Towards a European Policy concerning Child Sex Tourism: Reality or Rhetoric?

Dissertation submitted to obtain the academic degree of Master of European Criminology and Criminal Justice Systems by (20036211) Maeselele Thomas

Academic Year 2006-2007

Second Session

Promotor: Prof. Dr. Gert Vermeulen
Commissioners: Prof. Dr. Patrick Hebberecht
Prof. Dr. Brice De Ruyver
# Table of Contents

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Preface and acknowledgements</td>
<td>III</td>
</tr>
<tr>
<td>Introduction</td>
<td>IV</td>
</tr>
<tr>
<td><strong>1 Deconstructing and reconstructing child sex tourism</strong></td>
<td>1</td>
</tr>
<tr>
<td>1.1 Introduction</td>
<td>1</td>
</tr>
<tr>
<td>1.2 Deconstructing child sex tourism</td>
<td>1</td>
</tr>
<tr>
<td>1.2.1 Child sex tourism</td>
<td>1</td>
</tr>
<tr>
<td>1.2.2 Trafficking in human beings for sexual exploitation and organised crime</td>
<td>3</td>
</tr>
<tr>
<td>1.2.3 An effect of globalisation and market dominance</td>
<td>3</td>
</tr>
<tr>
<td>1.2.4 The extent of child sex tourism</td>
<td>6</td>
</tr>
<tr>
<td>1.2.5 The limited impact of criminal law in addressing child sex tourism</td>
<td>6</td>
</tr>
<tr>
<td>1.3 Towards a methodology</td>
<td>8</td>
</tr>
<tr>
<td>1.3.1 Reconstructing child sex tourism, towards an operational definition – width scan</td>
<td>8</td>
</tr>
<tr>
<td>1.3.2 Addressing child sex tourism - depth scan</td>
<td>9</td>
</tr>
<tr>
<td>1.4 Conclusion</td>
<td>11</td>
</tr>
<tr>
<td><strong>2 Comparing three countries: Sweden, Italy and the United Kingdom</strong></td>
<td>11</td>
</tr>
<tr>
<td>2.1 Introduction</td>
<td>11</td>
</tr>
<tr>
<td>2.2 Methodology</td>
<td>11</td>
</tr>
<tr>
<td>2.3 Analysing and comparing</td>
<td>12</td>
</tr>
<tr>
<td>2.3.1 Comparison</td>
<td>13</td>
</tr>
<tr>
<td>2.4 Evaluation</td>
<td>14</td>
</tr>
<tr>
<td>2.5 Results and discussion</td>
<td>18</td>
</tr>
<tr>
<td>2.6 Conclusion</td>
<td>19</td>
</tr>
<tr>
<td><strong>3 European Policy</strong></td>
<td>20</td>
</tr>
<tr>
<td>3.1 Introduction</td>
<td>20</td>
</tr>
<tr>
<td>3.2 Methodology</td>
<td>20</td>
</tr>
<tr>
<td>3.3 Evaluation</td>
<td>22</td>
</tr>
<tr>
<td>3.4 Results and discussion</td>
<td>30</td>
</tr>
<tr>
<td>3.5 Conclusion</td>
<td>32</td>
</tr>
<tr>
<td><strong>4 A reflection on the policies</strong></td>
<td>32</td>
</tr>
</tbody>
</table>
5 Conclusions

5.1 Introduction 37
5.2 About the phenomenon of child sex tourism 37
5.3 Combating the root causes and the long-term perspective of the policies 38
5.4 On the measures 39
5.5 Does criminal law suffice to address the phenomenon? 40
5.6 A reflection on children’s rights 40
5.7 Limitations of this study 41

References

Appendixes
Appendix I: welfare state regimes
Appendix II: analysis of Member States’ responses to child sex tourism
Appendix III: examples awareness raising campaigns
Appendix IV: international framework on child sex tourism
Appendix V: analysis of European policy documents
Appendix VI: e-mails key actors
Appendix VII: examples of Daphne funded projects
Appendix VIII: questionnaire key actors
Preface and acknowledgments

First of all we want to thank Prof. dr. Gert Vermeulen for the insights and support we received while writing this dissertation. We would also like to thank Prof. dr. Patrick Hebberecht for fruitful comments on earlier drafts of this dissertation during the course ‘Security and Prevention Policy in Europe’, Prof. dr. Brice De Ruyver for the insights in organised crime which proved very useful and all other personnel of the department of penal law and criminology.

We also want to thank Madam Frieda Brepoels and Mister Michael Cashman for sending some really interesting documents for our research, Mister Jan Mertens to help me look for Parliamentarians in the Group of the Greens, the Europol ‘Crimes against Persons Unit’ for answering an important question in my research and Mister Dirk Sterckx and his assistant Madam Ann De Lange for helping me in my search for Parliamentarians who could help me with my research, Madam Michelle van der Burg for answering some questions and to help me look for European Parliamentarians, Madam Olivia Lind of Save the Children Europe for helping me looking for the best fit person to answer my questions, Mister Vernon Jones of Save the Children Denmark and Mister Frederico Esper of the World Tourism Organisation for answering some important questions, Miss Daja Wenke of UNICEF’s Innocenti research centre and Mister Rob Gayton of Save the Children UK, Prof. dr. Petter Asp for sending me some interesting documents.

I also want to thank my family for their love and support and especially my brother, Pieter Maeseele- for being there whenever I had a question-, and my late grandfather (may he rest in peace). My gratitude also goes out to Guy Maeseele for helping me out with the at times confusing European legislative framework and Matthias Vanheusden (2007) for his reflections on the indicators used. All my colleagues and especially those at my office (Ellen Rutgeerts, An Piessens and Luc De Droogh) for putting up with me during these stressful periods and Tom Boonaert (for fruitful comments). Of course I cannot forget my class (and especially Lieselot Bisschop, Janne Lust, Eline Beirnaert and Noel Klima) of the ECCJS who were always prepared to read and reflect on every part I had written and for the nice year we spent studying this time-absorbing but very interesting Master program.

Thomas Maeseele,
Ghent, Friday the 24th of August 2007
Introduction

Today tremendous attention is given to sexual exploitation of children. One of the reasons is the public and political awareness created by the UN Convention on the Rights of the Child (Alexander, Meuwese & Wolthuis, 2004), adopted in 1989. Another reason is the occurrence of several cases of paedophilia in some Western societies which had an enormous impact on the public opinion and political will to get tough on these forms of crime, for example, the Dutroux case in Belgium (Dünkel & Snacken, 2000), the publishing of pictures of paedophiles in an English newspaper (Lea, 2002) and on internet pages, etc. Some scholars (see for example Taylor, 1999) ascribe the attention to sexual exploitation to the contemporary crisis in culture due to the void left behind in the transition from modernity to postmodernity. In line with this school of thought Lea (2002) argues that the attention to the sexual exploitation of children makes it possible to express collective forces that elsewhere have been eroded, gradually fragmented and diluted in a more individualistic society. This, in his opinion, explains the march of 300.000 people in Belgium, in the wake of the Dutroux affair, in reaction to the ‘powerless’ state which could not even protect the weakest group of society: children. Other authors underline the construction of the innocent child (James & Jenks, 1996) and the sexually innocent child (Enew, 1986) as a cause of the increased attention.

The attention for the phenomenon of child sex tourism has particularly increased since the mid-nineties. One of the features of this phenomenon is an explicitly international dimension: It is associated with the tourism sector and as such contains a crossing of borders. The European Union (EU) could play an important role in preventing and combating the phenomenon and is increasingly confronted with it. Scholarly literature on the role of the EU in the topic of child sex tourism is almost non-existent. In this dissertation we look at the actions taken by the EU. We want to know whether the policy set up by the European Union is a policy which takes the different aspects of the phenomenon into account or is on the other hand a rhetoric policy which means that it looks like there is a policy with teeth but in reality not much happens. We also would like to know whether there is long-term policy or, on the contrary, an amalgam of ad hoc measures taken. Because of the (enhanced) intergovernmental character of the Third Pillar in the EU structure we want to look beyond the EU alone and take three case studies (United Kingdom, Sweden and Italy) to analyse which actions they take as well, and compare and review them. This means that we have four central research questions:

1. Is the policy of the European Union concerning child sex tourism translated into concrete measures that take the different aspects of this phenomenon into account or is it on the contrary mainly a rhetoric policy?
2. Is the policy of the European Union concerning child sex tourism a long-term policy or is it on the contrary made up of an amalgam of ad hoc measures?
3. Is the policy of the Member States the United Kingdom, Sweden and Italy concerning child sex tourism translated into concrete measures that take the different aspects of this phenomenon into account or is it on the contrary mainly a rhetoric policy?

4. Is the policy of the Member States the United Kingdom, Sweden and Italy concerning child sex tourism a long-term policy or is it on the contrary made up of an amalgam of ad hoc measures?

The relevance for (European) criminology is manifold. First of all this study wants to give a glimpse of how the European policy concerning child sex tourism looks like and what it accomplishes. Secondly, it concerns human rights and tensions within human rights mechanisms (Levesque, 1999). Thirdly, it deals with international cooperation on criminal policy matters (Seabrook, 2000).

Chapter 1 explores the phenomenon of child sex tourism. It provides a deconstruction and reconstruction of the phenomenon and offers an operational definition and operational criteria by which different actions can be contextualised and evaluated. An overview of several performance indicators will be provided which will be used for an in-depth analysis of the European policy.

The research questions 3 and 4 will be answered in chapter 2, in which the empirical information concerning the United Kingdom, Sweden and Italy will be provided. Their governmental and non-governmental policies will be compared and their actions evaluated through comparison with the operational criteria and the performance indicators.

The research questions 1 and 2 will be answered in chapter 3, in which an overview of the policy documents at European level will be provided. Again these policy documents will be evaluated by a comparison with the operational criteria and the performance indicators.

In chapter 4 a critical analysis of the state of the policy is discussed on the basis of the results of the previous chapters.

Chapter 5 is the concluding chapter which provides an overview of what we have learned throughout this study. It also outlines several limitations of our research.

Additional information is provided in the appendixes. Because of this dissertation’s limitations of space, the chapters 2 and 3 contain the most necessary information for answering our research questions, while appendixes II and V contain a more extensive analysis of the policy documents of the individual countries and the EU, respectively. Other appendixes contain the differences in the welfare state regimes of our three case studies (I), some examples of awareness raising campaigns
(III), the international framework on child sex tourism (IV), printed e-mails with key actors (VI) and the questionnaires (VII).

With this study we hope to contribute to the debate concerning policy development on child sex tourism. We wish you, the reader, an interesting reading experience.
Deconstructing and reconstructing child sex tourism

1.1 Introduction

A dissertation about child sex tourism should start with some definitional issues. And from the start on we must admit that a clear definition, which is indispensable, is absent. In this introductory chapter we outline what is understood under the term child sex tourism and what is not. We start with deconstructing the phenomenon through an extensive literature research. From the information obtained out of this we will come to an operational definition and give an overview of key elements or operational criteria of the phenomenon on which an effective policy has to be built upon. Besides these elements we also discern some performance indicators. Both operational criteria and performance indicators allow us to evaluate the current policy and will give us an insight into the topics a (future) policy has to take into account to address the problem of child sex tourism (CST).

1.2 Deconstructing child sex tourism

1.2.1 Child sex tourism

Sex tourism is remarkably hard to define (O’Connell Davidson, 2004). A lot of tourism has a sexual purpose but this does not mean that it can be defined as sex tourism. One definition of sex tourism is: “the development and expansion of industries providing sexual services, catering primarily to Western and Japanese men who travel to third world countries for business and leisure activities” (Miller & Jayasundera, 2002: 56). In our opinion this definition is not all-encompassing and focuses only on some aspects of the phenomenon. In general, definitions about sex tourism are often limited to tourism to developing countries (see for example, Leheny, 1995; Herold, Garcia & DeMoya, 2001). As we will discuss further on, it also happens within developed countries. Several authors have argued that there has been a tremendous growth in sex tourism on an international level (Klain, 1999; Seabrook, 2000; Poulin, 2003). As borders globally continue to erode and mobility increases, the amount of sex tourists is bound to increase along with this unless something is done to prevent it (Noll, Park & Shearing, 2003).

Child sex tourism “involves the act of travelling to a foreign country to engage in sexual activity with a child who, in the host country, is considered a minor” (Sugar, 2005: 8). It is unclear whether child sex tourism could be separated from sex tourism in general. Sex tourism and child sex tourism are closely linked to one and other. Organisers of sex tourism often answer the demands for children from paedophiles when they are asked to do so (O’Connell Davidson, 2004). “It is a well-known
and increasing problem that men from many Western countries travel to developing countries where women and children are vulnerable because of difficult living conditions, and where the social, political, and economic situation of women and girls is seriously impaired” (Ekberg, 2004: 1196-1197). Even though CST is not a new phenomenon (David, 2000), combating it has gained a new impetus and a higher level of attention since the 1989 Convention on the Rights of the Child (Jeffreys, 1999; Levesque, 1999). We usually have an image of very young children being sexually abused but in reality research has shown that these are mostly young teenagers who are integrated into the bars and brothels of destination countries and are (ab)used by men who neither know nor care how young the girls or boys are (O’Connell Davidson & Taylor, 1996, Jeffreys, 1999). As Jeffreys (1999: 179) puts it: “[c]hild sex tourism cannot, therefore, reasonably be effectively tackled as if it were a discrete phenomenon. It is but one aspect of adult sex tourism, which is but one form of the international prostitution industry and only a challenge to this prostitution industry would be effective in fighting child sex tourism.” This means that a decent societal analysis is indispensable. But Jeffreys writes from a radical anti-prostitution point of view and as such fails to get grip on the complexity of the phenomenon of CST.

In the 1990’s the NGO ‘End Child Prostitution, Child Pornography and Trafficking of Children for Sexual Purposes’ (ECPAT) launched a campaign against CST. They presented the problem largely as one involving sexual deviants taking advantage of poor children in Third World Countries, which proved to be extraordinarily effective in gaining international sympathy and support (O’Connell Davidson, 2004). A lot of scholars (Levesque, 1999; David, 2000; Flowers, 2001; Fraley, 2005; Zahid Shahab, 2005; Jhappan, 2005; Hannum, n.d.) argue that with regard to children, the general pattern is that “tourists” from developed countries seek out the sexual services of children in developing countries. This gives a more nuanced image. Sex tourism is also possible within Europe or anywhere in the world (Roby, 2005). In Europe, the Central and Eastern European countries (Jullien, 2003) but also a country as Germany (Tautz, Bähr & Wölte, 2006) are destination countries. There are indications that CST is growing within Europe (Ruxton, 2001). Unaccompanied minors who travel (or are victim of trafficking) to or within Europe, for example, could easily be drawn into prostitution networks and be abused through CST (UNICEF, 2006). In 1995 the United Nations High Commissioner for Human Rights (UNHCHR) defined child sex tourism as “tourism organized with the primary purpose of facilitating the effecting of a commercial sexual relationship with a

---

1 The UK immigration service, for example, discovered a criminal conspiracy by which young Nigerian girls entered the UK as unaccompanied asylum seekers for the purpose of prostitution. Some were trafficked to Italy for this purpose (NSPCC, 2001). In 2002 the British newspaper ‘the Guardian’ reported on asylum seekers drawn into child prostitution.
child.” This short and narrow definition transcends the complexity of the phenomenon but does not allow to set up an effective policy because it is too narrow.

1.2.2 Trafficking in human beings for sexual exploitation and organised crime

Child sex tourism is in a lot of cases controlled by organised crime groups (Poulin, 2003; Giese, 2005; Roby, 2005). This has a lot to do with the tourism element but also with the close connection to trafficking in human beings (see for example Pearce, 2000; Kempadoo, 2001; Scarpa, 2006). Some authors argue that trafficking in children for sexual purposes also falls under the definition of CST because it is all just a matter of who travels: the perpetrator or the victim (see O’Briain, van den Borne & Noten, 2004). Besides, as Vermeulen (2001) has pointed out, trafficking does not necessarily entail the crossing of borders but can happen within one country. This means that children could be trafficked from one place to another for the purpose of commercial sexual exploitation and consequently be vulnerable for child sex tourists as well. Trafficking for the purpose of sexual exploitation also occurs in Europe (see for example the study of ECPAT into the trafficking in children for sexual exploitation from Eastern Europe to Western Europe of 2001). Traffickers also exploit the increase in international child sex tourism (O’Neill, 2002). We can say that trafficking and CST are undoubtedly, in a lot of cases, interrelated. Ren (2004: 4) argues that “Asia has been considered by some Western and Asian tourists as the paradise for child sex tourism (CST) that fuels trafficking in children for sexual exploitation in the world”. He shows that children are moved out of Asia to, amongst others, European countries with legal visas where they are subject to sexual exploitation. CST is for an important part demand driven (Redlinger, 2004). Children are trafficked from their birth place to tourist areas to satisfy the need of the ‘customer’ (Enew, 1986). This trafficking component of CST is increasing through globalisation (James & Atler, 2003). Here children are sexually abused for commercial purposes by, amongst others, organised crime groups. Given the highly lucrative nature of child prostitution crime syndicates from the United States, Germany and Japan are also getting more involved (Levesque, 1999). We consider CST to be a(n) (mainly) organised form of crime. It often fits most criminal law and criminological definitions of organised crime (see for example the definition of the Bundeskriminalamt or OCTA), of course depending on the way it is organised.

1.2.3 An effect of globalisation and market dominance

Even though child sex tourism occurs all over the world most scholars agree that it most frequently takes place in countries struck by poverty (Levesque, 1999; David, 2000; Blaak & Woltius, 2001; Ives, 2001; Viero, 2003; Ekberg, 2004; O’Connel Davidson, 2004; Zahid Shahab, 2005; Tautz, Bähr & Wölte, 2006). “The major reason the exploitation still assumes “alarming” propositions is that,
despite increased criminalization, prostituted childhoods are multi determined. In addition to the contribution of the tourism industry, exploitation also must be attributed to the global economy that exploits the inequality inherent among nations, sexism, mythologies of childhood and sexuality, and even unintended results of apparently beneficent attempts to help countries deal with internal strife and economic development. These dimensions are worthy of emphasis, for they are central to efforts to combat child prostitution” (Levesque, 1999: 77).

It could be seen as a survival strategy for the children and their families (Kane, 1998). Through the prostitution of their children families gain money or other means by which they can survive (Landgren, 2005). But this is not always the case, for example, in trafficking, where children and their families are separated and the children could be sexually exploited. Also in the richer European countries scholars acknowledge that children brought into the ‘national’ prostitution industry come from the lower classes and/or are ethnically marginalised (Winberg, 2002; Ekberg, 2002; 2004; 2005).

In CST children are treated as a commodity. The dominance of capitalism and market strategies have created a global ‘child sex market’ or as O’Connell Davidson (2004) calls it: a ‘sexual Disneyland’. Children are seen as objects in the global trade next to televisions, cars and other saleable items. “[I]t has been explained that in the race to migrate from poverty and hardships, prostitution often becomes a viable strategy for many young Brown women” (Kempadoo, n.d.: 7) but also for other young women and men. They see this as a gateway to either gain access to richer countries in Europe or the USA or as a means to gain more economic security. Increasingly young people in the poorer parts of the world start to perceive sex as a commodity that can be traded. The marginalised areas are seen as a playground for the richer ones in which they can live their fantasies. The global tourism industry thankfully (ab)used this to create a new industry, a new segment on the market, the one of (child) sex tourism (Kempadoo, 2001). The social valuation of the human body changes in commercial relations into an instrument, an object fit for gainful purposes, a dominant strategy in market societies (Truong, 2001). Or as Ekberg (2004: 1187) puts it: “[t]he prostitution industry is booming and expanding in a world where many countries subscribe to the ideology of a free market economy, a market in which women and girls are just one among an infinite number of highly saleable items”.

Next to all this, there is a global growth of consumerism (Kane, 1998; Fraley, 2005). The desire for these consumer goods is another reason for children and their families to end up in CST. “If they are successful they will be able to buy a house and consumer goods and the respect of their families and neighbours” (Brown, 2000).

---

Pupavac (1999; 2001) states in some critical articles on the children’s rights movement that this movement has universalised a Western conception of children’s rights without taking differing cultural, economic, political and demographic circumstances into account. She argues that the West has made their conception of children’s rights universal but has lacked to do this with the Western standard of living and has consequently made grave violations of children’s rights widespread.

“Under pressure from all sides, governments cannot afford to ignore the money generated by tourism: they have to pay foreign debts, and acquire expensive technology, commodity goods, […] these factors inevitably lead to the nuclearization and fragmentation of families and to rampant poverty. The poverty that results has […] been identified as one of the fundamental reasons children prostitute themselves to foreign tourists” (Levesque, 1999: 80). This is also one of the rationalisations (child) sex tourists use: that it helps developing poor countries (Jhappan, 2005). Globalisation is an effect of, and has as an effect, the permanent increase in mobility by which tourists more easily can go to places where commercial sexual exploitation is easier to get and less visible. Next to that it increases the possibilities for traffickers. An increase in communication possibilities also makes it easier to find out where to go for CST. “Because their activities, if exposed, could ruin their lives at home, many pedophiles rely on […] the economic power and effective information systems of clandestine pedophile networks to find the safest destinations and to learn to avoid detection” (Levesque, 1999: 76).

Thus the problem of CST is complex, not in the least because of its close connection to other offences against children (Jhappan, 2005). While the focus on the supplier side should be on the social and economic context and on trafficking for sexual exploitation, there should equally be awareness on the demand side about the fact that people engaging in CST sometimes do not know what exactly they are doing or are convinced that what they are doing is not wrong (O’Connell Davidson, 2004). Some scholars like Jeffreys (1999: 180) suggest that the only way to effectively combat CST is through human rights legislation in which “all forms of men’s prostitution behaviour towards women and children [are labelled] as sexual violence.” This starts from a ‘Victorian’ view on sex and fails to get a grip on the women and men who prostitute voluntarily. A question we can ask ourselves is to what extent children can voluntarily choose to end up in prostitution. If we take into account that a great deal of children end up in the prostitution industry either through trafficking or to escape poor living conditions we can ask ourselves the question if ‘voluntary prostituting’ themselves is a viable explanation.

---

3 Child sex tourists use rationalisations to excuse for their behaviour, for example, by saying that their money keeps whole families alive (see for example Levesque, 1999; Fraley, 2005; Seabrook, 2000; for sex tourism in general see Garrick, 2005).
1.2.4 The extent of child sex tourism

Reliable data on CST are almost non-existent. A study of country reports of EU Member States conducted by Vermeulen & De Hauw in 2004 revealed that almost no country had numbers either on offenders or on CST. Even though it is impossible to assess the magnitude of CST with any precision (Hechler, 1995; Levesque, 1999; Jhappan, 2005) estimates are going into millions of children being abused (Levesque, 1999; Flowers, 2001; Fraley, 2005). Prosecution data only show a small number of prosecuted offenders (see for example The Protection Project, 2007). According to Ruxton (2001) the numbers that already exist are likely to provide a significant underestimation of the problem due to its illegal and hidden character. The large amount of children abused involves a large number of offenders. Consequently, we can state that there is a gap between the number of offenders and the number of prosecuted and thus caught offenders. Thus, the ‘dark figure’ is big. This has its consequences for the evaluation of initiatives set up to prevent and combat CST. A simple pre- and post-test configuration is impossible. Consequently, measuring the impact of measures on the levels of crime or the outcome is nearly impossible. As Levi (2002, p. 902) puts it: “the impact of organized crime measures on outcomes remains insufficiently analysed, since there are little reliable data on the ‘before’ or ‘after’ (a) levels, or (b) organization of […]”, amongst others child sex tourism (Barnitz, 2001). The actual numbers required for the various calculations are not available (Beare & Naylor, 1999). Also the lack of a common definition has its impact on (comparative) research.

1.2.5 The limited impact of criminal law in addressing child sex tourism

Harsh punishments will undoubtedly have a deterring effect but they are individualised and do not take the complexity of CST or the social, economic and political dynamics underpinning it into account. More aggressive and harsher law enforcement will have an effect as well but in this case we sincerely doubt if it will have a major impact. If we look at recent trends we can witness a worldwide increase in extraterritorial legislation to combat the phenomenon (see Seabrook, 2000). Research of Hughes (2004) has shown that countries try to combat the phenomenon with extraterritorial legislation on sexual abuse of children: by 2004 thirty-two countries had passed such legislation worldwide. In addition, twelve countries adopted specific CST legislation. In most

---

4 Jhappan (2005) sums up what root causes are: gender discrimination, poverty, war, natural disasters, political instability, cultural aspects, weak laws and corrupt law enforcement, globalization, family dysfunction and breakdown, HIV/AIDS, and new communications technology.

5 Because it does not address the root causes.

6 This enables a country to prosecute its citizens for crimes even if they are committed outside of the country.
European countries the double criminality rule still stands ground (for an overview see Hemingway, 2004).

Given that neo-liberal globalisation in developing countries relies for an important part on the exploitation, sexual and otherwise, of women and children (for an interesting analysis see Jhappan (2005)), it is not surprising that governments mainly rely on criminalisation. This does not question the neo-liberalisation process and seeks to penalise the individual actors involved in the sex trade rather than to take the more demanding steps of reconfiguring the international political economy. The lure of tourist dollars induces governments and law enforcement officials in the poor countries to look the other way (Levesque, 1999). Their laws suffer from weak and inconsistent enforcement. According to Levesque (1999) the traditional problems criminal justice systems are confronted with in addressing CST are manifold. Firstly, efforts that do not deal with the prevention of exploitation must deal with the reintegration of identified victims. Research has shown the multiple and diverse social and psychological problems victims of sexual exploitation suffer from (see for example Meyerson et al., 2002; Noll et al., 2003). This suggests that traditional law enforcement issues will be quite problematic. Besides, sexually abused children do not reach out to organisations which try to offer relief. And, to make it a little more complex, a lot of these organisations are under pressure of organised crime groups. Social support and antipoverty measures are essential. Secondly, addressing basic material and educational needs may prove to be crucial in empowering the children and families involved. Prevention will require governments to reallocate resources. Thirdly, to combat and prevent CST a rethinking of the manner in which children are sexualised is necessary. Our analysis has shown that other elements must be included as well such as the rehabilitation of offenders, a social analysis and questioning of the perverse effects of neo-liberalisation, combating organised crime and trafficking, etc. Concerning the rehabilitation of offenders, we must be aware that the policy does not one-sidedly focus on this given the macro-societal root causes of the phenomenon but this does not mean that they have to be left untreated. Several treatment techniques have proven their effectiveness (see for example Beech & Fisher, 2002; Thornton, 2002). “It seems clear that comprehensive programs would go a long way toward alleviating this form of maltreatment” (Levesque, 1999: 88). Policies will gain more teeth as they address the diverse aspects associated with CST.

---

7 The double criminality principle requires that the crime where the person is accused of is punishable both in the prosecuting country as in the country where he committed the crime.
1.3 Towards a methodology

We developed two scans by which the policy is evaluated. The width scan is useful for two reasons: on the one hand it overcomes the lack of a common definition by looking if the different elements are covered, on the other hand the first three elements evaluate whether the policy addresses the root causes. The depth scan will provide us an insight in the policy itself. To have a long-term policy the policy needs to correspond to some essential criteria. This scan also allows us to look if the rhetoric surrounding the topic is translated into concrete measures.

1.3.1 Reconstructing child sex tourism, towards an operational definition – width scan

Out of the literature studied we try to come to an operational definition that enables us to investigate whether the policies developed and the viewpoints of different actors in the field correspond to the different aspects associated with the phenomenon. This means that we will check if all aspects are covered by the policies developed. The complexity of the phenomenon has as an effect that policies will have to cover a lot of different areas. We must stress that a criminal law definition of the phenomenon is not present. In most countries CST as such is not punishable but the constituent elements are, such as the sexual abuse of children. An operational definition has as its main advantage the fact that it overcomes the lack of a common definition on CST.

The operational definition we discern is the following:

*Child sex tourism involves the crossing of borders by either victims or perpetrators with as aim the sexual exploitation of the child. The children generally come out of poor and marginalised neighbourhoods. It often involves trafficking in human beings.*

Due to the complexity of the phenomenon, we deconstruct our operational definition into several operational criteria for subsequent use in our width scan. The first three criteria test whether the policy recognises the root causes of the phenomenon. The other criteria check whether the policy is based on a broad view on the phenomenon. The different aspects associated with child sex tourism or our operational criteria are the following:

- Related to poor social, economic and political conditions of the children and their families
- Related to the growth of consumerism by which children and their families want to have the same goods as other people.
- Related to the commodification of children as sexual objects.
- Tourism with the aim of the commercial sexual exploitation of children
- Linked to trafficking involving that same aim
- Often involves organised crime groups
- Happening both in Europe and elsewhere in the world
- Associated with unaccompanied minor refugees in Europe
- Associated with the increasing mobility of both perpetrators and victims

In child sex tourism, the tourism aspect involves a crossing of borders with the aim of the sexual exploitation of a child. An important part of CST is organised by criminal groups often involving traffickers. The phenomenon also takes place within Europe because of the trafficking or exploitation of unaccompanied minors as ‘facilitating activity’. Nevertheless, the majority of the cases happen within developing and Third World countries. Therefore, we must bear in mind that a societal analysis is necessary. As we have seen there is a commodification of children as sexual objects, female as well as male. Most of the concerned children are poor children who are vulnerable to CST because of economic, social and/or political poverty (as a push factor). Also trafficking contributes to the occurrence of CST. We must stress that, even though the United Nations Convention on the Rights of the Child has set the age of a child to 18, countries still differ in the legal age to engage in sexual activities. This is why we do not choose to limit ourselves to this arbitrary age criterion.

1.3.2 Addressing child sex tourism - depth scan

In our study we are looking for long-term perspectives in the policies set up by different levels of authority. To do this we use performance measurement indicators. This “evolves from the belief that governments produce and its production should be accounted for and evaluated” (Wang, 2002: 807). The indicators we use serve to provide an in-depth analysis of the policies concerned. They provide a framework for investigating whether policies are built upon ad hoc measures or, on the contrary, aim to provide long-term solutions to the problem of CST. This entails an evaluation of policy measures. The goal of our analysis is to establish whether the policies concerned really combat the problem or only lead to partial solutions. These indicators are complementary to the operational criteria of the definition. The operational criteria give us the opportunity to check if the policy really tries to work on all aspects associated with CST. This should reveal whether a policy covers the whole phenomenon. The indicators enable us to look if the policy itself is coherent, consistent and is not solely focusing on repressive elements. Depending on the answers formulated on the questions we can get a grip on how the policy is carried out. They are essential to evaluate the long-term perspectives of the policy.
The indicators were derived from scholarly literature about policies on CST (for example Ruxton, 2001; Jhappan, 2005), organised crime literature (for example O’Neill, 2002; De Ruyver, 2007) and the literature review we mentioned above. The selected performance indicators are interconnected and cannot be clearly separated from one and other.

- Are the root causes of CST addressed or are only repressive measures installed?
- Practice: which measures are installed?
- What is the underpinning theory?
- Is the underpinning philosophy of the policy rehabilitation, retribution or restoration?
- Victim-based or offender-based:
  - Is there victim rehabilitation and/or offender rehabilitation?
  - Does the policy start from a victim perspective or an offender perspective?
- Convergence or divergence: is the policy coherent and consistent?
- Coordination or independent actions: Are the actions between different actors coordinated?
- Integration or separation: applying a broad approach: is there both prevention and repression and follow-up of victims and offenders?
- Integrated: is the policy integrated into different policy domains and is there a joint problem-solving strategy with all relevant actors?
- Do they only combat CST coming from a third country? Or do they also combat CST within their country/the EU?
- Do they work together with third countries?

A policy addressing CST in an effective manner should be coherent and consistent, should address the root causes and aim at both victims and offenders (the latter not only in a repressive manner). There needs to be coordination of the different actors involved, the policy needs to be translated into concrete measures, it must look to CST in its broadest sense and consequently also within the EU. Cooperation with third countries is deemed necessary. As said earlier, these indicators show us if there is a policy with teeth or a policy based on loose ad hoc measures. Next to that they will learn us if the rhetoric policy is translated into concrete measures.
1.4 Conclusion

There is no clear definition of the phenomenon of child sex tourism. It is most frequently occurring in developing countries. Their socio-economic and political context offers opportunities for sexual exploitation. It is closely intertwined with organised crime and with the trafficking in human beings. Child sex tourism is a complex and multifaceted phenomenon. To address it in an effective and efficient way, policy-makers will need to work on several fronts at the same time. A coherent and consistent policy is necessary to tackle the problem. To have an effect in the long run, it needs to address the root causes. To be able to evaluate the policy of some individual Member States and of the European Union we chose to develop two scans. The first evaluates the perception of CST both in rhetoric and in practice. It looks if the phenomenon is addressed in all its complexity and if the root causes are recognised. The second evaluates the policy itself, its long-term qualities and the measures.

2 Comparing three countries: Sweden, Italy and the United Kingdom

2.1 Introduction

In this chapter we take a look at the policies on both governmental and non-governmental level in three Member States: the United Kingdom, Sweden and Italy. We are looking for an answer to our research questions 2 and 4: if individual Member States (MS) have a long-term policy on the prevention and combating of CST (4) and if the policy is translated into concrete measures that cover the different aspects of CST (2). These case studies should also tell us how specific countries deal with CST and if countries themselves differ in their approach of CST. We would also like to know how MS perceive their specific role. The selection method of the countries allows us to compare countries which have a different point of view on the role of the state and as such allows us to make conclusions on whether this also translates into a different handling of the prevention and combating of the phenomenon of CST.

2.2 Methodology

To select the countries we based our analysis on the welfare state regimes typology of Gosta Esping-Andersen worked out in his seminal book ‘the three worlds of welfare capitalism’ of 1990 and on which he elaborated in later work (Esping-Andersen, 1998; 2003). His work has been frequently criticised (see for example Ferrera, 1996; Bonoli, 1997, Korpi & Palme, 1998) and extended (see for example Gelissen, 2002). Nevertheless, Esping-Andersens’ three ideal-types stood ground. The
division is made on the basis of how they allocate social responsibilities between family, market and state. The three welfare state regimes are the social democratic, the residual/liberal and the continental welfare regime. The clearest examples of these regimes are respectively Sweden, the United Kingdom and Italy. Because the scope of this dissertation does not allow us to elaborate on the structure and content of the welfare state regimes we would like to refer to the sources above. We have also put a short summary of each regime in Appendix I. We have chosen this methodology because of the different conception of the role of the state in these countries. The comparative element allows us to examine how different societies address comparable issues. It also provides us with information about all three countries with which we can do both our width and depth scan. We chose to look both at governmental and non-governmental initiatives and as such not to limit our scope to what happens within governments alone. This gives us a counterweight to government discourse and as such provides a glimpse into the practice in the specific countries as well. We must bear in mind that even though non-governmental organisations are commonly seen as opposed to governmental initiatives, research has shown that this is not always the case (Newman, 2000).

A literature review was done on scholarly literature and policy documents. In addition, we contacted government officials and NGO’s for additional information, without much success however. We also analysed websites and NGO documents. The method used for this analysis is critical discourse analysis (Fairclough, 1995; 2003). Discourse is the use of language as a social practice. Critical discourse analysis looks at the text, the discourse and the socio-cultural field and their interrelatedness. It means that in our analysis we will analyse the way they talk and write (thus the discourse) in the documents concerning the policy on child sex tourism. We treat legal instruments also as policy texts in which perspectives on the combating of CST are written but also as texts with a legal value and thus as measures to combat CST. The method allows us to outline the discourse and to provide a critical analysis. It gives the opportunity to find answers on the operational criteria and the indicators discerned at the beginning. We not only limit ourselves to the discourse as such but also look at the concrete measures installed and the way the talk about these measures. This way, we hope to find out whether and how exactly the operational criteria and performance indicators are covered. We must admit that our research is fairly limited by a lack of knowledge of the different languages (cf. infra).

2.3 Analysing and comparing

For a summary of the research findings (the descriptive analytical part) we would like to refer you to Appendix II. Below we will give a comparison of these results and look if they fit the operational indicators set out in the beginning of this dissertation.
Because of a lack of specific information on CST in the countries involved we chose to look at initiatives concerning child sexual exploitation as well because both are closely related. Child sex tourists are present in the different countries of our study (see Omondi, 2003; Jones, 2006). We have looked deeper into both governmental initiatives and non-governmental initiatives.

2.3.1 Comparison

In our three case studies we found the governmental initiatives to balance around the same elements:
- Cooperation with the tourism/private sector
- Signing codes of conduct
- Voting new laws
- Strengthening the repressive component

When we look at the non-governmental level the conclusion is the same. The most important non-governmental actor in all countries is ECPAT, next to ECPAT also ‘Save the Children’ works on this topic. In other children’s rights NGO’s this only takes a small part of their work.

The most important topics these NGOs work on are:
- Working together with the governments to combat the phenomenon
- Cooperating with travel agencies
- Awareness raising campaigns
- Lobbying for more repressive measures
- Spreading information
- Provide training for the personnel of travel agencies

There is also one important difference we must stress, namely in the UK. The information we have found gives us the impression that the NGOs working on this topic in the UK are, in comparison with the NGOs in the other countries, putting much more emphasis on repression and on repression as prevention.

Sadly enough we cannot give an overview of evaluation research done on the prevention mechanisms. Due to the lack of a decent picture of the phenomenon, only police and prosecution data are available (cf. supra).

From our comparison we learn that the policies on the topic are rather similar between countries both on governmental as on non-governmental level. This means that we can evaluate the three countries together, notwithstanding taking the small but relevant individual differences into account.

Ruxton (2001: 64) also analysed the policies in different countries until 2001 and came to the conclusion that “although the specific nature of the government action in each country may vary owing to differing economic, social and cultural factors, the general responses appear, for the most part, to have moved in similar directions in Europe in recent years.”
2.4 Evaluation

In this part we perform the width and depth scan of our analysis. Where possible an exemplary example will be used to illustrate what is said. This allows to give concrete form to the often abstract theoretical notions.

**Width scan**

After deconstructing and reconstructing child sex tourism, we came to several operational criteria. These allow us to check whether a governmental policy really covers all the associated elements.

**Operational criteria:**

- Related to poor social, economic and political conditions of the children and their families.
  
  If we look at the measures taken we can see that these elements are not taken into account. However, some documents did mention this but the policies are not aimed at improving these conditions.

- Related to the growth of consumerism by which children and their families want to have the same goods as other people.
  
  This was not mentioned in any of the documents.

- Related to the commodification of children as sexual objects.
  
  We do not see a real questioning of processes of commodification with government organisations. There is the notable exception of Sweden where the Law of 1999 that Prohibits the Purchase of Sexual Services was installed with as underlying motive: the rejection that children and women can be bought, sold or sexually exploited by men (see Ekberg, 2004). Also the documents and actions of the NGOs do not show a questioning of this. We must be careful with the latter remark. A lot of books sponsored, studies conducted, and articles written by NGOs do question these processes. But in their concrete actions in the three countries this is not clear.

- Tourism with the aim of commercial sexual exploitation of children.
  
  It is clear that this is recognised in the policies of all three countries. Their definitions mention the commercial sexual exploitation as well as the role of the tourism sector.

- Linked to trafficking involving that same aim.
  
  Some documents make the link with trafficking although not very explicitly. In Sweden we have seen that the Law that Prohibits the Purchase of Sexual Services of 1999, which has extraterritorial jurisdiction, was installed after a Commission deemed it necessary due to, amongst others, the growth of trafficking for sexual purposes. The Nordic Baltic Task Force (1993) also explicitly says...
that awareness of trafficking has to be increased to combat CST. Sweden held a national campaign in 2002 against trafficking in women in which attention was also given to CST. In the documents analysed concerning the UK and Italy the explicit link with CST was seldom made.

- Often involves organised crime groups.

In actions undertaken in the different countries we do not explicitly see the link made with organised crime. The legislation which has to do with CST is only focusing on individual acts. In all countries organised crime legislation is in place but not explicitly linked with CST. Because we did not study organised crime legislation it is hard to get a decent picture of this element.

- Happening both in Europe and elsewhere in the world.

When we look at the initiatives taken both on governmental as on non-governmental level we only see them talk about CST to other countries and not in their home country. To combat CST within their country legislation on sexual abuse is in force but not explicitly linked with sex tourism.

- Associated with unaccompanied minor refugees in Europe

None of the measures taken are specifically concerned with this.

- Associated with the increasing mobility of both perpetrators and victims.

Extraterritorial legislation is installed in all countries. The fact that the event took place in another country is no excuse not to prosecute. However both in the UK and in Sweden the double criminality rule is standing ground. According to Seabrook (2000) this is because the UK does not want to impose its laws onto other countries.

**Depth scan**

The performance indicators allow us to investigate whether the governmental policies are capable of addressing the complexity of the phenomenon and as such assess their long-term qualities.

**Performance indicators:**

- Are the root causes of CST addressed or are only repressive measures installed?

There is clearly a focus on short-term ad hoc measures. Often the measures taken are repressive or make use of situational prevention. A lot of the measures proposed by the governments are repressive. Also NGOs, and especially those in the UK, are pleading for more and harsher repressive measures. In the actions undertaken we cannot discern any specific actions to alleviate the poor social, economic and political situation of the specific groups. So there is no structural prevention. Deterrence is the magic word. NGOs awareness raising campaigns are deterrence raising rather than awareness raising. For example, when they put the law on sexual abuse of children and the punishments for it in the ticket vouch (like in Italy). Corby already said in 1998 that in the UK the policy concerning child sexual abuse is largely built on ad hoc measures (Corby, 1998). We must
stress, however, that there is a positive evolution in a certain sense. The topic of CST has been picked up in the mid-nineties and since then a lot of measures have been taken.

- **Practice: which measures are installed?**
  The policy is translated into concrete measures, for example, raising awareness for laws, extraterritorial legislation, the UK sex offenders register, etc. These measures are repressive and situational.

- **Is the underpinning philosophy of the policy rehabilitation, retribution or restoration?**
  The underlying philosophy is clearly retribution. Repression and deterrence are central elements. Rehabilitation only takes a small part of the treatment of sex offenders. When we look at the small number of child sex tourists caught, both retribution and rehabilitation can only be minimal (see The Protection Project, 2007). ECPAT UK (2006), for example, says that the small numbers of prosecutions of child sex tourists in the UK is due to the high costs of collecting evidence. They do no talk about restoration. Victims are mostly uninvolved in the process.

- **What is the underpinning theory?**
  They start from rational choice theories. The offender is seen as a rational being seeking opportunities and weighing costs and benefits in a rational way. This is combated through increasing the costs by harsher punishments and decreasing the opportunities by situational prevention.

- **Victim based or offender based:**
  - Is there victim rehabilitation and/or offender rehabilitation?
    As we said in the previous answer both are almost insignificant. We must stress however that all policies we have analysed only target offenders. They try to deter the offender or decrease opportunities to offend.
  - Does the policy start from a victim perspective or an offender perspective?
    The policy clearly starts from a victim perspective both in the case of NGOs as in the case of government policy. Repressive measures are taken in the name of the victims. The child needs to be protected.

- **Convergence or divergence: is the policy coherent and consistent?**
  The policy, in all countries studied, is based on situational prevention and repression. We cannot speak of a coherent policy on child sex tourism. The measures of the governments are heavily influenced by NGO pressure. The law instruments are not specifically focused on CST but on prostitution. To address CST they extended the scope of these instrument by installing extraterritorial legislation. Italy has an article in its penal code (600 quinquies) that makes it possible to prosecute whoever organises or promotes travels with the intention of sexually exploiting children. The common aim of all policies is the reduction (and eradication) of CST. We must stress that the measures stay within the same paradigm (situational prevention and repression) and as such seem to be complementary.
• Coordination or independent actions: Are the actions between different actors co-ordinated? The different actors in the field clearly work together. NGOs, governments and tourism sector are, at least in discourse, partners. They seem to have a common objective: end child sex tourism. The clearest examples are (in all cases studies) the joint partnerships to responsibilise airlines to distribute information and the signing of codes of conduct by both the tourism sector and governments (developed by an NGO, ECPAT). It seems, however, that the actions within each country are not co-ordinated through one official body. The coordination comes from NGOs rather than governments. The NGOs take the lead to lobby for law reform and in letting the different actors in the field work together.

• Integration or separation: applying a broad approach: is there both prevention and repression and follow-up of victims and offenders? It lies somewhere in between both with more emphasis on separation than on integration. Prevention is present but is concentrated on situational prevention and raising deterrence. Long-term preventive measures are not taken. Repression is central in the policy. Both NGOs and governments support this policy. NGOs (like ECPAT) rhetorically support long-term preventive measures - such as improving poor social, economic and political conditions - in their studies, but if we look at the concrete measures this prevention aspect is non-existent. No mention is made of any follow-up of the victims. A follow-up of offenders is present in the normal sex offender programs but is not specifically focused on child sex tourists. The low detection rates suggest that the follow-up of both offenders and victims is low because they are not identified.

• Integrated: is the government policy integrated into different policy domains and is there a joint problem-solving strategy with all relevant actors? The government policy does not seem to be integrated into different policy domains. It seems to be a specific responsibility of the department responsible for justice even though the phenomenon requires actions on different policy domains.

• Do they only combat CST to a third country? Or do they also combat CST within their country/the EU? It seems that the emphasis lies on CST to a third country. Probably CST within the home country is combated through legislation and initiatives to combat sexual exploitation of children. The limited scope of our research did not allow us to look into that into detail.

• Do they work together with third countries? The UK has cooperation agreements on police matters with some destination countries, Thailand, the Philippines and Sri Lanka, and they offer training to the police personnel (Jullien, 2003). From the other countries we do not have information about this.
2.5 Results and discussion

Although most scholarly literature addresses the causes of availability of child sex tourism (thus on the ‘supplier’ side) to social conditions, the policies under examination do not address this. The prevention policies are always aiming at the perpetrator, how to deter him, how to reduce opportunities and how to create public awareness of the general public.

In all countries the alliance between non-governmental (especially the national departments of ECPAT) and governmental organisations is strong. They join forces and develop policies concerning the matter in collaboration. Probably this is the most logical thing to do because international NGOs have a clearer insight in the matter than governmental organisations do because they work in the field. Only NGO’s defending children’s rights were included and although they emphasise situational prevention they also emphasise repression and so they contribute to the construction of the sex offender as a dangerous animal among us (and again forget to make a decent societal analysis). Raising awareness is aimed more at raising deterrence then at actual primary prevention. The most dominant preventive approach is increasing the liability and responsibility of travel agencies, thus decreasing opportunities. According to Garland (2001) the repressive approaches to child abusers are an exponent of the decay of the penal welfare strategy in which they tried to reintegrate the sex offender. Now the strategies aim at incarceration as the sole way to save the children (Lea, 2002). According to Ashworth (2000) sentencing policies for sexual offences became more severe in a lot of European states during the 1990’s, and this was fostered by the media attention given to the Dutroux case in Belgium (Dünkel & Snacken, 2000) and the publication of pictures of convicted paedophiles in a UK newspaper (Lea, 2002). As Lea (2002: 144) argues: “[t]he resistance to starting from consumer demand rather than criminal supply is not simply a feeling that this allows criminals to escape blame but also a refusal to engage in a critique of a society which expands and normalises the demand for such commodities.” In other words, the one-sided and individualised focus on victim and offender is limited and needs to be complemented with a social analysis. With this strategy society washes its hands in innocence and legitimises the only real solution (according to them): long-term incarceration of these ‘perverted criminals’. The measures taken focus on the demand side and less on the supply side. Repression and situational prevention (based on rational choice theories) are dominant. The measures on the supply side (situational prevention) are taken to make it harder to express the demand and are more focused on the facilitating circumstances than at supply as such.

---

8 Primary prevention avoids the development of a problem.
9 See the square of crime (Young, 1997; Lea, 2002)
Taking this all into account we can conclude together with Garland (2000: 348) that “the field of crime control exhibits two new and distinct lines of governmental action: an adaptive strategy stressing prevention and partnership and a sovereign state strategy stressing enhanced control and expressive punishment.”

The policies are mostly the responsibility of the department of Justice. Other policy domains are not very involved. The close collaboration with children’s rights NGOs, however, does suggest that other domains are doing an effort framed in the broader children’s rights policy. The policies are not really coherent even though situational prevention and repression seem complementary. The little coordination of initiatives (and most pressure on the governments) comes from NGOs.

The focus lies on CST to third countries. In their home country CST seems to be non-existent and as such is considered to be the responsibility of the sending country or to be combated through national legislation on sexual abuse of children. The link with organised crime, trafficking in human beings and unaccompanied minor refugees is seldom made.

What is remarkable is the fact that CST as such is not a hot topic in those countries. As we said most legal instruments focus on prostitution and not on CST. Probably this is because it is not in ‘their backyard’.

The above allows us to conclude that the policies of our three individual Member States are mainly based on ad hoc measures rather than long-term solutions. None of the official documents studied show a concrete plan of action to address the poor social, economic and political conditions of the victims. In our opinion, both dominant strategies (the situational preventive and repressive) lack a societal analysis which has led to the commodification of child sexual services as a sexual industry and without this analysis all actions will remain futile. Moreover, the consumerism accompanying neo-liberalism is not questioned. We can say that there are concrete measures but these are limited in scope and mostly derived from rational choice theory.

2.6 Conclusion

We conclude by saying that the policies of the countries involved in the study are short-term policies. They mostly focus on situational prevention and repressive measures. The policies do have some long-term characteristics. The prevention component can help to control and contain the problem. Together with the deterrent effect of repressive measures, it can help to reduce the problem. However, in the longer run this will be minimal due to the failure of addressing the root causes.

There is a lot of cooperation between different actors involved but there is a lack of coordination. The policy is translated into concrete measures in the field. Nevertheless, these measures will be limited in effect due to their short-term conception. They have their origin in rational choice theories.
which are aimed more at controlling (possible) offender behaviour than at providing long-term solutions.

The basic assumption made at the beginning of this presentation does not hold ground. Our three case studies, as far as we can tell, use quite similar strategies to confront the problem of sex tourism. In other words, the different conception on the role of the state in the different welfare state regimes does not appear to have a decisive influence on the way in which child sex tourism is prevented and combated (or our research resources were too limited to reveal this). The logic behind this can be manifold, for example, globalised problems need globalised solutions, the relatively new strategies to combat it, the big influence of international organisations, the lacking interest of the governments of the states involved, etc.

3 European policy

3.1 Introduction

In this chapter we analyse the European Union’s policy on CST. This will provide an answer to the research questions 1 and 3: whether EU policy is translated into concrete measures that take the different aspects into account, and whether the EU has a long-term or short-term policy on CST. We will also try to address the more general issue of how the EU works on the topic. Analysing both Member States and the EU should allow us to understand how responsibilities are shared between the two levels. The latter, however, will be discussed in chapter 4.

3.2 Methodology

Like in the previous chapter critical discourse analysis (cf. supra) was chosen as our method of analysis. The EU policy documents were collected using the search engines of the European Union website by running a keyword search on ‘child sex tourism’, ‘child prostitution’, ‘travelling sex offenders’ and ‘commercial sexual exploitation of children’\(^\text{10}\). In turn, these documents led us to other interesting and relevant EU policy documents.\(^\text{11}\) But we must stress that we chose not to

---

\(^{10}\)The search engines where the most information was found are:
http://eur-lex.europa.eu/RECH_mot.do
http://ec.europa.eu/prelex/rech_simple.cfm?CL=en
http://www.euractiv.com:80/

\(^{11}\)The total amount of documents is 343, the selected documents comprise a total of 67.
analyse policy documents of other areas such as trafficking, immigration policy or development policy unless an explicit link was found with the topic. This is because we wanted to find out how the Union speaks about CST and what exactly it does – and does not - link to CST. Again, we treat the legal documents as texts with a policy perspective first, before treating them as texts with a legal value and thus as measures to combat CST. After that we searched for scholarly literature that mentioned these documents using ‘google scholar’. For other relevant international policy documents outside of the EU we used ‘google’. For an overview of these international policy documents we refer to Appendix IV.

In contrast to the country studies we did not analyse non-governmental initiatives. It is harder to get a grip on the specific NGO activity in this field for two reasons: firstly there are almost no (individual) NGOs which have a EU division (except Save the Children, as far as we can tell)12 and secondly because the NGO activity on EU level is immense and would provide enough material to write a second dissertation. This does not mean that NGOs are totally banned in our analysis but there is less focus on their activities in comparison to the previous chapter.

The overview of the EU policy documents we outline in this chapter is limited in pages because of the limited scope of the dissertation. This means we only describe the essence of the initiatives. Our width and depth scan are both based on a more extensive analysis of the documents which is to be found in Appendix V. Nonetheless, the information provided below will show how these different documents influence the prevention and combating of CST. By looking at both the rhetorical side and the actual practice we analyse both what is said about the phenomenon and what is done. Thus we compare the description of CST with the proposed measures. This includes measures by the European Parliament, the European Commission, the Council of the European Communities and other initiatives in the European Union context. All these European institutions have power in the matter of CST because of the complexity and the diversity of elements associated with CST.

We also had contacts with assistants of several European Parliamentarians, some Parliamentarians themselves and with Europol, either through telephone or mail (see Appendix VI). In addition we also asked the NGO ‘Save the Children’ for their point of view concerning this topic (see Appendix VI). ‘Save the Children’ works on CST and has some projects which are funded by the EU, but is less closely involved in this specific case than an NGO like ECPAT. This gives us the opportunity to have a more independent point of view concerning the policy and the practice of that policy in reality. We also got the World Tourism Organisation to answer some questions. This is a UN organisation which provides a worldwide forum for tourism policy issues and which is a source of

12 We mean NGOs working on CST.
tourism know-how (UNWTO, n.d.). We contacted them because we were interested in the tourism sectors’ assessment of the policy.

3.3 Evaluation

In this part we perform a width and depth scan of the EU policy documents we selected. Like in the previous chapter, an exemplary example will be used to demonstrate what is said. This allows to give concrete form to the often abstract theoretical notions.

**Width scan**

In our width scan we check each policy for the nine operational criteria we set out in chapter 1 after deconstructing and reconstructing our operational definition of CST. This allows us to determine whether a policy actually covers the different elements associated with the phenomenon. The Parliament’s, Commission’s, Council’s and other initiatives will be analysed separately, before evaluating the European policy in its entirety.

**Operational criteria:**

- Related to poor social, economic and political conditions of the children and their families.

This criterion is clearly present in the discourse of the European Parliament and the European Commission. Former Commissioner Papoutsis (1998), for example, declared that fighting CST in third countries needs Community action on external relations and cooperation for development. But when we look at concrete measures we cannot find one proposed measure which specifically deals with this. In his declaration, Papoutsis listed several measures taken up to 1998 but none of these specifically addressed these conditions. In a 2001 Commission report, respect for human rights was stated as one of the conditions for countries to receive development support. However, poor living conditions are a primary cause for these human rights violations, so in our opinion this clause will not help in solving the problem. In the European Parliaments’ resolution on child sex tourism of 1999, CST is explicitly linked with poverty. In other documents they mention this as well (European Parliament, 1997a; 1997b; 2000). So the European Parliaments’ rhetoric is clearly addressing these conditions. Likewise, the European Union’s Annual Report on Human Rights of 2000 formulates the need to implement measures against CST in Community development policies. Currently the EU is working on an EU strategy on the rights of the child. In this strategy they say that there needs to be a broadening of the social policy to improve poor economic and social circumstances children live in (for example, see: Commission of the European Communities (2006)).
Rhetorically these root causes are clearly recognized but in practice almost no measures aim at improving these conditions. Only The European Initiative for Democracy and Human Rights is funding development aid and this in respect of children’s rights. Concrete results however are not available.

- Related to the growth of consumerism by which children and their families want to have the same goods as other people.

No mention is made of this. The economic processes underlying CST are not questioned at all nor is the fact that neo-liberalism which is spreading all over the world creates new needs for the children and their families. If living conditions would improve, standard of living would equally improve, and consumer goods could be bought without having to work as a child prostitute.

- Related to the commodification of children as sexual objects.

Only the European Parliament addresses this issue. In its resolution of 1997(b) it calls on MS to adopt preventive measures concerning the use of children in advertisements. In a resolution of that same year (1997c: ¶5) the Parliament “condemns unreservedly the sexual exploitation of children, child abuse in any form, and the degradation of children as sexual objects reduced to the status of commodities; calls for a total ban on the production, trade in, transport and possession of material which constitutes an incitement to sexual abuse of children.” The other institutions do not talk or take actions on this element. There is one area, however, where actions are undertaken, namely combating child pornography. The most important document here is without doubt the Council framework decision of 2004 on combating the sexual exploitation of children and child pornography. This was the outcome of the Parliamentary resolution (on the Commission communication concerning the implementation of measures to combat child sex tourism) of 2000 which urged for a stronger policy on child pornography. Also the Daphne13 program, a program set up to combat violence against children, young people and women, works on child pornography.14 In several documents of all EU institutions studied the explicit link between CST and child pornography was made. Europol has a mandate to combat child pornography.

- Tourism with the aim of commercial sexual exploitation of children.

The Union’s policy (every institution) clearly recognises this. The phenomenon of CST is explicitly linked to the commercial sexual exploitation of the children. One of the assistants of a European Parliamentarian told us that they are planning a conference on child prostitution in the fall of 2007 to see what the different groups in the Parliament think about the topic.

---

13 Daphne I started in 2000 and ended in 2003, Daphne II started in 2004 and ends in 2008, Daphne III project is approved on 22 May 2007 but will only enter into force when it is published in the official journal.

14 The Daphne program gives support to organisations which try to combat any violence against children
• Linked to trafficking involving that same aim.

A lot of measures are taken to combat trafficking. Trafficking is clearly an area where the EU is very active and where the link with CST is explicitly made. The 1996 Commission communication on combating child sex tourism, for example, is actually a communication on trafficking which focuses on CST. The Parliamentary resolution of 1997(a: ¶0) also links CST with trafficking and organised crime: “only closely coordinated activities on the part of judicial and police authorities at European level will ensure the effectiveness of determined efforts to stamp out the vicious trade to which children fall victim”.

• Often involves organised crime groups.

The link is made, for example, in the Parliamentary resolution of 1997(a). Also, policy documents on trafficking and child pornography mention it, for example, the Commission communication of 2000 on a framework decision to combat trafficking in human beings and combating the sexual exploitation of children and child pornography. But it does not return in many policy documents or many measures. The fight against organised child sex tours could fall under this heading.

• Happening both in Europe and elsewhere in the world.

The focus clearly lies on tourism to countries outside the EU. Nonetheless, the European Parliament recognises the fact that it also happens in Europe and asks for research into the extent of CST in Europe (see for example European Parliament, 2000).

• Associated with unaccompanied minor refugees in Europe.

This link is made in the Parliamentary resolution on CST of 2000: the Parliament asks the MS to have attention for the vulnerable situation of unaccompanied minors. However, this is the only document where this link is explicitly made.

• Associated with the increasing mobility of both perpetrators and victims.

This is central to the policy. The responsabilisation of travel agencies and the tourism sector as a whole is a fundamental element. The Policies developed to address this issue are manifold. The signing of codes of conduct, information campaigns on long-haul flights, awareness-raising campaigns, etc. This also has to do with the use of new communication technologies which make setting up child sex tours easier. In a working document accompanying the 2006 ‘towards an EU strategy on the rights of the child’, the Commission explicitly says that measures need to be taken to fight the abuse of these communication technologies for organising of CST. The European Parliament also links CST with an increase in the communication and distribution of child pornography.

*Depth scan*

The eleven performance indicators allow for determining whether the policies are indeed able to address the complexity of the phenomenon and assess the long-term qualities of the policies.
Performance indicators:

- Are the root causes of CST addressed or are only repressive measures installed?

The EU mostly strive to install repressive measures. But situational prevention is also a dominant paradigm in the approach. The root causes are recognised (cf. supra) but not combated. The Commission communication on CST of 1996 (¶3), for example, says that “although poverty is one of the main factors. The Commission intends to focus its action primarily on the demand side because child sex tourists come mainly from industrialised countries, including EU Member States.”

The measures they propose in this communication are, generally speaking, focusing on three fields: deterring and punishing child sexual abuse, stemming the flow of sex tourists from the MS and putting pressure on third countries to comply with human rights legislation. Another Commission communication (1996a) of the same year sums up the same core principles and adds that MS need to show their engagement by creating a common front. It is quite obvious that they are taking the easier route which entails non-structural measures to address the root causes. They focus on the offender and how to increase the costs of the actions he takes.

In the European Parliament resolution of 1997(a) a harmonisation of the laws of MS is proposed, the control of paedophiles through various means, enhancing the role of the victim in the criminal procedure, awareness raising campaigns, stressing the central role of NGOs and the responsibility of the tourism sector, and harsher penalties for OC groups and offenders. It is clear that the proposed measures are situational prevention and repression without any structural long-term measures. The document of the Parliament (1997a: ¶21) also “calls on the Community, as part of its policy to support development, and in cooperation with the authorities of the countries concerned, to make a contribution to the emergence of a healthier alternative form of tourism and sponsor actions for the protection and rehabilitation of the victims of child prostitution.” This is applying good rhetoric as no proposed measure is really dealing with this.

The Parliamentary resolution on CST of 1999 explicitly says that a long-term policy needs to be installed. It sums up which measures need to be taken: the MS need to incorporate children’s rights mechanisms and adopt a coherent long-term policy from the perspective of the protection of the children, support awareness raising campaigns, cooperate with the tourism industry, adopt extraterritorial legislation, care for victims of sexual abuse and unaccompanied minor refugees, include victims in the criminal proceedings. Finally the Parliament asks the EU to look at human rights as a criterion to conclude international agreements and to extend Europol’s mandate. In the drafts and opinion papers of the Parliament on the EU strategy on the Rights of the Child extraterritorial legislation and the mandate of Europol is asked to be extended to be able to conduct investigations in third countries to identify those responsible for CST.

Most documents urge the MS to adopt extraterritorial legislation, to eradicate the double criminality rule and install harsher punishments.
Practice: is the policy translated in concrete measures?
The policy is translated into concrete measures but a discrepancy is found between rhetoric and practice. There is recognition of poor social and economic conditions as root causes of CST but none of the measures is aimed at improving these.

The measures mostly cited are:
- Funding research
- Calling on MS to adopt extraterritorial legislation and harsher punishments, and to eradicate the double criminality rule
- Harmonising minimum rules and penalties.
- Awareness raising campaigns
- Information campaigns
- Cooperation agreements with third countries
- Signing of codes of conduct
- The STOP program which ceased to exist but is integrated into other domains: it worked on, amongst others, participation in travel fairs, awareness raising campaigns and certified codes of conduct for tour operators. Its overall aim was to combat and prevent human trafficking and the sexual exploitation of children through educational and training programs
- The Daphne program: sexual exploitation is only one area of concern because they are working on violence against children, young people and women. Concerning CST it wants to increase knowledge, thereby developing treatment programs for both offenders and victims, raising awareness and reported instances of CST to official authorities. In the Daphne III program sexual exploitation will be an essential matter.

Is the underpinning philosophy of the policy rehabilitation, retribution or restoration?
Retribution is the underlying philosophy. Nothing is done about rehabilitation or restoration of the offenders. For the offenders, only repressive measures await. Laws are tightened, minimum rules are established, extraterritorial legislation is installed, they want to abandon the double criminality rule, etc. Controlling the offenders’ behaviour is central to the policy. The control net is widened by situational prevention.

What is the underpinning theory?
Rational choice theories are prevalent. Offenders are seen as rational human beings who weigh up benefits to costs and always try to find the less costly way to engage in their deviant behaviour. They are seen as opportunistic and as searching to exploit the best opportunities.

Victim based or offender based:
- Is there victim rehabilitation and/or offender rehabilitation?
Nothing is said about the treatment of offenders, only about assistance to victims. In the European Parliaments’ resolution of 1997(a), for example, protection of victims is said to be
central and a lot of measures are summed up to help the victims, such as adopting a non-punitive approach to victims, social, medical and psychological assistance, helping them to adopt an alternative way of life, etc. Only the Daphne program seeks to enhance the treatment of offenders by increasing knowledge on the phenomenon.

- Does the policy start from a victim perspective or an offender perspective?

It starts from a victim perspective even though almost all measures taken are found on the offender side. A representative (Grillenzoni, 2003: 13) of the European Commission said: “the decision was made to focus its actions on the persons and groups that carry out the sexual exploitation of minors and on the impact of their actions on children in the destination countries of sexual tourism.”

- Convergence or divergence: is the policy coherent and consistent?

The policy is rather decentralised. The objective of all measures is the reduction of CST and again all of these fit within the dominant paradigm of situational prevention and repression. The legal instruments used however have no specific powers of their own and have to be translated into national legislation first. The amount of legal instruments is minimal. In 1999 the European Parliament criticised the fact that the Commission does not have enough powers to reach a coherent Community policy on CST. The Parliament report of 2000 criticises the lack of an overall approach and asks the MS to delegate more responsibilities to the Community to come to a coherent policy. The EU does fund several projects through Daphne, something which also used to be done through the STOP program\(^\text{15}\) which was designed to combat and prevent human trafficking and the sexual exploitation of children through educational and training programs. The decentralised nature is also clear in the (enhanced) intergovernmental character of the Third Pillar\(^\text{16}\) in the EU while other domains such as Enterprise and Industry policy (Tourism) and Developmental policy are Community responsibilities. This obviously has its implications for the coherence and consistency of the policy.

The policy does not seem to be very coherent and rather based on loose ad hoc measures. The different institutions do not seem to cooperate very well in their actions to combat the phenomenon.

One of the major obstacles to come to a coherent policy is the division of competences within the different institutions. The different associated elements belong to different areas of competence and, depending on this, to one or the other institution. It is difficult to come to a coherent Community

\(^{15}\) The STOP program started in 1996 and ended in 2000, the STOP II started in 2001 and ended in 2002.

\(^{16}\) Under the treaty of Maastricht the third pillar covered four areas: External boundaries, Visas and Immigration; Asylum and Refugee Law; Civil Cooperation and finally Judicial, Police and Customs Cooperation. The Maastricht Third Pillar was split up at Amsterdam with in the end only Judicial and Police Cooperation remaining within the Third Pillar, but with improved judicial control, and the other subjects being moved to the First Pillar. Important for our topic is that trafficking in human beings and organised crime are still in the third pillar.
policy when some matters are a competence of the intergovernmental Third Pillar. Only when the Community becomes competent in all associated areas of CST a coherent long-term policy is possible.

- Coordination or independent actions: Are the actions between different actors coordinated? The different actors work together. There are close partnerships between the tourism sector, NGOs and the European Union. Europe also finances NGO projects. Actions seem to be less coordinated on EU level. Coordination is found for the legislative process but when it comes to funding a lot of organisations mainly do the same things, like for instance research on CST. It is unclear who exactly is coordinating the different actions. It seems that the European Parliament, the Commission and the Council are sometimes working past each other. The Council also appears to be less interested in this phenomenon. The body of documents issued by the Council is considerably smaller than the one from the other two institutions.

- Integration or separation: applying a broad approach: is there both prevention and repression and follow-up of victims and offenders? We can say that the policy is integrated and covers several domains. Even though the limited scope of our research did not allow an in-depth look at all the different fields associated with CST we can say that actions are taken on all fields. This means both on the repressive as the preventive side. However, prevention is narrowly interpreted as situational prevention. The former can be seen in the fact that the Commission pleads for extraterritorial legislation and for eradicating the double criminality rule, the latter in the luggage tag by which tourists can show their commitment to combat CST and the responsabilisation of the tourism sector. Concerning prevention the code of conduct and the awareness raising campaigns are also important. In our opinion, these will have a limited impact. The code of conduct is a moral commitment. The awareness raising and information campaigns make people aware of the problem and can lead to increased reporting and/or increased knowledge of the law. As such they belong to the paradigm of situational prevention. Strangely enough Europol does not have a specific policy on our topic. There is a follow-up on the victims and the Union finances initiatives specifically aimed at victim rehabilitation. Nothing more but repressive measures are mentioned when it comes to offenders.

- Integrated: is the government policy integrated into different policy domains and is there a joint problem-solving strategy with all relevant actors? According to the rhetoric a lot of policy domains are involved. Even though the fact that the European Council of 1999 (¶5) argued that “the cross-sectoral nature of the fight against child sex tourism, [is] requiring at all levels of action a coordinated and integrated approach combining Justice and Home Affairs, social affairs, health, education, tourism, new information technologies and internal market, as well as external policies and human rights”, our research did not show a lot of measures proposed on all these domains. We have noticed that Justice and Home Affairs and
Enterprise and Industry policy (Tourism) in particular are closely involved. We must stress that relevant actors are closely involved, more specifically the tourism sector and NGOs.

- Do they only combat CST to a third country? Or do they also combat CST within their country/the EU?

CST towards third countries is the key element of the policy. CST within Europe is recognised but only on a limited scale. The European Parliament’s resolution on child sex tourism of 1999, for example, explicitly mentions CST within the EU but with an emphasis on the former Soviet countries. In a 2000(a) resolution the Parliament also urged the Commission to investigate the extent of CST in Europe both within MS as in applicant countries. We did not find out if the Commission did this and what the results were. A book published by Vermeulen and De Hauw (2004), funded by AGIS\textsuperscript{17}, tried to map out the numbers of the different EU countries but with limited success.

- Do they work together with third countries?

There is collaboration with third countries. They try to install human rights clauses as a precondition for developmental help, to come to sustainable tourism and to extend Europol’s mandate to do investigations in third countries. A 1995 communication of the Commission, for example, wanted to enter CST in Community agreements with third countries (Bartels, 2004). There is also the Europe-Asia meeting. Through the close involvement of international NGOs they can put some pressure on third countries as well. But the cooperation is rather minimal and structural changes are not the primary aim.

**Interviews**

We conducted an interview with the NGO Save the Children to look at their evaluation of the EU policy. They talk about travelling sex offenders. In their opinion CST can happen both within and outside the EU. They see the offenders as people abusing economic and social power. This means that they consider poor social and economic conditions to be root causes. They plead for more collaboration concerning intelligence exchange (cf. UK) between the MS to combat the phenomenon. When we look at the measures they propose we can see that they focus on repression, control, awareness, codes of conduct and research. The same measures the EU proposes. Maybe the reason behind this could be that NGOs are closely involved in EU policy and as such the measures proposed resemble. But the NGO says that there is no consistent EU policy on the topic which could mean that the rhetoric of the Union is not implemented in practice. On the question whether the EU actually does what it says, they said that the EU does fund projects but that more needs to be done.

\textsuperscript{17} The STOP program merged, together with other initiatives, in this program which ran from 2003 to 2006.
both to punish travelling sex offenders and to prevent them to engage in these acts. In other words, this NGO also emphasises repression and situational prevention.\textsuperscript{18}

We also asked the opinion of the World Tourism Organisation. We asked them about their evaluation of EU policy and the role the tourism sector has to play in the combating and preventing of child sex tourism (see Appendix VI). They ignored our questions and referred to their publications.\textsuperscript{19} They said that: “governments are very aware of this problem and are also taking proactive actions to prevent the abuse of children in tourism destinations.”

\section*{3.4 Results and discussion}

Since the mid-nineties an extensive body of policy documents and measures has been laid down on EU level. Before 1995 nothing was done about CST. The measures proposed nowadays still resemble those proposed in the mid-nineties. Ruxton (2001: 40) evaluated the EU policy until 2001, and in our opinion this analysis is still valid today: “[i]t is doubtful whether such approaches are sufficiently rigorous to make a significant impact. Alongside measures to stem the flow of sex tourists from the EU, what is also needed is greater pressure on countries which tolerate child sex tourism (especially applicant countries in Central and Eastern Europe) to take further action. Bearing in mind the links between child sex tourism and other forms of child sexual exploitation, it is also essential that such action is located within a comprehensive overall strategy. […] also including stricter sentences for child sexual abuse and for possession of child pornography – shows that such approaches can have an impact. Alongside the strengthening of criminal legislation, an important element in such initiatives must be education and support measures for children to provide secure alternative livelihoods.” After taking everything into account it is obvious that this perspective is also quite narrow and places a great emphasis on repression.

The number of hard law policy measures is minimal. The policy documents are largely Commission communications, Commission reports, Parliamentary reports and Parliamentary resolutions. The only harder instruments are the Joint Action of 1997 and the Council Framework decision of 2004 both aiming at sexual exploitation of children and not specifically at child sex tourism.

A large number of proposed measures focuses on the demand side but only a small number on the supply side. The measures on the supply side are based on situational prevention (and thus more focused on the facilitating circumstances). There are quite a few measures aimed at facilitating activities as well, such as the responsabilisation of the tourism sector.

\footnote{We must be careful with this interpretation. When we asked to the conceptualisation of prevention we did not receive an answer.}

\footnote{These publications contained almost no information about EU policy.}
Repression makes up a large part of the policy. Minimum rules, minimum sentences, extraterritorial legislation and the eradication of the double criminality rule are central in the discourse and the proposed measures. In addition awareness raising and information campaigns are also important. The rational choice paradigm underneath the discourse and the measures ends with an emphasis on situational prevention and repression. The underlying rationale is that the measures need to reduce the benefits and increase the costs and as such limit the opportunities to offend. Garlands’ (2000) analysis of the current field of crime control again makes sense in this respect. In the discourse the EU acknowledges the link with organised crime and trafficking and also proposes measures to combat it.

Concerning cooperation with other actors we can see that the EU has alliances with a lot of NGOs. They join forces and develop policies together. The NGOs are a strong partner. The NGOs also receive funding from the EU for projects and studies on CST. The EU considers the work of NGOs to be complementary to its own. Again only children’s rights NGOs are in the partnership (the same as in the country studies). The tourism sector also plays an important role as a partner.

Commodification processes have been recognised rhetorically and to combat this legislation on child pornography has become tighter. In our opinion, this will only have a limited impact. The macro-societal processes which influence this behaviour are rarely questioned at all and as such the only focus is on offender and victim. The same conclusion can be drawn from the analysis about the growth of consumerism.

The policy is primarily focused on third countries. It is our hypothesis that the phenomenon is probably combated within the EU and its MS with other instruments as well such as legislation and measures on child prostitution and sexual exploitation of children.

Concerning the treatment of victims and offenders we have seen that only a minimal follow-up for the victims is present in the discourse and proposed measures even though this is essential for child protection issues. According to Ruxton (2001) the limited amount of measures taken on this aspect can be ascribed to the principle of subsidiarity by which these are essentially matters where the scope of EU action is limited.

The interviews learned us that Save the Children largely approves the EU policy. The measures they propose are the same as the EU. This confirms Newman (2000) his statement that NGO policies do not necessarily differ from government policies. However, we have to be cautious with this statement because we only interviewed one NGO. The World Tourism Organisation was quite short in its answer. The questions we asked were perception questions. In our opinion, these questions
were too sensitive for this organisation because they had to take in a stance. They only said that governments are aware of the problem and doing their best to combat it.

3.5 Conclusion

On EU level the policy is rather an amalgam of ad hoc measures than a coherent long-term strategy. We must stress, however, that there has been a significant evolution. A policy has only been developed since the mid-nineties. From the outset both prevention and repression appear to have been central elements. Thus we cannot say that there are no longer term perspectives in the policy as well but these are limited.

On the question whether the policy is translated into concrete measures the answer is yes. There are several measures taken on criminal law side. Other measures are for the greater part focused around situational prevention. Rhetorically the EU’s policy is broad and covers several terrains. But only a small part of this rhetoric is translated into concrete measures. Thus the measures do not cover all elements which are rhetorically recognised. The root causes of the phenomenon are not addressed in practice but are indeed recognised discursively.

4 A reflection on the policies

After the two previous chapters we are ready to compare the country studies with the EU study. After critically discussing our results and linking these to scholarly literature, we will provide some interesting new paths for further research. As you will see the structure of both our scans is present in this chapter as well but we will not be holding on to it as rigorously as in the previous chapters.

The results of this study clearly indicate the absence of a long-term policy addressing the root causes of child sex tourism on the European level as well as on the level of the individual Member States, at least in the case of our three case studies Sweden, the UK and Italy. Repression and situational prevention is what the policy is built upon. “It is not unsurprising that governments prefer to wield the blunt instrument of the criminal law to penalize individual actors involved in the sex trade rather than taking the rather more demanding steps to reconfigure the structure of the international political economy” (Jhappan, 2005: 165). Repression and situational prevention do however grant possibilities to contain and control the problem.

During the past fifteen years enormous progress has been made on the prevention and combating of child sex tourism but the measures proposed in the early phases do not differ significantly from those proposed now. The policies developed are mainly ad hoc measures and primarily aimed at
controlling offenders. The latter is a central aspect both on governmental and non-governmental level and both on the level of individual Member States and EU level. Although set up from a victim perspective we mainly find measures on the demand side. We must stress, however, that the absence of a long-term policy addressing the root causes of the phenomenon does not mean that the policies do not have longer-term characteristics. There is no one-sided focus on repression alone. Situational prevention, however, is not aimed at long-term relief but at containing and controlling the problem. Some measures do have other characteristics than pure repression, for instance, codes of conduct and awareness raising campaigns aimed at the sensibilisation of the public.

Next to this repressive and preventive side, the EU tries to integrate human rights clauses as a precondition for development cooperation. As said before, its impact will be limited. The question needs to be asked if this is not contributing to human rights violations instead of reducing them in some cases. We must stress that it is not easy to address these root causes. It is quite logic, in a certain respect, that governments take the easier path of repression and situational prevention which shows direct results and is easier to implement. This hypothesis holds ground on EU level as well. Here it is probably even harder to come to an agreement to address these root causes. But as Viero (2003: 70) says: “acting in such contexts, allocating the available resources in a targeted manner, represents a way of carrying out true social development. [...] I am convinced that development cooperation can make a substantial and concrete contribution towards understanding, and to the prevention and fight against the sexual exploitation of children in tourism.”

As we have seen, rhetorically a long-term policy is present in the EU. The rhetoric aims at a broad policy covering most of the facets associated with the phenomenon. In practice, however, only some parts of this rhetorical policy are translated into concrete measures.

The turn to more repressive measures is the standard gesture of ‘expressive justice’, for the general public “this process of condemnation and punishment serves as an expressive release of tension and a gratifying moment of unity in the face of crime” (Garland, 2000: 350). This repressive turn is much inspired by the central role of the victim (Garland, 2001; Haug, 2001). The construction of the innocent child (James & Jenks, 1996) and the particular vulnerability of children (Vermeulen, 2001) are aggravating circumstances in this as well. As Garland (2000: 121) points out: “politicians came to develop their own, rather punitive, conception of how to act in the victim’s interests”.

Garland (2001) points out to three dominant ‘criminologies’ which contextualise our research results. The criminology of essentialised difference20 which is accompanying the sovereign state strategy to crime in the past thirty years shaped the paedophile and child sex offender as dangerous,

---

20 This is a criminology that trades in images and anxieties, rather than in careful analyses and research findings (Garland, 2001).
driven, unreachable, an unreformable creature that poses a grave risk to our most innocent and vulnerable victims, children. He states that forms of child deprivation, neglect, etc. have much graver consequences on the child. The criminology of the other\textsuperscript{21} invokes images of the criminal as anti-social, as a ‘sexual predator’, locked into a culture and mode of life that is both alien and threatening. Closely linked to this is a harsh penological policy towards the offenders. The new criminologies of everyday life\textsuperscript{22} depict the criminal as an opportunistic consumer, whose attitudes cannot be changed but whose social goods could be barred, prescribing situational engineering rather than social engineering. The child sex tourist, in this line of reasoning, is a rational offender, knowing that what he does is wrong but the benefits from his acts are greater than the costs. Here the policy is based on the reduction of opportunities (cf. legislation punishing airlines that offer tourist tours to places where (child) sex is easily obtained) or increasing the costs, thus legitimating a harsher policy. Obviously traces of all three are present in the policies.

We can see that growing global inequality in entire regions has created areas in which criminal and other organizations can inaugurate systems of ‘governance from below’. What is closely related to this is the protection by the community. Child sex tourism creates the possibility for whole families to survive. Although it provides a correction on market mechanisms, it remains a form of social crime and it sustains the community. It is an illicit, informal economy. These forms of social crime are likely to be more linked to organised and harmful activities, Lea (2001) argues. But the socially excluded have little other option.

The measures taken both by the Member States as by the EU are focalised around information campaigns, awareness raising campaigns, legislative changes and rehabilitation of victims. Towards offenders retribution is central. Overall, it is fair to say that the policies of the EU and Member States are quite alike. Probably the EU has outlined (or tries to outline) a general framework to guide the actions of the individual Member States. Thus, the principle of subsidiarity still holds ground for an important part.

The focus of both MS and EU on codes of conduct is quite logic, because of NGO pressure. The different EU institutions have asked the MS frequently to sign these codes and to include NGOs, the tourism sector and other international organisations. In this respect, the tightening of legislation at the level of the MS is not strange either, because the EU has explicitly asked for this together with the installation of extraterritorial legislation. The abolishment of the double criminality rule (which

\textsuperscript{21} Central themes of this criminology are: “the upholding of order and authority, the assertion of absolute moral standards, the affirmation of tradition and common sense” (Garland, 2001: 184).

\textsuperscript{22} It entails a set of cognate theoretical frameworks that include crime as opportunity, routine activity theory, lifestyle analysis, situational crime prevention, and some versions of rational choice theory (Garland, 2001).
is also asked by the EU) is not that popular with the MS. There have been voices at EU level to come to a common definition of CST (for example, see European Parliament, (1999)) but thus far no common definition has been adopted. Even though this could make the policies more transparent.

There are extensive partnerships between NGOs, the tourism sector and the individual Member States/the EU. The resonsabilisation strategy of the private sector is part of a broader trend which signifies the gradual erosion of the distinction between private and public sector. It also exemplifies the increased helplessness of states to deal with crime on their own. It shows how disciplinary measures are spreading all over society. More actors are getting involved in crime fighting.

The policy in the EU is integrated into different policy domains, namely Enterprise and Industry policy (Tourism) and Justice and Home Affairs. In the EU there is a rhetorical recognition of the possible role of developmental cooperation but no measures are taken in this field that are explicitly linked to this phenomenon. We must add that developmental cooperation does not have to be a tool to reduce crime but helping the developing countries can help to come to a more humane existence for all. Our research did not focus on development cooperation as such but except of rhetorical recognition no mention was made of any related measure in development cooperation or any document about it. It is our opinion that the existence of the problem of child sex tourism does not have much impact on developmental support. One wonders if the billions spent on enforcement of criminal measures might not better be spent on developmental programs. We are afraid that the chances of this happening are, regrettably, rather slim. “A long-term relief from the world-wide tsunami of child sexual abuse surely demands nothing else” (Jhappan, 2005: 167).

The results of this study also indicate the absence of a clear coordination on CST. On EU level it seems that the actions are quite incoherent - not coordinated by a single body - and that the Parliament, the Commission and the Council are not really cooperating with one another. On the one hand this is normal because discussion has to be present for democratic decision-making, on the other hand a more long-term policy would be easier to attain when a coherent Community policy could be set up. It would also contribute to the translation of the rhetoric policy into a broad array of measures better covering the complexity of CST than what is present nowadays. Then again, NGOs appear to take a leading role on the level of the individual Member States. The variety of sectors and actors involved could diminish the transparency and provides the opportunity to shift responsibility to other sectors and actors. The same can be said of the coordination between MS: without a

Eventually, could we not argue that NGOs in this case appear being instrumentalised as executors of government policies? Yes, we could when we look at concrete actions however criticisms concerning governmental policies are found in their communications. This means we find the rhetoric policies versus concrete actions divide again.
coordination mechanism MS can say that it is EU responsibility, but the reverse is also true. After all, the majority of the offences do not happen in ‘their backyard’ so why should they bother?

The focus of the EU clearly lies on CST to third countries and less on CST within Europe (except for the then accessing Member States of Central and Eastern Europe). We find the same pattern in the individual Member States. We suspect the different actors count on legislation and measures taken to combat child prostitution and commercial sexual exploitation as such within Europe without making the explicit link with tourism. The limited scope of this study however did not allow for any conclusions concerning this aspect.

A lot of policy documents explicitly link CST with trafficking and child pornography and call to adopt tighter legislation on these domains as well. We can also see this by the issuing of a Commission communication in 1996 on trafficking which solely focuses on child sex tourism. Several measures have been taken to combat child pornography more effectively as well.

In general, the approach of the Member States does not appear to differ significantly from the EU’s. The theoretical paradigm shared by all of the actors which we have studied is rational choice theory. Based on this theoretical conception, the best way to combat the phenomenon is by controlling the offenders and raising the costs (and as such harsher punishments are deemed necessary). The best way to prevent it is by situational prevention. We can speak of a moral authoritarian approach by which the values of one group in society are imposed upon all members of society. In our opinion this moral authoritarian approach prevails on world scale because of the CRC. Like Pupavac (1999, 2001) argues, we universalised a Western conception of children’s rights but we did not universalise the Western circumstances, consequently children’s rights violations are more observed in poorer countries. We must be aware that poverty is not only a root cause of children being brought into the prostitution industry but also drives many of the traffickers, pimps, etc. and other people involved.

Further research could be done into other sectors concerning this topic like, for instance, developmental cooperation. Further research could also be done on the motivations of offenders to engage in child sex tourism, on how a more coherent and effective policy could look like when it

---

24 A lot of scholars have argued that the CRC is based on a Western conception of children’s rights (Archard, 1993; Cliteur, 1997). Some scholars argue for a contextualization of the CRC depending on the specific situation of the child (van Nijnatten, 1993; Brems, 2001).

25 We can take this a step further because we can even say that we universalised a civil model of children’s rights and as such even the marginalised strata in the Western societies have difficulties attaining these norms.
concentrates on the supply side, and on what the discussions are within the Union and the different institutions of the EU. It would be interesting to examine which measures could be taken to combat commodification of children as sexual objects. Although we thought about this, we did not come to a concrete measure. It would also be appealing to see what the actual impact is of the CST policy we have encountered in everyday reality. Where does the engagement of the tourism sector end? What is the practical impact of the proposed measures? What is the impact of the measures on CST? There is not much literature of other research concerning these important questions.

5 Conclusions

5.1 Introduction

First of all we would like to emphasise that it is not our primary aim to say whether the European policy is good or bad. The aim of our investigation was a) to look if the policy of the European Union concerning child sex tourism is translated into concrete measures that take the different aspects of this phenomenon into account or is it on the contrary mainly a rhetoric policy, and b) whether the European policy and the policy of some individual Member States are long-term policies (addressing the root causes of child sex tourism) or instead an amalgam of ad hoc measures. This final chapter provides an overview of our results.

5.2 About the phenomenon of child sex tourism

Our research has shown that child sex tourism is quite a complex phenomenon related to a variety of different policy domains. Like O’Connell Davidson (2004) says: it is an anomalous form of movement. It is related to trafficking for the purpose of sexual exploitation and child pornography. It often happens through organised crime groups. The travelling component is important and here the link with tourism becomes clear.

The root causes however are unanimously recognised to be poor social, economic and political conditions (Levesque, 1999; David, 2000; Blaak & Wolthuis, 2001; Ekberg, 2004; O’Connel Davidson, 2004; Zahid Shahab, 2005; Tautz, Bähr & Wölte, 2006). We must be aware that poverty is a human rights violation on its own. In this respect child sex tourism can be seen as a survival strategy. Child sex tourism is influenced by commodification processes which turn the child into a sexual object. It has to do with economic globalisation. Consumerism is spreading globally. The children and their families want to have these consumer goods and child prostitution in tourism can be a lucrative business. Most of it happens in Third World countries. The phenomenon does occur within Europe as well. Here there is an important link with unaccompanied minor refugees.
5.3 Combating the root causes and the long-term perspective of the policies

The European policy on child sex tourism rhetorically recognises the poor social, economic and political conditions of the child victims and their families. However, none of the measures taken are specifically aimed at improving these conditions. Moreover, both consumerism and commodification of children as sexual objects are only minimally addressed. In other words, we cannot speak about a long term-policy addressing the root causes of child sex tourism. The Union does state to have a long-term policy by referring to the instalment of human rights clauses as a precondition for developmental cooperation. We however doubt whether this will be effective in the long run, because in this specific case, the lack of improving the poor conditions is probably the most important cause of human rights violations.

This does not mean that there are no long-term perspectives present in the policies. Awareness raising and information campaigns can contribute to the reduction and detection of the phenomenon. These measures, however, are conceptualised to fit in the paradigm of situational prevention. The codes of conduct, on the other hand, are only morally binding. At EU level, the human rights clauses, as a precondition for development cooperation can contribute (by urging states to work on the problem). There are only a few cooperation agreements on the topic with third countries (Asia-Europe meeting, cooperation between UK and third countries).

Situational prevention and deterrent measures are central in the policy of both the EU and the Member States. Complementary to these a more structural approach is necessary (Jhappan, 2005). Only rationally organised development cooperation and strong political pressure could guarantee a more lasting change. The same conclusion can be drawn from our research findings of the case studies. In this respect we join Pupavac (1999, 2001) in arguing that the West has imposed a certain conception of children’s rights as universal without universalising the Western living conditions. Consequently children’s rights violations are more frequently witnessed in non-Western countries. The structural changes we refer to will be hard to obtain and be very costly. Repression and situational prevention are easier means to do something about the phenomenon and to show that something is done. The focus on situational prevention also reflects a pragmatic approach to minimize those risks that are judged to be the most readily manipulable (Levi & Maguire, 2004).

“Working on the root causes on the supply side is harder. Supply is rooted fundamentally in poverty, and as such is determined at the macro level as a structural requirement of neo-liberal capitalist globalization. Thus, micro level policies targeting the individuals who buy and sell the sexual services of women and children can only enjoy very limited success” (Jhappan, 2005: 137). We can see this focus on the demand side both in the MS studied and in the EU. According to Ruxton (2001: 47) there are not only “links between different forms of sexual exploitation, but child sexual
exploitation is also linked to wider aspects of children’s policy which should not be ignored by the EU, including for instance social exclusion, discrimination, and citizenship and participation.” This is an area where the EU policy on CST obviously fails because of its exclusive focus on repression and situational prevention.

Not much is said or done about child sex tourism within Europe at EU level. It could well be that existing legislation on child abuse, child prostitution and commercial sexual exploitation is seen as sufficient to address this.

5.4 On the measures

The rhetorical policy at EU level does recognise, to a certain extent, the complexity of the phenomenon. The measures and actual actions only partially cover this rhetorically recognised complexity. They centre on repressive measures and situational prevention (while Levesque (1999), for instance, has argued that prostituted childhoods are multi-determined). In addition, there are funding programs of research activities and projects of NGOs. There is a limited body of binding documents. Most documents are Commission communications and Parliamentary reports or resolutions. These documents do have a moral authority.

At the level of the Member States we could not find much information on their analysis of the phenomenon. Measures are installed to prevent and combat child sex tourism to third countries but not within their own country. Our hypothesis is that this is combated, on a legal level, through child abuse legislation. The measures to combat child sex tourism are also repressive and situational.

The measures at EU level and the level of the Member States do not seem to differ to a great extent (this is not too surprising because the EU decision-making organs consist out of the Member States).

As we have seen Garland (2000: 348) says that crime control “exhibits two new and distinct lines of governmental action: an adaptive strategy stressing prevention and partnership and a sovereign state strategy stressing enhance control and expressive punishment.” A similar conclusion about child sex tourism can be drawn from our study. Partnerships are a central element, especially with the tourism sector and NGOs. Likewise, the control of (potential) offenders appears as an important aim of each policy, which in our opinion is to be linked to the situational prevention - by which the behaviour of the (potential) offender is to be controlled - and to the increase in incarceration time (for example in the UK).

The victim seems to be forgotten in the policies. They try to integrate the victim into the criminal procedure but nothing more is done (and as a surplus this could mean a double victimization). This is strange because the policy starts from a child protection perspective.
What we could see both in the country studies and the interview is that the measures the NGOs propose, do not fundamentally differ from the ideas the current policies are built upon. In both cases it is situational prevention and repression which is emphasised. This confirms Newman (2000) who said that NGO policies are not necessarily opposed to government policies.

5.5 Does criminal law suffice to address the phenomenon?

Criminal law does help and is a major focus of the policy. Our three case studies have recently passed new legislation as well as extraterritorial jurisdiction. The EU has imposed minimum rules and minimum penalties, and has asked the Member States to extend the extraterritorial legislation and to abandon the double criminality rule. But as said before, we suspect the eventual effects to be minimal (and, by the way, all these previous examples only focus on the demand side). Although acknowledging the deterrent effect, we do believe that the problem of CST will hardly be solved by failing to address the root causes (see for example Levesque (1999) at the beginning of this dissertation).

It is remarkable that the first traceable measures on EU level date back to 1995, while it is generally recognised that child sex tourism is not a new phenomenon. The proliferation of policy documents dates back to the end of the nineties of the previous century. It affirms the statement of Wolthuis and Blaak (2001) that international attention for exploitation for sexual purposes knew a major increase in the nineties. It seems that in the wake of the Stockholm conference (on the commercial sexual exploitation of children in 1996) policy-makers decided that something had to be done. Comparing the measures taken at the end of the nineties of the previous century and those at the beginning of this century does not reveal large differences. However, we must stress that there is a positive evolution. There was no EU policy before 1995 so the recent attention can only be for the best.

The installation of criminal law measures does not have a significant effect post delictum. The numbers of offenders caught are extremely low (see the Protection Project, 2007) and most countries even fail to deliver any numbers (see Vermeulen & De Hauw, 2004). The policies are set up in the name of the victim but in reality we find that most of the measures taken are located on the demand side and thus with the offender.

5.6 A reflection on children’s rights

Even though it is not our aim to write a normative dissertation we must stress that it looks like CST cannot be reduced to the mere fact that it is a violation of children’s rights. Anyhow this would limit the discussion to questions on implementation and the technical character of these rights. Returning
to Pupavac (1999, 2001) we see that children’s rights as such are not powerful enough to ensure that every child has the power to exercise its rights. The debate should be re-opened on children’s rights. Maybe it would be better to see the CRC only as one of the instruments in helping to realise a dignified existence for all instead of the only instrument to do this for children. Child sex tourism could be seen as a perverse effect of neo-liberalisation, globalisation and increasing dualisation on world level. Instead of a narrow focus on implementation questions, a reflection on the socio-political context in which children’s rights take shape could prove to be quite useful. Rights should be seen as a starting point for dialogue (Roose & De Bie, in press) and not as an end to it.

5.7 Limitations of this study

We must admit that our research results need to be interpreted and used with care. As we have seen in the first chapter, the definition of child sex tourism is quite problematic. Many authors link it with different elements. We tried to overcome this problem by giving it a relatively broad description and by putting the different elements into operational criteria. Choosing between different elements to include in the operationalisation of our definition consequently means that other elements are left out. Our depth scan also involved making choices between different indicators. The validity of the measurement criteria is, in our opinion, satisfactory, even though it was sometimes hard to get a grip on the indicators and elements. Concerning the reliability, on the other hand, flaws are possible. Our research methodology was based on qualitative research techniques in every chapter. The results were only interpreted by one person and as such no inter-subjective component was available. We are well aware that another researcher could come to other research results. This is why we have tried to explain as much as possible why we interpreted the data like we did. The two scans themselves proved to be useful even though adaptations were made throughout the study, and indicators and elements which were hard to use in practice were replaced or changed. We noticed that some indicators and elements covered the same content. We had some difficulties with the contextualisation of the literature. Most of the literature was published by NGOs while scholarly literature on the topic was less available. We have tried to check the NGO-funded sources for authorship and it often appeared to be done by scholars. This is something we believe improves their scientific character.

In this chapter we would have liked to put more emphasis on the construction of sexual exploitation as a crime and the social historical processes which has led to this. Also a critical analysis of values and norms could not be done due to the limited scope of this dissertation.

The case studies have given us a general and broad overview of how the policy functions in three specific countries. The choice of countries already limits the results to these countries and makes it difficult to give data fit for generalisation. Besides, we encountered language problems and
sometimes a lack of available information of the actual situation. Most of the information on Italy was inaccessible for people who do not speak Italian. We contacted several researchers and NGOs in the three countries to help us with information but very few of them responded. All of this has left its traces on our research results. Writings about child sex tourism as such are rare in all countries (or maybe we can only say that they are rarely available in English). One reason for this is, as we have seen, the fact that the crime itself does not take place in their home country (it is not in their backyard), or so they think.

The European policies are quite complicated and it is hard to get the whole picture without studying all relevant terrains. In this case we should have studied Gender policy, Children’s policy, Developmental policy, Criminal policy, etc. to get the whole image. The complexity of the phenomenon also forced us to make choices. For example, by also searching on ‘commercial sexual exploitation of children’ and ‘child prostitution’ we entered an area which is not pure child sex tourism but contains sexual exploitation of children in other forms too. This dissertation is written from the perspective that criminal law is the ultima ratio. Probably some people will disagree with this starting point.

Our original plan was to have an interview with European Parliamentarians out of every group in the Parliament, in addition to interviews with people from ECPAT (which is frequently involved in the policy-making concerned) and Save the Children (which is less involved on EU level). Sadly enough, the people related to the Parliament were unavailable or asked me to send the questions and then failed to answer. ECPAT could not be reached either. Although emailing and calling them for two months, we never received any sign of life.

We are well aware that this dissertation unveils only a small part of how the phenomenon is combated and of its complexity. We hope that it did provide an insight into how the phenomenon is to be combated in a more structural way and into the limited impact of the current policy. We also hope that this dissertation can contribute to the (re-)opening of the debate on (the prevention and of combating of) child sex tourism, and on children’s rights in its current context.
References


Commission of the European Communities (1996b) *Communication from the Commission of 27 November 1996 on combating child sex tourism*. Available:

Commission of the European Communities (1997) *The DAPHNE Initiative: Commission supports projects to combat violence against women and children*. Available:

Commission of the European Communities (1999) *Commission communication to the European Parliament, the Council, the Economic and Social Committee and the Committee of the Regions on the implementation of measures to combat child sex tourism*. Available:

Commission of the European Communities (1999a) *Communication on the implementation of measures to combat child sex tourism*. Available:

Commission of the European Communities (2000) *Report from the commission to the Council, the European Parliament, the Economic and Social Committee and the committee of the regions. Equal Opportunities for Women and Men in the European Union – 1999 –*. Available:

Commission of the European Communities (2000a) *Communication from the Commission to the Council and the European Parliament on combating trafficking in human beings and combating the sexual exploitation of children and child pornography*. Available:


Commission of the European Communities (2001a) *Trafficking in women. The misery behind the fantasy: from poverty to sex slavery. A comprehensive European Strategy*. Available:


European Economic and Social Committee (1999) *Opinion of the Economic and Social Committee on 'European Tourism Policy'.* Official Journal C 138, 18/05/1999 P. 0004


European Experts Group on Trafficking in Human Beings (n.d.) *Explanatory Paper 1. Definition of trafficking: Relation and differences between UN and EU definitions, the concept of exploitation.* Available: 


European Parliament (2000a) *Parliament resolution on the Commission communication concerning the implementation of measures to combat child sex tourism.* Available: 


Hughes, D.M. (2004) *Best practices to address the demand side of sex trafficking*. Available: 

International Labor Organization (1999) *Convention concerning the prohibition and immediate action for the elimination of the worst forms of child labour adopted by the conference at its eighty-seventh session*. Available: 

International Labor Organization (2005) *Ministry of tourism of the Kingdom of Cambodia and the ILO team up to advocate promotion of “child safe” tourism policies to prevent trafficking in children and women*. Available: 


http://www.unicef.de/fileadmin/content_media/presse/Kenia/report.pdf


**Legislation**


Convention of 26 July 1995 on the establishment of a European police office

Convention of 19 June 1990 applying the Schengen Agreement of 14 June 1985 between the Governments of the Benelux Economic Community, the Federal Republic of Germany and the French Republic, on the gradual abolition of checks at their common borders.

European Convention on Human Rights of 1950

ILO Convention of 17 June 1999 concerning the prohibition and immediate action for the limitation of the worst forms of child labour

Millenium Strategy to prevent and control organized crime of 2000

European summit in Tampere in 1999

Optional Protocol of 25 May 2000 to the Convention of the Rights of the Child on the sale of children, child prostitution and child pornography


Swedish penal code 1999

Schengen Implementation Convention of 1990

The Children’s Act 1989


The League of Nations Convention of 30 September 1921 for the suppression of the traffic in women and children

The Treaty on the European Union of 1992

UN trafficking convention of 1950


UN General Assembly Special Session on Children in 2002