

The Legal Checklist is endorsed by:

LEGAL CHECKLIST

KEY LEGAL INTERVENTIONS TO PROTECT CHILDREN FROM SEXUAL EXPLOITATION IN TRAVEL AND TOURISM



As the world continues to respond to COVID-19 pandemic and its consequences, the factors that facilitate, accommodate, and have led to the trafficking and sexual exploitation of children are intensifying. Offenders keep adjusting and adapting their modus operandi and take advantage of lenient legal and policy frameworks in online and offline environments.

The crime of sexual exploitation of children has expanded across the globe and out-paced every attempt to respond at national and international levels. The very first [Global Study](#) on sexual exploitation of children, in the context of travel and tourism has confirmed this is a global issue. No region is untouched and no country is 'immune' to the reach of offenders that can come from any background, be foreign or domestic. Governments and the private sector need to take serious action to ensure that child protection is prioritised as part of a sustainable and responsible post-pandemic travel and tourism recovery.

The Legal Checklist below has been composed for governments with suggestions for interventions they may consider to adopt and enforce – if they have not done so already – to improve their national legal and policy frameworks to address sexual exploitation of children in the context of travel and tourism, along with its online elements more effectively.

An [explanatory note](#) and an [assessment matrix](#) can be consulted for further reference.

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| 1. Establish by law extra-territorial jurisdiction , within the parameters of Article 4 OPSC, for all offences of sexual exploitation of children, including those occurring in the online environment. |
| 2. Include in extradition treaties the sexual exploitation of children as extraditable offences and apply when appropriate the rules of article 5 OPSC, regardless the nationality of the (alleged) offender. |
| 3. Do NOT require the principle of double criminality for proceeding with extraterritorial jurisdiction or extradition for sexual offences against children. |
| 4. Abolish statutory limitations for the prosecution of offences of all sexual exploitation of children. |
| 5. Set up conditions for any travel by persons convicted of sexual exploitation of children. |
| 6. Ensure consistency in the definition of a 'child' as anyone under the age of 18 for all crimes of sexual exploitation, regardless of the age of sexual consent. |

7.	Ensure that the age of sexual consent for both males and females is 18 and a close in age exemption (up to 3 years) is provided for consensual sexual relationships between adolescents in order to allow voluntary, well-informed and mutual sexual contact between close in age peers and to prevent criminalization of young people in willing sexual relationships.
8.	Have a law or regulation establishing a mechanism for centrally registering sex offenders that has been implemented/setup.
9.	Establish bail conditions that prohibit individual accused of sexual offences against children from traveling outside of the country.
10.	Provide in law that the mere attempt to commit a crime of sexual exploitation of children is criminalised.
11.	Impose more severe sentences for reoffending in case of sexual exploitation against children , e.g. by defining reoffending as an aggravating circumstance, regardless of whether the crimes were perpetrated abroad or in-country.
12.	Provide for mandatory reporting for particular professions that have likelihood to have contact with children who might disclose sexual exploitation.
13.	Establish obligatory government-regulated child protection standards for the tourism industry for example, attach responsibility to an appropriate regulatory authority and/or implement industry specific national codes for child protection as a legal requirement for the travel and tourism industry to operate.
14.	Ensure the liability of travel and tourism businesses (in operations and supply chains) for criminal conduct including: <ul style="list-style-type: none"> • Organising travel arrangements or transportation that are explicitly or implicitly meant to create or facilitate opportunities to engage (involve) children in sexual activities; • Procuring, aiding or abetting the exploitative sexual conduct with a child; • Advertising or promoting sexual exploitation of children; • Benefitting, by any means, from any form of sexual exploitation of a child (or children) in the context of their travel and tourism business.
15.	Criminalise the grooming of children for sexual purposes (often called 'solicitation' in law) including through Internet and other communication technologies to facilitate either online or offline sexual exploitation.
16.	Establish legislation requiring for a criminal background check for every person (national or non-national) applying for work with or for children or who is currently working with or for children. Introduce legislation prohibiting convicted sex offenders to hold positions involving or facilitating contact with children.
17.	Regulate and monitor the use of volunteers (including in 'voluntourism') in settings and activities that involve direct contact with children, particularly prohibiting visits to orphanages/residential care settings in favour of redirecting the industry towards solutions that support community-based care.
18.	Ratify and implement relevant regional and international instruments related to child's rights and sexual exploitation of children.

19. Establish **protection measures** for child victims at any stage of the legal process against the suspected offender.
20. Establish **child-friendly interviewing practices** by professionally trained police.
21. Ensure that national legislation provides the **right for child victims to receive support in their recovery and rehabilitation**, including accessing re-integration services.
22. Establish a **national reporting mechanism (e.g. hotline)** that coordinates access to services, and helps to overcome reluctance to report sexual exploitation of children.
23. Create **data retention and preservation** laws, regulations and procedures, to ensure the retention and preservation of digital evidence and enable cooperation with law enforcement which applies to ISPs, mobile phone companies, digital social media and communication companies, cloud storage companies, based in/operating in national jurisdiction.
24. Ensure that national legislation provides the **right for all child victims of sexual exploitation to seek compensation** in national courts from convicted perpetrators who harmed them and/or through state-managed funds.