to advice on appropriate behaviour management techniques and guidance on clear sanctions and consequences for unacceptable behaviour that is reflective of a child safe organisation.

Cultural issues

Whilst many of the exercises in the CSO Toolkit help participants reflect on cultural perceptions with sensitivity and avoids making harsh judgements, more emphasis needs to be placed on the child rights arguments around practices such as child labour, child domestic workers and child marriage which are often predominant in parts of Africa and Asia and indeed may be practiced by staff in their home environments.[31]

In most instances, these challenges stem from the basic issue of understanding the concept of child protection practice and defining child abuse and harm. The Keeping Children Safe Coalition Toolkit (2006) deals with cultural practices, traditions, faith and child abuse in much more depth. Importantly, the exercises they suggest start from the positive aspects of local practices, traditions and faith and how they can contribute to the child's welfare. In relation to harmful practices, the perspective of history and community belief that underpins the practice is first explored and then contrasted with the impact on the child. Alternatives are then explored.
Further exercises in the Keeping Children Safe Coalition Toolkit look

30. Questionnaire feedback from SANLAAP India and CHIN Zambia
31. Questionnaire feedback from SANLAAP India.

at barriers to change (e.g. harmful cultural norms, discrimination and prejudice, ignorance, lack of information, lack of commitment to enforce the law etc.) and who has the power to maintain the practices and who has the responsibility to bring about change. Reaching out to the community is emphasized as an important element to support the development of a child safe environment.

Resource frustrations, anxieties and child protection implications

In many parts of the world, the local context can feel like a schism between the theory and the global standards of child safe organizations where the lack of resources is a critical issue that can compromise child protection. Lack of resources is a very real concern for many organisations and most of the ECPAT groups identified insufficient funds and weak national child protection systems as a constraint for partners to follow up and sufficiently implement their own child protection policies and procedures. The fact that child protection mechanisms, both external and internal to the organisation, can fail the abused or neglected child can also place significant stress and demands on the staff faced with these potentially intractable problems (Waterhouse and McGhee, 2009). In some cases, this can result in staff taking matters more in their own hands and stepping beyond the boundaries of the organisation's policies and procedures which can sometimes overwhelm them as they get more personally involved in responding to a crisis.[32]

The complex nature of these sort of tensions at interpersonal and organisational levels in dealing with child protection issues needs to be better understood. Professional supervision, on-going training, availability of counselling or even occasional 'time-out'

is needed to support front-line staff to deal with the emotional feelings and demands aroused by the abuse and neglect of children and this should be integrated into the organisation's policy. Many child protection organisations running 24 hour telephone or internet hotlines for reporting child abuse have already developed (Child Helpline International, 2011).

Dealing with media and visitor requests

ECPAT partner agencies in India, Thailand, Indonesia and Zambia have reported that their countries' culture of being welcoming to visitors and being differential to Westerners who are respected for coming from rich, well educated countries can make them less suspicious or cautious from a child safety perspective when dealing with them.

The Child Safe Organisations Toolkit 'Grid of Good Practices' has a specific section dedicated to issues related to external visitors (which could also include visitors such as donors, media, other NGOs) but whilst the risk assessment checklist approach flags the presence or not of a policy or procedure, it has not sufficiently addressed the practical challenges that the ECPAT groups have experienced in dealing with the complexities that can sometimes arise in accommodating visitor requests.[33]

Project staff of children's organizations are generally very busy and they can often receive a large number of requests by visitors, which in cultures where hospitality is important, can add further strains on often meager project resources. Guidance and boundaries need to be set and to avoid sensitive situations, clearly articulated at the onset. The ECPAT International 'Guide to Visiting Children's Care Projects and Schemes' (Delaney, 2008) suggests

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[32]. Some ECPAT groups reported for example that staff gave out their personal mobile phone numbers when directly involved in child abuse cases which meant they ended up on constant call with feelings of bombardment which added to fears of not being able to adequately respond.

[33]. Questionnaire feedback from SANLAAP India, CHIN Zambia, PKPA Indonesia and ECPAT Foundation Thailand.

the preparation of a Visitors Briefing Sheet which gives helpful advice on a range of issues such as the taking of photographs, respecting privacy of children's living spaces and interaction with children.

Requests for media interviews can put particular pressure on organizations as significant risks can exist around direct contact with children, use of images, confidentiality and privacy issues, informed consent of children and youth if they are to be interviewed and the final quality of the coverage (i.e. ethical concerns and that respects the rights of children). Child Safe Organisations should develop media guidelines (IAWGCP, 2008)[34] that can be distributed; credentials of journalists should also be checked prior to agreeing to any interviews. The International Federation of Journalists has developed a Code of Conduct under 'Children and Ethics' (IFJ, 2008).

Monitoring, evaluation and reviewing

The danger of any policy document is that it ends up as a 'dead' or 'dry' document that no one ever refers to. This is particularly risky for policies that are meant to translate into organizational practice yet they have been written from the management and policy maker's perspective and fail to take into consideration the constraints of working on the ground and the reality of resources and staff capacity. The simple and participatory nature of the Child Safe Organisation Toolkit and framework has worked well in ensuring staff members have a sense of ownership and that the policy and procedures are workable and relevant to all. However, keeping the document 'live' and responsive to organizational

change requires the time and resources for regular review and re-fresher trainings – a particular challenge for many parts of the developing world where funding shortages make it difficult for local organizations to carry out programmes let alone revisit and review policies. Sadly, in such circumstances it is often the occurrence of a child protection crisis or a failure to follow procedures which triggers an evaluation or review of the implementation of the policy.

Various management tools can be used to make sure policies and procedures remain relevant (e.g. Baseline Survey Questionnaire, risk assessment tools, performance appraisal, audits) and integrating the responsibility of review into a senior staff member's job description can help to systemize a plan for evaluation and revisions. Linking the review process to an annual event can help formalize a timescale; CPA The Gambia use the International Child Rights Day as an opportunity to promote and revisit their Child Protection Policy.[35]

Conclusion and Recommendations

The ECPAT Child Safe Organisations framework was designed to address challenges and constraints that organisations face in developing child protection policies and procedures. Its' success is its simple, structured and participatory training process and follow up support that aims to promote the engagement and ownership of all levels of staff in the organisation.

There are many reasons why an organisation may not have a

34. Also see: http://www.unicef.org/media/media_tools_guidelines.html
35. Questionnaire response from CPA The Gambia

functioning child protection policy. Some organisations fail to understand the risks that exist within their agencies, believing that all staff have good intentions. For others, there is a failure to prioritise the need for a policy; the support from the management and leadership of the organisation is an essential factor for effective policy implementation.

The CSO Toolkit has proven relevant and flexible in its application in Africa and Asia with only minimal changes to local contexts required (such as through the amendment of local statistics, legislation and case studies). Project implementation has highlighted some innovative examples of good practice such as:

- Different training techniques and tools are used to illustrate complicated concepts and the use of role plays, case studies and exercise sheets helps map out policy needs and procedures in an easy to understand method.
- Innovative awareness raising materials that can be displayed widely (in simple language or pictures) can help educate staff and visitors about the rights of children and their responsibilities in keeping children safe.
- The involvement of children (through their participation in the policy development process and in reaching out and sensitising children about their rights through child and youth projects) will improve the quality, effectiveness and validity of the policy.
- Collaboration with relevant local agencies, especially the government, can help create a more effective referral network. The development of a database or resource directory of law enforcement agencies and direct service providers will improve the response mechanisms and options. Many ECPAT groups are now starting national advocacy initiatives, showcasing their work on creating Child Safe Organisations and lobbying for national adoption of minimum standards for children in care.

However, the implementation of the CSO Project has also

highlighted certain gaps and recommendations for improvement which if fulfilled, will ensure that organisations can adopt even better internal child protection mechanisms for safeguarding children. Some specific recommendations for strengthening the CSO Toolkit and related processes of support include:

- Additional templates and development guidelines could be developed around the implementation of a Baseline Survey (including determining staff's understanding of basic child protection concepts and definitions) and the Risk Assessment Grid in relation to issues more external to the organisation (such as related to visitors, media interactions etc.).
- Although the CSO Toolkit is exceptional in its participatory training session plans, there is a benefit from designing different training techniques and modules for different groups of participants depending upon their level of education or contact with children. This could be supplemented with more relevant case scenarios, for example, to better understand the risks and interactions faced by support staff (such as cooks, drivers, gardeners) with children. As such, more focus on knowledge of child development and child abuse may be more helpful to these categories of participants than on learning details about safe recruitment practices for example.
- Clearer guidance also needs to be given to on-going participatory monitoring, evaluation and review of the policies and procedures. Practical guidance could be given on how the CPP process can be mainstreamed within the organisation such as brief monthly reporting where updates are included on standing agenda items, reports to the Board, staff meetings, reports to core donors etc. Inevitably, this requires management buy-in so concrete management tools such as ensuring brief updates from the CSO focal person at management meetings, inclusion in donor proposals (particularly in light of budgeting for staff training) would all help. Clarity and guidance on the role of ECPAT groups as key partners in supporting the monitoring as a function of good

project management would encourage further reflection and the identification of possible solutions to challenges faced.

- More attention needs to be specified to the different implications for the various types of organisations or agencies that may be using the CSO Toolkit (such as schools, shelter homes, child rights NGO etc.) in developing child protection policies and procedures. Guidelines and Standard Operating Procedures (SOP) may be beneficial for explaining certain contexts and should be prepared with different categories of staff in mind (e.g. senior management, mid-level staff/practitioners, support staff).
- Guidance, session plans and training notes expanded on child development and on how to deal and respond to some of the more sensitive aspects of child protection around various cultural or traditional practices found in different parts of the world and also some of the newly emerging risks associated with the rapidly developing ICT technologies.
- Greater acknowledgement of the role of volunteers, interns and the impact of visitors and media requests on local organisations and the associated risks and protection needs required in these situations at all key stages and modules of the Toolkit.

The CSO Project, if replicated in other countries, would benefit from greater attention and resources dedicated to:

- Greater buy-in and commitment from senior managers and directors in partner organisations. This could be secured through senior level partnership meetings at the start of the project (which would need to include the most senior staff) whereby roles and responsibilities and Memoranda of Understanding are drafted and agreed to. This may add an extra step in programme implementation that also has increased budget implications.
- Well designed session plans, training modules and resources to facilitate the inclusion and continuity of participation of children in the project to ensure the relevance of the

organisational child protection policy and procedures to them as well as to contribute to the effective implementation and monitoring of the policy and procedures. The project should seek to create a sustained enabling environment for meaningful and voluntary child participation through the provision of child friendly and age appropriate processes.

- Frontline carers have often received little if any professional training on the psychosocial interventions needed by child victims of abuse or exploitation. If greater attention and training can be given to these staff to enable them to better fulfil their roles of helping children to recover from the abuses and emotional trauma they have experienced, then there will likely be an exponential increase in the effectiveness of the child protection policies and procedures within the organisation.
- Staff need to have a better understanding of the main legal frameworks and implications of these in their countries of operation so that they can situate their own practice within the overall national child protection system. The ECPAT country monitoring reports on the status of action against commercial sexual exploitation of children have very comprehensive and robust protection sections which cover the relevant aspects of the legal framework, enforcement and care and support services – these could be used to prepare user-friendly handouts and training materials for staff.
- Follow up, continuity of participation of children, re-fresher training and policy review sessions are an important aspect of keeping the child protection policies and procedures alive and relevant. Identifying a named project officer/staff member or setting up a task force or unit with specific responsibilities in relation to the child protection policy and procedures is particularly effective. Such persons would also be in charge of reviewing and updating the existing mechanisms.

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Reducing sexual exploitation of children in travel and tourism by preventing re-offending: selected initiatives at international, regional and national level

By Alessia Altamura

 "In March 2012, a Swedish 76-year-old man was convicted in Sweden for sexually abusing three young girls in the Philippines where he was working as an English teacher for poor children. He had received a previous conviction for child sex crimes perpetrated in the 1990s and had been sentenced to court ordered treatment, but was freed after nine years.[1]

Two months later, a Russian perpetrator involved in Cambodia's largest-known child sex scandal was finally deported to his country of origin after he was arrested at the home of a teenage girl in the Cambodian province of Kandal. The man had been released from jail in December 2011 following a Royal pardon, having served half of his eight-year sentence. He had been convicted of sexually abusing 17 Cambodian girls between 2005 and 2007, and was wanted by Interpol for sex offences committed in Russia.[2]"

These two recent cases raise important questions as to how the risk of repeated offences by perpetrators of child sexual abuse and exploitation who travel overseas to escape justice or avoid national controls can be prevented and minimised. Whilst most offenders who abuse children abroad (so called "child sex tourists") have no previous convictions in their home countries (ECPAT International, 2012a), research, court cases and evidence all point to the fact that those who sexually exploit children during their journeys to international destinations may at times have committed child sex offences in their country of origin or may repeatedly travel to foreign countries for child sexual exploitation despite their whereabouts being known to police (ECPAT UK, 2011). Individuals who fall off the radar constitute an ongoing threat for children and should be stopped from re-offending, including through enhanced apprehension and the thoughtful integration of multiple management components (Center for Sex Offender Management, 2008a).

Legal mechanisms and programmes for addressing child sex offender behaviour and reducing recidivism are typically

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1. "Swede, 76, jailed for child sex crimes in Philippines". 29 March 2012. Accessed on 19 November 2012 from: http://www.thelocal.se/39980/20120329/
2. AFP. "Cambodia to deport Russian pedophile Alexander Trofimov". 6 June 2012. Accessed on 19 November 2012 from: http://www.theaustralian.com.au/news/world/cambodia-to-deport-russian-pedophile-alexander-trofimov-story-e6frg6so-1226385282471

considered "tertiary" strategies, applied after the harm has already occurred. Nevertheless, according to practitioners supporting their development and implementation, they also have "primary prevention" effects because in theory the fear of punishment contributes to deter the sexual exploitation before it happens (Finkelhor, 2009). In this sense, interventions to impede sexually abusive individuals who continue to engage in harmful behavior in both countries of origin and foreign destinations are vital not only to diminish the chances of re-offense but also to discourage potential perpetrators from travelling in order to have sexual contact with children.

Starting from this premise, this article will examine selected law enforcement and offender management strategies that can be conducive to reducing sexual exploitation of children through travel and tourism. Because of the transnational nature of this crime (which nonetheless can also occur domestically), special emphasis will be placed on international and regional efforts as well as on national initiatives that may specifically help counter address the phenomenon of travelling child sex offenders. The article will seek to illustrate the different positions and arguments towards the proposed measures, especially by describing the actual debates that have occurred in countries or regions that have managed (or are planning) to develop them. Recognising that child sex offending, including in the context of travel and tourism, is a complex issue which requires multiple actions at different levels involving a wide range of stakeholders, this article does not aspire to provide a comprehensive analysis of the whole spectrum of possible responses but only to illustrate potential solutions to reduce the likelihood that the aforementioned cases will happen again.

1. International and regional standards for addressing the perpetrators of sexual exploitation

The international community has acknowledged the importance of managing perpetrators of child sexual exploitation only in recent years. The Stockholm Declaration and Agenda for Action that 122 governments endorsed at the First World Congress against the commercial sexual exploitation of children (CSEC) held in Sweden in 1996, commits states to "adopt not only legal sanctions against the perpetrators of sexual crimes against children, but also socio-medical and psychological measures to create behavioural changes on the part of the perpetrators". More recently, the Rio de Janeiro Declaration and Call for Action adopted in 2008 at the conclusion of World Congress III against sexual exploitation of children highlights the need to establish and implement international, regional and national legal mechanisms and programmes for addressing sex offender behaviour and preventing recidivism, including setting up sex offenders registers where appropriate. The Rio Call to Action also deals with children and adolescents exhibiting sexually harmful behaviours, indicating that they should "receive appropriate care and attention as a first option through gender-sensitive and child-focused measures and programmes that balance their best interest with due regard for the safety of others". In the specific area of child sex tourism, the final outcome document requires the adoption of several measures, including *inter alia*, cooperation among States "in the establishment of an international travel notification system, such as the Interpol 'green notice' system, in accordance with applicable law and human rights standards".

Whereas these "soft law" instruments provide for tailored measures targeting people who have a sexual interest in children in order to decrease crime recurrence, the *Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Prostitution* (which is the first international legally binding agreement that defines and criminalises specific CSEC offences), does not expressly prescribe these type of actions but generally underscores the "need to raise public awareness in order to reduce consumer demand while strengthening global partnership among all actors and improving law enforcement at the national level" (U.N. Economic and Social Council Commission on Human Rights, 2006). Conversely, the 2007 *Council of Europe (CoE) Convention on the Protection of Children Against Sexual Exploitation and Sexual Abuse*, the most advanced and comprehensive instrument at international level against child sexual exploitation, requires States parties to "ensure or promote" effective intervention programmes or measures for any person prosecuted for and convicted of sexual offences against children (Art. 15), including children who sexually offend (Art. 16), as well as for those who are afraid to commit these crimes (Art. 7). The objective is to minimise the risk of repeat offences. In its Explanatory Report on the CoE Convention, the Council of Europe stipulates what may constitute an intervention programme, specifying that this may include psychological, medical and social interventions. As an additional measure, the Convention requires parties to ensure that candidates for jobs requiring regular contacts with children have not been convicted of acts of sexual exploitation or sexual abuse of children (Art. 5). For the purposes of prevention and prosecution of offences, parties are also asked to collect and store "data relating to the identity and to the genetic profile (DNA) of persons" convicted of the offences established in accordance with the Convention and to ensure that this information can be transmitted to other parties' competent authorities (Art. 37). However, the 2007 Council of Europe Convention does not impose an obligation to create a national sex offender database.

2. Profiling travelling child sex offenders: stereotypes and reality

Whilst the international debate on measures to deal with child sex offenders, including those who travel for the purpose of sexually abusing and exploiting children, is quite new, some countries have introduced sex offender-specific laws since the beginning of the last century (Center for Sex Offender Management, 2008b; Davidson, 2009) and have established treatment programmes on a significant national basis since the early 1980's, with the United States being a pioneer in this area (Jones, 2010). When examining experience accumulated to date at national level, several child protection specialists and authors have noted that stereotypical views about people who sexually harm children still exist, often fuelled by the media, and that these have largely influenced governmental policies and programmes (Gelb, 2007; Fortney et al., 2007; Konkol, 2008; Finkelhor, 2009). This is also true for travelling child sex offenders. Debunking the myths around child sex tourists and understanding the real dynamics of child sexual exploitation in tourism is essential for good criminological analysis and effective law enforcement (Fredette, 2009).

Overall, there appears to be no single profile of perpetrators who sexually offend against children during their travels (ECPAT International, 2008). Generalizations about this population are difficult and may be misleading as very few child sex tourists are arrested, tried and convicted (ECPAT Netherlands, 2009). Contrary to a common misconception that views all travelling child sex offenders as pedophiles with a primary sexual attraction to pre-pubertal children, research has found that most of these perpetrators are actually situational abusers with no exclusive sexual inclination towards children, but who use a child for sex because he/she is made available to them, often within the adult commercial sex sector (Sub-group Against the Sexual Exploitation of Children, 2005; ECPAT International, 2008; Tepelus, 2008). According to Glover, child sex tourists are generally prostitute

users who are indifferent to their age (Glover, 2006 as cited in Tepelus, 2008). Preferential child sex tourists - who deliberately look for sexual contact mainly with pubescent or adolescent children but who may still have the capacity to experience sexual attraction for adults – constitute a minority. The widespread belief that child sex tourists are all pedophiles is probably due to the fact that most travelling sex offenders who get arrested are either preferential abusers or individuals affected by pedophilia. That is because, contrary to situational abusers, they often keep images or videos of the abuse and exchange them in a network of pedophiles. Not surprisingly, many such child sex tourists are identified and apprehended by the police through child pornography investigations (ECPAT Netherlands, 2009).

The idea that child sex tourists are generally older men is also widespread but does not reflect real facts. According to O'Brian et al. (2008), "the modern sex tourist exploiting children is mostly young". To corroborate this conclusion they mention research conducted by ECPAT Italy showing that the average age of Italian nationals travelling abroad for sex was 27, with the majority between 20 and 40 years of age. Even though the presence of women sex tourists remains limited and little is known about their motivations and how they may access children, they are also engaging in commercial sex with young people in different destinations (Jones, 2006; Puccia, 2009; ECPAT International, 2011). Regardless of gender, age and social class, what most research has revealed is that child sex tourists are now increasingly using the Internet and new technologies to organise their travel for the purposes of offending (ECPAT International, 2012a) as well as to groom children before their travel to various destinations (ECPAT International, 2012b).

Another recurrent stereotype of child sex offenders is that molesters use public venues or approach unknown children (Finkelhor, 2009). In the case of child sex tourists, such a scenario is not uncommon but it is not the only one. A study by the Protection Project (2007) identifies two different patterns. Whilst situational child sex tourists usually travel to a particular country for a relatively short period of time during which they may abuse children if the opportunity arises and then return home, some pedophiles and preferential child sex tourists are long-term visitors and may even choose to take up residence in the country of destination. Some also travel from one country to another in the same region, either because of changing circumstances in a particular location, or due to "deportation for a child sex crime and denial of re-entry into the country where the offense was committed". What is important to highlight here is the fact that staying in a country for an extended period of time or taking up residence allows these child sex tourists to engage in a long "grooming" process which usually sees the foreigner entering into close relations with the child and his or her family and gaining the trust of the community. To get greater proximity or access to children, many such long-term tourists or foreign residents often seek employment as teachers, volunteers or similar occupations or may even set up orphanages for this purpose (ECPAT International, 2008).

An important distinction between situational child sex tourists and pedophiles should also be made with regard to the issue of recidivism. In contrast to an oversimplified view of all child sex offenders as high recidivists, O' Briain (2008) noted that whereas the opportunistic offender may think twice before putting himself at risk of sex with an underage youngster, pedophile abusers are notoriously recidivist and are constantly on the search for vulnerable children. Bearing in mind that the majority of child sex tourists are situational perpetrators, it is evident that to minimise crime recurrence and protect children in both countries of origin and destination, offenders management efforts should be more intensively concentrated on those at high risk to re-offend, i.e. those affected by pedophilia and who are preferential child sex abusers.

3. Enhanced detection and arrest: selected initiatives at global and regional level and the dilemma of law enforcement

In examining the different strategies to prevent child sexual abuse and exploitation, Finkelhor (2009) noted that "the most elemental thing the criminal justice system can do about a crime is to increase its detection and disclosure and the likelihood that the offender will be arrested and prosecuted. […] The offenders who are caught, even if they are not incapacitated, are deterred through embarrassment, humiliation, and increased vigilance by members of their social network. Other potential offenders are deterred by the circulation of news that offenders get caught". Part of the efforts to apprehend child sex tourists spearheaded in recent years have focused on detecting and arresting known or suspected perpetrators travelling across countries. Thanks to several joint initiatives, a number of repeat offenders were caught and prosecuted.

A primary element which has contributed to successful law enforcement against these child sex abusers has been police cooperation at international and regional level. Globally, an agency that has given an important supportive role in identifying and locating the perpetrators of crimes against children with an international dimension is Interpol, the International Criminal Police Organisation. Mandated to provide mutual assistance between criminal police authorities, Interpol employs different strategies to stop sex offenders from re-abusing children worldwide. A first important tool is the "green notice" system which alerts law enforcement entities of member countries by providing warnings and information about people who have committed criminal offences and are likely to repeat these crimes in other countries.[3] The "green notices" are issued by Interpol when persons involved in sexual exploitation against children at an international level are identified. It is then up to countries to decide how to proceed in case a person who is the subject of such a notice wishes to enter their territory (Parliamentary Assembly of the Council of Europe, 2010). Whilst this tool is considered an effective way to prevent offenders from crossing borders and for building awareness of travelling sex offenders, its use should be further increased and intensified.[4] According to the Virtual Global Task Force, countries who experience legislative and administrative constraints with the issuance of Green Notices should work towards reform that will allow their full usage.[5]

Since 2007, Interpol has also launched global public appeals to detect child sex tourists and these have led to the arrest of a number of sex offenders who repeatedly sexually exploited children during their time abroad.[6] The identification of perpetrators is often facilitated by the use of another essential tool developed by Interpol: the International Child Sexual Exploitation (ICSE) Image Database. Introduced in 2009 to replace the Interpol Child Abuse Image Database (ICAID) and accessible in real time by authorised trained specialists through Interpol's "I-24/7" global police communications network, the ICSE serves to identify victims and perpetrators based on material supplied by Interpol Member

[3] Interpol. "Sex offenders". Accessed on 25 November 2012 from: http://www.interpol.int/es/Criminalidad/Delitos-contra-menores/Sex-offenders

[4] Interpol. "Protecting children from actual and virtual abuse focus of INTERPOL expert meeting". 7 November 2011. Accessed on 25 November 2012 from: http://interpolnoticeremoval.com/2011/09/08/protecting-children-from-actual-and-virtual-abuse-focus-of-interpol-expert-meeting/

[5] "International experts meet to collaborate against child sexual predators". 8 September 2011. Accessed on 25 November 2012 from: http://www.virtualglobaltaskforce.com/2011/international-experts-meet-to-collaborate-against-child-sexual-predators/

[6] "International co-operation leads to success of INTERPOL's public appeal to identify an unknown man in child sex abuse images". 29 April 2009. Accessed on 25 November 2012 from: http://www.virtualglobaltaskforce.com/2009/international-co-operation-leads-to-success-of-interpol%E2%80%99s-public-appeal-to-identify-an-unknown-man-in-child-sex-abuse-images/

States. According to information collected between 2001 and August 2011, a total of 1,324 perpetrators from 41 countries were identified (Dutch National Rapporteur on Trafficking in Human Beings, 2011), some of whom had traveled abroad for child sexual exploitation. Thanks to a three year European Commission funded project, as of the beginning of 2012 thirty four countries were connected to the ICSE database and over 200 specialized investigators trained on its usage. However, as for the "green notices", the usefulness of this shared system is necessarily constrained by the extent to which national agencies use them. Given legislative discrepancies between different nations and lack of prioritisation and resourcing in some jurisdictions, the number of countries contributing to ICSE remains limited, thus hindering the effectiveness of the international law enforcement response to online child sexual abuse (Baines, 2008) and related cases of child sex tourism.

Another initiative worth noting is the "G8 Wanted Child Sex Offender" website launched in 2010 by Interpol and developed in cooperation with CEOP, the Child Exploitation and Online Protection Centre based in the UK. Accessible via Interpol's homepage (www.interpol.int), it draws together information from G8 members (i.e. the United States, Canada, Britain, France, Germany, Italy, Japan and Russia) and includes photographs of people wanted on charges of child sexual abuse while enabling the public to access information about how to report missing sex offenders who may have crossed borders (CEOP, 2010).[7] The key objectives of this initiative are to: identify and apprehend wanted child sex offenders; raise public awareness of the problem of missing and travelling sex offenders; act as a deterrent to child sex offenders seeking to travel abroad to escape detection or to commit further offences; and promote international cooperation between global law enforcement agencies (ECPAT International, 2012c). Although this initiative is expected to expand beyond the G8 countries, according to Interpol, the majority of states still seem to be reluctant to share information on child sex offenders (Parliamentary Assembly of the Council of Europe, 2010).

Since many preferential child sex tourists "may make a chosen region their home, spending varying amounts of time in one country or another within the region of interest" (Protection Project, 2007), a number of recent initiatives to apprehend child sex tourists have focused on strengthening law enforcement cooperation at the regional level. Under an initiative entitled "Project Childhood", the Australian government, through AusAID, the Australian Agency for International Development, has begun a programme of work with international partners to combat child sex tourism in the Greater Mekong Sub-region (Cambodia, Lao PDR, Thailand and Vietnam). Comprising of two 'pillars' (prevention and protection), the "protection" component is being implemented by the United Nations Office on Drugs and Crime based in Bangkok, in collaboration with Interpol and with assistance from the Australian Federal Police. The purpose is to increase the number of successful investigations, apprehensions and prosecutions of travelling child sex offenders through capacity building programmes across the region, enhanced intelligence sharing and technical and operational assistance to local law enforcement agencies. With the allocation of $7.5 million Australian dollars over five years (2010-2014),

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[7] Agence France Presse. "Interpol launches G8 'most wanted' child sex offender site". 23 March 2010. Accessed on 25 November 2012 from: http://newsinfo.inquirer.net/breakingnews/infotech/view/20100323-260331/Interpol-launches-G8-most-wanted-child-sex-offender-site

"Project childhood" is one of the largest investments by any single government addressing the protection of children from travelling sex offenders (Baines, 2008; ECPAT UK, 2011) and constitutes an example to be replicated in other regions to prevent (known or suspected) perpetrators from moving across borders for sexual exploitation.

In Europe, an important endeavor against child sex tourists is Project HAVEN - "Halting Europeans Abusing Victims in Every Nation" - launched in November 2010 by Europol. The aim of the project is to detect and disrupt European travelling sex offenders that exploit children outside their countries of origin. As part of these efforts, Europol coordinates joint international operations run by EU law enforcement authorities and supports awareness events to discourage potential child sex offenders from abusing children abroad. Since the beginning of this initiative, two European operations were planned and executed by Europol in joint cooperation with national police, customs and border authorities of several EU countries, leading among other to the temporary arrest of two persons.[8] The project also foresees key long term preventive measures targeting convicted perpetrators, being its ultimate goal to establish a permanent and proactive notification system on travelling European sex offenders (EUROPOL, 2011). How this key outcome will be achieved remains however unclear. Despite the implementation of these promising initiatives at international and regional level and the increasing number of arrests registered in recent years in some countries of origin[9] and destination of child sex tourism (Abueva, 2007; Protection Project, 2007), law enforcement against child sex tourists remains particularly problematic and challenging. Besides a lack of

reporting of sexual abuse of children which hinders detection and prosecution (O' Briain, 2008), the rate of convictions of travelling child sex offenders in countries of origin remains generally low due to a series of difficulties in applying extraterritorial legislation (ECPAT International, 2012d). Whilst prosecutions in the home country of a person who has committed an offence abroad can be a powerful tool in dealing with child sex tourists, obstacles in gathering evidence and producing victims and witnesses for trial, lack of consistency between laws and procedures in different states, burdens on the resources of a country's prosecution services all contribute to a very limited implementation of extra-territorial law. In light of these and other barriers (such as 'dual criminality' requirement and lack of necessary extradition regulations and mutual legal assistance agreements and practices), O' Briain (2008) has pointed out that "prosecutions of offenders in the country where the offence took place is a much more effective strategy". Individuals seeking children for sex tend to travel to countries where the legal framework is nonexistent or weak and/or where law enforcement is lax. Enhancing detection and prosecution sends a clear message to child sex tourists that sexual exploitation of children would not be tolerated, thus resulting in increased deterrence. In this framework and with regard specifically to convicted child sex offenders, particularly useful are some law enforcement initiatives currently being taken in countries traditionally affected by child sex tourism (such as Thailand) and emerging destinations (such as Myanmar[10]) where individuals with previous convictions for sexual abuse of children may now be deported or refused entry, even if they have not committed a crime in the country (ECPAT UK, 2011).

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[8] "International police operation against travelling sex offenders". 17 March 2011. Available at: https://www.europol.europa.eu/content/press/international-police-operation-against-travelling-sex-offenders-463 See also "International police operation against travelling sex offenders". 26 January 2012. Available at: https://www.europol.europa.eu/content/news/international-police-operation-against-travelling-sex-offenders-1251

[9] "Increasing number of Canadians arrested for sex tourism". 23 March 2012. Accessed on 25 November 2012 from: http://www.endmoderndayslavery.ca/2012/03/23/increasing-number-of-canadians-arrested-for-sex-tourism/

[10] "Myanmar warns visitors on child sex tourism". 21 November 2012. Accessed on 25 November 2012 from: http://www.eturbonews.com/32393/myanmar-warns-visitors-child-sex-tourism

4. A package of preventive measures: child sex offenders registration, international travel notification, foreign travel orders and disqualification

Among the different sex offenders management initiatives currently implemented, a number of countries have opted for the setting up of child sex offender registers. The modern registration schemes originated in the USA during the early 1990s in response to high-profile cases. The system allows authorities to keep track of the residence and activity of child sex offenders, including those released from prison (Victorian Law Reform Commission, n.d.). There is nevertheless no international consensus on the effectiveness of child sex offenders registers. In the United States where registration is accompanied by community notification, supporters of this measure have highlighted, *inter alia*: the public's right to know; the deterrent effect on an offender of knowing that he is being monitored; the ability of this tool to assist in the investigation and prosecution of future offences; and the benefit to victims of knowing their abuser is being monitored. On the other hand, opponents to this practice have argued that registration violates the individual liberties and offenders' rights and constitutes a form of double punishment of perpetrators who have completed their sentence which may also reduce the possibility of social

reinsertion due to the social stigma attached to this measure. Furthermore, such a scheme is expensive to establish and maintain and could create a false sense of security since the majority of sex offenders never appear on registration lists in the first place (Lieb and Matson, 1996; Simpson, 1999).

A review on national sex offenders registers published in 2011 found that, besides the United States, this measure has been implemented in Australia, Austria, Canada, France, Japan, Ireland, Kenya, the Republic of Korea, and the United Kingdom. However, with the exception of South Korea, none of these countries has adopted community notification as this measure was found to not decrease the risk of repeat assaults by sex offenders (King, 2011). In 2012, other countries including Malta[11] and Macedonia[12] have passed legislation for setting up a register while some states such as Portugal,[13] Croatia,[14] New Zealand[15] and Singapore[16] have expressed interest in possibly adopting it but have yet to do so.

In an effort to monitor the movements of registered sex offenders and prevent reoffending overseas, some countries have also introduced an obligation for convicted perpetrators to notify competent authorities about their travels abroad. Although this requirement is not often expressly phrased as such, states which have adopted this provision as of October 2011 include

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[11] "Child offenders register comes into force this week". 18 January 2012. Accessed on 25 November 2012 from: http://www.timesofmalta.com/articles/view/20120118/local/child-offenders-register-comes-into-force-this-week.402874

[12] "Macedonia to launch paedophile register online". 24 January 2012. Accessed on 25 November 2012 from: http://www.timeslive.co.za/world/2012/01/24/macedonia-to-launch-paedophile-register-online

[13] "Justice Minister defends creation of national sex offender". 1st June 2012. http://www.algarveresident.com/0-47317/algarve/justice-minister-defends-creation-of-national-sex-offender

[14] "Croatia to establish pedophile register". 6 March 2012. Accessed on 25 November 2012 from: http://www.croatiantimes.com/news/General_News/2012-03-06/25535/Croatia_to_establish_pedophile_register

[15] Romanos, A. "Sex offender register 'won't name and shame'". 26 April 2012. Accessed on 25 November 2012 from: http://www.nzherald.co.nz/nz/news/article.cfm?c_id=1&objectid=10801554

[16] "Singapore debates potential sex offender registry". 15 July 2012. Accessed on 25 November 2012 from: http://www.bikyamasr.com/72790/singapore-debates-potential-sex-offender-registry/

Australia, Canada, Ireland, Kenya, United Kingdom and USA (King, 2011). Whilst none of these countries expressly provide for a duty to share information about travels abroad of convicted sex offenders with their foreign counterparts, efforts to enhance data exchange on travel plans have been bolstered. In Canada, for example, the Bill S-2, *Protecting Victims from Sex Offenders Act*, that came into force in April 2011, now allows police to use information in the sex offender register to issue travel notifications to other police jurisdictions when sex offenders are travelling to their area to assist them in the prevention or investigation of a crime of a sexual nature (Beyond Borders, 2012). In the USA, the U.S. Marshals Service's National Sex Offender Targeting Center forwards the "Sex Offender Travel Notification" to Interpol which in turn will notify the destination country. As specified on the website of the SMART office, "unlike other notices, this is for informational purposes only and does not require action on behalf of the receiving" state.[17] In other words, as with the Interpol "green notices", discretion is left to the countries of destination as regards follow up measures to be taken.

Despite being an effective tool to track sex offenders, a number of shortcomings in existing international travel notification provisions do however exist. With the exception of the UK where a recent amendment now requires registered sex offenders to notify the police of all travel outside of the UK regardless of the duration of the trip, international travel notification usually carries a "travel window" for which reporting is not necessary. In the USA, for instance, sex offenders are required to report only domestic and international travel lasting seven days or more (U.S. Department of Justice 2011). As noted by ECPAT UK, thanks to this legal loophole, child perpetrators are able to slip through the net and

can potentially continue to abuse children overseas either during their short trips or by completely falling off the radar (ECPAT UK, 2011). Another obstacle which may hinder the effectiveness of this measure is retrospective notification. An example is the abovementioned Bill S2 adopted by Canada which gives the possibility to sex offenders to notify their national or international travels within seven days after departure. According to child protection agencies such as the NSPCC, the creation of provisions for retrospective notification, even in exceptional circumstances, may in effect result in another loophole for offenders to exploit children due to the high risk of its misuse by perpetrators (NSPCC, 2011).

The efficacy of international travel notification was recently disputed by an investigation of The Sunday Times which found that, despite existing national laws, hundreds of Australian child sex offenders were flying abroad to prey on children without fear of prosecution. The lack of monitoring on registered sex offenders travelling overseas by Australian law enforcement agencies was found to be a major obstacle to effectively counteracting child sex tourism. In reaction to this concerning situation, Child Wise/ ECPAT Australia suggested that a possible solution could be a ban from travel for registered child sex offenders.[18] This measure has already been applied in the UK for nearly a decade. According to the 2003 *Sexual Offences Act*, the police may apply to court for a foreign travel order (FTO) to prevent offenders with convictions for sexual offences against children from travelling abroad, in particular where there is evidence that they intend to commit further child sex crimes overseas. The FTO can be granted for the purpose of protecting children generally, or any particular child, from serious sexual harm by that individual outside the UK

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[17]   SMART. "Resources. International Travel Form". Accessed on 28 November 2012 from: http://www.ojp.usdoj.gov/smart/smartwatch/12_spring/resources-2.html

[18]   De Ceglie, A. "Call for child sex offenders to be banned from travel". 9 June 2012. Accessed on 30 November 2012 from: http://www.perthnow.com.au/news/western-australia/call-for-child-sex-offenders-to-be-banned-from-travel/story-e6frg143-1226389873067

(Lipscombe, 2012). The order can prohibit travelling to specific countries or put a ban on all travels outside the UK. Upon granting of a worldwide FTO, child sex offenders have to surrender all of their passports and other travel documents. Following enactment of the Policing and Crime Act 2009, the age of a child being protected has been increased from 16 to 18 years and the valid period for the foreign travel order extended from six months to five years (National Policing Improvement Agency, 2010). While recognising the effectiveness of this tool, ECPAT UK has noted that available data on its use illustrate very low implementation, with only 12 FTOs issued between 2008 and 2009 (none in Scotland). The limited application of this measure can be explained by the lack of awareness among many police forces of the potential to use a FTO or their insufficient knowledge about its effective application. This suggests that training for law enforcers on relevant legislation on this and other tools is essential to ensure their successful implementation (ECPAT UK, 2011).

An important issue which has attracted attention of policy makers and child protection specialists is how to avoid convicted child sex offenders traveling to another country to get access to children through employment. This alarming phenomenon appears to be quite common. In the UK, more than 1,000 investigations have been carried out into suspected or convicted sex offenders working abroad from 2006 to 2012, with between 7 per cent and 19 per cent each year ending up in positions that gave access to children.[19] In an effort to tackle this shortcoming, CEOP in collaboration with the ACPO Criminal Records Office (ACRO) has recently developed the International Child Protection Certificate (ICPC). The ICPC is intended to help organizations, such as international schools and child-focused charities operating around the world, to make informed decisions on a persons' suitability for employment in positions that provide regular access to children. "The ICPC contains a person's complete conviction history, as recorded on police central records, including 'spent' and 'unspent' convictions. Additionally, the certificate contains criminal conviction information about offences committed in other foreign countries where such information has been disclosed to the UK through existing exchange mechanisms."[20] It can be requested for both existing employees or during recruitment.

The problem of travelling sex offenders who are able to work with children overseas has also sparked debate for several years at the EU level. *The Directive 2011/92/EU on Combating the sexual abuse, sexual exploitation of children and child pornography* recently adopted seeks to address this concern. Besides requiring Member States to take measures for the temporary or permanent prohibition of some professional activities, this Directive recognizes for the first time the right of an employer who is recruiting staff for professional or voluntary activities involving direct and regular contacts with children, to conduct pre-employment criminal background checks. As a result of this provision, a Member State that does not currently provide for disclosure of criminal records to employers working with children will have to change its national law. Furthermore, to avoid that a convicted offender travels to another EU country to get access to children through employment, the Directive requires Member States to exchange information on criminal convictions for the crimes included in the Directive or of any relevant employment disqualifications through the ECRIS system (see box below). This enables the requesting Member State to identify and bar sex offenders convicted in other Member States from working with children while also allowing

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19   "A fifth of child sex offenders who travel abroad end up working in jobs that involve children". 18 October 2012. Accessed on 30 November 2012 from: http://www.dailymail.co.uk/news/article-2219419/A-fifth-child-sex-offenders-travel-abroad-end-working-jobs-involve-children.html#ixzz2EecbQjmg

20   CEOP. "International Child Protection Certificate". Undated. Accessed on 30 November 2012 from: http://ceop.police.uk/icpc/

EU employers to make informed decisions about the suitability of EU job applicants for positions affording close contact with children. Although this Directive has been recognised as the most far-reaching initiative towards preventing convicted sex offenders from obtaining paid or volunteer positions affording access to children, according to Blitsa and Jacobs (2011) it presents some shortcomings. Apart from not imposing an obligation on employers to conduct pre-employment criminal background checks for child-related positions, the current provisions allow for criminal background checks only to job applicants, so thus does not cover employees whose prior convictions come to light after being hired or who are convicted after being hired. In addition, there appears to be disagreement over what positions a disqualification covers as well as a lack of harmonization of employment disqualifications with respect to nature, scope, weight and duration. Jacobs concludes that it will take some time before information on convictions and disqualifications will be effectively exchanged among EU Member States.

The ECRIS system in Europe

Whilst the EU has not legislated for the mandatory creation of national sex offenders and has found the establishment of a European sex offenders register unrealistic, it has made consistent efforts to enhance information exchange on criminal records among Member States. The result of this endeavour was the adoption of the 2009 "Council Framework Decision the organisation and content of the exchange of information extracted from the criminal record between Member States" and the consequent setting up of ECRIS, the European Criminal Records Information System. Launched in April 2012, the system establishes "an electronic interconnection of criminal records databases to ensure that information on convictions is exchanged between EU countries in a uniform, speedy and easily computer-transferable way." Through ECRIS, authorities of a given EU state are able to request information about prior convictions of a non-national from another member state and vice-versa, using a standardised format. The information is not centralised in a common European database but remains on the criminal record system in the country where the individual was convicted.[21] According to ECPAT UK, "this system aims at being a progressive means of sharing information about known sex offenders subject to investigation by foreign states" (ECPAT UK, 2011) and can therefore contribute to preventing convicted sex offenders from moving within the EU for the purpose of reoffending. Shortcomings in the system do however exist. Vermeulen et al. (2012) noted that the ECRIS classification system is not detailed enough as the minimum constituent elements of offences is currently not defined. In the lack of an approximation instrument, the risk is to potentially render interpretation impossible (De Bondt and Vermeulen, 2010).

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[21] "ECRIS (European Criminal Records Information System)". Accessed on 25 November 2012 from: http://ec.europa.eu/justice/criminal/european-e-justice/ecris/index_en.htm

5. Is a global travel notification system possible? The debate in the U.S.

As mentioned above, States participating in the 2008 World Congress III against sexual exploitation of children and adolescents endorsed a commitment to cooperate in the establishment of an international travel notification system similar to the Interpol "green notice" system. In the United States, the prospect of a global mechanism to prevent or monitor the movements of child sex offenders has been pursued through the proposition of Bill H.R. 5138 known as "International Megan's Law". Introduced in 2010 by U.S. Congressman Christopher Smith, the legislation aims to "protect children from sexual exploitation by preventing or monitoring the international travel of sex traffickers and other sex offenders who pose a risk of committing a sex offense against a minor while traveling." To fulfill this purpose, the bill would, *inter alia*: a) establish a system that provides notice to foreign government officials when a known American sex offender who poses a risk of re-offending intends to travel to their country; b) encourage and assist foreign governments to establish a sex offender travel notification system and to inform U.S. authorities when a sex offender intends to travel or has departed to the United States; c) establish and maintain in U.S. diplomatic and consular missions non-public sex offender registries of American citizens living abroad; and d) provide the U.S. Secretary of State with the discretion to revoke the passport of an individual who has been convicted overseas of a sex offense against a minor. To carry out the provisions in the act, the legislation creates the International Sex Offender Travel Center ("Center") mandated, among other, to assess whether the perpetrator is a "high interest offender".

Whilst International Megan's Law has been strongly supported by some child protection agencies committed to stop child sex tourism, it has encountered some criticism, thus giving rise to a lively debate. Opponents have emphasized that the law's restrictions on travel inhibit a prior offender's "right to leave"

and is a continued violation of sex offender's human rights. The American Civil Liberties Union ("ACLU"), for example, opposes International Megan's Law because it believes that imposing new restrictions on people who already have served their sentences is wrong (Newburn, 2011). Other authors have raised a number of concerns about the rationale and content of the Bill. Newburn (2011) has pointed out "that the overarching concern about International Megan's Law is that it is an attempt by the United States to unilaterally fix a global problem". As child sex tourism is an international problem, argues Newburn, solutions should be discussed and agreed with the involvement of all countries and under the guidance of a global body. Furthermore, the model that the Bill tries to export – i.e. the National Megan's law - presents several controversial aspects (highlighted also by child protection agencies) and there is an issue of maintaining offenders' privacy. Last but not least, the creation of such a global system may encounter barriers due to the differing cultural norms, privacy laws, and definitions of and punishment for sex offenders existing across states worldwide. In light of the fact that only a few countries have adopted sex offenders registers and that even less have introduced a travel notification requirement, Newburn concludes that a better option would be to develop a system resembling to the European ECRIS system, "which favor data exchange over a searchable database and incorporate privacy, rehabilitation, and social reintegration".

King (2011) has echoed these concerns stressing that the Bill poses a number of problems. Besides extending measures to juvenile offenders, International Megan's Law does not provide a clear definition of "a high interest registered sex offender" nor clarifies the duration of travels for which reporting is required. In addition, the cost of the proposal is assessed as being significantly higher than what it costs ICE to detect and investigate instances of child sex tourism. As an alternative to the proposed Bill, King suggests to "pass legislation allowing for the revocation or restriction of passports and visas issued to domestic child-victim sex offenders deemed to be high-risk by use of (1) best practices

in the risk/threat assessment fields or (2) relevant triggering offenses" (e.g., statutory rape, engagement in child sex tourism, and sex trafficking of minors). In this case, concludes King, high-risk child sex offenders would be denied the right to travel internationally while those permitted to travel would be monitored by ICE in cooperation with law enforcement of destination countries.

Conclusion and recommendations

A number of efforts have been bolstered at international, regional and national level to improve safety for children and reduce the likelihood that convicted perpetrators of sexual exploitation re-offend during their travels abroad. Whilst there is no precise data about the number of travelling sex offenders with previous convictions, evidence in countries such as Australia suggests that those registered are only a very small proportion of the entire population of Australian travelling sex offenders (approximately 5%). Bearing in mind that not all registered offenders travel for the purpose of committing further crimes against children (ECPAT International, 2012a), a first conclusion that can be drawn is that child sex offenders' management as a prevention strategy contribute to reduce sexual crimes against children overseas only minimally.

Despite this, the international community, child protection agencies and governments in many countries have strongly supported the adoption of policies, programmes and measures for monitoring child sex offenders. Although there is no consensus on the effectiveness of the different strategies available mainly due to a lack of evaluation, some authors such as Finkelhor have posed an emphasis on the deterrent effect that getting caught has by itself reduced the propensity to offend again. This is proved by the fact many child perpetrators who commit numerous crimes before being detected, have relatively low re-offense rates afterward. In the context of child sex tourism, enhancing

detection, arrest and conviction of travelling child sex offenders (including those with previous convictions) would contribute to discourage perpetrators from repeating their crimes, both overseas and domestically. States should therefore invest more resources in identifying and apprehending child sex tourists. Besides increasing law enforcement through bilateral collaboration with countries of destination, ample use should be made of available investigative tools developed by regional and international law enforcement bodies, such as Europol and Interpol (e.g. "green notice system", "G8 Wanted Child Sex Offender" website, ICSE database, etc.). New reporting mechanisms should also be set up to increase disclosure of child sex offences committed abroad while steps should be taken to remove or reduce the barriers which hinder the application of extraterritorial legislation. Countries of destination have a key role to play in this framework. Prosecuting child sex offenders where the offence was committed remains up to now a much more effective strategy.

With regard to post apprehension strategies, some countries (mainly in Europe and North America) have opted for the registration of sex offenders on specific registers. A number of countries have introduced an international travel notification requirement for registered sex offenders while the United States (which also have this requirement) have tried to establish a global mechanism to prevent or monitor the movements of child sex offenders, giving rise to a lively debate between supporters and opponents. The difficulties in setting up a global mechanism suggest that establishing an international travel notification system as required by the Rio Declaration and Call to Action is particularly challenging and may require many years and a large amount of resources.

While recognising that national sex offenders registers under certain conditions contribute to keep children safe and should therefore be set up at country level, there are also other less costly measures to prevent convicted sex offenders from travelling with the purpose of re-offending that States may consider. The foreign

travel orders based on the UK model and passport revocation or denial are just two examples of the possible solutions that countries worldwide may adopt. Considering that some convicted child sex offenders travel to other countries to get access to children through employment, the use of International Child Protection Certificates (ICPC) could be extended to other nations. In Europe, the application of disqualification measures and the required data exchange through the ECRIS system (as provided for by the new EU Directive against sexual exploitation) is promising and should be accelerated, also by refining the system and removing potential impediments to its effective implementation. Globally, information sharing among states to avoid the situation that convicted sex offenders seek work with children in other countries and to effectively monitor their movements should be further enhanced.

Regardless of the type of offenders management strategies that a State will decide to adopt, it is essential that training to ensure their effective implementation is delivered to concerned actors, especially police. Furthermore, there is a need for these measures to be proportionate to the prevention of the crime and for resources to be more intensively concentrated on those at high-risk to reoffend (usually pedophiles and preferential child sex tourists). In this connection, the use of risk assessment tools appears to be crucial not only to identify higher-risk offenders but also to detect changes in risk which would allow, if applicable, the suspension of certain restrictions or the adoption of other more appropriate measures. Finally, it is critical that all proposed measures examined in this article are developed as part of a wider programme of management which would balance protecting children with offender privacy, rehabilitation, and social reintegration.

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