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PROTECTING CHILDREN'S RIGHTS IN TRANSNATIONAL CIRCUMSTANCES:

Canada's Role in Global Patterns of Movement for the Exploitation of Children in the Commercial Sex Trade

by

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A Major Research Paper
presented to Ryerson University

in partial fulfillment of the requirements for the degree of

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in the Program of
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PROTECTING CHILDREN'S RIGHTS IN TRANSNATIONAL CIRCUMSTANCES:

Canada's Role in Global Patterns of Movement for the Exploitation of Children in the Commercial Sex Trade

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Master of Arts
Immigration and Settlement Studies
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ABSTRACT:

With the proliferation of international movement that has accompanied globalization, tourism is fueling a significant part of the demand for the consumption of sex, including the exploitation of children. The sexual exploitation of children has taken a transnational dynamic as consumers or perpetrators travel to specific international destinations with easier access to children for the purposes of sex. By looking in particular at the migratory phenomenon of the international travel of Canadians to countries in the global South and their engagement with the sexual exploitation of children, this paper will outline the need for further research and public awareness of Canadian contributions to these crimes overseas and highlight ways in which Canada has and can further honour its commitments to the protection Children's rights.

Key words: Children's Rights, Commercial Sexual Exploitation of Children, Globalization, Sex Tourism, Child Sex Tourism, Canada.

Acknowledgements:

"When you want something,
all the universe conspires in helping you to achieve it."
Paulo Coelho

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1. Introduction

This paper will critically explore the existing literature on the issue of the exploitation of children[1] in the global sex trade, including child sex tourism and the trafficking of children. The literature will be analyzed through a framework that situates tourism, trafficking and the sexual exploitation of children in a wider context of global patterns of movement, driven by the forces of global economic development and structures of unequal power relations. Given that Canada holds a position of relative power and privilege in the world, this paper adopts a rights-based approach with which to explore Canada's role and commitment to the protection of the rights of children, as a signatory to international agreements. The paper will give particular focus to cases where Canadian citizens are violating children's rights while traveling abroad, thus addressing the challenges of children's rights protection in transnational circumstances.

A rights-based approach to the protection of children provides a context in which the standards set in international conventions are integrated into national action plans and policies in order to "guarantee sustained protection and fulfillment of children's rights" (Guy 15, 2003). The recognition of children as the subjects of rights offers empowerment to an otherwise vulnerable group and differs from other approaches that focus more on charity (Guy, 2003). A rights-based approach is used here to focus attention on linking children's rights in

[1] According to the United Nations Convention on the Rights of the Child, "a child means every human being below the age of eighteen years unless under the law applicable to the child, majority is attained earlier" (United Nations 2, 1989).

transnational circumstances to international instruments of protection, whereby Canada recognizes responsibility over and becomes accountable for its citizens who are violating children's rights overseas (Guy, 2003).

The global patterns of movement associated with the commercial sex trade are shaped and influenced by economic and political forces, as well as power structures, "that encourage both the supply and demand side of this trade" (Mahler 80, 1996). Many researchers recognize tourism as a form of migration, which most often occurs in the form of short-term, temporary or seasonal movement across national borders (Charlton et al., 2008; Ireland, 1993; Mahler, 1996; O'Connell-Davidson, 2005). With the proliferation of international movement that has accompanied globalization, tourism is fueling a significant part of the demand for the consumption of sex, including the exploitation of children. The sexual exploitation of children has taken a transnational dynamic as consumers or perpetrators travel to specific international destinations with easier access to children for the purposes of sex, where tourists have more financial, legal and political power and freedom over those they seek to exploit (Ireland, 1993). The trafficking of children to tourist destinations fuels the supply side of this phenomenon through organized crime networks, and internal migration toward tourist areas also occurs (O'Donnell, 2004). By looking in particular at the migratory phenomenon of the international travel of Canadians to countries in the global South and their engagement with the sexual exploitation of children, this paper will outline the need for further research and public awareness of Canadian

contributions to these crimes overseas and highlight ways in which Canada has and can further honour its commitments to the protection the rights of children.

1.1. Key Questions of Analysis

Each section of the paper will address a specific question of research that will contribute to a unified and theoretical analysis of this issue.

1. How is Canada protecting children's rights? As a signatory to international conventions, how does Canada integrate international obligations to promote and provide protection to children's rights into national plans and policies?

2. What is the current global situation of the sexual exploitation of children, within the context of its intersection with tourism and the global economy?

3. How are global patterns of movement that are associated with the commercial sexual exploitation of children shaped and influenced by the forces of the global economy and unequal power structures?

4. How are Canadians participating in child sex tourism, and to what extent is this contribution being recognized and addressed in the existing literature and by the Canadian Government?

1.2 Objective – Why focus on Canada?

In a publication in The Lawyer's Weekly, Benjamin Perrin writes:

> "As Canadians, we view ourselves as good global citizens. Unfortunately, at the moment we are contributing more to the global problem of child sexual exploitation than we are to the solution. We need to start with addressing the serious harm that some Canadians are causing by sexually exploitation children in developing countries" (Perrin, 2008).

The commercial sexual exploitation of children (CSEC) is a global phenomenon that is contributed to by citizens from numerous countries around the world as well as nationals within destination countries. Combating the commercial sexual exploitation of children has increasingly become a priority of the international community, with the majority of the literature emerging in the form of agency reports. International pressure for action has traditionally targeted destination countries to sign international agreements and implement legislation for the protection of children's rights. What has only emerged more recently, however, are agency reports that have turned the attention toward the sending countries creating the demand, from which sex tourists are traveling. For example, a 2004 report published by the International Bureau for Children's Rights addresses Canada's role and responsibility in the protection of children's rights in sex tourism (IBCR, 2004). The report makes recommendations for specific areas of research that need to be explored to better understand and protect child victims; specifically naming "Canadians who travel abroad as sexual tourists" as a central topic that requires further research (IBCR 26, 2004).

As a signatory to the United Nations Convention on the Rights of the Child (CRC) and the Optional Protocol on the sale of children, child prostitution and child pornography, Canada is obliged to take responsibility for the protection of children from sexual exploitation. This includes the "prevention, detection, investigation, and prosecution and punishment of those responsible for acts" involving the sexual exploitation of children (United Nations 7, 2000). As a Canadian citizen, I have witnessed Canada as being a world leader in the creation and negotiation of numerous human rights conventions, including the CRC, yet also recognize that Canada continues to lag behind in the ratification, implementation and enforcement of such conventions. As an argument for accountability, this paper places the individual acts of Canadian citizens who travel abroad and violate children's rights into a broader framework of Canada's position of power and privilege in the world.

This year (2008) Canada will prepare its third report on the implementation of the CRC, which is sent to the United Nations as an update on Canada's efforts to honour its international commitments to the convention. The report is prepared by the department of Canadian Heritage, which is responsible for issues of human rights in Canada. The UN Committee on the Rights of the Child reviews the submitted report, yet these reviews are only effective if Canadians are holding their governments accountable at home. From this position of power and influence, there is a clear role for Canada to become accountable to their international commitments and to recognize that Canadian citizens are

contributing to this problem overseas. Canada can become accountable through the implementation of effective measures that move toward combating Canada's participation in these crimes.

1.3 Methodology:

This major research paper (MRP) is based on a critical review of existing literature from various perspectives within the context a theoretical framework, in accordance with the MRP guidelines for the Immigration and Settlement Studies Program at Ryerson University. The extensive review of existing literature will include agency reports, government and legal documents, published scholarly articles and media publications in order to gain a more complete picture of the topic. This will be done with the intent to contribute a collaborative piece of academic research from multiple perspectives to the field. Also, this MRP will uniquely focus on the parameters around Canada's current efforts toward its commitment to protect children's rights under the CRC, as well as efforts to become accountable for Canadian sex tourists who violate children's rights abroad. Although a number of agency reports and media publications exist, there is a significant gap in existing scholarly literature on Canadian participation in child sex tourism, which provides a gap within the literature where new research could contribute to the knowledge in this field.

1.5 Theoretical Framework:

The theoretical framework for this paper is centred on the concepts of power structures and global economic development, which are associated with globalization. Power and economic development both shape and influence global patterns of movement in tourism, and subsequently have serious consequences on the lived experiences of children involved in the commercial sex trade. The occurrence of child sex tourism exists and is perpetuated by a number of causes and factors ranging from socio-cultural, economic and political factors, to the above mentioned factors related to globalization: power and development.

A recent publication on *Tourism, Power and Space* (2007) clearly states that power "has been routinely and conveniently overlooked in critical discussions of tourism" (Church and Coles xi, 2007). Charlton, Mowforth and Munt extensively use the two theories of power and development in their book, *Tourism and Responsibly* (2008), in which they argue that tourism is "a channel through which power relationships are played out" (195). The authors argue that structures of power and privilege are essential to any analysis of political responsibility (Charlton et al., 2008), which can be applied in this analysis of Canada's responsibly over Canadians who are engaging in child sex tourism.

Using Canada (and Canadian sex tourists) as the case study, this paper outlines the existence of unequal power relationships that exist between, what Jarrah Hodge refers to as, "economically privileged" and "economically

marginalized " nations[2] (61) and the subsequent exploitative relationships that emerge.

The main objective of applying this theoretical framework is to illustrate the multiple levels of power structures that exist in situations of child sexual exploitation and the underlying forces of economic development that perpetuate its existence. Multiple forms of exploitative relationships will be addressed throughout the paper, illustrated by situations of tourism and travel. In recognition of the complexity of this issue, this paper acknowledges that the socio-cultural factors of race and gender are fundamental components of an analysis of global inequity, and can also be illustrated through the exploitative relationships of tourism. However, the focus here will address how power structures and development are played out for differential experiences and opportunities. This will include an illustration of the dichotomous power relationships between source/destination countries, the tourist/local, as well as the adult/child relationship.

This paper will emphasize the connection between the concepts of power and economic development, through globalization, to better understand the causes behind situations of child sexual exploitation and the reasons that motivate the migration of tourists to specific destination countries.

[2] "These alternate terms resist hierarchies and attempt to demonstrate the inherent interdependent relation between the economic marginalization of some countries, and the privileging of others" (Hodge 61).

2. Children's Rights Protection – The Canadian Context

This section outlines the measures taken by the Canadian government toward the recognition and protection of children's rights. First will be an overview of the international agreements to which Canada is a signatory state. Then will be an analysis of Canada's efforts to implement the commitments of these international agreements within Canadian laws and policies. The section will then address the issue of children's rights protection in transnational circumstances when Canadian citizens violate children's rights abroad, with particular focus on Article 34 of the CRC.

2.1. International Conventions

The United Nations Convention on the Rights of the Child (CRC) was adopted in 1989 to address the issue of universal rights for children (Appendix 1). The CRC received an overwhelming international response and was signed by all UN member states, with the exception of the United States and Somalia (Tang, 2003). The CRC was signed by the highest number of UN member states and received the fastest state response of any other international treaty ever signed. Canada signed and ratified the convention in 1991. The CRC is a legal and binding instrument that offers recognition that children are the subjects of rights, as citizens of the nation, and holds signatory countries responsible for the recognition and implementation of those rights (Tang, 2003; Andreychuk and Pearson, 2005). The convention outlines the human rights of children including

civil, cultural, economic, political and social rights (United Nations, 1989). In the context of this paper, particular focus will be on Article 34 of the CRC. Article 34 requires signatory states to:

> "undertake to protect the child from all forms of sexual exploitation and sexual abuse. For these purposes, States Parties shall in particular take all appropriate national, bilateral and multilateral measures to prevent: (a) The inducement or coercion of a child to engage in any unlawful sexual activity; (b) The exploitative use of children in prostitution or other unlawful sexual practices; (c) The exploitative use of children in pornographic performances and materials" (United Nations 10, 1989).

As a signatory to the United Nations Convention on the Rights of the Child (CRC), Canada is obliged to take responsibility for the protection of children from sexual exploitation.

In 2002, Canada signed and ratified the Optional Protocol to the CRC on the sale of children, child prostitution and child pornography (Appendix 2). This optional protocol was created to further support the purposes outlined in the CRC with a more particular focus. It specifically mentions a concern for the "widespread and continuing practice of sex tourism…and the significant and increasing international traffic of children," which are central to the focus of its mandate.

The optional protocol was less widely received than the CRC because of the more detailed nature of its obligations. It extends the protection of rights that are guaranteed for children by expanding on specific Articles of the CRC (Andreychuk and Pearson, 2005). This protocol was created as an addition to the CRC in order to assign particular attention to the "criminalization of these serious

violations of children's rights," according to the UNICEF website[3] dedicated to the CRC. The protocol was also created to increase public awareness about these crimes and encourage increased international cooperation for the purposes of combating them (United Nations, 2000).

Child sex tourism is addressed specifically in Article 10.1 and 10.3 (Appendix 2), which for the purposes of this paper will be focused on here. The articles place central importance on the large scale of commercial child sexual exploitation worldwide and emphasize that cooperation on a number of levels is required. The two mentioned articles are as follows:

> 10.1: "States Parties shall take all necessary steps to strengthen international cooperation by multilateral, regional and bilateral arrangements for the prevention, detection, investigation, prosecution and punishment of those responsible for acts involving the sale of children, child prostitution, child pornography and child sex tourism. States Parties shall also promote international cooperation and coordination between their authorities, national and international non-governmental organizations and international organizations" (United Nations, 2000).
>
> 10.3: "States Parties shall promote the strengthening of international cooperation in order to address the root causes, such as poverty and underdevelopment, contributing to the vulnerability of children to the sale of children, child prostitution, child pornography and child sex tourism" (United Nations, 2000).

In contrast to the CRC, the optional protocol also places emphasis on the underlying causes and contributing factors to situations of child sex tourism and the trafficking of children for purposes of sexual exploitation. These causes and factors are addressed throughout the literature, yet as part of the optional protocol, signatory states are obligated to officially recognize the serious

[3] http://www.unicef.org/crc

consequences for children and cooperate for their elimination (United Nations, 2000; O'Donnell, 2004; Andreychuk and Pearson, 2005). The causes and contributing factors to situations of child sex tourism and the trafficking of children will be addressed in more detail in Section 3.

2.2. Canada's Implementation of the CRC and its Optional Protocol

As a signatory and ratified state to the CRC, Canada "has made a commitment to incorporate the articles contained in the Convention into its legislative system" (Tang 279, 2003). Most of the existing literature surrounding this issue was instigated in the years following the creation of the CRC, which brought the issue of children's rights to a national level in Canada. The response of non-governmental organizations (NGO) was especially strong, and immediate pressure was placed on the Canadian federal government, as well as other signatory state governments, for ratification and implementation of the obligations of the CRC (Ennew et al., 1996; ECPAT, 2006).

The Standing Committee on Human Rights prepared an interim report for the government entitled *Who's in Charge Here? Effective Implementation of Canada's International Obligations with Respect to the Rights of Children* (2005), in which a detailed account is offered of the impact of conventions such as the CRC on Canadian law and policies. The report was prepared by Raynell Andreychuk and Landon Pearson. The report emphasizes that Canada's process of implementation for international treaties is through a 'dualist' model,

wherein any signed and ratified agreement requires further incorporation into domestic law in order to be enforceable within the country (Andreychuk and Pearson, 2005). Therefore, a treaty that is signed and ratified by the Canadian government has limited legal effect within domestic law, unless further steps are taken to incorporate the obligations of the treaty into domestic legislation (Andreychuk and Pearson, 2005). The report describes the dualist model approach in comparison to the 'monist' model used by the United States, wherein "once Congress ratifies a treaty, that instrument is enforceable in American law" immediately (Andreychuk and Pearson 37, 2005). Canada's dualist approach therefore limits the effect of signing and ratifying international agreements in the case of the Canadian legal system. Canada's response to the CRC has been to rely mainly on existing laws within the country, therefore indirectly implementing the obligations of the Convention, with no major changes being made (Andreychuk and Pearson, 2005).

Progress has been made in the prosecution of Canadian citizens who engage in the sexual exploitation of children overseas. In 1997, the federal government amended the Criminal Code "to extend criminal liability to Canadian nationals who commit sexual offenses outside of the country," thus making it easier to prosecute child sex tourists (Svennson 649, 2007). This amendment to Canadian criminal law came through Bill C-27 to make changes to Section 7(4.1) – Sexual offences against children (INTERPOL, 2006). Also known as extraterritorial legislation, these amendments extend Canada's jurisdiction to

prosecute those who commit sexual offenses against children while abroad as if they had committed the crime within Canada (Beyond Borders, 2005; INTERPOL, 2006). This section of the criminal code covers an exhaustive list of forms of sexual exploitation (INTERPOL, 2006). Canada is among 32 other countries that have extraterritorial laws in place, (Beyond Borders, 2005).

2.3. Canada's Shortfalls in the Protection of Children's Rights

Although the amendments to Canada's criminal code are a great contribution to efforts combating the violation of children's rights in sex tourism overseas, Canada's implementation of the CRC has been limited only to the creation of this extraterritorial legislation. The legislation on its own may act as a deterrent against potential sex tourists; however, it cannot be Canada's only effort to combat Canadian contributions to the sexual exploitation of children overseas. Since its inception in 1997, Canada's extraterritorial legislation has only convicted one person[4], thus undermining its efficacy and legitimacy (Svennson, 2007; Perrin, 2008). A major shortfall of the legislation is the fact that "a criminal proceeding in relation to sex tourism will be instituted in Canada only upon request by a foreign country," and a formal request must be made to Canada's Minister of Justice by foreign officials before this occurs (INTERPOL, 2006). The Canadian Department of Foreign Affairs would be the body that would have the jurisdiction to conduct investigations overseas, however action is

[4] Donald Bakker is the only person in Canada to be convicted under the law, only after he pleaded guilty in 2005.

limited by these restrictions (Beyond Borders, 2005). Section 5 will address these shortfalls in a discussion of Best Practices that are currently in use.

Other obstacles to the success of extraterritorial legislation are the difficulty of acquiring evidence for prosecution, given that the crime is committed outside of the country, as well as the linguistic and cultural barriers that must be addressed when obtaining witnesses (Svennson, 2007). It is argued that the limitations of this legislation in Canada are also a result of inadequate resource allocation from the federal government, including fiscal restraint and a lack of efforts to raise public awareness for both the legislation as well as the CRC (Tang, 2003). The Canadian government has not allocated enough resources or political will toward the implementation of the CRC, which is exemplified in the absence of a unified national policy.

Canada's action toward the implementation of the CRC continues to come under scrutiny amongst advocacy agencies in its ability/willingness to fulfill its obligations for the protection of children's rights in accordance with the CRC (Beyond Borders, 2005). Despite the global attention on the realities of child sex tourism and the unprecedented response to the CRC, the sexual exploitation of children continues to be a worldwide phenomenon (Mahler 79).

3. The Intersection of CSEC, Tourism and the Global Economy

This section outlines the complexity surrounding the current situation of the commercial sexual exploitation of children. Particular focus will be paid to the intersection of CSEC and tourism (Child Sex Tourism), when tourism is a central strategy of economic development in the majority of countries in the global South. The purpose of this section is to provide an overview of child sex tourism while placing it within a wider socio-economic and political context, thus revealing the conditions and factors that both cause and perpetuate its existence. This section integrates literature from a variety of perspectives including agency reports and various scholarly articles, as well as the integration of literature on theories of economic development and power structures.

3.1 Child Sex Tourism

Once the CRC brought the issue of children's rights to the forefront of political and social consciousness across the world, a number of prominent international organizations took the initiative of organizing the First World Congress against CSEC, to focus on the global situation of the sexual exploitation of children. The first congress took place in 1996 in Stockholm, Sweden, and has thus far been followed up by the Second World Congress in Yokohama, Japan, with a 3rd World Congress planned for November of this year (2008) in Rio de Janeiro, Brazil. The congresses have brought together governments from over 100 countries and NGOs, and were organized by

international organizations such as UNICEF and End Child Prostitution, Child Pornography and Trafficking of Children for Sexual Purposes[5], henceforth referred to as ECPAT. The attending participants of the first congress became party to the Stockholm Declaration and Agenda for Action, which acts as a guideline for efforts to create a global partnership dedicated to combating the commercial sexual exploitation of children, in accordance with the obligations outlined in the CRC.

In their extensive work on this issue, ECPAT names child sex tourism as a form of child prostitution, which constitutes sexual abuse by an adult with remuneration to the child (ECPAT, 2008). Child sex tourism, more specifically, is defined as "the sexual exploitation of children by a person or persons who travel from their home district or home country in order to have sexual contact with children" (ECPAT 6, 2008). Perpetrators can either target children specifically, or there are perpetrators, referred to as situational abusers, who take advantage of situations where access to children is made easier while traveling (ECPAT, 2008). ECPAT describes the serious consequences of sex tourism on child victims to include severe emotional, psychological and physical trauma, as well as additional risks of contracting sexually transmitted diseases. The exploitation of children in the sex trade is "destroying the lives of millions of girls and boys" across the world, particularly in economically marginalized countries with growing tourism industries (Munir 147, 1997).

[5] ECPAT: End Child Prostitution, Child Pornography and Trafficking of Children for Sexual Purposes. A prominent international collective of organizations dedicated to combating CSEC and protecting the rights of children.

The issue of child sex tourism is a global phenomenon that requires a global effort of intervention, which is illustrated by the international response to the World Congress meetings, and the unprecedented response to the CRC, as well as the major efforts of prominent international organizations such as ECPAT and UNICEF to combat this phenomenon. Child sex tourism is a problem of concern for all countries worldwide in regards to tourism-receiving and tourism-sending countries. The sexual exploitation of children in tourism has traditionally been most prominent in Thailand, the Philippines and other countries in Southeast Asia, yet it is a global phenomenon that also exists in Latin America and Africa as well as European countries and Canada (Opperman, 1999; Flowers, 2001; ECPAT, 2008). While the movement of sex tourists also occurs between countries of the global North, including destinations such as Amsterdam that has legalized prostitution, the focus of this paper focuses more specifically at the conditions that allow for exploitative relationships to occur between countries of the global North and the global South in the capacity of tourism.

3.2. Conditions and Factors that Cause and Perpetuate CST

The Optional Protocol to the CRC addresses the complexity surrounding situations of commercial sexual exploitation of children. While it is beyond the scope of this paper to address each factor, the protocol cites “underdevelopment, poverty, economic disparities, inequitable socio-economic structure, lack of education, urban-rural migration, gender discrimination, irresponsible adult

sexual behaviour, harmful traditional practices, armed conflicts and trafficking of children" as the multiple contributing factors to CSEC (United Nations, 2000). Charlton et al. outline the connection between the proliferation of sex tourism and the underlying causes that have led to weakened economies and limited economic opportunities (2008). Julia O'Connell Davidson echoes this connection in her book *Children in the Global Sex Trade* (2005). For the purposes of this paper, attention will be placed on three main underlying causes that have led to the creation and perpetuation of the sex tourism industry: an increase in extreme poverty conditions and social inequity resulting from economic crises, the trafficking of children as a supply, as well as the issue of demand for children in sex tourism (Charlton et al., 2008, O'Connell Davidson, 2005; United Nations, 2000).

3.2.1 Inequality and the Global Economy:

A general trend of economic restructuring has weakened the economies of many countries in the global south and created a system of economic dependence (Burke and Harrison 134). Through the 1970s and 80s, countries in Latin America, Africa and Asia that were once reliant on primary resource extraction and export-based commodities began shifting toward more industrialized means of existence as a result of global economic pressures (Jeffreys, 1999). The resulting emphasis on industrialization saw "a loss of traditional resources such as land, paid labour and other means of income" and

the wealth disparity within countries continued to rise (Jeffreys 186, 1999). Many countries began to face situations of large international debt to the World Bank, with subsequent structural adjustment programs imposed by the International Monetary Fund that instigated free-market reforms (O'Connell-Davidson, 2005). The subsequent economic dependency has resulted in the loss of the ability of governments to provide employment, social security, or to alleviate poverty, which leaves many people in situations of desperation (Charlton et al., 2008).

The result of these economic crises has had an especially devastating impact on those living in poverty (O'Connell-Davidson, 2005). This leaves many vulnerable populations, including children, with little economic opportunity or choice, thus leading to increased participation in the sex trade as a means of family support or survival (Mahler, 1996; Charlton et al., 2008). It is argued in most of the literature that countries in the global south have become locked into the current global economic structure whereby the dependency on foreign investment created by debt and restructuring creates a system of advantage for wealthier countries in the global north (Charlton et al., 2008; Jeffreys, 1999; O'Connell-Davidson, 2005).

The most common direction of movement in international travel and tourism is a movement from the wealthier, economically privileged countries in the global North, to countries that are economically marginalized in the global South (Charlton et al., 2008; Ireland, 1993). This movement reflects the unequal power relationships that exist in this relationship of exploitation and consumption

(Bales, 2005). In this context, Frank Machel argues that the commodities for consumption in the case of child sex tourism are child prostitutes from destination countries by sex tourists exercising their power over something they see as a service, an example of an adult/child exploitative relationship (2006). Once in a location that is perceived to have less restrictive law enforcement toward child abuse, perpetrators gain courage in their anonymity and feel less inhibited than in their home country, and thus feel freer to engage in sexual exploitation (Hannum, 2002; O'Connell-Davidson, 2005). This act disregards the rights of these children as humans and perpetuates relationships of unequal power and exploitation, on a global, economic and human level.

The remainder of this section will show how global tourism has flourished in these conditions and the resulting exploitative relationships that have resulted from the unequal power structures that are created and reinforced by the current global economic system. As with any component of the global economy, child sex tourism has become tied up with the forces of supply and demand that drive all economic interactions (Mahler, 1997; Frank, 2007). The elements of supply and demand associated with child sex tourism are the drivers of the global patterns of movement of trafficked children (supply) and sex tourists (demand) resulting in the perpetuation of the commercial sexual exploitation of children.

3.2.2. Demand: Tourism and Commercial Sexual Exploitation of Children

The expansion of sex tourism and the exploitation of children have paralleled the general growth of tourism and economic development in many countries in the global south (Hannam, 2002; O'Connell-Davidson, 2005). According to Kevin Ireland, "tourism has been seen as an opportunity for rapid economic development" by the governments of economically marginalized countries (Ireland 266, 1993). The prioritizing of economic growth and development has allowed tourism to receive additional government resources, often diverted from social policies, such as the CRC, therefore compromising the protection and well being of children (Ireland, 1993; Frank, 2007; Charlton et al., 2008). As tourism continues to be a central development strategy, the resulting unequal distribution of wealth and situations of poverty continue to force people into sex work and sex tourism continues to expand (Hannum, 2002). It is in these instances where the demand generated by the inflow of tourists results in the perpetuation of child sexual exploitation in the commercial sex trade.

Tourism is sought as a development strategy as a way of attracting foreign investment and travelers through the commodification of a country and its people. The consumption of 'cultural experiences' by tourists generates large revenue and profits for those working in the tourism industry, as well as national governments, which have become dependent on this revenue for economic development (Jeffreys, 1999; Sanchez-Taylor, 2000). The construction of tourist destinations involves the selling of an image, which in the case of sex tourism

involves a vacation that offers the possibility of suspending the rules that govern one's daily life and offers tourists the ability to buy sex (O'Connell-Davidson, 2005; Frank, 2007). With the increased availability of cheap international travel for those living in economically privileged countries, this has led to an increase in demand for child sex tourism as those on holiday often have lower inhibition when in exotic surroundings (O'Connell-Davidson, 2005).

The theory of power can be applied here, as the direction of global movement for tourism is typically a flow from North to South. This uni-directional movement of citizens from powerful and privileged countries to the global south illustrates the potential for exploitative relationships resulting from power hierarchies. The relative power and privilege of those who have the ability, wealth and freedom to travel anywhere in the world "allows them to exploit the misfortunes of children who are made vulnerable not simply by poverty, but also by other forms of social and political inequality" (O'Connell-Davidson, 2000). Julia O'Connell-Davidson has been a prominent researcher in the field of child sex tourism for more than a decade and has produced numerous publications on various related issues. She argues that in the situation of tourism and demand-driven child sex tourism, theories of power can be applied as "the economic and political position of tourists could not be more different from that of locals with whom they come into contact…with access to rights and freedoms that are denied to most of the locals they meet on their travels" (O'Connell-Davidson 134, 2000). The global movement of sex tourists and the relative power and privilege

they carry allows for exploitative relationships to develop as “the tourist and the local are simultaneously brought together and separated by global inequality” (O’Connell-Davidson, 2000).

3.2.3. Supply: Trafficking of Children for the Purposes CSEC

As mentioned previously, the trafficking of children to tourist destinations fuels the supply side of this phenomenon through transnational organized crime networks (O’Donnell, 2004). A basic definition of trafficking is “the movement of a child from his/her normal location to a new location, and the exploitation of that child at some stage in the process” (ECPAT, 2001). In their 2001 *Analytical Review of the Trafficking of Children for Sexual Purposes*, ECPAT explains that trafficking has been defined in many ways, mostly in efforts to combat the problem, so definitions range from focusing on “human rights, criminal activity, illegal migration, labour exploitation, and modern slavery” (ECPAT 7, 2001). Kevin Bales, in his 2005 publication of *Understanding the Demand Behind Human Trafficking*, argues that “there is a large and vibrant market for trafficked persons in a number of economic activities” including sexual exploitation (Bales, 2005). He describes a pattern of trafficking that is fuelled by an endless supply of victims who are exploited, an endless demand for the exploitation of these victims, as well as the traffickers who receive the profits from this exchange (Bales, 2005).

In the Canadian context, Andreychuk and Pearson claim that trafficking in children for the purposes of sexual exploitation is an issue of concern to the Canadian government (2005). Canada has signed the *United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children* (ratified in 2002) and has included an article in the Immigration and Refugee Protection Act that prohibits any recruitment, transport or organization of trafficking in people (IBCR, 2004).

Victims of trafficking are often tricked through promises of expectations for better opportunities at the point of destination. With current trends of marketing and consumerism, tourist areas often seem attractive because of the perception of economic opportunity created from foreign and national government investments in tourist infrastructure and employment (ECPAT, 2001). Other factors that influence movements of trafficking include poverty and pressures to provide to the family income, the availability of an exploitable supply of children, and the demand for sexual services created by tourists and nationals (ECPAT, 2001). Bales argues that the basic relationship of exploitation in trafficking is an expression of power, which echoes the use of power theory used by Charlton, Mowforth and Munk in *Tourism and Responsibly*, where tourism is “a channel through which power relationships are played out” (195, 2008).

4. Canada's Contribution to CSEC: Canadian Sex Tourists

In the review of existing literature, a significant gap was found in the documentation of Canadian citizens who are violating children's rights in child sex tourism while traveling abroad. Although cases have been documented in the media and numerous agency reports cite Canadian participation in child sex tourism, this topic has yet to become a priority for Canadian scholars or government/policy publications. In both the academic field and policy development, media and agency reports are often not deemed as valid documents because of the lack of peer-review. Since Canadian participation in the sexual exploitation of children in tourism has not been incorporated into academic or policy literature, this is a significant barrier to Canada's recognition of and action toward the protection of children's rights in this context. The argument of this section is to show to how some Canadians are capitalizing on Canada's position of power and privilege within the global sphere in situations of sex tourism; yet explore the reasons why the documentation of participation remains insufficient. By highlighting this gap in the literature, this section outlines the need for further research of Canadian contributions to these crimes overseas, within the context of children's rights protection.

4.1. Agency Reports of Canadian Participation in CST

In the years following the First World Congress on CSEC in 1996 and the creation of the Stockholm Declaration and Agenda for Action, ECPAT

International has created a Global Monitoring Report Series on the status of action against CSEC in various countries. The report provides a collection of information of the actions taken and gaps remaining in the combat of CSEC (ECPAT, 2006). Canada was assessed in 2006. One of the main criticisms of the report on Canada was that Canada is a source country for sex tourists and "a growing number of Canadians are traveling abroad to engage in the sexual exploitation of children" (ECPAT 11, 2006; IBCR, 2004). This is occurring in violation of the commitments to the Stockholm Declaration as well as the CRC and its optional protocol. Although Canada is recognized for progress made in the areas of child protection on the Internet and some training on issues of trafficking, child sex tourism and child trafficking for the purposes of sexual exploitation have not become central priorities of the Canadian government (ECPAT, 2006). Also, despite the recognition by ECPAT that Canadians are contributing to the violations of children's rights in the sexual exploitation of children overseas, Canada has still not implemented a policy for a national plan of action that would specifically target child sex tourism (ECPAT, 2006).

The ECPAT report highlights two major shortfalls in the protection of children from Canadian sexual predators in sex tourism. The first shortfall is that only one person has been tried and convicted under Canada's extraterritorial legislation since its implementation in 1997 (ECPAT, 2006). The second shortfall is the fact that registered child sex offenders "are not required to report their absence from Canada," thus increasing the risk factor of child exploitation abroad

(ECPAT 23, 2006). In this circumstance, ECPAT strongly recommends that Canada impose 'foreign travel orders' in cases where there is reasonable grounds to suspect child exploitation overseas in order to address the demand side of CST that is originating in Canada (ECPAT 27, 2006). Despite the recommendations to address these major shortfalls in child protection, in the two years since the publication of this report the situation has not improved.

Within Canada, Beyond Borders criticizes Canada for allowing "its convicted sex offenders to freely travel abroad" (Beyond Borders 1, 2005). This has raised a debate within Canada of the constitutional rights of sex offenders for freedom of mobility, yet Beyond Borders strongly argues that such legislative changes would create "a reasonable balance between sex offenders' rights and the rights of children to be free from sexual abuse" and would therefore be consistent with the Canadian Charter of Rights and Freedoms (Beyond Borders, 2005). It has also been argued that "children's rights should supercede the rights of adults in cases where they may conflict" (Guy 14, 2003).

In its Fall 2007 newsletter, Beyond Borders portrays the realties of Canadian participation in child sex tourism overseas. The newsletter names four Canadians who have sexually abused children in Cambodia, Thailand, the Philippines and India. All four men are currently involved in legal cases of child abuse that will be in the global spotlight in the upcoming 3rd World Congress in November; three have been extradited to Canada under the extraterritorial

legislation and face trial here, and the fourth case will be tried in Thailand (Beyond Borders, 2007).

The information available in the reports and publications from prominent child's rights advocacy organizations, including ECPAT International and Beyond Borders, are grounded in the commitments and obligations of the CRC, its Optional Protocol and the Stockholm Declaration. The Canadian government has willingly signed and ratified these international agreements, yet the recommendations and criticism from advocacy organizations of Canada's shortfalls remain unaddressed. In this analysis of Canadian contribution to the sexual exploitation of children in tourism, it is the effort and dedication of such organizations that are attempting to hold Canada accountable to its responsibility to protect the rights of children.

4.2. Media Reports of Canadian Participation in CST

The review of existing literature revealed media reports that offer coverage of Canadian participation in the commercial sexual exploitation of children overseas. In a review of Canadian media reports from 2007 and 2008 in the Toronto Star, the Vancouver Sun, the Canadian Press, and CTV, two central themes emerged: 1. Documentation of the participation of Canadians in the sexual exploitation of children in tourism overseas, 2. Challenges to the efficacy of Canada's sex tourism legislation. Benjamin Perrin, a law professor from the University of British Columbia, is quoted in a number of the media reports in

criticism of Canada's extraterritorial legislation. A passage from a 2007 panel led by CTV on how to stop child sex tourism quotes Perrin as saying:

> "Canada's record really speaks for itself…In ten years, we've only had one successful conviction under our child sex tourism law. We've had a hundred and ten Canadians who we know have been either investigated or charged under a local law, and that's just the tip of the iceberg" (Sinoski and Skelton, 2007).

Perrin's comments brings attention to the limitations of Canada's sex tourism legislation in comparison to the number of known cases of child sexual exploitation overseas.

Camille Bains, in a report for the Canadian Press in April of 2008, also interviewed Perrin after he went public with information obtained from the Department of Justice (Bains, 2008). Perrin is quoted as saying "Canada is one of the worst countries in the world when it comes to enforcement of its own child-sex tourism law", whereby the policy is not aggressively or actively being enforced (Bains, 2008). Donald Bakker, the only person to be convicted under this legislaton in Canada, was convicted for 10 sexual assaults on children in Cambodia; however, Bakker only came under investigation after an arrest in Vancouver for unrelated offences (Bains, 2008). Another shortfall of the legislation is that evidence must be brought to Canada's attention by the foreign government where the abuse took place before action is taken (Bains, 2008; Svennson, 2002). Two more trials under Canada's extraterritorial legislaton are currently underway in Quebec, only after the government of Haiti informed the United Nations, and then the RCMP, of the occurring sexual abuse (Bains, 2008).

The most current case of Canadian participation in child sex tourism is Christopher Paul Neil, a resident of British Columbia, who has been arrested by the Thai government for acts of child abuse. An article in the Vancouver Sun, by Darah Hansen, reports that Canada's sex tourism law "could face a major legal test if federal authorites try to bring him home" (Hansen, 2007). Perrin, who is also quoted in this media report, states that the challenge will be in convincing the international communty that the Canadian government is serious about the prosecuton and conviction of child sexual offenders, which has is not clear when looking at Canada's record for convictions under the current sex tourism legislation (Hansen, 2007).

These media reports are a reminder that Canadians are participating in the commercial sexual exploitation of children overseas (Chung, 2007). While each media report focuses on different cases of Canadian child sex tourism, the theme of the efficacy of Canada's sex tourism legislation is addressed in most. Andrew Chung contributed an article entitled *Canada Lax in Pursuing Offenders Abroad* to the Toronto Star in 2007, in which he questions Canada's commitment to the investigation of child sex tourism overseas, "a promise made to the world back in 1996" with the creation of the extraterritorial legislation (Chung, 2007). Chung reports on Canada's strong legislation, yet reminds readers of its weak enforcement. Chung quotes Paul Gillespie, the former director of the Toronto Police Service's child exploitation unit, who claims that Canada does not recognize that its citizens are predators of child sex tourism and criticizes

Canada for “not addressing the issue,” thus appearing complicit through their lack of enforcement (Chung, 2008). If the objective of extraterritorial legislation is “to deter child sex offenders from traveling overseas to seek out child victims,” Perrin argues that Canada’s record of enforcement of the legislation is not likely to be meeting its objective of deterrence (Perrin, 2008).

While media reports tend to be sensational and seen to be lacking in scholarly merit, the fact that there are multiple documented cases of Canadian participation in the sexual exploitation of children overseas offers proof that the situations are occurring and require further attention. If media reports are not seen as valid contributions to scholarly literature, then there is a definite need to address the issue of Canadian participation in child sex tourism in academic and policy literature, in order to move forward in Canada’s efforts to become accountable to its international commitments to protect the rights of children.

5. Examples of Best Practices in Combating Child Sex Tourism

Thus far, this paper has highlighted ways in which Canada has, and can further, honour its commitments to the protection the rights of children. There are numerous international organizations that exist for the purpose of motivating governments toward the prevention of their own citizens from engaging in the sexual exploitation of children in travel and tourism, thus addressing the demand side of the global movement. The efforts of these organizations have been to increase accountability to the international commitments of the CRC and its Optional Protocol. As outlined in this critical review of literature, there is room for improvement in Canada's efforts toward the protection of children's rights in child sex tourism, especially from its position of relative power and privilege in the world. This section outlines examples of best practices that have been adopted in other countries and could be potential guidelines for the improvement of Canada's efforts to combat the participation of Canadian citizens in child sex tourism.

Suggestions for best practices in combating child sex tourism and the trafficking of children for purposes of sexual exploitation arise out of the commitments outlined in the CRC, which are based on the principles of prevention, protection, and prosecution (ECPAT, 2006). Canada has a global responsibly to stop Canadian sex tourists from engaging in exploitative relationships that violate children's rights. Due to the global reach of child sex tourism, Canada needs to increase efforts of international cooperation to create

partnerships that ensure responsible tourism and the prevention of the commercial sexual exploitation of children (Svennson, 2007). The CRC also strongly recommends bilateral agreements with specific countries where Canadian sex tourists are know to travel (Svennson, 2007).

One of the most widely adopted tools to combat child sex tourism is *The Code of Conduct to Protect Children from Sexual Exploitation in Travel and Tourism*, henceforth referred to as The Code. The Code is an international partnership that has been adopted by travel and tourism companies around the world. It was also on the agenda of many prominent international organizations at the recent Expert Consultation Meeting in preparation for the 3rd World Congress against CSEC. Theo Noten spoke on behalf of ECPAT International and stated in his presentation to the group of experts that "The Code is an instrument of self-regulation and corporate social responsibility led by the tourism private sector to combat child sex tourism" (Noten, 2008). Camelia Tepelus spoke as The Code secretariat and informed the group that "over 600 tourism companies are signatories in 23 countries worldwide, including tour operators, travel agencies and hotels" (Tepelus, 2008). The Code has been "recognized as a best practice for the protection of children's rights and against trafficking in human beings by the UN World Tourism Organization, UNICEF and the International Labour Organization" (Tepelus, 2008).

In the Canadian context, The Code only has two signatories in Canada: Incursion Voyages, which has dedicated itself to an awareness campaign for

child sex tourism in French Canada, and the Association of Canadian Travel Agencies (ACTA), which represents the retail travel sector of Canada's tourist industry (Tepelus, 2008). ACTA "felt it was time to commit to promoting the rights of children against sexual exploitation in travel and tourism in Canada" after witnessing the media headlines of several high profile cases of Canadians being charged with child sexual exploitation overseas (Tepelus 7, 2008). Members of the tourism industry are responding to media headlines, which further supports the argument that the participation of Canadians in child sex tourism is occurring. If the Canadian government would adopt a national policy addressing the issues of the CRC, including the sexual exploitation of children in tourism, public awareness of the issue would increase and result in a greater effort of prevention. Beyond Borders has strongly advocated for a wider adoption of The Code within the Canadian tourist industry (Beyond Borders, 2005).

The Code website has recorded "commendable steps" that many governments have taken to combat child sex tourism[6]. The steps are listed below as written on The Code website:

1. France's Ministry of Education and travel industry representatives developed guidelines on CST for tourism schools, and state-owned Air France allocates a portion of in-flight toy sales to fund CST awareness programs.
2. Brazil implemented a national awareness campaign on sex tourism.

[6] www.thecode.org

3. Italy requires tour operators to provide brochures in ticket jackets to travelers regarding its law on child sex offences both within the country and abroad.
4. Thailand is providing victims with shelter and essential services.
5. The Gambia has created a hotline to which visitors can call to provide information to authorities on sex tourists.
6. Senegal has established a special anti-CST unit within the national police force with offices in two popular tourist destinations.
7. In India's Goa state, film developers must report obscene depictions of children to police.

Although each “commendable step” is individually quite small in scale, collectively they prove that there is a global effort against the occurrence of child sex tourism. The countries mentioned are located across the world, from Europe to Latin America, to Asia and West Africa, and are included in this section because Canada could adopt any of these practices as a contribution to the global effort to combat this issue. Through the sharing of best practices and increased international cooperation, Canada could also be further recognized for its efforts to combat child sex tourism.

6. Conclusion

This major research paper has critically explored existing literature on the issue of the participation of Canadians in the exploitation of children in the global sex trade, including child sex tourism and the trafficking of children. This has been accomplished through a framework that has situated tourism, trafficking and the sexual exploitation of children into a wider context of children's rights protection.

In conclusion, the key questions of analysis from Section 1.1 will be revisited.

1. How is Canada protecting children's rights? As a signatory to international conventions, how does Canada integrate international obligations to promote and provide protection to children's rights into national plans and policies?

As quoted by Benjamin Perrin on page 5, Canada is a world leader with "good global citizens" in terms of the creation and participation in numerous human rights conventions, including the CRC. However, what has been revealed throughout this paper is the reality that not enough is being done to prevent or deter Canadians from participating in child sex tourism and violating children's rights overseas and the CRC has not been implemented to its full potential. As a signatory to the CRC and its Optional Protocol, Canada has made international commitments that it has yet to fully honour. As a matter of global responsibility for the protection of the rights of children, Canada must be accountable for its

citizens who are contributing to child sex tourism and must implement effective measures to combat the participation of Canadians in these crimes.

2. What is the current global situation of the sexual exploitation of children, within the context of its intersection with tourism and the global economy?

Child sex tourism continues to be a global phenomenon that will be recognized and addressed again at the 3rd World Congress in Brazil in November of this year. Based on the complexity of the causes and factors that perpetuate its existence, child sex tourism must be combated through international cooperation. A brief analysis of the situation of child sex tourism within the global economy revealed how the driving forces of supply and demand shape and influence the global patterns of movement in commercial sexual exploitation. Canada's role in this movement is to focus on the addressing the issue of Canadian citizens contributing to the demand side of child sex tourism, as well as the supply side of the trafficking of children to meet that demand.

3. How are global patterns of movement that are associated with the commercial sexual exploitation of children shaped and influenced by the forces of the global economy and unequal power structures?

This paper has connected theories of power and economic development, in the context of globalization, to better understand the causes behind the sexual exploitation of children in tourism and the factors that shape the patterns of

migration of tourists to specific destination countries. The main objective of applying this theoretical framework was to illustrate the multiple levels of power structures that exist in situations of CSEC and the underlying forces of economic development that perpetuate its existence. Multiple forms of exploitative relationships have been addressed throughout the paper, illustrated by situations of tourism and travel, including power relationships between source/destination countries, the tourist/local, as well as the adult/child relationship. A rights-based approach was used to emphasize the importance of recognizing children as subjects of rights as a form of empowerment. The proper recognition, protection, and provision of children's rights then lay the foundation for power imbalances to shift.

4. How are Canadians participating in child sex tourism, and to what extent is this contribution being recognized and addressed in the existing literature and by the Canadian Government?

There is a significant gap in the scholarly literature on documented accounts of Canadians traveling abroad to sexually exploit children. However, numerous agency reports and media reports are pointing the finger at Canada for not doing enough to prevent its own citizens, including known national sex offenders, from contributing to child sex tourism overseas. This gap in the literature illustrates that this issue has yet to be fully recognized within Canada. A unified national policy and plan of action is needed to specifically address the

commercial sexual exploitation of children and Canadian contributions in order to generate public awareness and subsequent government attention to this issue. This gap in the literature is also important as it reveals the possibility for future contributions to research in this field.

The two sources quoted in the media reports, Benjamin Perrin and Paul Gillespie, have both made strong statements regarding Canada's lack of recognition of Canadian participation in child sex tourism. However, these comments do not appear within the academic literature on this topic. Considering the serious human consequences that result from inaction, it is imperative that Canadian contribution to child sex tourism is included within the field of academic literature and becomes a matter of importance within the Canadian government.

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Appendix 1:

Convention on the Rights of the Child

Adopted and opened for signature, ratification and accession by General Assembly resolution 44/25 of 20 November 1989
Entry into force 2 September 1990, in accordance with article 49

Preamble:

The States Parties to the present Convention,

Considering that, in accordance with the principles proclaimed in the Charter of the United Nations, recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

Bearing in mind that the peoples of the United Nations have, in the Charter, reaffirmed their faith in fundamental human rights and in the dignity and worth of the human person, and have determined to promote social progress and better standards of life in larger freedom,

Recognizing that the United Nations has, in the Universal Declaration of Human Rights and in the International Covenants on Human Rights, proclaimed and agreed that everyone is entitled to all the rights and freedoms set forth therein, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status,

Recalling that, in the Universal Declaration of Human Rights, the United Nations has proclaimed that childhood is entitled to special care and assistance,

Convinced that the family, as the fundamental group of society and the natural environment for the growth and well-being of all its members and particularly children, should be afforded the necessary protection and assistance so that it can fully assume its responsibilities within the community,

Recognizing that the child, for the full and harmonious development of his or her personality, should grow up in a family environment, in an atmosphere of happiness, love and understanding,

Considering that the child should be fully prepared to live an individual life in society, and brought up in the spirit of the ideals proclaimed in the Charter of the United Nations, and in particular in the spirit of peace, dignity, tolerance, freedom, equality and solidarity,

Bearing in mind that the need to extend particular care to the child has been stated in the Geneva Declaration of the Rights of the Child of 1924 and in the Declaration of the

Rights of the Child adopted by the General Assembly on 20 November 1959 and recognized in the Universal Declaration of Human Rights, in the International Covenant on Civil and Political Rights (in particular in articles 23 and 24), in the International Covenant on Economic, Social and Cultural Rights (in particular in article 10) and in the statutes and relevant instruments of specialized agencies and international organizations concerned with the welfare of children,

Bearing in mind that, as indicated in the Declaration of the Rights of the Child, "the child, by reason of his physical and mental immaturity, needs special safeguards and care, including appropriate legal protection, before as well as after birth",

Recalling the provisions of the Declaration on Social and Legal Principles relating to the Protection and Welfare of Children, with Special Reference to Foster Placement and Adoption Nationally and Internationally; the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules); and the Declaration on the Protection of Women and Children in Emergency and Armed Conflict, Recognizing that, in all countries in the world, there are children living in exceptionally difficult conditions, and that such children need special consideration,

Taking due account of the importance of the traditions and cultural values of each people for the protection and harmonious development of the child, Recognizing the importance of international co-operation for improving the living conditions of children in every country, in particular in the developing countries.

Article 1
For the purposes of the present Convention, a child means every human being below the age of eighteen years unless under the law applicable to the child, majority is attained earlier.

Article 34
States Parties undertake to protect the child from all forms of sexual exploitation and sexual abuse. For these purposes, States Parties shall in particular take all appropriate national, bilateral and multilateral measures to prevent:

(a) The inducement or coercion of a child to engage in any unlawful sexual activity;

(b) The exploitative use of children in prostitution or other unlawful sexual practices;

(c) The exploitative use of children in pornographic performances and materials.

Article 35
States Parties shall take all appropriate national, bilateral and multilateral measures to prevent the abduction of, the sale of or traffic in children for any purpose or in any form. (United Nations, 1989).

Appendix 2:

Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography

The States Parties to the present Protocol,

Considering that, in order further to achieve the purposes of the Convention on the Rights of the Child and the implementation of its provisions, especially articles 1, 11, 21, 32, 33, 34, 35 and 36, it would be appropriate to extend the measures that States Parties should undertake in order to guarantee the protection of the child from the sale of children, child prostitution and child pornography,

Considering also that the Convention on the Rights of the Child recognizes the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development,

Gravely concerned at the significant and increasing international traffic of children for the purpose of the sale of children, child prostitution and child pornography,

Deeply concerned at the widespread and continuing practice of sex tourism, to which children are especially vulnerable, as it directly promotes the sale of children, child prostitution and child pornography,

Recognizing that a number of particularly vulnerable groups, including girl children, are at greater risk of sexual exploitation, and that girl children are disproportionately represented among the sexually exploited,

Concerned about the growing availability of child pornography on the Internet and other evolving technologies, and recalling the International Conference on Combating Child Pornography on the Internet (Vienna, 1999) and, in particular, its conclusion calling for the worldwide criminalization of the production, distribution, exportation, transmission, importation, intentional possession and advertising of child pornography, and stressing the importance of closer cooperation and partnership between Governments and the Internet industry,

Believing that the elimination of the sale of children, child prostitution and child pornography will be facilitated by adopting a holistic approach, addressing the contributing factors, including underdevelopment, poverty, economic disparities, inequitable socio-economic structure, lack of education, urban-rural migration, gender discrimination, irresponsible adult sexual behaviour, harmful traditional practices, armed conflicts and trafficking of children,

Believing that efforts to raise public awareness are needed to reduce consumer demand for the sale of children, child prostitution and child pornography, and also believing in the

importance of strengthening global partnership among all actors and of improving law enforcement at the national level,

Noting the provisions of international legal instruments relevant to the protection of children, including the Hague Convention on the Protection of Children and Cooperation with Respect to Inter-Country Adoption, the Hague Convention on the Civil Aspects of International Child Abduction, the Hague Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Cooperation in Respect of Parental Responsibility and Measures for the Protection of Children, and International Labour Organization Convention No. 182 on the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour,

Encouraged by the overwhelming support for the Convention on the Rights of the Child, demonstrating the widespread commitment that exists for the promotion and protection of the rights of the child,

Recognizing the importance of the implementation of the provisions of the Programme of Action for the Prevention of the Sale of Children, Child Prostitution and Child Pornography and the Declaration and Agenda for Action adopted at the World Congress against Commercial Sexual Exploitation of Children, held at Stockholm from 27 to 31 August 1996, and the other relevant decisions and recommendations of pertinent international bodies,

Taking due account of the importance of the traditions and cultural values of each people for the protection and harmonious development of the child.

Article 10

1. States Parties shall take all necessary steps to strengthen international cooperation by multilateral, regional and bilateral arrangements for the prevention, detection, investigation, prosecution and punishment of those responsible for acts involving the sale of children, child prostitution, child pornography and child sex tourism. States Parties shall also promote international cooperation and coordination between their authorities, national and international non-governmental organizations and international organizations.

2. States Parties shall promote international cooperation to assist child victims in their physical and psychological recovery, social reintegration and repatriation.

3. States Parties shall promote the strengthening of international cooperation in order to address the root causes, such as poverty and underdevelopment, contributing to the vulnerability of children to the sale of children, child prostitution, child pornography and child sex tourism.

4. States Parties in a position to do so shall provide financial, technical or other assistance through existing multilateral, regional, bilateral or other programmes.
(United Nations, 2000)