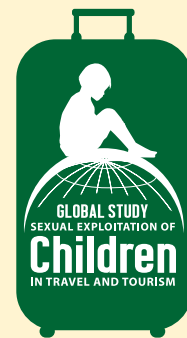


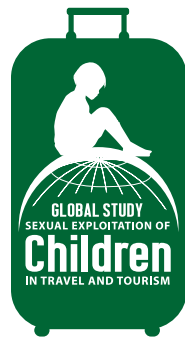
GLOBAL STUDY ON SEXUAL EXPLOITATION OF CHILDREN IN TRAVEL AND TOURISM

REGIONAL REPORT

PACIFIC

2016





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This Regional Report on Sexual Exploitation of Children in Travel and Tourism was conducted and written by Camille Pesquer

The research was conducted in the framework of the Global Study on Sexual Exploitation of Children in Travel and Tourism. More information can be found in www.globalstudysect.org.

The views expressed in this report are those of the author and do not necessarily reflect those of ECPAT International.

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FOREWORD

More children than ever are at risk of being sexually exploited by travellers and tourists all over the world. Since the early 90s, when it became evident that European nationals were sexually abusing and exploiting children in developing countries, there has been a sharp increase in child sex tourism worldwide.

Beyond the established tourism destinations of Australia and New Zealand, the Pacific region is home to a growing tourism industry, and although its development is subject to highs and lows, the economies of some of the microstates now rely on it. As well as the increased opportunity for travel, the advancements in web and mobile technology has afforded perpetrators anonymity and hidden pathways to groom and seduce children via social media and online games. Furthermore, new travel and tourism services such as home-stays, voluntourism and the share economy market model have added to increasing this anonymity and heightened the vulnerability of children.

However, progress has been made in the 20 years since the First World Congress against Commercial Sexual Exploitation of Children held in Stockholm in 1996. Leaders from nearly every country in the world have approved global targets to address the sexual exploitation of children in the Sustainable Development Goals, which replace the Millennium Development Goals from 2016 onwards. There is a universal agreement in place to do all that is possible to protect children from the devastating experience of sexual exploitation.

This report provides an updated picture of the extent of child sex tourism in the Pacific region and proposes a set of recommendations to improve government, non-government and private sector responses to prevent and combat this crime. As such, it will assist in the realisation of the Sustainable Development Goals related to children's right to live free from sexual exploitation.

After 25 years of working on the issue, ECPAT cannot emphasise enough how important it is to join efforts and take advantage of multi-sector cooperation to fight this deplorable trend. This report is an open invitation to work with ECPAT and its partners and join the fight against sexual exploitation of children in travel and tourism, because together we can eliminate this crime and make the lives of many children across the world safe again.



Sandy Thompson
ECPAT Regional Representative
for the Pacific

ACRONYMS

ADB	Asian Development Bank	PICs	Pacific Island Countries
AFP	Australian Federal Police	PIFS	Pacific Islands Forum Secretariat
AGD	Attorney General's Department	PNG	Papua New Guinea
AIC	Australian Institute of Criminology	RRRT	Regional Resource Research Team
ASEAN	Association of South East Asian Nations	RTRC	Regional Tourism Resource Centre
CEDAW	Convention on the Elimination of all forms of Discrimination Against Women	SEA	Southeast Asia
CRC	Convention on the Rights of the Child	SECTT	Sexual Exploitation of Children in Travel and Tourism
CSA	Child Sexual Abuse	SIS	Smaller Island States
CSEC	Commercial Sexual Exploitation of Children	SPTO	South Pacific Tourism Organisation
CST	Child Sex Tourism	SVSG	Samoa Victim Support Group
FSVAC	Family and Sexual Violence Action Committee	TIP	Trafficking in Persons Report
GDP	Gross Domestic Product	TCISO	Travelling child sex offenders
ILO	International Labour Organisation	UN	United Nations
NGO	Non Governmental Organisation	UNDP	United Nations Development Program
NPA	National Plan of Action	UNESCAP	United Nations Economic and Social Commission for Asia and the Pacific
OCEANZ	Online Child Exploitation Across New Zealand	UNFPA	United Nations Population Fund
OPSC	Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography	UNICEF	United Nations Children's Fund
		UNODC	United Nations Office on Drugs and Crime
		VGT	Virtual Global Taskforce

EXECUTIVE SUMMARY

THE REGION

The Pacific region is comprised of two large island nations (Australia and New Zealand) and 14 smaller, more sparsely populated Pacific island countries (PICs): Cook Islands, Federated States of Micronesia, Fiji, Kiribati, the Marshall Islands, Nauru, Niue, Palau, Papua New Guinea (PNG), Samoa, Solomon Islands, Tonga, Tuvalu and Vanuatu. The large islands are more highly developed; social and economic development is generally less advanced and often differs from island to island among the PIC microstates, where few laws and policies are in place to counteract the sexual exploitation of children in travel and tourism (SECTT). Perhaps more than any other region, evidence and data are sparse on SECTT in the Pacific Region, partly due to the cost and logistical difficulty of research on thousands of small islands spread across a large ocean.

TRAVEL AND TOURISM

Until very recently, no data gathering on tourism in the Pacific was in place (see 'Response' on page 7 for more information). Australia and New Zealand have robust tourism industries, with many nationals frequently travelling abroad, in some instances, to engage in the sexual exploitation of children. Analysis by the Australian Federal Police notes that the country is mainly a "source" (rather than a destination) of travelling child sex offenders (TCSOs), and suggests there is a correlation between the drop in the cost of international airfares and the boost in international travel by Australians, including TCSOs, who fly mainly to Southeast Asia and the Pacific islands. It also found New Zealand to be "a destination country for foreign men and women subjected to forced labour and sex trafficking and a source country for children subjected to sex trafficking within the country."

The Pacific island countries are less accessible, with few nationals travelling abroad. Nonetheless, there is a tourism industry, particularly in islands with international airports, such as Fiji, Samoa and Rarotonga (Cook Islands). One study cites anecdotal evidence that the scope of SECTT in Samoa is "widespread and serious", with perpetrators hailing chiefly from Australia and New Zealand. Reports indicate that Fiji, Samoa and Tonga now rely on tourism as an important contributor to national income, although in other microstates, tourism income is unstable and subject to sharp highs and lows. The majority of Pacific islands rely on agriculture, logging, fishing, mining or palm oil – all of which, in the context of globalisation, often bring overseas workers to the region. As a result, the Pacific microstates are seeing an increase in the number of both tourists and

travellers, while remaining significantly unprepared in terms of awareness of the dangers of SECTT, or have the laws in place to prevent or prohibit it. Hard data on tourism in the Pacific island countries is largely lacking, as most of the available information focuses mainly on Australia and New Zealand.

SECTT: STATUS AND CONTRIBUTING FACTORS

Recent research is inadequate, but earlier reports note that in Australia, sexual exploitation and prostitution of indigenous girls takes place in the Northern Territory, while the 2014 US Department of State 'Trafficking in Persons' (TIP) report show cases of trafficking in Maori children, sex trafficking and sexual exploitation of children through prostitution have occurred in New Zealand. ECPAT studies point to the poverty and social exclusion of indigenous populations as an important SECTT risk factor in both countries.

Cases of sexual exploitation of children in the Pacific region linked to travel and tourism appear to be tied mainly to specific economic activities, particularly mining, logging and fishing. Cases of young girls forced into prostitution with both foreign and transient domestic workers were reported in the Solomon Islands (primarily known for its logging industry), in Kiribati (where foreign vessels are licensed to fish) and in the Marshall Islands (which attracts overseas contract workers and seafarers). Save the Children has reported cases of sexual abuse in the countries where tourism has increased, such as Fiji, with the 2015 TIP report stating: "Some parents sell their children to foreign workers at logging and mining companies for marriage; some of these girls are later forced into domestic servitude and prostitution. Local boys and girls are put up for 'informal adoption' by their families to pay off debts; some are subsequently subjected to sexual servitude by the adopted family or guardians, or forced labour as domestic servants." A study of the Solomon Islands by Save the Children Australia found that exploitative forms of 'child marriage' were increasing. It noted: "Previously, child marriage was allowed only following completion of customary 'rite of passage' rituals, but the presence of wealthy foreigners in the logging and fishing industries is reshaping community attitudes towards marriages," which is now known to involve girls as young as 13. A regional report conducted by UNICEF, ESCAP and ECPAT in 2006-2007 points out that it is common in the Pacific for children of both sexes to be sold through improper marriages and informal adoption for both commercial and non-commercial, and for sexual and non-sexual purposes.

Traditional social and cultural beliefs and practices play an important role in increasing children's vulnerability to these forms of exploitation. Overall, violence is an accepted behaviour and Pacific Island societies are primarily based on "patriarchal social systems, where the attitudes, beliefs and interests, and the role of men dominate social institutions, decision-making, ideas and practices in the private and public spheres," according to the Save the Children report. It also warned of the "alarming influence of gender power relations involved in the recruitment of girls for transactional sex with logging workers" in the Solomon Islands, where boys work in groups or alone to play a key role in recruiting girls to engage in sex with loggers. Refusal to cooperate implies challenging male authority and could lead to isolation from the peer network.

In addition, a UN report by Shamima Ali in 2006 highlighted that children in Pacific societies have very low status, since social standing is based on age. Other cultural and socio-economic factors, such as "a culture of secrecy about sexual matters and rape, a lack of education about reproductive health, urbanisation, higher rates of domestic violence and the shift away from extended families towards nuclear families," sharply increase a girl's risk of being sexually abused or becoming a victim of commercial sexual exploitation of children (CSEC) or SECTT.

PROFILING VICTIMS AND OFFENDERS

Victims: As noted above, indigenous children in Australia appear to be at a higher risk of SECTT than the general population of children, and the same is true of Maori children in New Zealand. This has been attributed to higher levels of poverty, abuse and neglect and poor educational outcomes. However, no data is available to confirm how many of these young people have actually become SECTT victims. In the Pacific island countries, profiling is even more difficult. While sexual exploitation seems to affect mostly girls, cultural issues around gender and power may prevent boys from acknowledging or reporting exploitation. Available information does point to one conclusion: SECTT victims are usually from an underprivileged rural background, living near to a natural resources exploitation site, such as mines, harbours or forests.

Cases revealed during research showed an acceptance towards the trading of sex for money or goods by Pacific societies and, in some instances, children themselves. In general, victims appeared to engage in transactional sex chiefly due to poverty, peer pressure and a desire for consumer goods. In 2006 ECPAT New Zealand conducted a study on CSEC in the Cook Islands, interviewing members of the local population on Rarotonga and Aitutaki. It found that the respondents, including children, considered providing sexual favours in exchange for money to be an acceptable practice. A survey in Kiribati found that in Betio, Tarawa, 27% of youth

aged from 15 to 24 had engaged in sex in exchange for cash or goods. In Papua New Guinea, a young girl involved in prostitution revealed: "I started [selling sex] at the age of 12. My boyfriend forced me. At that time I needed the money to buy clothes and food for myself."

Offenders: Due to the lack of data available on travellers and tourists in or from the Pacific region, profiling offenders is far more difficult than it is in other regions. No organised child sexual exploitation network has yet been identified, which may be due to the predominance of situational/opportunistic sexual child offenders such as long-haul truckers, or because of weak monitoring by the authorities.

In both Australia and New Zealand, there is evidence that parents play an instrumental role in the involvement of children in prostitution and sexual exploitation. Research conducted in Pacific island countries by the UN Economic and Social Commission for Asia and the Pacific (ESCAP) also suggests that men and family members are the main perpetrators and/or facilitators of sexual exploitation of children, noting: "Perpetrators tend to be close relatives (parents, grandparents, siblings), stepparents and other guardians or family friends." Australia's Aid agency reached the same conclusion in Fiji, estimating that 31% of perpetrators of violence against women were family members. Family members and friends frequently act as "pimps and agents", (as seen in Fiji and Papua New Guinea), sometimes even handing over girls as child brides to repay debts (as in cases in Solomon Islands and Papua New Guinea). Taxi drivers were also known to play a role as facilitators in some Pacific countries (as evidenced in Kiribati and Vanuatu).

More information is available on travelling offenders from the region, mainly Australians. ECPAT member Child Wise found that between 2007 and 2008, 10% of offenders arrested in Southeast Asia were Australian citizens, who took advantage of the weak legal frameworks and law enforcement in the Pacific island countries. In Indonesia, Australian men who sexually abused young girls were reported to rely on legalised polygamy to remain immune from prosecution. Indonesia and the Philippines are currently the most favoured destinations among Australian Travelling child sex offenders; no fewer than 18% of registered Australian sex offenders travel to Indonesia, particularly Bali.

RESPONSE

No regional organisation has been established to monitor human rights or child rights in the Pacific, and no coordinated regional cooperation initiatives are underway. Until recently, comprehensive monitoring of the tourism industry in the PICs was also lacking. Now the South Pacific Tourism Organisation (responsible for 'marketing and developing tourism' in the region) has created the Regional Tourism Resource Centre (RTRC) to collect data

on tourism in the PICs. However, it does not collect data related to SECTT or domestic travel. Some UN agencies, particularly UNICEF, have a presence in the region and have tried to quantify and call attention to issues of child sexual exploitation.

Several Australian entities, both governmental and NGOs, play an important role in combating SECTT, including initiatives undertaken in countries where Australian travelling child sex offenders are active. The Australian Federal Police provides training to overseas law enforcement agencies and recently highlighted the growing threat posed by use of the Internet by travelling child sex offenders to make arrangements for child sexual exploitation. Child Wise/ECPAT Australia works to raise awareness and capacity to combat SECTT both in Australia and Southeast Asia.

Efforts in New Zealand, however, have been less robust. Despite the 2001 launch of a major initiative 'Protect Our Innocence', a subsequent study by ECPAT member Child ALERT and the New Zealand Ministry of Justice found the plan failed to be implemented, largely due to low levels of inter-agency coordination. Some cooperation did exist among law enforcement agencies, but these were not focused on SECTT. Tourism agencies were also generally found to be unwilling to report suspicions regarding the movements of potential offenders. However, Child Alert

was able to reach an agreement with the ACCOR Hotel group, which manages hotels in New Zealand and Fiji, resulting in the signature by ACCOR to The Code and subsequent training on SECTT for ACCOR workers in both countries.

Both Australia and New Zealand have signed the various international agreements that aim to prevent SECTT and successfully prosecute offenders. However, few Pacific island countries have followed suit. Only four have ratified the Optional Protocol on the sale of children, child prostitution and child pornography; three others signed, but not yet ratified. Fewer than 10 Pacific island countries have ratified other important instruments such as the Palermo Protocol and ILO Convention 182. Moreover, legal frameworks of Pacific Island countries remain substantially weak in terms of child protection, despite recent positive engagement in combating trafficking. Protection against the different forms of child sex exploitation remains inadequate, and protection against SECTT is almost non-existent. A common critique of the domestic laws within the Pacific region is in regards to the lack of clear definitions. In addition, there are no specific laws on SECTT, and the only protection available for child victims of sexual exploitation in the context of travel and tourism are laws against child trafficking, exploitation of children in prostitution and extra-territorial jurisdiction.

CHAPTER 1

INTRODUCTION

This research paper aims to evaluate the current situation of Sexual Exploitation of Children in Travel and Tourism (SECTT) in the Pacific region. Throughout the report, available data and facts will be put into perspective with existing responses to combat SECTT. Chapter 1 presented the context of the Pacific region, together with the objectives, the justification, the methodology and the limitation of the Global Study of Sexual Exploitation of Children in Travel and Tourism. In the second chapter, this paper provides some clarifications on the main terms used within the study, including the definition of SECTT. Chapter 3 aims to review the current situation of SECTT in the Pacific region, gathering data on the occurrence of the phenomenon and its different forms. Chapter 4 focuses on emerging trends, by identifying the victims, the facilitators, and the perpetrators. Chapter 5 looks at the responses introduced against SECTT by the different stakeholders. Ultimately, the conclusion will draw on the report findings to provide with the aim to provide suitable recommendations.

CONTEXT

The Pacific region presents unique characteristics affecting the tourism and travel sector and its development. With a distinctive geography, the Pacific region is primarily composed of water and is made of thousands of islands spread throughout the Pacific Ocean. Because there are many different cultures, languages, traditions and histories, it might be misleading to look at the region as a whole, without identifying specific trends for each country. The region is comprised of 16 countries: Australia, the Cook Islands, the Federated States of Micronesia, Fiji, Kiribati, the Marshall Islands, Nauru, New Zealand, Niue, Palau, Papua New Guinea (PNG), Samoa, Solomon Islands,

Tonga, Tuvalu and Vanuatu. They all vary in terms of development and tourism. While Australia and New Zealand have a GDP per capita of over 40,000 USD, the other countries are all labelled as “microstates”, and have a GDP per capita ranging from USD 1,509.5 to USD 5,112.3 (with the exception of Palau, which has a GDP of 11,879.7 USD in 2014).¹ This shows Australia and New Zealand have reached a similar stage of development, while the other countries have followed a different development path and are thus grouped together to form the Pacific Island Countries (PICs). These are usually divided into three sub-regions, presenting particular cultural characteristics: Melanesia (Fiji, Papua New Guinea, Solomon Islands and Vanuatu), Polynesia (the Cook Islands, Niue, Samoa, Tonga and Tuvalu) and Micronesia (Federated States of Micronesia, Kiribati, Marshall Islands, Nauru and Palau).² Even though the region has undergone an important shift in terms of development in the past two decades, the microstates remain isolated from the rest of the world, as connections between islands are still mainly provided by boat, which naturally affects the development of travel and tourism. Nonetheless, tourism appears to have developed in the region, in line with the development of the global economy,³ particularly in islands that have international airports such as Fiji, Samoa and Rarotonga in the Cook Islands. It is however difficult to estimate how the tourism industry has grown, or an accurate idea of which countries are developing their tourism industry. The UN agency ESCAP estimated in 2013 that inbound tourism expenditure⁴ represented 2.4% of the GDP of the region.⁵ It is however worth noting that the collected data lacks inputs on eight of the countries, and that Australia and New Zealand are contributing to the majority of this expenditure by far, with 34,198 million USD and 5,493 million USD, respectively, in 2011.⁶ Although this

¹ World Bank, “GDP per capita (current US\$)”, accessed February 2016, <http://data.worldbank.org/indicator/NY.GDP.PCAP.CD/countries?display=default>.

² Only sovereign states or states in free association with New Zealand have been listed.

³ Asian Development Bank (2014), *Pacific Economic Monitor: July 2014 Midyear Review*, Bangkok: Asian Development Bank, 4, accessed May 2015, <http://www.adb.org/publications/pacific-economic-monitor-july-2014>.

⁴ Inbound tourism expenditure (percentage of GDP) is defined by UNESCAP as follows: “The tourism expenditure of a non-resident visitor within the economy of reference. Percentage of GDP is based on GDP in current United States dollars. Reflects the weight of expenditure by inbound visitors as a part of the total value of economic activity in the economy of reference. From the perspective of international trade, this indicator captures the economic importance of foreign revenue inflow associated with expenditures by such visitors.” UNESCAP (2013), *Statistical Yearbook for Asia and the Pacific 2013*, 270, Bangkok: UNESCAP, accessed February 2016, www.unescap.org/stat/data/syb2013/ESCAP-syb2013.pdf.

⁵ UNESCAP, *Statistical Yearbook*, 271.

⁶ *Ibid.* 271.

indicates that tourism income is higher in Australia and New Zealand, these statistics do not take into account the cost of living, and lack data on more than half of the Pacific island countries. This report does however show the disparity between Australia and New Zealand on the one hand, and the microstates on the other, particularly in terms of economy growth and tourism development. It also shows an imbalance when it comes to collecting data, with the trend being to gather statistics that focus on Australia and New Zealand, at the expense of finding more information on the microstates. It is therefore not surprising that data on the different forms of Commercial Sexual Exploitation of Children (CSEC) in the region is more likely to be available for Australia and New Zealand, while stakeholders continue to highlight the extent of under-reporting in the Pacific island countries.

Regardless of the persisting disparities, the economy of most Pacific island countries are going through a transition, as evidenced by “neo-liberal economic policies” and “compliance with World Trade Organization rules promoting free trade and regional trade agreements.”⁷ Despite this, the economic transition and growth have been disappointing, according to the Asian Development Bank (ADB) and the UN Development Program (UNDP).⁸ Reports from different agencies pointed out that the economy of Fiji, Samoa and Tonga now rely on tourism, but that the tourism industry is subjected to highs (Fiji,⁹ Tonga¹⁰) and lows (Cook Islands,¹¹ Palau¹²). The other countries rely mainly on agriculture, logging, mining and palm oil, although there is travel involved due to the overseas workers who go to conduct business in the Pacific countries. This means the majority of the Pacific countries are now dealing with the arrival of both tourists and travellers, only without the appropriate laws in place and an economy too weak to prevent the dangers linked to the CSEC phenomenon.

The data and figures for the Pacific region are also lacking in terms of current evidence-based research. Research on SECTT is by nature difficult because of the hidden nature of the crime, which becomes even more

challenging in a region where thousands of islands are spread on no less than 800 million sq km.¹³ Because of the scarcity of data and figures, when information is available, it is overused and frequently quoted, relying heavily on reports from a limited group of stakeholders. Furthermore, because of the costs of research in a region presenting accessibility difficulties and as vast as the Pacific, data is often not updated. Most of the deductions drawn from the partial data collected over the past two decades should therefore be considered more as assumptions than as reliable conclusions. This means that while the ideal would be to group findings ‘by countries’, the lack of information to clearly evaluate SECTT for each country makes this extremely difficult. As a result, this research looks at the region, differentiating whenever possible, between Australia, New Zealand and the Pacific island countries.

OBJECTIVES OF THE GLOBAL STUDY

As part of the Global study on Sexual Exploitation of Children in Travel and Tourism, this study on the Pacific region aims to get a better picture of SECTT at the regional level, in order to contribute towards the eradication of SECTT. In particular, this study intends to:

- Present a regional overview of SECTT, highlighting emerging concerns and trends specific to the region, as well as specific links between the regional context and the issue of SECTT
- Identify relevant resources available in the region, and summarise appropriate statistical data and figures; Identify both the victims and the perpetrators and facilitators
- Map and assess the responses provided at the different levels (regional, national and local) to eradicate SECTT. The study includes governmental and non-governmental responses as well as initiatives from the private sector. It seeks to assess the responses and to identify the eventual gaps and challenges
- Provide specific and targeted recommendations to the relevant stakeholders.

⁷ Free trade and regional trade agreements include the Pacific Island Countries Trade Agreement, the Pacific Agreement on Closer Economic Relations and the Economic Partnership Agreements with the European Union. See Laqertabua, Ana, Naidu, Vijay, and Bhagwan Rolls, Sharon (2009), *Pacific Perspectives on the Commercial Sexual Exploitation and Sexual Abuse of Children and Youth*, Bangkok: UNESCAP, 44, http://www.unescap.org/sites/default/files/SDD_PUB_Pacific_Perspectives_Report.pdf.

⁸ Office of the United Nations High Commissioner for Human Rights, Regional Office for the Pacific, and Pacific Islands Forum Secretariat (2009), “Discussion paper. Ratification of International Human Rights Treaties: Added value for the Pacific Region”, Suva: OHCHR/PIFS, 1, http://passthrough.fw-notify.net/download/715216/http://www.paclii.org/pits/en/news/ratification_of_international_human_rights_treaties_2009.pdf.

⁹ Asian Development Bank, (2014), *Pacific Economic Monitor: July 2014 Midyear Review*, Bangkok: Asian Development Bank, 5-6, accessed May 2015, <http://www.adb.org/publications/pacific-economic-monitor-july-2014>.

¹⁰ *Ibid.* 15.

¹¹ *Ibid.* 5.

¹² *Ibid.* 9.

¹³ West, Francis J., “Pacific Region”, in *Encyclopaedia Britannica Online*, last updated 9 December 2015, accessed February 2016, <http://www.britannica.com/place/Pacific-Islands>.

JUSTIFICATION

As a form of CSEC, SECTT is an unacceptable breach of child rights. Extensive research has proven without doubt the negative effects victims are left with following all forms of sexual exploitation, and SECTT is no exception.

After the adoption of the Convention on the Rights of the Child (CRC) by the General Assembly of the United Nations in 1990, several conventions have been developed in order to protect children's rights. The concern regarding CSEC was raised at an international level during the first World Congress against Commercial Sexual Exploitation of Children in 1996, and the UN and various stakeholders have since made various efforts to work together to further the cause.

Unfortunately, countries of the Pacific region have not been consistent in adopting the international instruments designed to protect children. All the Pacific countries have ratified the CRC, but many have shown difficulties in reporting to the Committee on the Rights of the Child on a regular basis.¹⁴ Only four countries, namely Australia, the Federated States of Micronesia, New Zealand and Vanuatu, have ratified the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (OPSC), while Solomon Islands, Nauru and Fiji have signed the Protocol but have shown no recent progress in ratifying it.¹⁵ Other child protection instruments include: the International Labour Organisation (ILO) 'Convention prohibiting the worst forms of child labour' (No. 182),¹⁶

the 'UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children' (Palermo Protocol),¹⁷ and the 'Convention on the Elimination of all forms of Discrimination Against Women' (CEDAW).¹⁸ Ratification of these instruments is largely incomplete, with the ILO 182 ratified by eight countries,¹⁹ the Palermo Protocol by seven countries,²⁰ and the CEDAW by 14 countries.²¹ Even where international instruments to protect children have been ratified, effective protection enforcement remains weak, especially in the Pacific island countries, and particularly when it comes to a constantly evolving phenomenon such as SECTT.

In addition to these instruments, non-binding texts have been developed and are used by different stakeholders including ECPAT International, to better address SECTT phenomenon on a global scale:

- The Stockholm Declaration and Agenda for Action (1996)²²
- The Yokohama Global Commitment against the Sexual Exploitation of Children (2001)²³
- The Rio de Janeiro Declaration and Call for Action to Prevent and Stop Sexual Exploitation of Children and Adolescents (2008)²⁴
- The UNWTO Global Code of Ethics (1999)²⁵
- The Code (The Code of Conduct for the Protection of Children from Sexual Exploitation of Children in Travel and Tourism).²⁶

¹⁴ Cook Islands, Kiribati, Marshall Islands, Nauru, Palau, Papua New Guinea, Samoa, Solomon Islands, Tonga and Tuvalu. For more details, see ECPAT International (2015), *ECPAT Literature Review of the Pacific: Analysis of CSEC in those countries that have not ratified the OPSC*, Bangkok: ECPAT.

¹⁵ United Nations, "Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography. Status of Ratification", accessed February 2016, https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-11-c&chapter=4&lang=en.

¹⁶ International Labour Organization (1999), "Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour", No. 182, 17 June 1999, accessed June 2015, <http://www.ilo.org/public/english/standards/relm/ilc/ilc87/com-chic.htm>.

¹⁷ UN General Assembly Resolution (2000), "Optional Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children Supplementing the United Nations Convention against Transnational Organized Crime", UN Doc. A/RES/55/25, 15 November 2000, accessed June 2015,

¹⁸ UN General Assembly Resolution (1979), "Convention on the Elimination of All Forms of Discrimination against Women", UN Doc. A/RES/34/180, 18 December 1979, accessed on June 2015, <http://www.un.org/womenwatch/daw/cedaw/cedaw.htm>.

¹⁹ Australia, Fiji, Kiribati, New Zealand, Papua New Guinea, Samoa, Solomon Islands and Vanuatu. See International Labour Organization, "Ratifications of C182 - Worst Forms of Child Labour Convention, 1999 (No. 182)", accessed February 2016, http://www.ilo.org/dyn/normlex/en/?p=NORMLEXPUB:11300:0::NO::P11300_INSTRUMENT_id:312327.

²⁰ Australia, Cook Islands, Kiribati, Marshall Islands, Nauru, New Zealand and Niue.

²¹ Australia (accession), Cook Islands, Federated States of Micronesia (accession), Fiji, Kiribati, Marshall Islands, Nauru, New Zealand, Niue, PNG, Samoa, Solomon Islands, Tuvalu and Vanuatu (accession). See "Convention on the Elimination of All Forms of Discrimination against Women. Status of Ratification", accessed February 2016, https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-8&chapter=4&lang=en.

²² "Declaration and Agenda for Action: 1st World Congress against Commercial Sexual Exploitation of Children", Stockholm, Sweden, 27-31 August 1996, accessed June 2015, http://www.ecpat.net/sites/default/files/stockholm_declaration_1996.pdf.

²³ "Yokohama Global Commitment: 2nd World Congress against Commercial Sexual Exploitation of Children", Yokohama, Japan, 17-20 December 2001, accessed June 2015, http://www.ecpat.com/El/Global_yokohama.asp

²⁴ "Rio de Janeiro Declaration and Call for Action to Prevent and Stop Sexual Exploitation of Children and Adolescents", Rio de Janeiro, Brazil, 25-28 November 2008, accessed June 2015: http://www.ecpat.net/sites/default/files/WCIII_Outcome_Document_Final.pdf

²⁵ UN General Assembly Resolution (2001), "Global Code of Ethics for Tourism", UN Doc. A/RES/56/212, 21 December 2001, accessed June 2015, <http://dxtxtq4w60xpw.cloudfront.net/sites/all/files/docpdf/gcetbrochureglobalcodeen.pdf>

²⁶ The Code website, accessed June 2015, <http://www.thecode.org/>.

Despite important efforts initiated by all stakeholders to combat SECTT at international, regional and local levels, the Pacific region continues to lag behind in terms of protection frameworks, good practices or even involvement from the private sector. This is partly due to the nature of the phenomenon itself, which is undergoing a fast and secret evolution. Another explanation is the nature of the region. Because of the remoteness of most of the Pacific island countries, it is not easy to detect where and when sexual exploitation of children is happening, making it all the more challenging in addressing the issue. Furthermore, in contrast to Asia and particularly Southeast Asia, which benefits from being in the spotlight thanks to a higher tourism rate, the Pacific region fails to garner the interest of the more influential stakeholders. The aim of the Global Study is therefore to contribute in calling for greater attention in the Pacific region.

METHODOLOGY

This report takes the form of a desk review of secondary data pertaining to SECTT in the Pacific island countries. In spite of the lack of data in the region, this study gathers its information from available research reports, policy briefs, situational analyses and other relevant

documents. Based on previous research undertaken by ECPAT International, as well as the analysis of available data, this report will propose recommendations to the relevant stakeholders, with the view to help guide future action.

This regional report contributes to the ‘Global Study on the Sexual Exploitation of Children in Travel and Tourism’, published on 12 May 2016.

LIMITATIONS

The nature of a crime such as SECTT makes it difficult to accurately evaluate the extent of the phenomenon. Explanations for the under-reporting and lack of understanding of the issue include cultural and social taboos, fear of repercussions of reporting, and the lack of capacity from the State. Also, seeing as the Pacific is a difficult region to access, very little remains known of its myriad of varied and eclectic cultures. Compared to other regions, in particular the neighbouring countries in Southeast Asia, social research conducted by relevant agencies is lacking, particularly regarding the SECTT phenomenon. These limitations will be noted throughout the study.

CHAPTER 2

WHAT IS SEXUAL EXPLOITATION OF CHILDREN IN TRAVEL AND TOURISM?

ECPAT International has been combating the CSEC for more than two decades. Although the movement started in Thailand, the need to act has since become a global issue. On the occasion of the first World Congress against Commercial Sexual Exploitation of Children in 1996, the 'agenda for action' defined CSEC as follows:

"The commercial sexual exploitation of children is a fundamental violation of children's rights. It comprises sexual abuse by the adult and remuneration in cash or kind to the child or a third person or persons. The child is treated as a sexual object and as a commercial object. The commercial sexual exploitation of children constitutes a form of coercion and violence against children, and amounts to forced labour and a contemporary form of slavery."²⁷

CSEC comprises of four main manifestation of abuses, all deemed highly harmful to children: child trafficking for sexual purposes, sexual exploitation of children through prostitution, child sexual abuse material, and SECTT. Throughout the report, the acronym CSEC will be used, as it is common in the literature. The term 'child' always refers to a young person under the age of 18, as stated in the CRC,²⁸ irrespective of the different age limits established in each country.

Travelling is now easier and cheaper than it used to be, with more and more people travelling for business and leisure than ever before. The term 'travel and tourism' is used to refer to any movement of a person from one place to another, whether locally, regionally, or

internationally. CSEC refers to when the purpose of the travel is to sexually exploit a child (preferential abuser) or when, while travelling, the occasion of sexually exploiting a child presents itself (situational abuser).

SECTT is a complex and evolving phenomenon, with links to social, cultural, economic and historical trends on a local level, further complicated by regional and international interactions. SECTT occurs when an individual travels and has sexual interactions with a child, which happens during both international and local travels. The Global Study Taskforce put forward the appellation 'SECTT', thereby replacing 'Child Sex Tourism' (CST),²⁹ the terminology used until recently. The term CST was inadequate for multiple reasons, one of them being that it only referred to tourism, which left out travels due to work and expatriation.³⁰ SECTT regroups two phenomena: international SECTT and domestic SECTT.

As has been the case with the rest of the world, the Pacific region has entered an era globalised trade and exchanges, sometimes conflicting with traditional practices and the established way of life. Despite its isolation from the rest of the world, suspicions of SECTT occurring within the Pacific region or involving Pacific countries nationals travelling abroad began to surface. Local industries that attract international ships to the Pacific waters (such as logging or mining), and low cost flights within the region and to Southeast Asia have considerably increased opportunities to sexually exploit children for both situational and preferential abusers.

²⁷ "Declaration and Agenda for Action: 1st World Congress against Commercial Sexual Exploitation of Children", Stockholm, Sweden, 27-31 August 1996, last accessed June 2015, http://www.ecpat.net/sites/default/files/stockholm_declaration_1996.pdf.

²⁸ UN General Assembly Resolution (1989), "Convention on the Rights of the Child", UN Doc. A/RES/44/25, 20 November 1989, art.1, accessed June 2015, <http://www.ohchr.org/en/professionalinterest/pages/crc.aspx>.

²⁹ ECPAT International defined CST as follows: "[...] the sexual exploitation of children by a person or persons who travel from their home district, home geographical region, or home country in order to have sexual contact with children. Child sex tourists can be domestic travellers or they can be international tourists. CST often involves the use of accommodation, transportation and other tourism-related services that facilitate contact with children and enable the perpetrator to remain fairly inconspicuous in the surrounding population and environment". See ECPAT International (2008), *Combating Child Sex Tourism: Questions and Answers*, Bangkok: ECPAT, 6, accessed June 2015, http://ecpat.net/sites/default/files/cst_faq_eng.pdf.

³⁰ O'Briain, Muireann, Grillo, Milena and Barbosa, Helia (2008), *Sexual Exploitation of Children and Adolescents in Tourism. A contribution of ECPAT International to the World Congress III against Sexual Exploitation of Children and Adolescents, Rio de Janeiro, Brazil, 25-28 November 2008*, Bangkok: ECPAT, accessed June 2015, http://ecpat.net/sites/default/files/Thematic_Paper_CST_ENG.pdf.

It is worth noting at this point that the research is focused on SECTT and not on the Commercial and Sexual Exploitation of Children. Although SECTT is not a new phenomenon, not all stakeholders are adequately informed on how to detect, prevent and combat it. What data is available in the Pacific region tends to broadly cover child abuse and sometimes CSEC,

but rarely on SECTT. Consequently, the report sometimes refers to Commercial and Sexual Exploitation of Children because the only data available for some sections focuses on it, while keeping the focus of this research paper to consistently highlight the absence of information on SECTT.

CHAPTER 3

WHERE ARE WE NOW?

This chapter seeks to evaluate the current situation of SECTT in the Pacific region. Bearing in mind that data and research in this area are extremely weak, it will evaluate the changes faced by the Pacific societies and put them in perspective.

CHANGING FACES OF TOURISM

Due to the region's geographic isolation, it is difficult to compare the face of travel and tourism in the past with how it is today. Both travel and tourism appears to be on the rise. However, it is not possible to evaluate the full extent of this increase on a country-by-country basis.

Until recently, there was no comprehensive monitoring of the tourism industry in the Pacific island countries. However, the recent efforts of the South Pacific Tourism Organisation (SPTO), regarded as "the mandated regional agency responsible for 'marketing and developing tourism' in the region",³¹ have resulted in the creation of the Regional Tourism Resource Centre (RTRC), which collects data on tourism in the Pacific island countries.³² At the moment, available data relates to statistics and surveys on international tourists coming to the Pacific region, and does not provide information regarding SECTT. Nonetheless, the RTRC stands to be an important resource tool in the future, provided that it extends its data collection to domestic travels and that the data is subjected to further analysis.

SCALE AND SCOPE OF SEXUAL EXPLOITATION OF CHILDREN IN TRAVEL AND TOURISM

As explained previously, knowledge of Commercial and Sexual Exploitation of Children (CSEC) in the Pacific is extremely limited, the scope to evaluate the occurrence

of SECTT more so. That said, research conducted in the past few decades has given signs of possible SECTT taking place in the region.

In Australia, concerns have been raised regarding the sexual exploitation of indigenous girls. In 2008, ABC.net reported cases of young girls having sex with truck drivers in exchange for money and drugs.³³ More recently, concerned citizens brought the government's attention to allegations of exploitation of children in prostitution in indigenous communities in the Northern Territory.³⁴ Despite this, to our knowledge, there has not been any comprehensive evaluation of the phenomenon, and the scale and scope of CSEC in travel and tourism in Australia remains unknown.

In New Zealand, "relatively few documented cases" of nationals being sentenced for child prostitution abroad have been reported.³⁵ Cases of trafficking in children, sex trafficking and exploitation of children in prostitution have also been identified in the country,³⁶ yet no reliable study has been made to evaluate the scope of the phenomenon. In regards to domestic trafficking, it is worth noting that the domestic law in New Zealand currently defines trafficking as exclusive to international movements, while international laws, and subsequently the TIP reports, include both domestic and international movements in the definition of trafficking.

In the Pacific island countries, cases of sexual exploitation of children relating to travel and tourism have been identified, with links to specific economic activities. Mining, logging and fishing industries have brought foreign workers to the Pacific islands territories, both within the countries and aboard vessels. Cases of young girls forced into prostitution with foreign workers

³¹ South Pacific Tourism Organisation (2013), "Tourism Statistics in the Pacific: An Assessment", 1, Suva: SPTO.

³² South Pacific Tourism Organisation, "Regional Tourism Resource Centre", accessed May 2015.

³³ Lauder, Simon, "Truckies involved in child prostitution", *ABC.net*, 14 March 2008, accessed March 2015, <http://www.abc.net.au/am/content/2008/s2189203.htm>.

³⁴ ECPAT International (2012), *Global Monitoring. Status of Action against Commercial Sexual Exploitation of Children: Australia, 2nd ed.*, Bangkok: ECPAT, 15, http://ecpat.net/sites/default/files/a4a_v2_eap_australia.pdf.

³⁵ ECPAT International (2012), *Global Monitoring. Status of Action against Commercial Sexual Exploitation of Children: New Zealand, 2nd ed.*, Bangkok: ECPAT, 12, http://ecpat.net/sites/default/files/a4a_v2_eap_newzealand.pdf.

³⁶ Government of the U.S., Department of State (2014), "New Zealand", *Trafficking in Persons Report 2014*, Washington D.C.: U.S. Department of State, 291, <http://www.state.gov/documents/organization/226848.pdf>.

or workers from other parts of the country were reported in the Solomon Islands (known for its logging industry),³⁷ in Kiribati (where foreign boats are licensed to fish),³⁸ and in the Marshall Islands (which attracts overseas contract workers and seafarers).³⁹ Regarding tourism, Save the Children has reported cases of sexual abuse in countries where tourism has increased, such as Fiji.⁴⁰ The report, published in 2005, stated, “There appears to be a high correlation between child commercial sex work and tourists in areas where there are a lot of hotels or events going on. A Nadi Magistrate reported observations of an increase in risky sexual behaviour amongst child sex work victims when the number of tourist arrivals increase due to holiday season etc. The incumbent also stated that the number of CSEC cases among young boys in Nadi has increased in the last three years.”⁴¹ However, these sporadic cases show very little of the scale and scope of the phenomenon in the Pacific island countries.

Whilst there are evidences of SECTT occurring in the Pacific region, the dearth of comprehensive data collection and research implies that the scope and scale of the phenomenon are difficult to address.

SHIFTING OF DESTINATION AND ORIGIN COUNTRIES

As there is little evidence of sexual exploitation of children linked to travel and tourism in the region, it is difficult to identify a shift of destination and origin countries.

However, because of the crackdown on child sex tourism in Asia, the Fiji Women’s Crisis Centre has raised concerns that it could cause the problem to move to the Pacific, where legal gaps remain and real enforcement is lacking.⁴² For instance, following the laws in Thailand being tightened in recent times, Indonesia has become the preferred destination for Australian child sex offenders.⁴³

CAUSALITY WITH POVERTY AND OTHER CONTRIBUTING FACTORS, AND SOCIAL NORMS

Although comprehensive social research is missing in the Pacific region, contributing factors to SECTT have been highlighted in several NGOs and UN agencies reports published in the past decades.

In Australia⁴⁴ and New Zealand,⁴⁵ the poverty of indigenous populations seems to be an important risk factor for child victims of sexual exploitation, although there remains a need for more research on these populations, as well as more investigation on links with SECTT.

In the Pacific island countries, the societal context is complex and varies from one country to another, many of them subject to a transition in recent years. Traditions are presently being challenged by new social norms, creating fresh tensions that are contributing in increasing children’s vulnerability to commercial sexual exploitation. Most societies within the region lean towards an acceptance of the use of violence, with a traditional way of life that tends to favour living in a hierarchical community.⁴⁶ The United Nations Population Fund, (UNFPA) estimated in 2014 that the “lifetime prevalence rates for physical and sexual violence by partner and non-partner among Pacific Island women falls between 60 to 80%.”⁴⁷ In addition to this culture of violence, there is a tradition of shame and silence in most Pacific island countries,⁴⁸ together with a culture of taboo regarding sex.⁴⁹ As a consequence, sexual abuses and sexual exploitation are often deemed to bring shame upon the family, and are unlikely to be reported.⁵⁰ Gender relations and the status of children within the region participate in this culture of violence and shaming. Pacific Island societies are primarily based on “patriarchal social systems”,⁵¹ whereby “the attitudes, beliefs and interests,

³⁷ Herbert, Tania (2007), *Commercial sexual exploitation of children in the Solomon Islands: A report focusing on the presence of the logging industry in a remote region*, Solomon Islands: Church of Melanesia, 23.

³⁸ Chung, Margaret (2005), *Kiribati: A Situation Analysis of Children, Women and Youth*, Suva: Government of Kiribati with the assistance of UNICEF Pacific, 56.

³⁹ Peacock-Taylor, Colleen (2003), *Republic of the Marshall Islands: A Situation Analysis of Children, Women and Youth*, Majuro: Government of the Republic of the Marshall Islands with assistance from UNICEF, 70.

⁴⁰ Save the Children Fiji (2005), *The Commercial Sexual Exploitation and Sexual Abuse of Children in Fiji: A Situational Analysis*, Suva: Save the Children Fiji, 19.

⁴¹ *Ibid.*

⁴² *Ibid.* 20.

⁴³ Bachelard, Michael, “Indonesia now number one destination for Australian child sex tourists”, *Sydney Morning Herald*, 12 October 2014, accessed May 2015, <http://www.smh.com.au/world/indonesia-now-number-one-destination-for-australian-child-sex-tourists-20141010-1142ax.html>.

⁴⁴ ECPAT, *Global Monitoring: Australia.*, 14.

⁴⁵ Government of the U.S., Department of State, *Trafficking in Persons Report 2014*.

⁴⁶ Laqertabua, Ana, Naidu, Vijay, and Bhagwan Rolls, Sharon (2009), *Pacific Perspectives on the Commercial Sexual Exploitation and Sexual Abuse of Children and Youth*, Bangkok: UNESCAP, 13, http://www.unescap.org/sites/default/files/SDD_PUB_Pacific_Perspectives_Report.pdf.

⁴⁷ UNFPA (2014), *Population and Development Profiles: Pacific Island Countries*, Suva: UNFPA, 8.

⁴⁸ Ryan, Jenny and Abirafeh, Lina (2011), *Ending Violence Against Women and Girls. Evidence, Data and Knowledge in Pacific Island Countries. Literature Review and Annotated Bibliography. 2nd ed.*, Suva: UN Women Pacific, 3.

⁴⁹ Ah-Voa, Carol (2011), *Child Sexual Exploitation in the Pacific Islands. Child Protection Measures in the Pacific Islands. A Discussion Paper*, Auckland: University of Auckland, 19.

⁵⁰ AusAID Office of Development Effectiveness (2008), *Violence against Women in Melanesia and East Timor: Building on Global and Regional Promising Approaches*, Canberra: AusAID Office of Development Effectiveness, 18.

⁵¹ Lindley, Jade and Beacroft, Laura (2011), “Vulnerabilities to trafficking in persons in the Pacific Islands”, *Trends and Issues in crime and criminal justice* No. 428, Canberra: Australian Institute of Criminology, 5.

and the role of men dominate social institutions, decision-making, ideas and practices in the private and public spheres.”⁵² Regarding age, Shamima Ali highlighted in her 2006 UN report that children in Pacific societies, particularly adolescent girls,⁵³ have a very low status as a result of social standing based on age.⁵⁴ As a consequence of these cultural and socio-economic factors reviewed, “including acceptance of violence, a culture of secrecy about sexual matters and rape, a lack of education about reproductive health, urbanisation, higher rates of domestic violence and the shift away from extended families towards nuclear families,”⁵⁵ the risk for a girl to be sexually abused or to be a victim of commercial sexual exploitation is higher.⁵⁶

STAGNANT FUNDING

In the Pacific island countries, funding is lacking in all areas linked to the fight against the CSEC and, by extension, SECTT. The rare policies developed by the governments are rarely enforced by the police due to lack of funding, as evidenced in Papua New Guinea,⁵⁷ resulting in a lack of knowledge and training on legislation and policies among stakeholders.⁵⁸ Non-governmental agencies are also suffering from a lack of funding, making it very difficult for them to focus on combating SECTT.

PRIVATE SECTOR RESPONSE

As the occurrence of SECTT is difficult to evaluate, it is even more difficult to find any response of the private sector to end the practice, and no significant actions have been identified. As tourism is developing in the Pacific Islands, the South Pacific Tourism Organisation was created and mandated to be the organisation representing tourism within the region.⁵⁹ However, the SPTO does not appear to have specific strategies to promote responsible travel or to advocate against SECTT.

It is however worth noting that one ECPAT member group, Child Wise (Australia), has been working in the Asia-Pacific region through its international programmes, and is supporting the tourism sector by taking “control of key initiatives to address child sex tourism and child sex trafficking in the Asia Pacific region.”⁶⁰ Child Wise has also worked with other stakeholders involved in tourism in Fiji, and continues to deliver training on child protection issues for hotels to follow.⁶¹ In New Zealand, ECPAT Child Alert reached an agreement with the ACCOR Hotel group, which manages a chain in New Zealand and Fiji, resulting in the signature by ACCOR to The Code and subsequently in training on SECTT for ACCOR workers in both countries.⁶² Other organisations, such as the Family and Sexual Violence Action Committee (FSVAC) in Papua New Guinea, aim to end violence against women and work with the private sector. As a result, the FSVAC is composed with representatives “from the government, private sector, non-government organisations [and] churches”.⁶³

Unfortunately, these examples of cooperation with the private sector have remained isolated and have not resulted in tangible results.

CONCLUSION

The Pacific region has proved to be a difficult area to conduct research in, or to evaluate the occurrence of SECTT. As a consequence, there is a dearth of data in almost all research themes and in all countries. Attempting to evaluate the evolution of SECTT over the years would be irrelevant seeing as data beyond the past two decades ago is non-existent.

Nonetheless, there are indications of factors putting the more vulnerable of children at risk of becoming sexually exploited. This is confirmed by reported cases of SECTT in the region, detailed in Chapter 4.

⁵² Griffen, Vanessa (2006), *Gender Relations in Pacific cultures and their impact on the growth and development of children*, (Paper prepared for a seminar on “Children’s Rights and Culture in the Pacific” 30th October 2006), http://www.unicef.org/eapro/Gender_Relations_in_Pacific_cultures.pdf.

⁵³ Ali, Shamima (2006), “Violence against the girl child in the Pacific Islands region”, Florence: UNICEF Innocenti Research Center, 13-14 <http://www.un.org/womenwatch/daw/egm/elim-disc-viol-girlchild/ExpertPapers/EP.14%20%20Ali.pdf>

⁵⁴ *Ibid.*, 4.

⁵⁵ *Ibid.*, 13-14.

⁵⁶ *Ibid.*

⁵⁷ *Ibid.*, 16.

⁵⁸ UNICEF Pacific (2008), “A Regional Summary of the Fiji, Kiribati, Solomon Islands, and Vanuatu Child Protection Baseline Reports”, Suva: UNICEF Pacific, 4.

⁵⁹ South Pacific Tourism Organisation, “About SPTO”, accessed May 2015, <http://spto.org/about>.

⁶⁰ Child Wise, “International Programs”, accessed May 2015, <http://www.childwise.org.au/page/15/international-programs>.

⁶¹ Child Wise (2015), *Annual Report 2014-2015*, Melbourne: Child Wise, 11, accessed February 2016, https://childwise.blob.core.windows.net/assets/uploads/files/Annual_Report_2015.pdf.

⁶² ECPAT Child Alert, “The Code”, accessed June 2015, <http://www.ecpat.org.nz/Projects/The-Code.aspx>.

⁶³ Consultative Implementation and Monitoring Council website, “FSVAC”, accessed May 2015, <http://www.inapng.com/cimc/FSVAC.html>

CHAPTER 4

WHAT ARE THE NEW AND EMERGING TRENDS?

This chapter aims to provide a better picture of the emerging trends regarding SECTT in the Pacific region by focusing on the victims and the perpetrators. In order to apprehend the phenomenon, it is crucial to understand who the victims are, how they became victims and what their current role in fighting against SECTT is. To combat SECTT also implies to identify who the perpetrators and facilitators are, and how they operate. Bearing in mind that relevant data is rare in the studied region, findings are more likely to show a possible occurrence of SECTT rather than to give a clear and accurate image of the victims and the perpetrators.

REGARDING THE VICTIMS

Victim's Voices

Because SECTT is difficult to detect in the Pacific region, victims are less likely to be heard. Nonetheless, there have been a few studies that have focused on the victims and gathered their testimonies.

The cases show an acceptance of trading sex in exchange for money or goods, by society and, in many instances, the children themselves. Some of the victims seem to have engaged in transactional sex because of poverty, peer pressure or a combination of both. In 2006, ECPAT New Zealand conducted a study on child sex exploitation in the Cook Islands, and interviewed members of the local population on Rarotonga and Aitutaki. The NGO found that the respondents, including the children, considered giving sexual favours in exchange of money as an acceptable practice.⁶⁴ In Kiribati, a survey among youth aged between 15 and 24 in Betio, Tarawa found that 27% of respondents reported having had sex in exchange for cash or goods in the past year.⁶⁵ In Papua New Guinea,

Kyla,⁶⁶ a young girl involved in prostitution, explained: "I don't know how I got involved in selling sex. My friends (school girls) were already selling sex. I started at the age of 12. My boyfriend forced me. At that time I needed the money to buy clothes and food for myself. That is the reason why."⁶⁷ It would also appear that the culture of shame means that it is unlikely that a child victim of sexual abuse will report the incident to anyone.⁶⁸

Therefore, with cases being unreported and with sexual abuses being accepted by the children themselves, voices of child victims in the Pacific remain largely unheard.

Profiles

Victims' profiles seem to be different in Australia and New Zealand than in the rest of the Pacific countries. Whilst the data available is not sufficient to determine a certain profile among the victims, the different cases indicate that certain populations of children appear to be more at risk than others.

In Australia, the identified child victims seem to be primarily aboriginals. Indigenous Australians are more affected by poverty than the rest of the population, which results in "poor educational outcomes, very high unemployment and geographical isolation".⁶⁹ Abuse and neglect of children is higher among indigenous children, with statistics showing that 27% of all cases in 2009-2010 affected indigenous children, while they only represented 5% of Australian children.⁷⁰ In a context of abuse, neglect and poverty, cases of CSEC discovered in Australia seem to mainly implicate indigenous children. However, the information available is not sufficient to provide any conclusion regarding the profile of the victims, while the link with travel and tourism is not obvious.

⁶⁴ ECPAT New Zealand and Punanga Tauturu Inc. (2006), *Commercial Sexual Exploitation of Children and Child Sexual Abuse in the Cook Islands: An Overview Report*, Bangkok: ECPAT International/UNESCAP, 32.

⁶⁵ McMillan, Karen and Worth, Heather (2010), "Risky Business Kiribati: HIV prevention amongst women who board foreign fishing vessels to sell sex", Sydney: University of New South Wales, School of Public Health and Community Medicine, 3.

⁶⁶ Her name has been changed.

⁶⁷ Korugl, Peter, "Child sex abuse is widespread throughout Papua New Guinea", *CrimeandCorruptionPNG.wordpress.com*, accessed May 2015, <http://crimeandcorruptionpng.wordpress.com/2010/01/24/child-sex-abuse-is-widespread-throughout-papua-new-guinea/>.

⁶⁸ AusAID, *Violence against Women*, 15.

⁶⁹ ECPAT, *Global Monitoring: Australia.*, 14.

⁷⁰ *Ibid.*

In New Zealand, the 2014 ‘Trafficking in Persons Report’ (TIP Report) identified cases of children being forced into sex trafficking within the country. The report indicated that “young boys and girls, often Maoris or Pacific Islanders descents, are subjected to street prostitution”.⁷¹ As with the indigenous population in Australia, the Maori youth of New Zealand were “more exposed to family problems, drugs and alcohol, poverty within their neighbourhoods, as well as a lack of positive cultural identity all of which may render them more vulnerable than their peers”.⁷² However, there are no statistics available that confirm Maori children are more at risk of becoming victims of sexual exploitation. Rather, as explained by Child Alert researcher Natalie Thorburn, “all of the young people known to have been involved with child prostitution have economic marginality in common, rather than a particular ethnicity. They also have the shared experience of being raised in households and communities where being of the female gender means having significantly less personal power, and viewing the body as their sole income-generating commodity and source of escape from persistent distress related to early abuse.”⁷³ The 2014 TIP report also identified “foreign women, including some from China, Hong Kong, Taiwan, South Korea, and Southeast Asia, including Thailand and Vietnam maybe be at risk of coercive or forced prostitution”, although no case of exploitation of children in prostitution appears to have been reported.⁷⁴

In the Pacific island countries, a common profile for the victims is difficult to establish. Because of gender discrimination, the majority of victims seem to be girls. It is however worth noting that there might be a lack of reporting of sexual abuse among young boys, due to the culture of shame and silence, as well as the supposed standing a man is expected to hold within society. Child victims of sexual exploitation in the context of travel and tourism usually come from an underprivileged rural background, often living nearby a natural resources exploitation site. For instance, cases of sexual exploitation of children have been identified in the Solomon Islands within the logging industry.⁷⁵ The fishing industry is also linked to cases of SECTT throughout the region, with cases of girls as young as 14 reported in Kiribati.⁷⁶

Similarly in the Marshall Islands, UNICEF noted that “some young women” were seeking “relationships with overseas contract worker and seamen,”⁷⁷ although there was no mention of the age of the young women. In Papua New Guinea, child prostitution was identified as a “growing problem” in 2004, in the main towns and in rural areas where industries of mining, logging and fisheries were present.⁷⁸ Prostitution remains a growing problem in Fiji, both for young girls and boys, although it is more prevalent among girls.⁷⁹

Despite these cases mainly reported by the civil society, there is a lack of comprehensive research to establish a profile of the victims of SECTT in the region, and in each Pacific country.

REGARDING THE PERPETRATORS

As previously stressed, and despite the creation of the Regional Tourism Resource Centre, there is little to no data available on travellers and tourists in and from the Pacific region.

In contrast to Asia, no organised child sexual exploitation network has been identified as of yet. This could be explained by a predominant presence of opportunistic child sex offenders, but might also be the consequence of a weak monitoring by the authorities in the region. The following sections focus on travel and tourism at both domestic and international levels, with the aim to draw a clearer image of perpetrators operating in the region.

Domestic Travel and Tourism

Domestic travels linked to sexual exploitation of children are usually poorly documented, as the major focus is often placed on when foreign men are involved. Consequently, too little is known to create a realistic profile of domestic offenders. Nonetheless, a few cases have been reported by non-governmental organisations.

Cases of indigenous girls being sexually exploited in Australia showed that truck drivers were known locally for seeking sexual interactions with children while driving through the country, especially in New South

⁷¹ Government of the U.S., Department of State, *Trafficking in Persons Report 2014*.

⁷² ECPAT International (2012), *Global Monitoring Report: Status of Action against Commercial Sexual Exploitation of Children: New Zealand*. 2nd ed., Bangkok: ECPAT, 9, http://ecpat.net/sites/default/files/a4a_v2_eap_newzealand.pdf.

⁷³ Thorburn, Natalie, email communication to author, 3 June 2015.

⁷⁴ Government of the U.S., Department of State, *Trafficking in Persons Report 2014*.

⁷⁵ Herbert, Tania (2007), *Commercial sexual exploitation of children in the Solomon Islands*, 23.

⁷⁶ Chung, Margaret, *Kiribati: A Situation Analysis*, 56.

⁷⁷ Peacock-Taylor, Colleen, *Republic of the Marshall Islands: A Situation Analysis*, 70.

⁷⁸ Luluaki, John Y. (2003), “Sexual Crimes Against and Exploitation of Children and the Law in Papua New Guinea”, *International Journal of Law, Policy and The Family* 17, no.3, (2003): 275-307.

⁷⁹ “Fiji Discusses its Human Trafficking Problem”, *Solomon Times*, 17 May 2010, accessed May 2015, <http://www.solomontimes.com/news/fiji-discusses-its-human-trafficking-problem/5186>.

⁸⁰ Lauder, Simon, “Truckies involved in child prostitution”, ABC.net, 14 March 2008, accessed March 2015, <http://www.abc.net.au/am/content/2008/s2189203.htm>.

Wales.⁸⁰ Although other cases of sexual exploitation have been reported in other part of Australia, especially in the Northern Territory, the report does not specify any findings regarding the perpetrators.⁸¹ Furthermore, ECPAT International estimated in 2012 that “there have been an alarming number of occurrences of parents pimping out their children ranging from 12 to 16 years of age”.⁸²

Data on perpetrators is also lacking in New Zealand. The 2014 TIP report identified “trafficking rings”, with children subjected to prostitution, but also pointed out that children were often recruited by other children or by family members.⁸³ However, another study in 2014, as pointed by Natalie Thorburn from the University of Auckland, showed little evidence of “prostitution rings” among the street-based workers, and explained that instrumental family members were pushing children in prostitution “as a continuation of what was already happening to them”.⁸⁴

Research conducted in the Pacific countries shows that “males and family members are the main perpetrators and/or facilitators of CSEC and CSA”.⁸⁵ The UN agency ESCAP estimated that “perpetrators tend to be close relatives (parents, grandparents, siblings), stepparents and other guardians or family friends”,⁸⁶ AusAid came to the same conclusion in Fiji, estimating that 31% of perpetrators of violence against women were family members.⁸⁷ Therefore, it appears to be common that family members and friends act as “pimps and agents”,⁸⁸ (as reported in Fiji) sometimes even using the “children as forms of debt payment through the practice of ‘child brides’” (as seen in the Solomon Islands and Papua New Guinea).⁸⁹ Taxi drivers also played a role as facilitators in some of the Pacific countries (namely Kiribati and Vanuatu).⁹⁰ This is particularly alarming due to taxi drivers being part of the tourism industry and thus one of the first contacts for domestic or international tourists and travellers arriving in a new destination.

As such, domestic travel and tourism with the purpose of sexually abusing children appear to be under documented, with the focus mainly been put on international travels when collecting data.

International Travel and Tourism

International travel and tourism comprise both foreigners travelling to the Pacific region, and citizens from the Pacific region travelling abroad.

There are several reports of Australian men travelling abroad and being arrested, prosecuted and convicted for sexually abusing children. Australian nationals travel to Southeast Asia in particular, where flights are relatively cheap and the supply of children for sexual relations is widespread. In addition, tourists and travellers seeking sexual contact with children in Southeast Asian nations could easily rely on extended and well-organised networks.⁹¹ Child Wise found that between 2007 and 2008, 10% of offenders arrested in the region were Australian citizens.⁹² Australians can also benefit from poor law frameworks and enforcement in these countries. In Indonesia, it has been reported that Australian men were sexually abusing young Indonesian girls, taking advantage of the fact that polygamy marriages were legal there. Indonesia has now become the preferred destination for Australian sex offenders, ahead of Thailand, the Philippines and Malaysia, with no less than 18% of registered Australian sex offenders travelling to Indonesia, in particular Bali.⁹³ The Philippines is also a preferred destination for Australian sex offenders, with the Australian Federal Police (AFP) revealing that no less than 250 convicted sex offenders had travelled there in 2014.⁹⁴

There were fewer cases reported in New Zealand than in Australia. However, there is evidence that New Zealand nationals travel to Southeast Asia for sexual purposes. Those in the tourism industry in New Zealand seem unwilling to take any responsibility for facilitating travel for sexual purposes, as revealed in a study of travel agencies conducted in 2008 by ECPAT Child Alert. Travel agents stated that they were reluctant to restrict the purchase of tickets even when they suspected that the buyer was travelling for the purpose of seeking sex with a child.⁹⁵ In January 2014, a New Zealand man was prosecuted in Kenya on charges of trafficking children for sexual exploitation. If convicted he could face a minimum

⁸¹ ECPAT, *Global Monitoring: Australia*, 15.

⁸² *Ibid.*, 10-11.

⁸³ Government of the U.S., Department of State, *Trafficking in Persons Report 2014*.

⁸⁴ Thorburn, Natalie, email communication to author, 3 June 2015.

⁸⁵ Laqertabua, Ana, Naidu, Vijay, and Bhagwan Rolls, Sharon, *Pacific Perspectives*, 7.

⁸⁶ *Ibid.*, 109.

⁸⁷ AusAID, *Violence against Women*, 9.

⁸⁸ Ofa ki vaha Palu Toki, “A review of legislations, policies and practices in Fiji, Samoa and Tonga”, 25.

⁸⁹ *Ibid.*, 10.

⁹⁰ Laqertabua, Ana, Naidu, Vijay, and Bhagwan Rolls, Sharon, *Pacific Perspectives*, pp. 29, 35.

⁹¹ ECPAT, *Global Monitoring: Australia*, 14.

⁹² Child Wise Australia (2008), “Travelling Child-Sex Offenders in South East Asia: A Regional Review – 2007/2008”, Melbourne: Child Wise Australia, 38, accessed May 2015, http://childwise.blob.core.windows.net/assets/uploads/files/Travelling_child_sex_offenders.pdf.

⁹³ Bachelard, Michael, “Indonesia now number one destination for Australian child sex tourists”, *Sydney Morning Herald*, 12 October 2014, accessed May 2015, <http://www.smh.com.au/world/indonesia-now-number-one-destination-for-australian-child-sex-tourists-20141010-1142ax.html>

⁹⁴ Hawley, Samantha, “250 convicted Australian child sex offenders travelled to the Philippines last year: AFP”, *ABC News*, last updated 9 April 2015, accessed May 2015, <http://www.abc.net.au/news/2015-04-09/250-convicted-australian-child-sex-offenders/6379850>.

⁹⁵ Lovelock, Brent (2008), “Ethical Travel Decisions: Travel Agents and Human Rights”, *Annals of Tourism Research* 35, no. 2 (2008): 338-358.

sentence of up to 30 years of imprisonment.⁹⁶ Besides nationals committing sexual offences abroad, New Zealand is also “a destination country for foreign men and women subjected to forced labour and sex trafficking and a source country for children subjected to sex trafficking within the country”.⁹⁷

There is currently little evidence of SECTT in most of the Pacific island countries, which can be explained by an underdeveloped tourism industry (in Kiribati for instance),⁹⁸ as well as the lack of comprehensive research on the subject. However, the absence of reported cases does not mean that sexual exploitation of children is not happening, and the culture of silence has proved in the past that sexual abuses can occur repeatedly without being reported to the authorities. That said, there have been sporadic reports, especially in places where tourism is on the rise. In 2005, Save the Children reported that cases of sexual exploitation of children seemed to have increased in Fiji.⁹⁹ In the Cook Islands, a case was reported on the island of Aitutaki, involving a German tourist repeatedly visiting the island to take advantage of three girls all under the age of 12, allegedly in 1996, 1997 and 2001. The perpetrator was charged with attempted sexual intercourse with a child under the age of 12 and indecent assault, and sentenced to three years of imprisonment before being deported to Germany.¹⁰⁰ Taxi drivers, along with parents and the police, are also suspected to be involved in the sex industry, creating networks that provide children for Korean seafarers, as reported in Kiribati.¹⁰¹ The local sex industries also participate in providing children to members of foreign fishing boats in Kiribati.¹⁰² Marriage is another way children are sold to foreign men, often from Korea and Taiwan,¹⁰³ or to foreign loggers in the Solomon Islands.¹⁰⁴

Surrogacy recently made the headlines with the case of an Australian man charged with child sexual abuse, after he adopted twins with his wife from a Thai surrogate.¹⁰⁵ This case highlighted the legal loopholes surrounding surrogacy and international adoptions.

International travel and tourism and sexual exploitation of children in the Pacific region is a broad subject that requires in-depth research. There is a need for systematic reviews of countries of origin and destination of child sex offenders. At the moment, cases are sporadically reported and cooperation between states remains weak.

CONCLUSION

In addition to insufficient data, victims usually cannot report situations of sexual abuse because of a culture of silence within the Pacific island countries. As a result, the victim's voice is particularly difficult to hear, while victim profiles are unlikely to be accurate. Regarding the perpetrators, it can be assumed that only a small portion of offenders are effectively arrested and prosecuted, which makes it hard to establish a fully rounded profile. However, based on the culture of violence and the superiority of men in most of the Pacific countries, it seems that perpetrators are likely to be men, in many cases from the child victim's family.

Regarding domestic travel and tourism, there is a need for research that maps the movements of nationals, and evaluates the links between travel and tourism on the one hand and sexual exploitation of children at a domestic level on the other. It remains difficult to draw conclusions from the data on international travel and tourism.

⁹⁶ New Zealand Network Against People Trafficking, “New Zealander faces trafficking hearing in Kenya”, 19 January 2014, accessed May 2015, <http://www.nznapt.org.nz/1/post/2014/01/new-zealander-faces-trafficking-hearing-in-kenya.html>.

⁹⁷ Government of the U.S., Department of State, *Trafficking in Persons Report 2014*.

⁹⁸ Chung, Margaret, *Kiribati: A Situation Analysis*, 43.

⁹⁹ Save the Children Fiji, *The Commercial Sexual Exploitation and Sexual Abuse of Children in Fiji*, 19.

¹⁰⁰ ECPAT New Zealand and Punanga Tauturu Inc., *Commercial Sexual Exploitation of Children*, 30.

¹⁰¹ Laqertabua, Ana, Naidu, Vijay, and Bhagwan Rolls, Sharon, *Pacific Perspectives*, 29.

¹⁰² Chung, Margaret, *Kiribati: A Situation Analysis*, 56.

¹⁰³ International Labour Organization, Country Office for South Pacific Island Countries (2010), *Child Labour in Fiji: A Survey of Working Children in Commercial Sexual Exploitation, on the Streets, in Rural Agricultural Communities, in Informal and Squatter Settlements and in Schools*, Suva: ILO, 41, accessed February 2016, <http://www.ilo.org/ipecinfor/product/viewProduct.do?productId=16815>.

¹⁰⁴ AusAID, *Violence against Women*, 132.

¹⁰⁵ Hawley, Samantha, “Australian charged with sexually abusing twins he fathered with Thai surrogate”, *ABC News*, last updated 2 September 2014, accessed May 2015, <http://www.abc.net.au/news/2014-09-01/australian-who-fathered-surrogate-twins-facing-abuse-charges/5710796>.

CHAPTER 5

WHAT HAS THE RESPONSE BEEN?

Combating sexual exploitation of children in travel in tourism requires strong cooperation at international, regional and local levels, between governments, non-governmental stakeholders and the private sector. Unlike the countries in its neighbouring region of Southeast Asia, the Pacific region has not received international attention to help enforce the child protection mechanisms that are being developed at the international level. Consequently, developing a regional cooperation has proved to be challenging, in spite of substantial efforts made by several stakeholders. As a result, the Pacific region lacks a comprehensive commitment to international and regional cooperation to bring about the enforcement of child protection laws. In fact, the region lacks “comprehensive, well-resourced and well-planned local, national, regional and international initiatives involving the participation of children, specifically addressing child sexual abuse and the CSEC”.¹⁰⁶

In addition, Pacific countries are facing challenges unique to their region. Because it is so vast and difficult to access, local needs in relation to child protection is hard to evaluate. It is also highly challenging to develop efficient projects at the local level. Furthermore, the economies of most of the Pacific countries do not have the capacity to develop sustainable human rights protection, as they are “oriented towards rural and outer island subsistence agricultural lifestyles” and not reliant on a monetary economy.¹⁰⁷ The economic transition does not appear to have seen an increase in tools and resources to improve human rights, but instead has increased poverty and vulnerability.¹⁰⁸ Subsequently, despite local initiatives being developed, they usually lack the necessary funds and resources, monitoring and evaluation and/or expertise in terms of SECTT.

Despite these limitations, local and regional projects that have been developed on the matter of child rights are encouraging. A further step and challenge for the Pacific region is to develop effective and specific projects on SECTT that involve all interested parties.

This chapter discusses the responses from the different stakeholders, including governments, NGOs and the private sector, in order to address the issue of SECTT. This chapter also highlights the practices and projects that look promising, as well as positive steps taken by interested parties.

SPACE FOR CIVIL SOCIETY TO WORK ON SECTT, ROLE GOVERNMENT AND MINISTRIES VIS-A-VIS CIVIL SOCIETY

The information gathered on the different stakeholders at the local, regional and international level is quite substantial. For better clarity, the following section is divided into subsections looking first at regional level, then at country level (Australia, New Zealand and the Pacific island countries).

At Regional Level

Several UN agencies have worked actively in the region, yet specific projects on SECTT are missing. UNICEF appears to be one of the most active agencies in the region, developing a series of baseline reports for almost all countries.¹⁰⁹ The latest releases focused on protection law compliance with the Convention on the Rights of the Child.¹¹⁰ In addition, thanks to its longstanding involvement in the region, the UN agency has established a strong network within the region, through which cooperation with other UN agencies, governments and NGOs has been developed.

¹⁰⁶ UNICEF, UNESCAP and ECPAT, *CSEC and CSA in the Pacific*, 90.

¹⁰⁷ Abbott, David and Pollard, Steve (2004), *Hardship and Poverty in the Pacific*, Bangkok: Asian Development Bank, ix-x.

¹⁰⁸ UNICEF, UNESCAP and ECPAT, *CSEC and CSA in the Pacific*, 61.

¹⁰⁹ UNICEF, “Pacific Islands Countries. Child Protection”, accessed July 2015, http://www.unicef.org/pacificislands/partners_10989.html

¹¹⁰ Norton, Anafia et al. (2009), *Protect me with love and care: A Baseline Report for creating a future free from violence, abuse and exploitation of girls and boys in Fiji*, Suva, UNICEF Pacific. See also Iuta, Tina et al. (2009), *Protect me with love and care: A Baseline Report for creating a future free from violence, abuse and exploitation of girls and boys in Kiribati*, Suva: UNICEF Pacific, accessed July, 2015, http://www.unicef.org/pacificislands/UNICEF_KIRIBATI_REPORT_Feb.pdf; and Austin, Salote et al. (2009), *Protect me with love and care: A Baseline Report for creating a future free from violence, abuse and exploitation of girls and boys in the Solomon Islands*, Suva: UNICEF Pacific, accessed July, 2015, http://www.unicef.org/pacificislands/UNICEF_Solomon_Report1.pdf and http://www.unicef.org/pacificislands/UNICEF_Solomon_Report2.pdf.

The other UN agencies involved in the region and working on child rights are the United Nations Economic and Social Commission for Asia and the Pacific (ESCAP), the International Labour Organisation (ILO), the United Nations Development Program (UNDP), and the UN Conference on Small Island Developing States.¹¹¹ Despite their work on child rights and on CSEC,¹¹² in reality none of these agencies specifically worked on SECTT. There is, however, the potential for these agencies to work together to build a strong network within which SECTT would be addressed among other child rights-related issues.

Apart from the UN agencies working at the regional level, it is worth noting that the Pacific is still lacking a regional body in charge of human rights monitoring.¹¹³ However, an independent regional body is particularly crucial in combating transnational crimes such as SECTT. Such a body could also help the entire regional cooperation to enhance child protection.

Australia

Australia has been quite active in fighting “child sex tourism”, by developing a progressive legal framework, specific police units at the federal and state levels, and by supporting research.

The Attorney General’s Department participates in ensuring that “Australia leads the way in protecting children everywhere from abuse.”¹¹⁴ In 2010, the AFP launched a campaign against child sexual exploitation in travel and tourism, on the occasion of tougher laws against sex offenders. The AFP produced a brochure¹¹⁵ and released advertisements in national newspapers, explaining the content of the new laws and the penalty for Australian nationals convicted of child sexual abuse overseas.¹¹⁶

Furthermore, the Australian Federal Police works actively and specifically on SECTT issues, in addition to participating in the Bali Process¹¹⁷ by providing “training and capacity building to law enforcement agencies”.¹¹⁸ In 2008, the Northern Territory Child Abuse Taskforce was created, in order to “establish rapport and to promote reporting and disclosure of child sexual abuse” while engaging with the community.¹¹⁹ According to the 2013-14 annual report, “AFP members assist in investigations focused on serial violence, child abuse and other criminality in Indigenous communities that contributes to these crimes.”¹²⁰ In addition, the investigation members of the High Tech Crime Operations are mandated to focus, among other things, on “child sexual exploitation, both online and in travel and tourism”.¹²¹

As for the Australian Institute of Criminology (AIC), the research centre produces leading research in trafficking in person within the Asia-Pacific region. Numerous articles regarding CSEC and SECTT have been published in the past decade.¹²²

In 2010, the Project Childhood, a four-year programme funded by AusAid and led by the United Nations Office on Drugs and Crime (UNODC), was launched in order to target child sex tourism in South-East Asia (SEA).¹²³ Even though this project focused on Southeast Asian countries, the law enforcement component is crucial considering the region is the favourite destination of Australian child sex offenders.

The ECPAT member group in Australia, Child Wise, works in the Asia-Pacific region through its international programmes.¹²⁴ The NGO also focuses on SECTT, by working with key stakeholders such as governments,

¹¹¹ Note: although there is no direct discussion on CSEC within this forum, the work of this conference is important to follow as it includes a focus on social development together with youth and women, and the participation of UN agencies such as UNICEF, UNDP and ILO. One of the parallel events at this conference focused on “Empowering women and children towards a more socially inclusive sustainable development agenda.”

¹¹² For more details, see ECPAT, *ECPAT Literature Review of the Pacific*, 30-32.

¹¹³ OHCHR and PIFS, “Discussion paper. Ratification of International Human Rights Treaties”, 11.

¹¹⁴ Government of Australia, Attorney General’s Department (2010), “Child Sexual Exploitation Laws”, accessed May 2015, <https://www.ag.gov.au/CrimeAndCorruption/CrimePrevention/Documents/FactsheetChildSexualExploitationLaws.pdf>.

¹¹⁵ Australian Federal Police (2010), “Stopping Child Sexual Exploitation”, accessed May 2015, <https://www.ag.gov.au/CrimeAndCorruption/CrimePrevention/Documents/Stoppingchildexploitationbrochure.pdf>.

¹¹⁶ Mercer, Phil, “Australia in sex-tourism campaign”, *BBC News*, 7 June 2010, <http://www.bbc.com/news/10252165>.

¹¹⁷ The Bali Process on People Smuggling, Trafficking in Persons and Related Transnational Crime, “About the Bali Process”, accessed May 2015, <http://www.baliprocess.net/>.

¹¹⁸ Australian Federal Police, “Child Sexual Exploitation in Travel and Tourism”, accessed May 2015, <http://www.afp.gov.au/policing/child-protection-operations/child-sexual-exploitation-in-travel-and-tourism>.

¹¹⁹ Australian Federal Police (2014), *Annual Report 2013-14*, Canberra: AFP, 60, accessed May 2015, <http://www.afp.gov.au/~media/afp/pdf/a/afp-annual-report-2013-2014.pdf>.

¹²⁰ *Ibid.*

¹²¹ *Ibid.* 63.

¹²² See Joudo Larsen, Jacqueline (2011), “The Trafficking of Children in the Asia-Pacific”, *Trends and Issues in Crime and Criminal Justice* No. 415, Canberra: Australian Institute of Criminology, <http://www.aic.gov.au/publications/current%20series/tandi/401-420/tandi415.html>. See also: Lindley, Jade and Beacroft, Laura (2011), “Vulnerabilities to trafficking in persons in the Pacific Islands”, *Trends and Issues in crime and criminal justice* No. 428, Canberra: Australian Institute of Criminology.

¹²³ UNODC, “Project Childhood: Protection Pillar: ‘Enhancing law enforcement capacity for national and transnational action to identify and effectively act upon travelling child-sex offenders in the Mekong’ (XSPT33)”, last accessed May 2015, http://www.unodc.org/southeastasiaandpacific/en/Projects/2010_08/project_childhood.html.

¹²⁴ Child Wise, “International Programs”, accessed 27 February 2015, <http://www.childwise.org.au/page/15/international-programs>

tourism authorities and the police, to address the issue at the national and regional levels. The NGO has, for instance, worked with Cambodian schools to equip both children and adults in vulnerable school communities with the skills and resources to protect children from sexual exploitation. Child Wise collaborated with ECPAT Cambodia “to train tuk tuk drivers on CSEC through the Prevention of Child Sex Tourism Tuk Tuk Project”.¹²⁵ Child Wise has also worked with stakeholders involved in tourism in Fiji, providing training on child protection issues for hotels.¹²⁶

In addition, “as part of the ASEAN Regional Public Education Campaign, Save the Children Australia has cooperated with the Laotian government to produce posters and a radio programme on child sex tourism.”¹²⁷

New Zealand

In 2001, New Zealand finalised its first tentative National Plan of Action (NPA) to address CSEC under the title ‘Protecting our Innocence’. This NPA provided an overview of the state of child prostitution, child pornography, child sex tourism, and child trafficking in the country. In total, 15 government agencies and four NGOs were designated to implement the plan’s primary objectives. However, according to a research conducted by ECPAT Child Alert (the ECPAT group in New Zealand) and the New Zealand Ministry of Justice, inter-agency coordination remained low and implementation and implementation was lacking. Subsequent government policies or work programmes seldom use ‘Protect our Innocence’ as a reference, even when addressing the objectives identified in this initial attempt to tackle CSEC. This may be due to the absence of concrete actions following the release of the Plan, and to the lack of specific timelines within it.¹²⁸ As part of a set of public education initiative, ECPAT New Zealand created a pamphlet funded by the Ministry of Justice, which sets out the law relating to extra-territorial child sex offences. As per New Zealand law, travellers must share with the Police any information suggesting a possible child sex offence committed by a New Zealander while residing abroad.¹²⁹

Cooperation within police agencies seem to have been more effective, with connections established between Interpol and the New Zealand Police Department. The Police Department worked with Thailand and set up a liaison officer in order to assist in the flow of information regarding offenders from New Zealand. In addition, the Online Child Exploitation Across New Zealand (OCEANZ)¹³⁰ joined the Virtual Global Taskforce (VGT), whose work includes coordinating international operations to identify child sex offenders’ networks.¹³¹ The cooperation however does not focus on SECTT yet. Two types of teams are working on child protection in the New Zealand Police: “Child Protection Teams that work to prevent child abuse and Child Exploitation Teams that investigate child abuse,”¹³² both working under the “Puawaitahi – child protection multi-agency centre,” which “brings specialist child abuse investigators from several agencies together under one roof”,¹³³ Nothing is said, however, on a specific unit for children victims of sexual exploitation through travel and tourism.

Regarding the private sector, the New Zealand Government participated in different tourism organisations, without much progress being made regarding SECTT.¹³⁴ A study carried out by researchers of the University of Otago in New Zealand assessed the willingness of travel agents to act against a client when they had suspicions regarding the purpose of the travel. The results showed that the travel agents were unlikely to restrict the purchase of an air ticket despite their suspicions of risk of SECTT, although one travel agent did report one client to ECPAT Child Alert.¹³⁵

Pacific Island Countries

The PICs are working together through the Pacific Islands Forum Secretariat (PIFS), an intergovernmental body composed of 16 independent States, which aims “to ensure the effective implementation of the Leaders’ decisions for the benefit of the people of the Pacific.”¹³⁶ In October 2005, Pacific leaders adopted a Pacific Plan of Action for strengthening Regional Cooperation and Integration (the Pacific Plan),¹³⁷ which aims to develop a

¹²⁵ ECPAT, *Global Monitoring: Australia*, 22.

¹²⁶ Child Wise, *Annual Report 2014-2015*, 11.

¹²⁷ ECPAT, *Global Monitoring: Australia*, 22.

¹²⁸ ECPAT, *Global Monitoring: New Zealand*, 13.

¹²⁹ Government of New Zealand, Ministry of Justice, “Child Sex Tourism”, accessed May 2015, <http://www.justice.govt.nz/publications/publications-archived/2002/protecting-our-innocence/child-sex-tourism>.

¹³⁰ Police Unit using web patrolling to identify child sex offenders.

¹³¹ ECPAT, *Global Monitoring: New Zealand*, 19.

¹³² *Ibid.*, 38.

¹³³ New Zealand Police, “Puawaitahi – child protection multi-agency centre”, accessed June 2015, <http://www.police.govt.nz/about-us/structure/teams-units/puawaitahi>.

¹³⁴ ECPAT, *Global Monitoring: New Zealand*, 21.

¹³⁵ *Ibid.*, 22.

¹³⁶ Pacific Islands Forum Secretariat, “Mission and Vision”, accessed July 2015, <http://www.forumsec.org/pages.cfm/about-us/mission-goals-roles/>.

¹³⁷ PIFS, *The Pacific Plan*.

region that is “respected for the quality of its governance, the sustainable management of its resources, the full observance of democratic values and for its defence and promotion of human rights.”¹³⁸ During the last meeting in July 2014,¹³⁹ Pacific Leaders “endorsed the ‘Framework for Pacific Regionalism’,”¹⁴⁰ to replace the former ‘Pacific Plan’ as suggested in the Pacific Plan Review 2013,¹⁴¹ and now encourages coordination, cooperation, collaboration, harmonisation, economic integration and administrative/legal/institutional integration.¹⁴² However, contrary to the former Pacific Plan, the Framework for Pacific Regionalism does not appear to include specific measures for human rights, and does not include the “establishment of a regional ombudsman and human rights mechanisms”.¹⁴³

Additionally, the Smaller Island States (SIS),¹⁴⁴ a collaborative group part of the PIFS works to adapt the Pacific strategy to the microstates that have different needs and capacities than bigger Pacific countries. Even though this group is not directly working on child rights and SECTT, it intends to develop tourism within SIS and the region,¹⁴⁵ and is therefore an important stakeholder to combat SECTT in the region.

In terms of research, the Regional Resource Research Team (RRRT)¹⁴⁶ aims to “provide training, policy advice and technical support to Pacific governments and civil society to enable increased observance of human rights and good governance standards for the benefit of all Pacific peoples”.¹⁴⁷ The RRRT has worked with UNICEF, UNESCAP and ECPAT International on CSEC and CSA,¹⁴⁸ and also provided “training and technical assistance to governments and NGOs in human rights and justice with a gender focus”.¹⁴⁹ However, no specific work on SECTT has been found.

Regarding the civil society in the Pacific Island Countries, faith-based organisations represent a significant part of the pioneers NGOs working on children and women’s rights and welfare in the region. In some islands, NGOs can be effective. In the Cook Islands for instance, the civil society is described as “vibrant”,¹⁵⁰ and has participated in developing a National Plan of Action on CSEC.¹⁵¹ In 2013, ECPAT International expanded its network in the region, adding a new member, the Samoa Victim Support Group (SVSG). SVSG works with victims of domestic violence and sexual abuse, and provides counselling, welfare and medical assistance. The group also administrates a shelter, provided by the Ministry of Works, Transport and Infrastructure, for victims of domestic violence and child sexual abuse.¹⁵² However, SVSG does not work directly on SECTT. Unfortunately, to our knowledge, no local NGO is focusing solely on travel and tourism. Even the SPTO, mandated to represent tourism in the region, has no specific strategy to promote responsible travel or to advocate against SECTT. As a consequence, the research available and the projects developed by local or regional NGOs, regard mainly child rights in general, and at best CSEC and CSA,¹⁵³ but rarely addresses SECTT.

Conclusion

The Pacific region presents an interesting potential in terms of developing cooperation within the region to enhance child rights and combat SECTT. However, stakeholders have not adequately worked together on the regional scale, and local projects do not address SECTT issues. As a consequence, apart from Australian and New Zealand led projects, a consistent prevention and protection approach to SECTT is currently almost non-existent in the Pacific region.

¹³⁸ *Ibid.*

¹³⁹ Pacific Islands Forum Secretariat, “Calendar and Meetings”, accessed July 2015, <http://www.forumsec.org.fj/pages.cfm/newsroom/events/>.

¹⁴⁰ Pacific Islands Forum Secretariat (2014), “Forty-Fifth Pacific Islands Forum. Koror, Republic of Palau. 29-31 July 2014. Forum Communiqué”, Koror: PIFS, 1, accessed July 2015, http://www.forumsec.org/resources/uploads/attachments/documents/2014_Forum_Communique_31Jul2014.pdf.

¹⁴¹ Pacific Islands Forum Secretariat (2013), “Pacific Plan Review 2013. Report to Pacific Leaders”, Suva: PIFS, 144, accessed February 2016, http://www2.kobe-u.ac.jp/~alexroni/TR2014%20readings/2014_10/Review%20Rpt%202013%20Vol%202_final4Feb.pdf.

¹⁴² Pacific Islands Forum Secretariat (2014), “Framework for Pacific Regionalism”, Suva: PIFS, accessed July 2015, http://www.forumsec.org/resources/uploads/embeds/file/Framework%20for%20Pacific%20Regionalism_booklet.pdf.

¹⁴³ PIFS, *The Pacific Plan*, 8.

¹⁴⁴ Pacific Island Forum Secretariat, “Smaller Island States”, accessed July 2015, <http://www.forumsec.org/pages.cfm/strategic-partnerships-coordination/smaller-island-states/>.

¹⁴⁵ Smaller Island States (2014), “Twenty Third Smaller Island States Leaders’ Meeting. Koror, Republic of Palau. 29 July 2014.”, Koror: SIS, accessed July 2015, http://www.forumsec.org/resources/uploads/attachments/documents/2014_SIS_Leaders_Summary_Decisions.pdf

¹⁴⁶ The RRRT is a division of the Secretariat of the Pacific Community (SPC). For more information, see: Secretariat of the Pacific Community (2014), “SPC and its role in the Pacific region. Helping Pacific People Achieve their Development Goals.”, Noumea: SPC, accessed July 2015, <http://www.spc.int/images/publications/en/Corporate/SPC-Role.pdf>.

¹⁴⁷ Secretariat of the Pacific Community, Regional Rights Resource Team, “Mission”, accessed July 2015, <http://www.rrrt.org/about/mission>.

¹⁴⁸ UNICEF, UNESCAP and ECPAT International (2006), *Commercial Sexual Exploitation of Children (CSEC) and Child Sexual Abuse (CSA) in the Pacific: A Regional Report*, Suva: UNICEF Pacific.

¹⁴⁹ AusAID, *Violence against Women*, 27.

¹⁵⁰ ECPAT New Zealand and Punanga Tauturu Inc., *Commercial Sexual Exploitation of Children*, 42.

¹⁵¹ Government of the U.S., Department of Labor (2012), “Findings on the worst forms of child labor. Cook Islands”, Washington D.C.: U.S Department of Labor, 2.

¹⁵² Samoa Victim Support Group Inc., “SVSG Shelter”, accessed July 2015, <http://www.samoavictimsupport.org/svsg-shelter.html>.

¹⁵³ For more information, see ECPAT, *ECPAT Literature Review of the Pacific*, 36-38.

IMPROVEMENTS LEGAL FRAMEWORKS AND IMPLEMENTATION, EXTRA-TERRITORIAL JURISDICTION

It is difficult to provide any comparison of former practices and actual practices in the Pacific region. Because information is difficult to access, assessing improvement of legal frameworks proves to be challenging. The following paragraphs presents the legal frameworks in place at the moment, provided that up-to-date information was accessible.

All Pacific Countries have ratified the CRC; yet the reporting to the Committee on the Rights of the Child is rather irregular for the Pacific island countries, with several 2nd, 3rd and 4th reports overdue.¹⁵⁴ As stated above, three of the PICs (Fiji, Nauru and Solomon Islands) have signed, but not ratified, the OPSC. The ILO Convention prohibiting the worst forms of child labour (No. 182), including “the use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic performances” (Article 3) has been ratified only by Australia, Fiji, Kiribati, New Zealand, Papua New Guinea and Solomon Islands. The UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (Palermo Protocol), forbids sexual exploitation and trafficking in persons, including children. Only seven of the Pacific countries have ratified the Protocol,¹⁵⁵ which is a low number considering the attention given to trafficking in the region for the last decade. The OPSC however, remains the most relevant instrument against SECTT.

Australia

The governing structure of Australia is relatively complex due to the division of its legislative power between one Commonwealth federal government and six state governments. The Australian Criminal Codes are operating the Federal level and the States level, each State having a Criminal or Crime Act on its own. At the federal level, laws will address child sexual offences with an international element, while states’ laws have wider powers for offences committed on their territories.¹⁵⁶ The Australian framework addressing child abuse related issue is quite extensive and relies on a progressive legal structure. This framework was strengthened in April 2010, following the passage of a

number of reforms to Australia’s child sexual exploitation laws. The Division 272 of the Commonwealth Criminal Code Act is entitled “Child sex offences outside Australia”.¹⁵⁷ Amongst other things, the reforms introduced new laws making it an offence for a person to prepare or plan to commit a child sex tourism offence. Hence, “actions covered by this offence include collecting information about the child sex tourism industry in a particular location, making contact with child sex tour operators and booking flights and accommodation.”¹⁵⁸ This means child sex offenders may now be prosecuted and convicted under extra-territorial legislation based on their intent to sexually abuse children even though no children were actually harmed. Australia has also enacted a law that specifically criminalises activities aimed at promoting and advertising the SECTT.¹⁵⁹ Another interesting disposition contained in Australian law is the seven days of notification required for foreign travel by convicted offenders. The AFP can then notify the destination country, which can then monitor the tourist’s activities or even deny him entry.¹⁶⁰

However, and although the new laws are highly encouraging for combating international child sexual exploitation, there is a lack of initiatives regarding domestic sexual exploitation of children.

New Zealand

In New Zealand, offences and their respective penalties are to be found in the Crimes Act of 1961 and its subsequent amendments.¹⁶¹ The Crimes Amendment Act of 2005 introduced extraterritorial legislation, with the section 144A entitled “Sexual conduct with children and young people outside New Zealand.” The section targets New Zealand citizens or anyone ordinarily resident in New Zealand, who committed an offence specified within the Crimes Act or in Section 23(1) of the Prostitution Reform Act 2003, outside of New Zealand with or on a child. Article (5) of section 144A specifies that:

“A person who commits an offence against this section in respect of a provision specified in any of subsections (2) to (4) is liable to the penalty to which he or she would be liable if convicted of an offence against the provision.”

¹⁵⁴ Cook Islands, Kiribati, Marshall Islands, Nauru, Palau, Papua New Guinea, Samoa, Solomon Islands, Tonga and Tuvalu.

¹⁵⁵ Australia, Cook Islands, Kiribati, Marshall Islands, Nauru, New Zealand and Niue.

¹⁵⁶ ECPAT, *Global Monitoring: Australia*, 33.

¹⁵⁷ Government of Australia (1995), “Criminal Code Act 1995”, C2013C00006, division 272, Canberra, last accessed on July 2015: <https://www.comlaw.gov.au/Details/C2013C00006>.

¹⁵⁸ Purtell, Nicholas (2013), “HRC22 Side Event on Child Sex Tourism. Presentation by Australian Deputy Permanent Representative Nicholas Purtell”, 1, accessed May 2015, http://www.ohchr.org/Documents/Issues/Children/Childrenexploitation/NickPurtell-Australian_presentation.pdf.

¹⁵⁹ Rozga, Dorothy (2013), “The History of the World Congresses Against CSEC. Stockholm, Yokohama and Rio: Achievements and Challenges”, in *Sexual Tourism implicating Children: Prevention, Protection, Prohibition and Care for Victims*, Sion: Institut international des Droits de l’Enfant, 86.

¹⁶⁰ “Battling child sex tourism: what we can learn from other countries”, The Star, 18 March 2013, accessed May 2015, http://www.thestar.com/news/world/2013/03/18/battling_child_sex_tourism_what_we_can_learn_from_other_countries.html.

¹⁶¹ Government of New Zealand (1961), “Crimes Act of 1961”, Wellington, accessed June 2015, <http://www.legislation.govt.nz/act/public/1961/0043/latest/versions.aspx>.

Consequently, any sexual crime that would be prosecuted in New Zealand falls under the extraterritorial law if the crime is committed abroad by a citizen or ordinarily resident of New Zealand. The extraterritorial comes in addition to section 144C inserted in 1995, on “organising or promoting child sex tours”. This section criminalises, any travel arrangements or transporting in order to promote child sex tours. The arrangements include the purchase or reservation of tickets for travelling outside of New Zealand or of accommodation in a country outside of New Zealand.¹⁶²

Another interesting set of dispositions were introduced in the Crimes Act in 2005, under Section 131B, “Meeting young person following sexual grooming, etc.” In this section, the notion of “travel” is introduced, whether the travel is made by the offender or by the child under the persuasion of the offender. However, the wording suggests that travel refers to international travel and not domestic travel, with article 131B (1) (b) stating: “At the time of taking the action, he or she intends— (i) to take in respect of the young person an action that, if taken in New Zealand, would be an offence against this Part.”

The same way as in Australia, the law in New Zealand covers international sexual exploitation of children but leaves a gap for domestic sexual exploitation.

Pacific Island Countries

Legal frameworks of Pacific Island Countries remain quite weak in terms of child protection, despite a recent positive engagement in combating trafficking. Protection against the different forms of CSEC remains inadequate, and protection against sexual exploitation of children is almost non-existent. A common critic that can be addressed to the domestic laws of the Pacific island countries is the lack of definition of the infraction.¹⁶⁴ In addition, there are no specific laws on SECTT, and the only protection available for children victims of sexual exploitation in the context of travel and tourism, are the protection against child trafficking, child prostitution, and extra-territorial laws.

Probably thanks to the Australian stimulus, most of the PICs have adopted anti-trafficking related laws, criminalising “the recruitment, transportation, transfer, harbouring or receipt of a person for the purpose of exploitation” (Cook Islands, Fiji, Kiribati, Marshall Islands, Niue, Palau, Tonga and Tuvalu).¹⁶⁵

Regarding laws against exploitation of children in prostitution, prostitution in general is forbidden in half of the Pacific countries (Cook Islands, Fiji, Marshall Islands, Nauru, Niue, Palau and Samoa), however, exploitation of children in prostitution is rarely addressed. The common offences found in the Penal Codes are “living on earnings of prostitution,”¹⁶⁶ or “procurement of sexual intercourse,”¹⁶⁷ or “procurement of unlawful connection.”¹⁶⁸ The only protection specifically for children is the criminalisation of “sexual intercourse or “conduct,”¹⁶⁹ “indecenty” or “indecent assault,”¹⁷⁰ or “sexual assault,”¹⁷¹ on children. However, the age of protection is not consistently 18 years old. Protection under many of these provisions covers minors under 14 or 15,¹⁷² or those under 12,¹⁷³ or under 16.¹⁷⁴

For countries not directly criminalising prostitution (Kiribati, Nauru and Tonga), pimps are targeted with provisions against “managing” or “keeping a brothel” (Kiribati¹⁷⁵ and Tonga¹⁷⁶) and “any person who has unlawful carnal knowledge of a girl under the age of 12” (Nauru¹⁷⁷). Although prostitution is not criminalised, there is an offense of “living on earnings of prostitution,” that targets the pimps, such as in Kiribati (Article 153). In these three countries, there is no specific protection for child victims of prostitution, apart from the criminalisation of “disposing” and “obtaining” minors (Kiribati¹⁷⁸) and of “carnal knowledge” (Tonga¹⁷⁹). Underage boys are protected, together with underage girls in Kiribati and Nauru, as long as they are under the age of 15, while Tonga protects only girls under 12 against “carnal knowledge”.

Three countries have legislation to protect children from exploitation in prostitution, but only Papua New Guinea's

¹⁶² *Ibid.* 144C (2) (a) (i) and (ii).

¹⁶³ *Ibid.* 131B (1) (a).

¹⁶⁴ See for instance the term “unlawful connection” in Government of the Fiji (2009), “Crimes Decree 2009”, sec. 217(1) (a).

¹⁶⁵ ECPAT International (2015), *ECPAT Literature Review of the Pacific: Analysis of CSEC in those countries that have not ratified the OPSC*, Bangkok: ECPAT, 41.

¹⁶⁶ Cook Islands, Crimes Act, sec. 161, and Fiji, Crimes Decree, sec. 230, and Samoa, Crimes Act, art. 74.

¹⁶⁷ Cook Islands, Crimes Act, sec. 162, and Samoa, Crimes Act, art. 75.

¹⁶⁸ Fiji, Crimes Decree, sec. 217(1)(a).

¹⁶⁹ Cook Islands, Crimes Act, sec. 145, 147, and Niue, Niue Act, art. 163-164, and Samoa, Crimes Act, art. 58-59.

¹⁷⁰ Government of the Cook Islands (2003), “Crimes Amendment Act”, no. 6, art. 157A, and Niue, Niue Act, art. 163-164, and Government of Palau (1995), “Palau National Code Annotated”, no. 17, art. 2806.

¹⁷¹ Government of the Marshall Islands (1966), “Criminal Code”, 31 MIRC, Ch.1, MHL-1966-L-74125, art. 152, and Niue, Niue Act, sec. 156, and Samoa, Crimes Act, art. 60.

¹⁷² Niue, Niue Act, art. 164, and Palau, National Code Annotated, art. 2806.

¹⁷³ Cook Islands, Crimes Act, sec. 145, and Samoa, Crimes Act, art. 58.

¹⁷⁴ Marshall Islands, Criminal Code, art. 152.

¹⁷⁵ Government of Kiribati (1965), “Penal Code”, sec. 148.

¹⁷⁶ Government of Tonga (1926), “Criminal Offences Act”, sec. 80.

¹⁷⁷ Government of Nauru (1899), “Criminal Code 1899”, art. 212.

¹⁷⁸ Kiribati, Penal Code, sec. 141-142.

¹⁷⁹ Tonga, Criminal Offences Act, sec. 121.

legislation is in conformity with the OPSC. The Commercial Sexual Exploitation of Children Act was passed in 2002 and inserted into the Criminal Code established provisions to protect children from exploitation in prostitution. Child prostitution is defined as “the provision of any sexual service by a person under the age of 18 years for financial or other reward, favour or compensation, whether paid to the child or some other person”, and the child, defined as a person under 18 years old (Article 229J), cannot be charged for engaging in prostitution.¹⁸⁰ The acts are criminalised under Division 2B of Part IV: “obtaining the services of a child prostitute” (Article 229K), “offering or engaging a child for prostitution” (Article 229L), “facilitating or allowing child prostitution” (Article 229M), “receiving benefits from child prostitution” (Article 229N), and “permitting premises to be used for child prostitution” (Article 229O).

In the Solomon Islands, procurement of a girl under 18 years old is forbidden (Penal Code, Article 144), as well as disposing of minors under 15 years old (Penal Code, Article 149 (1)), or obtaining minors under 15 years old (Penal Code, Article 150(1)) to be used for the purpose of prostitution. The Penal Code also contains dispositions against “living on earnings of prostitution or aiding prostitution” (Article 153) and brothels (Article 155). Tuvalu has the weakest protection of the three countries, as it only protects minors under 15 against disposing and obtaining for immoral purposes, including prostitution (Penal Code, Article 141 and 142).

Conclusion

The legal frameworks developed by Australia and New Zealand have been encouraging in terms of combating SECTT. However, they do not include yet sufficient safeguards against domestic SECTT. As for the legal frameworks of the Pacific island countries, it remains extremely weak and do not provide sufficient protection of children against sexual exploitation in general. Although most of the Pacific region has now criminalised trafficking of children for sexual purposes,¹⁸¹ there is no law targeting travellers and tourists arriving with the intention of having sexual interactions with children, nor are there dispositions against Pacific citizens travelling abroad to sexually abuse children.

PREVENTION

Australia has adopted significant roles in the international community. Most notably is the country’s involvement in the ASEAN Regional Taskforce to Prevent Child-Sex Tourism (created by Child Wise). Members of this body, including representatives from the ten ASEAN countries, meet annually to share developments and current practices as well as to formulate regional strategies for combating child sex tourism. Australia made particularly significant contributions to the ASEAN Regional Public Education Campaign. Launched in 2005, this initiative was jointly carried out between ASEAN governments under the coordination of Child Wise. The objectives of the campaign were to mobilise responsible travellers and local citizens to report suspicious behaviour, deter child sex offenders and create a culture of intolerance to child sexual abuse. In June 2008, the Australian government made a funding commitment toward the region-wide rollout of Phase II of the ASEAN Regional Education Campaign.¹⁸²

REPORTING AND REFERRING

Awareness raising campaigns and hotlines have been developed in both Australia and New Zealand. In Australia, brochures explaining trafficking and child sex crime laws were distributed with all passport issuances.¹⁸³ Australian laws also include a mandatory reporting, in all states except New South Wales, of cases where there is suspicion of a child being sexually abused.¹⁸⁴ There are different hotline numbers for children in Australia, but Australia’s National Child Abuse Prevention Helpline, established by Child Wise, is the only hotline targeting CSEC issues. According to Child Wise, “callers have reported incidences of child pornography and travelling child sex offenders, as well as sought advice on childsafe travel facilities.”¹⁸⁵ In New Zealand, ECPAT Child Alert set up a platform for an online reporting of different manifestations of online child exploitation.¹⁸⁶ The NGO also provides through its website, international hotline numbers¹⁸⁷ and Tips for Travellers¹⁸⁸ via its websites.

¹⁸⁰ Luluaki, John Y., “Sexual Crimes Against and Exploitation of Children”.

¹⁸¹ ECPAT, *ECPAT Literature Review of the Pacific*, 41.

¹⁸² ECPAT, *Global Monitoring: Australia*, 16.

¹⁸³ *Ibid.* 23.

¹⁸⁴ *Ibid.* 34.

¹⁸⁵ *Ibid.* 45-46.

¹⁸⁶ ECPAT Child Alert, “Make a Report”, accessed June 2015, <http://www.ecpat.org.nz/Make-a-Report/Report-Child-Sex/Make-a-report.aspx>.

¹⁸⁷ ECPAT Child Alert, “International Hotline Numbers”, accessed June 2015, <http://www.ecpat.org.nz/Make-a-Report/Report-Child-Sex/Hotline-numbers.aspx>.

¹⁸⁸ ECPAT Child Alert, “Tips for Travellers”, accessed June 2015, <http://www.ecpat.org.nz/Make-a-Report/Report-Child-Sex/Tips-for-travellers.aspx>.

However, there is very little information regarding the hotlines for the reporting child sexual abuse in the Pacific island countries. The first child helpline opened in Fiji in April 2015, and has been set for children to report any type of abuse.¹⁸⁹ In the Federated States of Micronesia, there is an obligation of reporting of suspected cases of abuse for hospitals and schools.¹⁹⁰ In Nauru, because of its specific status with Australia and the presence of offshore detention centres for migrants who attempted to reach Australia illegally, rules on reporting are not in conformity with international laws. In July 2015, the Australian government passed the Border Force Protection Act,¹⁹¹ making it illegal to reveal anything happening in offshore detention centres, which unfortunately covers child sexual abuse. This is particularly worrying, considering cases of sexual abuses against children were revealed.¹⁹²

ALTERNATIVE AND NEW WAYS

Through close collaboration with states, territories and the NGOs, the Australian federal government recently led the development of a national child protection framework titled 'Protecting Children is Everyone's Business: National Framework for Protecting Australia's Children 2009-2020'. This plan presented a new approach, recognising that the protection of children is not simply a matter for statutory child protection services, but that protecting children is a shared responsibility within families and across communities, professions, services and government. The plan identified risk factors for child abuse and neglect and outlines six supporting outcomes through which progress will be measured. Most notably, a section of the national framework is dedicated to the prevention of child sexual abuse and exploitation and improvement of sexual abuse victim support services. Measures to be implemented by all states and territories in this area within the first three years include cyber-safety initiatives, interventions for young people who exhibit sexually abusive behaviour, strategies for addressing child sexual assault in indigenous communities and the enhancement of detection, investigation and prosecution of online sexual exploitation.¹⁹³

CORPORATE RESPONSE: CORPORATE SOCIAL RESPONSIBILITY

Australia

In 2009, the AFP's National Marketing and Communications team forged a partnership with Qantas for the placement of print advertisements in the airline's in-flight magazine. The ads, which appeared for six months, targeted Australian travellers unaware of child sex tourism, as well as potential travelling sex offenders, in an attempt to prevent them from engaging in, facilitating or benefitting from the sexual exploitation of children while overseas.¹⁹⁴

New Zealand

The Government of New Zealand participates in several tourism organisations such as the Pacific Asia Travel Association, International Air Transport Association, and World Tourism Organization, all of which have stated a need for corporate responsibility for child sex tourism. The Ministry of Justice has also discussed specified education campaigns for tourism schools and associations that would help clarify the relationship between child prostitution and tourism, as well as the actions that may be taken against this type of exploitation. At this time, however, no notable progress has been made.¹⁹⁵

Investigations into child sex tourism can take time and involve multiple layers of inter-agency coordination, particularly when carried out abroad. This necessitates collaboration with other countries, such as Thailand, the Philippines, and Fiji, as well as domestic operators, such as travel agencies.

A 2008 study from University of Otago examined the willingness of travel agents in New Zealand to interfere in the travel plans of customers who appeared to be travelling with the intent of committing human rights abuses abroad, or visiting countries with a reputation of grave human rights violations.¹⁹⁶ Interviews showed that travel agents were reluctant to restrict the purchase of travel tickets unless there were potential safety concerns

¹⁸⁹ Vukailagi, Dreu, "Fiji's National Child Helpline for abused children launched", *FijiOne.tv*, 16 April 2015, accessed June 2015, <http://fijione.tv/fjii-national-child-helpline-for-abused-children-launched/>.

¹⁹⁰ UNICEF (2014), "Protect Me with Love and Care- A Summary of Key Findings: Federated States of Micronesia Child Protection Baseline Report", Suva: UNICEF Pacific, accessed June 2015, http://www.unicef.org/pacificislands/FSM_2014_Summary_Baseline_Report.pdf.

¹⁹¹ Parliament of Australia, "Australian Border Force Bill 2015", accessed July 2015, http://www.aph.gov.au/Parliamentary_Business/Bills_Legislation/Bills_Search_Results/Result?bld=r5408.

¹⁹² Om, Jason, "Immigration Department aware of sexual abuse allegations against children for 17 months but failed to act, say former Nauru workers", *ABC News*, last updated 7 April 2015, accessed July 2015, <http://www.abc.net.au/news/2015-04-07/nauru-letter-of-concern-demands-royal-commission/6374680>.

¹⁹³ ECPAT, *Global Monitoring: Australia*, 16.

¹⁹⁴ *Ibid.* 26.

¹⁹⁵ ECPAT, *Global Monitoring: New Zealand*, 21.

¹⁹⁶ Lovelock, Brent, "Ethical Travel Decisions".

associated with the destination. As one agent stated, she felt her client had the right to purchase an airline ticket, irrespective of her suspicions that the client was travelling to Thailand to seek out sex with a minor. Another travel agent agreed, stating her suspicions about the intentions of the client did not prevent her from selling the ticket, although she let her fears regarding the client be known to ECPAT Child ALERT. This is one of the few instances of ethical action taken by a New Zealand travel agent, and shows the potential role travel agents can play in combating child sex tourism. The study also underlines the unavoidable fact that travel agencies work in a highly competitive business environment, which ultimately impacts the moral compass of employees and their decision to offer the client the means to travel. As one travel agent in the study said: “If I don’t sell them the fare, they can go to any of the other 20 agencies within five minutes walk of here.”¹⁹⁷

THE CODE

The Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism (The Code) is an internationally recognised multi-stakeholder initiative led by the tourism industry to promote child protection through responsible tourism. Tourism companies that sign The Code agree to establish ethical policies against child sexual exploitation, train personnel in countries of origin and travel destinations, supply information to travellers and local key personnel at destinations, and provide annual progress reports. ECPAT New Zealand became The Code representatives in New Zealand and Fiji and subsequently carried out trainings for SECTT through the ACCOR chain of hotels. More recently, Child Wise became the ‘Local Code Representative’ in Australia. In this role, both agencies vow to promote responsible tourism and child protection through the travel and tourism industry.¹⁹⁸

CONCLUSION

The response to SECTT in the Pacific is only moderately satisfactory. In general, the answers provided by Australia and New Zealand are similar, while the Pacific island countries struggle to address the phenomenon. In terms of cooperation between the different stakeholders, although there is room for further progress even in Australia and New Zealand, the actions already undertaken at the regional level by Australia could have benefits in the Pacific island countries, especially for measures linked to human trafficking. All in all, the effort required for an efficient network of cooperation within the Pacific region to end sexual exploitation of children remains huge.

In terms of legal response, there is an urgent need for the Pacific island countries to adapt their laws to combat SECTT, and to adopt extraterritorial and extradition laws. At the time of writing this report, accessing laws of the Pacific island countries remains a challenge, with data on law implementation almost non-existent. When adopting new laws, these countries will have to provide adapted implementation plans in order to guarantee law enforcement against SECTT. Australia and New Zealand present better legal frameworks, but there remains room for improvement, particularly regarding domestic sexual exploitation of children.

Ultimately, prevention has proved to be disappointing even in Australia and New Zealand, where it is felt more could be done regarding cooperation with the private sector.

¹⁹⁷ *Ibid.*

¹⁹⁸ ECPAT, *Global Monitoring: Australia*, 27.

CHAPTER 6

CONCLUSION AND RECOMMENDATIONS

This research aimed to evaluate the current situation of SECTT in the Pacific region, and to present the current responses.

The research faced several challenges, including a lack of data regarding SECTT in almost all topics, and a recurring difficulty in separating information on SECTT from information on CSEC. In addition, while the region must be treated at the regional level, the obvious unbalance between Australia and New Zealand on the one hand, and the Pacific island countries on the other, makes the analysis of data more complicated and drawing conclusions at the regional level all the more challenging. Even though data is lacking throughout the region, increase of travel and tourism, as well as other economic factors, justify the need for more attention to be drawn on the region to monitor SECTT.

It is clear that the major progress in combating SECTT have been made by Australia and New Zealand, while the Pacific island countries still have difficulties in monitoring tourism and travels to and within their territories. However, Australia and New Zealand have the opportunity of serving as models for these countries to develop similar responses to address SECTT.

This means the remaining challenges for the region revolve around stronger cooperation at the regional and local levels, between the Pacific island countries themselves, and with Australia and New Zealand. International stakeholders should also focus their attention on the region, instead of the spotlight only seeming to fall on the Southeast. There is a need for more primary data in the entire region, including in Australia and New Zealand; and data should focus more on SECTT rather than broadly on child abuses. One of the most challenging parts in working the Pacific region will remain its difficult access, and stakeholders have to take this factor into account, in terms of costs and time spend for studies and programs undertaken in the region.

Ultimately, this report provides specific recommendations for relevant stakeholders.

RECOMMENDATIONS TO GOVERNMENTS

Recommendation 1: To ratify and implement all international child rights instruments

The Cook Islands, Fiji, Kiribati, the Marshall Islands, Nauru, Niue, Palau, Papua New Guinea (PNG), Samoa, the Solomon Islands, Tonga and Tuvalu should adopt the OPSC, and other relevant instruments as an essential first step in ending SECTT.

Recommendation 2: To initiate and develop cooperation between stakeholders in the region

Cooperation with the UN and CSOs need to be developed in order to promote and facilitate the different responses to combat SECTT. Cooperation should include the private sector.

Recommendation 3: To address the lack of available data on SECTT within the region

SECTT should be specifically identified and evaluated within the region, and separately from other regions (especially from Asia). Primary research must be conducted through the region to assess the occurrence of SECTT.

Recommendation 4: To address the gaps in the current legal frameworks

Based on the evaluation of SECTT for the region, protection measures should be adopted through comprehensive laws and policies.

Recommendation 5: To intensify efforts in terms of prevention and awareness-raising

Prevention programme should be carried out, particularly in the Pacific island countries.

RECOMMENDATIONS TO THE UN AND CSOs

Recommendation 6: To participate in research on SECTT in the region

The relevant UN agencies and CSOs should join efforts to conduct qualitative and quantitative research on child protection, in order to have a better knowledge of the threats that exist against children in the Pacific in regards to travel and tourism.

Recommendation 7: To provide critical knowledge on SECTT to research in the region in order to support the development of comprehensive programmes

The research and programmes needs to be more comprehensive, with a specific focus on SECTT. More research is necessary regarding the types of perpetrators involved in the Pacific region, particularly perpetrators that are family members and persons with authority.

Recommendation 8: To address the lack of knowledge regarding stakeholders in the region

A mapping of different organisations working on child rights in the region should be carried out, along with recommendations on how these organisations can collaborate on advocacy for improved child rights, especially those related to SECTT.

Recommendation 9: To develop cooperation among agencies working in the region

ECPAT International should work to develop partnerships with other agencies active in the region, such as UNESCAP and UNICEF, as well as the private sector. Partnerships with such agencies will help to develop stronger, more accurate research for the region, in which SECTT can be included.

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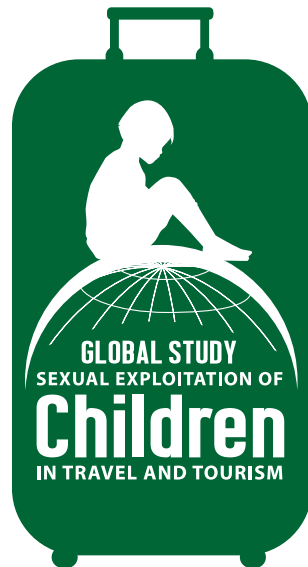
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