# Summary of Recommendations

# Legal interventions in latin America





ECPAT International has developed a [**legal checklist**](https://ecpat.org/resource/legal-checklist-key-legal-interventions-to-protect-children-from-sexual-exploitation-in-travel-and-tourism/) for governments providing guidance for legal interventions and measures to adopt in order to improve their national legal and policy frameworks. This helps to effectively address the crime of sexual exploitation of children in travel and tourism, including its online elements.

The legal checklist was developed based on the recommendations of the first [Global Study](https://ecpat.org/wp-content/uploads/2021/08/Global-Report-Offenders-on-the-Move.pdf) on sexual exploitation of children in the context of travel and tourism. Since the development of this legal checklist, ECPAT International has been conducting **country legal analysis,** currently available for over forty countries in South Asia, Southeast Asia, Africa and Latin America.

In Latin America, the country analysis is available for **Argentina, Brazil, Bolivia, Chile, Colombia, Costa Rica, The Dominican Republic, Ecuador, El Salvador, Guatemala, Guyana, Honduras, Mexico, Nicaragua, Paraguay, Peru and Uruguay**. The Regional Action Group of the Americas for the prevention of sexual exploitation of children in travel and tourism (GARA) endorsed the legal checklist to better protect the region’s children from sexual exploitation.

ECPAT network is monitoring the actions taken by countries around the world towards ending the sexual exploitation of children. For this, [Global Progress Indicators](https://ecpat.org/our-impact/) were also defined, with measurable aspects of national responses towards protecting children. The country analysis and the Global Progress Indicators provide practical guidance - when movement have been seen in a country the assessments are updated to highlight country progress.

The table below provides a **summary of recommendations for Latin America**. It allows easy assessment of existing legislation and policies in the region against the 24 measures of the legal checklist. An [Assessment Matrix](https://ecpat.org/wp-content/uploads/2021/09/Assesment-Matrix_2021SEP_ENG_v2.pdf) explains how to measure evidence of national legislative and policy responses and explains concrete steps needed for states to meet the action described in the 24 checklist points.

## Table for visualisation:

**Findings reflecting the** [**24-points of the legal checklist**](https://ecpat.org/resource/legal-checklist-key-legal-interventions-to-protect-children-from-sexual-exploitation-in-travel-and-tourism/)**:**

|  |  |
| --- | --- |
| **Yes** | **The matter has been regulated** |
| **Pa** | **The matter has not been regulated, however, other legal provisions could apply** |
| **No** | **The matter has not been regulated** |
| **?** | **Insufficient data** |

|  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
|  | AR | BR | BO | CL | CO | CR | DR | EC | SV | GT | GY | HN | MX | NI | PY | PE | UY |
| 1 | **No** | Yes | Pa | **No** | Yes | Pa | Pa | Yes | **Yes** | Yes | Pa | Pa | Yes | Yes | Pa | Yes | Pa |
| 2 | Pa | **No** | **No** | **Yes** | **Yes** | Pa | **Pa** | **Pa** | **Pa** | **Yes** | **Yes** | **?** | Pa | Pa | **?** | **Yes** | **Pa** |
| 3 | **No** | **No** | Pa | **Pa** | Pa | Pa | Pa | Pa | Yes | **Yes** | **No** | **No** | **No** | Pa | Pa | **No** | **Pa** |
| 4 | **Pa** | **No** | **Pa** | Pa | **No** | **Pa** | **No** | **Yes** | **Yes** | **Pa** | **Yes** | **Yes** | Pa | **Yes** | **No** | **No** | **Pa** |
| 5 | **Yes** | Pa | **Yes** | **Yes** | Yes | **Yes** | **No** | **Yes** | **Yes** | **Yes** | **Yes** | Pa | Yes | **Yes** | **Yes** | **Yes** | Yes |
| 6 | **Yes** | Pa | **Yes** | **Yes** | **Yes** | **Yes** | **Yes** | **Yes** | **Yes** | **Yes** | **Yes** | **Yes** | **Yes** | **Yes** | **Yes** | **Yes** | **Yes** |
| 7 | **No** | **No** | **No** | **No** | **No** | **Yes** | **Pa** | **No** | **Pa** | **No** | Pa | **No** | **No** | **Pa** | **No** | **No** | **No** |
| 8 | **Yes** | **No** | **No** | **Yes** | **Yes** | Pa | **No** | **No** | **Yes** | **Yes** | **No** | **No** | Pa | **No** | Yes | **No** | **No** |
| 9 | **No** | Yes | **No** | **No** | **Yes** | **Yes** | **No** | **Yes** | **Yes** | **No** | **Pa** | **No** | **Yes** | **Yes** | **No** | **No** | **No** |
| 10 | Yes | Yes | **Yes** | Yes | **Yes** | **Yes** | **Pa** | **Yes** | **Yes** | **Yes** | Pa | Yes | **Yes** | **Yes** | Yes | **Yes** | Yes |
| 11 | **No** | Pa | **Pa** | **Pa** | **Yes** | **Pa** | **Pa** | **Yes** | **No** | **Yes** | **No** | **Yes** | **Yes** | **Yes** | **No** | **Pa** | **Yes** |
| 12 | Pa | **Yes** | Pa | Yes | **Yes** | Yes | Yes | Yes | Yes | Yes | Pa | Pa | Yes | Pa | **Yes** | Pa | **Pa** |
| 13 | Pa | Pa | **No** | Pa | **Yes** | Pa | **Pa** | **Yes** | **No** | Pa | **No** | Pa | Pa | **Yes** | **No** | **Yes** | **Yes** |
| 14 | **No** | **No** | **No** | **Pa** | **Yes** | Pa | **No** | **Yes** | Yes | **Pa** | **No** | **Pa** | Pa | **Yes** | **No** | **Yes** | Yes |
| 15 | **Pa** | Pa | **No** | **Yes** | **Yes** | **Pa** | **No** | **Pa** | **Pa** | **No** | Pa | **Pa** | **Yes** | **No** | **No** | **Yes** | **Yes** |
| 16 | **No** | **No** | **No** | **Yes** | **Yes** | **Pa** | **No** | **No** | **Pa** | **Pa** | **Pa** | **No** | **No** | **No** | **No** | **No** | **Pa** |
| 17 | **No** | **No** | No | **No** | **Yes** | No | **No** | **No** | **No** | **No** | **No** | **No** | **No** | **No** | **No** | **Pa** | No |
| 18 | **Pa** | **Pa** | **Pa** | **Pa** | **Pa** | **Pa** | **Pa** | **Yes** | **Pa** | Pa | **No** | **Pa** | **Pa** | **Pa** | **Pa** | **Pa** | **Pa** |
| 19 | **Yes** | **Yes** | **Pa** | **Yes** | **Yes** | **Yes** | **Yes** | **Yes** | **Yes** | Pa | **Yes** | **Yes** | **Pa** | **Yes** | **Yes** | **Yes** | **Yes** |
| 20 | **Pa** | **Pa** | **Pa** | **Pa** | **Pa** | **Yes** | **Pa** | **Pa** | **Pa** | **Yes** | Pa | Pa | **Yes** | **No** | **Pa** | **Pa** | **No** |
| 21 | **Yes** | Pa | **Yes** | **Yes** | **Yes** | **Pa** | **Pa** | **Yes** | Pa | **Yes** | **No** | **Yes** | **Yes** | **Yes** | **Yes** | **Yes** | **Yes** |
| 22 | **Yes** | **Yes** | **Yes** | **Yes** | **Yes** | **Yes** | **Pa** | **Yes** | **Yes** | **Pa** | **Yes** | **Yes** | **Yes** | **Yes** | **Yes** | **Yes** | **Yes** |
| 23 | Yes | Pa | **No** | **No** | No | **No** | **Yes** | **No** | **Yes** | **No** | **Yes** | **No** | **No** | **No** | **No** | Yes | **No** |
| 24 | Yes | **Yes** | Yes | Yes | **Yes** | Yes | Pa | Yes | **Yes** | **Yes** | **Yes** | Yes | **Yes** | Yes | Yes | Yes | **Yes** |

## Latin America - regional overview:

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***Measure 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.*

***Indicator:*** *The country has appropriate extraterritoriality provisions for sexual exploitation of*

*children crimes.*

Out of the 17 countries, Brazil, Colombia, El Salvador, Guatemala, Mexico, Nicaragua and Peru have established by law extraterritorial jurisdiction for all offences of sexual exploitation of children, including those occurring in the online environment. Other eight countries have partially established by law extraterritorial jurisdiction but do not specifically indicate whether this would apply to offences committed in the online environment or don't include passive or active extraterritorial jurisdiction (i.e. extraterritorial jurisdiction based on the nationality of the victim or the offender, respectively). Chile and Argentina have not established by law extraterritorial jurisdiction over SEC-related offences.

***Measure 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.*

***Indicator:*** *The country has appropriate extradition provisions for sexual exploitation of children crimes.*

Out of the 17 countries, Chile, Colombia, Ecuador, Guatemala, Guyana and Peru include in their extradition treaties the sexual exploitation of children as extraditable offence. Argentina, Costa Rica, Dominican Republic, El Salvador, Mexico, Nicaragua and Uruguay include some SEC-related offences as extraditable offences. Honduras and Paraguay don't provide enough information to determine if the sexual exploitation of children is considered by law as an extraditable offence, while Brazil and Bolivia have not appropriate extradition provisions for sexual exploitation of children crimes.

***Measure 3:*** *Do NOT require the principle of* ***double criminality*** *for proceeding with extraterritorial jurisdiction or extradition for sexual offences against children.*

***Indicator:*** *The country has appropriate extraterritoriality and extradition provisions for sexual exploitation of children crimes.*

Out of the 17 countries, El Salvador and Guatemala are the only countries which don't apply the principle of double criminality in both cases. Nine countries only apply the principle of double criminality for either extradition or extraterritorial jurisdiction. Six countries apply the principle of double criminality for sexual offences against children both for extraterritorial jurisdiction and extradition.

***Measure 4****: Abolish* ***statutory limitations*** *for the prosecution of offences of sexual exploitation of children.*

***Indicator:*** *Statutory limitations do not apply for all offences of sexual exploitation of children.*

Out of the 17 countries, El Salvador, Ecuador, Guyana, Honduras and Nicaragua abolished the statutory limitations for the prosecution of offences of sexual exploitation of children. Argentina, Bolivia, Chile, Costa Rica, Guatemala, Mexico and Uruguay abolished statutory limitations for the prosecution of some SEC-related offences but not all of them. Five countries didn't abolish statutory limitations at all.

***Measure 5****: Set up* ***conditions for any travel*** *by persons convicted of sexual exploitation of children.* ***Indicator:*** *The country has set up conditions for the travel of persons (both nationals and foreigners) convicted of sexual exploitation of children.*

Out of the 17 countries, only The Dominican Republic did not set up conditions for any travel by persons convicted of sexual exploitation of children. Brazil and Honduras don’t explicitly deny the entry of foreigners convicted for the sexual exploitation of children (partially regulated) while all the remaining countries set up conditions for any travel by persons convicted of sexual exploitation of children.

***Measure 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.*

***Indicator:*** *The national legislation consistently defines a child as anyone under the age of 18 for all crimes of sexual exploitation.*

The majority of the countries in the region 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. Brazil doesn't define ‘child’ as anyone under the age of 18 for all crimes of sexual exploitation.

***Measure 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.*

***Indicator:*** *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.*

Out of the 17 countries, only Costa Rica establishes sexual consent for both males and females at 18 and implements provisions establishing a close-in-age exemption. The Dominican Republic, El Salvador, Guyana and Nicaragua partially regulated this matter while other countries did not.

***Measure 8:*** *Have a law or regulation establishing a* ***mechanism for centrally registering sex offenders*** *that has been implemented/setup.*

***Indicator:*** *The national legislation establishes a national mechanism for centrally registering sex offenders that has been implemented/setup.*

Out of the 17 countries, Argentina, Chile, Colombia, El Salvador, Guatemala, and Paraguay have a law or regulation establishing a mechanism for centrally registering sex offenders that has been implemented/setup. Costa Rica, Mexico have implemented a sex offenders' registry but not specific for child-related violations. Other countries did not establish a national mechanism for centrally registering sex offenders.

***Measure 9:*** *Establish* ***bail conditions*** *that prohibit individual accused of sexual offences against children from traveling outside of the country.*

***Indicator:*** *The national legislation establishes bail conditions that prohibit individuals accused of sexual offences against children from travelling outside of the country.*

Out of the 17 countries, Brazil, Colombia, Costa Rica, Ecuador, El Salvador, Mexico and Nicaragua consider SEC-related offences as bailable offences. Guyana considers only some of the SEC-related offences as non-bailable offences. Other countries do not offer a bail system for all offences.

***Measure 10****: Provide in law that the mere* ***attempt to commit a crime*** *of sexual exploitation of children is criminalised.*

***Indicator:*** *The national legislation specifically criminalises attempted sexual exploitation of children related offences.*

The majority of the countries in the region specifically criminalise attempted sexual exploitation of children related offences. The Dominican Republic and Guyana criminalise only some SEC-related offences in their national legislation. The Dominican Republic, for instance, does not criminalise attempts of online sexual exploitation of children and adolescents.

***Measure 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.*

***Indicator:*** *The national legislation provides for more severe penalties for reoffending in case of sexual offences against children.*

Out of the 17 countries analysed, seven countries impose more severe sentences in cases of recidivism. Brazil, Bolivia, Chile, Costa Rica, and Peru only apply severe sentences in some circumstances. Argentina, El Salvador, Guyana and Paraguay don't apply more severe sentences in case of recidivism.

***Measure 12:*** *Provide for* ***mandatory reporting*** *for particular professions that have likelihood to have contact with children who might disclose sexual exploitation.*

***Indictor:*** *The national legislation provides for mandatory reporting for particular professions that have likelihood to have contact with kids who might disclose.*

Out of the 17 countries, eleven provide for mandatory reporting for professions that have likelihood to have contact with children who might disclose sexual exploitation. Argentina, Bolivia, Guyana, Honduras, Nicaragua, Peru and Uruguay make reporting mandatory only for a small number of professions. For example, Uruguay doesn’t impose any reporting obligations for social service workers or professionals working in the education system and most of the time, countries don’t include in their legislation an obligation for Internet Service Providers (ISP) to report.

***Measure 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.*

***Indicator:*** *Child protection standards for the travel and tourism industry exist.*

Out of the 17 countries, Colombia, Nicaragua, Peru, Uruguay and Ecuador established obligatory government-regulated child protection standards for the tourism industry. Their adhesion is mandatory for companies in order to be registered and be allowed to operate in the country. Seven countries partially regulated the matter. The majority of countries provide non-binding standards for the travel and tourism business encompassing for child protection or sustainability standards. Bolivia, El Salvador, Guyana and Paraguay don't have established national standards for the industry.

***Measure 14:*** *Ensure the* ***liability of travel and tourism businesses*** *(in operations and supply chains) for criminal conduct including:*

* *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.*

***Indicator:*** *The national legislation includes provisions to ensure the liability of travel and tourism businesses for sexual exploitation of children related crimes.*

Out of the 17 countries, Chile, Ecuador, Guatemala, Nicaragua, and Peru fully ensure the liability of the private travel and tourism sector for sexual exploitation of children offences. Eight countries do it partially, while Argentina, Bolivia, and Paraguay does not ensure liability of travel and tourism business.

***Measure 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.*

***Indicator:*** *The national legislation criminalises grooming of children for sexual purposes including through Internet and other communication technologies to facilitate either online or offline sexual exploitation.*

Out of the 17 countries, only five countries criminalise the solicitation of children (‘grooming’) for sexual purposes including through the use of the Internet and other information and communication technologies. Seven countries do it partially. Bolivia, The Dominican Republic, Guatemala, Nicaragua and Paraguay don't criminalise ‘grooming’.

***Measure 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.*

***Indicator:*** *Criminal background checks are strict requirements for national and non-nationals working in direct contact with children.*

Out of the 17 countries analysed, only Chile and Colombia establish by law mandatory criminal background checks for national and non-nationals working in direct contact with children. Costa Rica, El Salvador, Guatemala, Guyana and Uruguay have partially regulated the matter while the remaining ten countries have not adopted any provisions.

***Measure 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.*

***Indicator:*** *The national legislative and/or policy frameworks establish minimum standards for the context of voluntourism that include criminal background checks and prohibits visits to orphanage/residential care setting as tourism activities.*

Out of the 17 countries analysed, only Colombia establishes minimum standards for the context of voluntourism, including criminal background checks and the prohibition to visit orphanage/residential care setting as tourism activities. Peru partially regulates this matter by preventing people from volunteering if they have a criminal, police or judicial record for crimes committed against sexual freedom. All the other countries do not have any measures in place in relation to regulating voluntourism.

***Measure 18:*** *Ratify and implement relevant* ***regional and international instruments*** *related to child’s rights and sexual exploitation of children.*

***Indicator:*** *The country has ratified all relevant regional and international instruments related to child’s rights and sexual exploitation of children.*

The following international and regional legal instruments shall be ratified and implemented as they constitute comprehensive legal tools for protecting children from sexual abuse and exploitation:

* *UN Convention on the Rights of the Child (CRC);*
* *Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography (OPSC);*
* *Optional Protocol to the Convention on the Rights of the Child on a Communications Procedure;*
* *Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime;*
* *International Labour Organizations’ s Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour No.182;*
* *Council of Europe Convention on Cybercrime (Budapest Convention);*
* *The Council of Europe Convention on Protection of Children against Sexual Exploitation and Sexual Abuse (“The Lanzarote Convention”);*
* *Inter-American Convention on International Traffic in Minors;*
* *Inter-American Convention on the Prevention, Punishment and Eradication of Violence Against Women "Convention of Belem Do Para"*
* *United Nations World Tourism Organization’s Framework Convention on Tourism Ethics (2019).*[[1]](#footnote-1)

The regional analysis shows that out of the 17 countries, all ratified the Convention on the Rights of the Child, the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography, and the International Labour Organizations’ s Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour No.182. None of the countries ratified the United Nations World Tourism Organization’s Framework Convention on Tourism Ethics (2019), while seven countries did not ratify the Optional Protocol to the Convention on the Rights of the Child on a Communications Procedure.

***Measure 19:*** *Establish* ***protection measures*** *for child victims at any stage of the legal process against the suspected offender.*

***Indicator:*** *The national legislation establishes protection measures for child victims, enabling them to participate in the legal process.*

Most of the countries fully regulate this matter, while Bolivia, Guatemala, and Mexico partially establish protection measures for child victims at any stage of the legal process against the suspected offender.

***Measure 20:*** *Establish* ***child-friendly interviewing practices*** *by professionally trained police.****Indicator:*** *The national legislation requires that child victims are interviewed based on child-friendly interviewing practices and at least one Child Advocacy Centre exists in the country.*

Out of 17 countries, Costa Rica, Guatemala, Honduras, and Mexico have established in law child-friendly interview methods for child victims and have a Child Advocacy Centre. Nicaragua and Uruguay fail to implement in law child-friendly interview methods and lack a Child Advocacy Centre. All the other countries only partially regulate this matter.

***Measure 21:*** *Ensure that national legislation provides the* ***right for child victims to receive support in their recovery and rehabilitation****, including accessing re-integration services.*

***Indicator:*** *The national legislation stipulates that child victims can access support in their recovery and rehabilitation.*

Out of the 17 countries, only Guyana did not implement mechanisms and programmes to ensure that children victims fully enjoy their right to recovery, reintegration, and rehabilitation. Brazil, Costa Rica, Dominican Republic, and El Salvador provide partially those services.

***Measure 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.*

***Indicator:*** *A national reporting mechanism with response protocols that allow children and citizens to report without fear exist.*

The majority of teh countries in the region have developed national reporting systems for SEC-related offences, although their effectiveness may be subject to a separate review, with limited public awareness about the reporting mechanisms, and underreporting of suspicious cases. The Dominican Republic and Guatemala only partially regulated this matter. The Dominican Republic has a series of hotlines that the State makes available to citizens for reporting, counselling, and prevention but these lines do not provide coordinated access to services for child victims of sexual exploitation.

***Measure 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.*

***Indicator:*** *The national legislation establishes retention and preservation laws and procedures that allow retention and preservation of digital evidence.*

Out of 17 countries, Argentina, Dominican Republic, El Salvador, Guyana, and Peru implement such legislation. Brazil partially implemented it, while other countries don't implement any laws related to data retention and preservation.

***Measure 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.*

***Indicator:*** *The national legislation provides the right for all child victims to seek compensation.*

All of the countries have a mechanism to seek compensation, while The Dominican Republic implements this measure partially.

##  Key recommendations for the Governments in Latin America:

***Mandatory criminal background checks***

The regional overview shows that only two countries (Chile and Colombia) require mandatory criminal backgrounds for people applying to work for and with children. In five countries, the submission of the criminal records can be demanded by employers, but does not constitute an obligation on the part of the job applicant. None of the countries, except Colombia, require criminal checks for volunteers.

Therefore, in order to prevent potential reoffenders to come directly into contact with children and adolescents, all countries in the region should amend their legislation with a view to **establish mandatory criminal records checks for all people applying to work and/or volunteering for and with children.**

***Obligatory government-regulated child protection standards***

While five countries established **obligatory government-regulated child protection standards** for the tourism industry, the majority of the countries in the region provide non-binding requirements as part of national codes, thus limiting their enforcement. While Latin America is the leading region where tourism authorities take proactive action to prevent and respond to sexual exploitation of children, further measures should be taken towards enforcement of standards as part of binding requirements.

***Criminalise the grooming of children for sexual purposes***

Considering that children are often exposed to the same kinds of sexual exploitation and abuse in both online and offline settings, and that the same persons may be responsible for online sexual exploitation and in the context of travel and tourism, all countries in the region should **criminalise the solicitation of children (‘grooming’) for sexual purposes** including through the use of the Internet and other information and communication technologies.

It has become increasingly common for offenders to sexually abuse children without an explicit intention to meet and abuse them in person, by, for example, manipulating them into self-generating and sharing sexual content through digital technologies. Hence, the law must criminalise the process of building trust between offenders and children as well as situations where the sexual abuse happens online, for example, if a child is coerced, manipulated or convinced to send sexual content to an offender via online platforms.[[2]](#footnote-2)

***Age of sexual consent and a close in age exemption***

The regional analysis shows that only one out of 17 countries ensure that both males and females have 18 years old as the age of sexual consent and that close in age exemption is provided for consensual sexual relationships. The majority of countries have established the minimum age for sexual consent between 14 and 16 years. Three countries in the region have set the minimum of sexual consent below 14 years old: Argentina, Costa Rica and Uruguay. States in the region should:

* Raise the minimum age of consent to 18 years old, while including a defense for consensual sex between adolescents who are close in age (up to three years) in order to avoid criminalizing consensual sex conduct between adolescents.
* Remove discriminatory provisions on age of consent based on gender.

### **Data retention and preservation laws and procedures**

The overview demonstrates lack of national legislation on retention and preservation of digital evidence, as only five countries out of 17 implement laws requiring all service providers to store traffic data of subscribers generated by the use of Information and Communications Technology (ICT). Therefore, States in the region should:

* **Create** data retention and preservation laws and procedures;
* **Invest** to develop a strong cooperation between the ICT sector and law enforcement agencies.

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A global problem requires truly global solutions to address the sexual exploitation of children.
For the most updated information refer to the [Global Progress Indicators](https://ecpat.org/our-impact/), select an indicator to see global progress or click a country on the map for a national summary.



[www.ecpat.org](http://www.ecpat.org)

1. The UNWTO Framework Convention on Tourism Ethics has not been ratified by any countries as of September 2020, while it is an important tool for spurring action to end the sexual exploitation of children in the context of travel and tourism. [The Republic of Indonesia has become the first signatory of the Framework Convention on Tourism Ethics](http://www.unwto.org/news/indonesia-becomes-first-signatory-of-unwto-tourism-ethics-convention), 2 October 2020. [↑](#footnote-ref-1)
2. ECPAT International (2022, forthcoming publication). Legislation addressing online child sexual exploitation and abuse in the [Disrupting Harm countries](https://ecpat.org/disrupting-harm/). Disrupting Harm Data Insight. Global Partnership to End Violence Against Children. [↑](#footnote-ref-2)