



Request for Proposals Consultancy

Legal desk review: extra-territorial jurisdictions and extradition mechanisms: Sexual exploitation of children

ORGANISATIONAL CONTEXT

ECPAT International is a global network of organisations working together for the elimination of the sexual exploitation of children (SEC) in all its manifestations i.e. exploitation of children in prostitution, online child sexual exploitation, sale and trafficking of children for sexual purposes, sexual exploitation of children in travel and tourism and some forms of child, early and forced marriage. The ECPAT Network currently consists of 122 members working at national and local levels in 104 countries.

BACKGROUND

Previous research conducted by ECPAT International has stressed how the provisions on extraterritorial jurisdiction and extradition often fall short in light of international standards. Effective extraterritorial legislation and extradition mechanisms are particularly important considering the transnational nature of sexual exploitation of children, with the offenders' country of origin different from the victim's country of origin and sometimes even involving a third country, the country of victimization, where the offence occurred. Child sex offenders in the context of travel and tourism tend to choose destinations known for their lenient laws. The development of the legal framework on extraterritoriality and extradition can help to ensure that offences of sexual exploitation of children occurring across national jurisdictions do not remain unpunished and that no country offers impunity for child sex offenders.

ECPAT has been researching the topic and advocating for the improvement of the provisions related to extraterritoriality and extradition via numerous avenues, and is currently in the process of collating information in order to provide an updated baseline on the extraterritorial jurisdiction and extradition mechanisms in force in all countries around the world. ECPAT developed a 24-point [legal checklist](#) to assess national government responses to sexual exploitation of children in the context of travel and tourism. The checklist has been used to assess twelve focus countries (Bolivia, Colombia, Peru, Nicaragua, Brazil, Dominican Republic, Indonesia, Thailand, the Philippines, India, Nepal and Bangladesh) of the project "Down to Zero – Building Back Better" as well as other countries. The legal checklist is available in English, French and Spanish [here](#).

The results of the national assessments using the legal checklist represent preliminary data, and an evidence reflecting gaps in national legal frameworks – such as the need of establishing by law extra-territorial jurisdiction for all offences of sexual exploitation of children, including those occurring in the online environment and do not applying the principle of double criminality. These will be used for further advocacy by ECPAT International and project partners to intergovernmental regional bodies, national and local governments to improve legal frameworks and international cooperation to protect children from sexual exploitation by travelling sex offenders.



ECPAT International seeks a consultant to **complete desk research** and **draft a paper** that analyses the relevance of extraterritorial jurisdiction and extradition mechanisms in the context of the conviction of child sex offenders. Such analysis will be completed by a review of such provisions in the focus countries of the project based on information provided by ECPAT, as well as an analysis of how extraterritoriality applies in practice in the focus countries (based on case law examples, when court files can be accessed) or media reports. The issue paper should also provide concrete and practical recommendations for improvements in the focus countries of the Project.

OBJECTIVES OF CONSULTANCY:

ECPAT International is seeking a consultant to:

- Use the available assessment and research on relevant legal checklist points related to extraterritorial jurisdiction and undertake a desk review of global literature that identifies the relevance and efficacy of extraterritorial jurisdiction and extradition mechanisms to respond to child sexual exploitation and ensure that offenders are punished;
- Focus attention on the twelve project countries in which the legal checklist assessment has been completed, and based on this preliminary legal analysis, further explore project country structures, based on legal/regulatory and policy frameworks for potential insights/gaps;
- Analyse case law on the topic provided by ECPAT member organisations in the twelve project countries and extrapolate relevant insights;
- Draft a paper in English language (approximately 20 pages) summarising key finding and capturing practical recommendations and examples underpinned by evidence on how extraterritorial jurisdiction and extradition mechanisms can be used, in general, and specifically in the twelve Project countries, to eradicate impunity of child sex offenders;
- Provide the library of files, reports and documents reviewed in the desk research.

DELIVERABLES

The consultant is expected to:

- Participate in inception meeting (as soon as the service agreement is signed by both parties, to be arranged by ECPAT International)
- Provide a work plan with dates for deliverables for agreement with ECPAT International
- Draft paper of approximately 20 pages, following ECPAT style guide (delivery date to be agreed in work plan)
- Deliver a final paper report after incorporation of one round of feedback from ECPAT (delivery data to be agreed in work plan)

TIMEFRAME & REMUNERATION:

- It is expected that this short-term consultancy will require 15 working days over a period of up to 3 months (September-November 2021).

CONSULTANT PROFILE

- Advanced degree in law preferred;
- Track record of experience in legal research;
- Knowledge on child sexual exploitation and abuse with a particular focus on extraterritorial legislation;
- Strong organisational skills and ability to manage time and meet deadlines;



- Excellent writing and communication skills in English (reading skills in Spanish, Portuguese or South Asian/Southeast Asian languages is an advantage).

MANAGEMENT AND REPORTING ARRANGEMENTS

The Consultant will report to the Head of Programme (SECTT) and work in collaboration with the Head of Research and Legal Research Officer.

ADDITIONAL INFORMATION

- This is a home-based position; the consultant will work from home but should be available online during hours agreed with their supervisor.
- The Consultant is expected to act at all times in a manner consistent with the values of ECPAT International and in compliance with the organisation's policies and procedures including Child Safeguarding Policy and the Staff Code of Conduct.

EXPRESSION OF INTEREST

Please send CV, expected daily rate in USD, and a short cover email to vacancy@ecpat.org
Mention in the subject header: your name and "Legal Desk review SECTT"

Deadline: 24 September 2021