

**EUROPEAN ECONOMIC AREA**  
**STANDING COMMITTEE**  
**OF THE EFTA STATES**

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**WORKING GROUP ON TOURISM**

**Comments by the EFTA Working Group on a Communication from the  
Commission on combating child sex tourism**

**I INTRODUCTION**

1. The Commission adopted on 27 November 1996 a Communication on combating child sex tourism, COM(96)547. The Communication incorporates the conclusions of the Stockholm Congress against commercial sexual exploitation of children that took place in August 1996, particularly the various references made to sex tourism and the tourism sector in the Stockholm Agenda for Action. The purpose of the Communication is to contribute to the European Union's efforts to fight against this deplorable phenomenon and to give concrete responses on how to combat sex tourism involving children. The Communication is part of a series of measures currently being carried out, such as the Communication on harmful and illegal content on the internet<sup>1</sup>, the Green Paper on the protection of minors and human dignity in audio-visual and information services<sup>2</sup> as well as the Communication on trafficking in women for the purpose of sexual exploitation<sup>3</sup>.

2. Part VI, Articles 78 to 80, of the EEA Agreement provides for EFTA EU co-operation outside the four freedoms, including the area of tourism. EFTA EU co-operation in tourism is also referred to in Article 8 of Protocol 31 to the EEA Agreement aiming "at identifying areas and actions where closer co-operation could contribute to the promotion of tourism and to the improvement of the general conditions of the tourism industry in the territories of the Contracting Parties". The aforementioned Article was amended by EEA Joint Committee Decision 8/94 of 7 June 1994 which incorporates Council Decision 92/421/EEC of 13 July 1992 on establishing a Community action plan to assist tourism 1993 to 1995 into the Agreement.

3. Since 1 January 1994, the EFTA EEA countries have fully participated in the Community action plan to assist tourism. To this end, various applications for projects

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<sup>1</sup> COM(96)487 final, of 16.10.1996

<sup>2</sup> COM(96)483 final, of 16.10.1996

<sup>3</sup> COM(96)567 final, of 20.11.1996

were forwarded from EFTA EEA States under the call for proposals issued in the framework of the action plan. Representatives from the EFTA EEA States took part in all the meetings of the Management Committee, the Advisory Committee and the Consultation Forum with certain representatives from the tourism industry which took place in the framework of the action plan. The EFTA EEA countries, moreover, attended the Forum on European Tourism held on 8 December 1995 in Brussels. The Forum was the culmination of the Commission's consultation process on its Green Paper (COM(95)97), concerning the future role of the Community in the field of tourism which was launched in April 1995. EFTA EEA comments on the Green Paper were forwarded to the Commission in summer 1995.

4. Through participation in the Community action plan, EFTA EEA States have contributed to the EU budget for tourism in the years 1994 and 1995. EFTA budget contributions continued through 1996 and 1997 despite the fact that the PHILOXENIA programme was not adopted by the Council. The EFTA EEA countries, furthermore, nominated a national expert to the Tourism Unit of DG XXIII in November 1995. The secondment of an additional EFTA EEA auxiliary staff member to DG XXIII is currently under way.

5. Furthermore, representatives from EFTA EEA countries attended the European Tourism Week organised by the Italian Presidency which took place in Naples and Caserta, Italy, from 7 to 11 May 1996. The main purpose of the conference was to continue the discussion on the future role of the Community in the field of tourism in the light of the PHILOXENIA proposal, the First Multiannual Programme to assist European Tourism, which was adopted by the Commission on 30 April 1996.

6. Finally, comments by the EFTA Working Group on Tourism on a proposal for a Council Decision on the First Multiannual Programme to Assist European Tourism (1997 - 2000), PHILOXENIA, were submitted to the relevant Commission services on 11 July 1996. The EFTA EEA States in their statement welcome the PHILOXENIA proposal as a good basis to improve the competitiveness and quality of the European tourism sector as well as transnational co-operation between stakeholders. The Group in this context should like to underline that it also welcomes the proposed European Parliament amendment to include specific actions to fight sex tourism in the programme.

7. The EFTA EEA representatives to the Advisory Committee on Tourism were invited by the Commission to forward national comments on the Communication on combating child sex tourism in December 1996 and some EFTA EEA countries, subsequently, submitted views on the matter to the relevant Commission services.

## II CHALLENGES OF FIGHTING CHILD SEX TOURISM

8. The EFTA Working Group on Tourism so far draws a very positive conclusion of EFTA EU co-operation in the field of tourism under the EEA Agreement and welcomes the Communication as an essential initiative to launch a Community wide debate on the deplorable phenomenon of sex tourism involving children. The Group notes with great interest the interdisciplinary approach chosen by the Commission in order to address the problem. The Group, furthermore, is pleased to see that the findings of the Stockholm Congress against commercial sexual exploitation of children of August 1996, at which representatives from most EFTA Member States participated, have duly been taken into account when drafting the Communication. The Group is convinced that the “Agenda for Action against Commercial Sexual Exploitation of Children” adopted at the Stockholm Conference is a good and appropriate basis to continue work in this field. Against this background, and in the spirit of the information and consultation procedure provided for in Article 99 of the EEA Agreement, the EFTA Working Group on Tourism is pleased to forward these first comments on the Communication from the Commission on combating child sex tourism. The Group will closely follow the further debate on the Communication and looks forward to a continuing and fruitful dialogue on the matter.

9. The EFTA Working Group on Tourism would like to express its deep concern about the ever growing problem of sex tourism involving children. In this context the Group would like to express that this issue should not only be considered as a problem of the tourist destination concerned, but also of the country of origin of the tourists involved. Tourist destinations known for being involved in child sex tourism are the competitors of the European destinations on the world market and it is, therefore, in the very interest of the EU and EFTA States to bring this illegal practise to an end. The Group is of the opinion that **tourism should follow the principles of human rights and fair competition**. The Group is pleased to see that relevant measures are currently under discussion or being implemented in the EFTA countries.

10. Bearing in mind that tourism is just one of a series of the sectors concerned in the context of commercial sexual exploitation of children the EFTA Working Group on Tourism would like to emphasise that in its view the **contribution of the tourism sector** to fight this problem, nevertheless, is crucial. It, therefore, highly welcomes and encourages all initiatives from companies in the tourist sector as well as their national, regional and/or international associations and other relevant bodies aimed at combating this deplorable phenomenon. It might be worth noting, in this context, that relevant measures have been taken by companies in the tourist sector in EFTA countries at both national and European levels. Furthermore, the Group would like to draw the attention to the fact that the tourism sector is the largest employer world-wide, accounting for more than 200 million jobs, and that its employees, therefore, have both a unique position and capacity to play a key role in the fight against child sex tourism, given that the necessary resources are made available.

11. Parallel to the efforts of the tourism sector in fighting the problem the EFTA Working Group on Tourism would like to point out the importance of **international organisations strengthen and further co-ordinate action** in fighting this problem. Due to the transnational nature of the phenomenon and its consequences, the Group is convinced that important contributions in combating this affliction can be made through the various relevant fora, in particular the World Tourism Organisation (OMT), the Council of Europe, the United Nations and its Specialised Agencies, the International Labour Office (ILO), the World Bank / International Monetary Fund (IMF) and INTERPOL. The Group, however, would also like to underline that in order for such measures to be effective a high degree of co-ordination and integration between the actions of the various organisations is needed and that duplication of work should be avoided. The Group, therefore, strongly recommends the establishment of joint task forces in order to explore and define areas of joint actions and programmes. The Group, in this context, should like to draw the attention to the fact that EFTA countries are active members in many of the aforementioned bodies and have been involved in various ways to ensure co-ordinated and effective action in the fight against sex tourism.

12. In this framework the EFTA Working Group on Tourism would also like to point out the **importance of the role of governments, be it at national, regional or/and local level in both the home and the host countries of tourists** in the fight against commercial sexual exploitation of children. Despite the increasingly international nature of the phenomenon, a major part of the problem still takes place on the national and regional/local scenes and, thus, makes legislative measures at these levels particularly relevant. The Group would, therefore, like to underline that a variety of legislative measures should be considered in the following areas: pornography, offences involving children, reporting of offences, extra-territorial application of laws, trafficking and/or sale of children, specific sex tourism legislation as well as procedures and the child witness. The EFTA Working Group on Tourism believes that legislation and procedural measures are not enough in themselves to protect children against commercial sexual exploitation, as laws must also be enforced. The Group, in this context, welcomes the on-going efforts of government authorities in the EFTA States to upgrade and improve the relevant legislative framework in this respect. Furthermore, the Group is pleased to see that in some EFTA States national plans to fight sex tourism involving children are being worked out in line with the recommendation of the Stockholm Conference.

13. The EFTA Working Group on Tourism, furthermore, would like to emphasise in this context that the effectiveness of legislative measures will not only depend on the resources made available to the relevant services but even more so on the **value that a society places on its children**. If a society does not place a high value on its children in general and demand that the laws are enforced in their interests, then, government officials will not be effective in carrying out their work. The Group, therefore, strongly recommends that possible measures to fight commercial sexual exploitation of children also aim at strengthening the position of children within the society and **that children and teenagers are involved in the relevant decision-making process in an appropriate manner**. To this end, the Group would like to encourage the appointment in each State of an ombudsman for children, or an institution or body fulfilling similar

functions, with a responsibility not only to receive and deal with complaints from children, but also to advise governments on problems affecting children. It might be worth mentioning that ombudsmen for children affairs have been already been appointed in some of the EFTA Member countries.

14. With regard to the principle of **subsidiarity**, the EFTA Working Group on Tourism is pleased to see that it will guide the actions of the Community on combating child sex tourism. It is, however, true that the Single Market with its free movement of persons, goods and services makes it relevant to take the European dimension into account when formulating measures to fight against this affliction. At European level emphasis should be placed on research, information gathering and exchange, encouraging codes of conduct for the tourism sector, improving the relevant education, carrying out awareness raising campaigns for the general public as well as the sectors of society concerned with child sex tourism and encouraging harmonisation of legislative measures in this respect.

15. Considering the **variety of actors of society involved in the problem of commercial sexual exploitation of children** in both the home and the host country of the tourists concerned, the EFTA Working Group on Tourism welcomes the interdisciplinary approach chosen by the Commission. The Group, in this context, would like to underline that the issue of child sex tourism is a problem of the entire society and only integrated action plans involving all relevant sectors of the society, such as the tourism sector, governments as well as regional and/or local authorities, international organisations, civil society including non governmental organisations (NGOs) and aiming at strengthening the position of children in society, will ensure effective implementation of measures against this affliction. It might be worth mentioning that such integrated action plans are currently being elaborated in some of the EFTA countries and that they would be happy to share their relevant expertise and knowledge on the matter with other interested parties.

16. The discussions following the Stockholm Congress against commercial sexual exploitation of children have shown that there is an **enormous lack of information** as to the phenomenon of sex tourism as such, the identity, motivation and behaviour of the sex tourist as well as efficient preventive and legal measures. The EFTA Working Group on Tourism, therefore, highly welcomes the relevant efforts encouraged in the Communication to better understand the problem. In this context the Group would like to highlight the importance of carrying out focused research and information gathering throughout all sectors of society involved in and/or concerned with commercial sexual exploitation of children. The Group, therefore, is pleased to see that efforts in this respect are currently being carried out in some of the EFTA Member countries and would be happy to share the relevant information with other interested parties.

17. Parallel to the abovementioned efforts the EFTA Working Group on Tourism would like to point out the **crucial role of education** in the fight against commercial sexual exploitation of children. In the view of the Group the educational system is one of the society's main instruments to equip children with adequate and appropriate skills and knowledge to fulfil their potential and meet life's responsibilities. The Group in this

context would like to underline the importance of a combined approach of formal and informal education including improved access for children to primary and secondary schooling in general, efforts to narrow the gender gap with regard to education both in quantitative and qualitative terms, involvement of the community and reaching the children currently engaged in the sex industry. Furthermore, the Group would like to highlight the necessity of educating the relevant adults, such as tourists, families, teachers, employees in the tourism, health and social sectors as well as government officials, about their responsibility regarding their own contributing attitudes and behaviours towards the developing child. Finally, special efforts should be undertaken to educate the general public, primarily through the media, in order to prevent as well as help the process of recovery and reintegration of children endangered by commercial sexual exploitation. It might be worth mentioning that EFTA States traditionally place great importance on educational issues and that, therefore, actions from EFTA countries to fight child sex tourism include considerable efforts to improve the relevant education.

18. Finally, the EFTA Working Group on Tourism would like to stress that given the vulnerability of children it is **the prostitution users (the child exploiters) who must become the focus of policing and not the prostituted children.**

### III ACTIONS PROPOSED IN THE COMMUNICATION

19. The Communication on combating child sex tourism outlines a series of complex circumstances that make fighting against the commercial sexual exploitation of children particularly difficult, such issues include the rapid increase of child prostitution world-wide, the absence of geographic, social or cultural boundaries, the highly organised structure and extreme profitability of the “business”, the vulnerability of children as well as the low risk of prosecution and punishment. It, furthermore, points out the increased public awareness with regard to the seriousness and extent of the problem. The EFTA Working Group on Tourism fully adheres to these views and agrees that immediate and co-ordinated action is needed in order to stop this violence against children that amounts to forced labour and a contemporary form of slavery. The Group, in this context would like to draw the attention to the major public concern the issue of commercial sexual exploitation of children raises in the EFTA Member States and is pleased to see that great importance is placed on this matter at the political level.

20. **Dissuasion and penalisation of individuals sexually exploiting children** is suggested to be addressed through three main actions: Member States are encouraged to give national courts the possibility of extra-territorial jurisdiction for offences and crimes committed against children abroad, even where the presumed offence or crime is not provided for under the laws of the country in which it is committed. In parallel, a second action consists of the collection of data and the exchange of information, other than that of legal nature, in order to contribute to a better understanding of this phenomenon and a successful fight against it. Furthermore, national tourist authorities are encouraged to take preventive measures against sex tourism involving children, particularly as regards information to travellers. The Commission proposes the Advisory

Committee in the field of tourism<sup>4</sup> and the consultation meetings with the tourism industry<sup>5</sup> as the adequate tools for carrying out the task to be undertaken in this area. Furthermore, the Commission suggests that the work in this field be co-ordinated with the activities of the World Tourism Organisation (OMT) which is currently looking into the possibility of setting up a task force on sex tourism. The EFTA Working Group on Tourism highly welcomes the proposed Commission initiatives in this field, as appropriate instruments to fight commercial sexual exploitation of children. The Group should like to point out that in most EFTA Member countries extra-territorial jurisdiction for offences and crimes against children is either already in force or under discussion. Furthermore, the Group would like to stress that it is very important to ensure that offences and crimes committed abroad are in no case punished less severely than if they were committed in the home country of the offender. As regards encouragement of national tourist authorities to take preventive action against child sex tourism, the Group is pleased to see that such initiatives are under way in some of the EFTA States.

21. The second line of action proposed consists of **discouraging the demand for sex tourism involving children**. Three main areas are outlined in this section of the Communication. Given the fact that the vast majority of tourists who sexually exploit children come from industrialised countries the organisation and greater co-ordination at European level of information campaigns are major means to sensibilise the public and discourage this kind of tourism. The Commission, in this context, suggests to use its information distribution system to support such a campaign. Secondly, the Commission proposes to improve education and training of employees in the tourism sector as regards guiding principles in fighting commercial sexual exploitation of children. Thirdly, the Commission intends to encourage the drawing up and enforcement of codes of conduct and self-regulatory mechanisms in the tourist sector with a view to fighting the practise of sex tourism involving children. The Commission, again, suggests the Advisory Committee in the field of tourism and the consultation meetings with the tourism industry as the appropriate networks to carry out most of the work proposed under this action. The EFTA Working Group on Tourism highly welcomes the three actions outlined under this section of the Communication. Given the importance the EFTA countries place on this issue the Group would very much appreciate if the EFTA States could be associated to possible information campaigns carried out at European level. Concerning the suggestion of including relevant education and training modules under the LEONARDO and SOCRATES Programmes, the Group would like to underline, as stated before, that in its view education is a crucial instrument to fight against child sex tourism. Finally, the Group is pleased to see that in all EFTA States codes of conduct for the tourism sector with regard to combating sex tourism do exist and that touroperators of some EFTA countries have signed up to relevant regional and international declarations.

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<sup>4</sup> The EFTA EEA countries are observers to the Advisory Committee in the field of tourism

<sup>5</sup> The EFTA EEA States participate in the consultation meetings between the Commission and representatives from the tourism industry

22. As a third area of initiatives the Communication points out **action against the availability of child sex tourism**. In the Commission's view, particular attention should be drawn to rationalising methods for action and co-ordinating Community resources available for the protection of children who are victims of sex tourism. Moreover, the Communication underlines the fact that respect of democratic principles and human rights constitute an essential element in the contractual relations between the Community and third countries. The Group, in this context, would like to stress the fact that the EFTA Member States place equally a great importance on the respect of democratic principles and human rights in their relations with third countries.

23. The Commission intends to produce, within two years of the adoption of this Communication, a report on the implementation of the measures planned and the progress made fighting sex tourism involving children. This report will be submitted to the European Parliament, the Council, the Economic and Social Committee and the Committee of the Regions. In this context the EFTA Working Group on Tourism would be extremely pleased if relevant information from the EFTA Member States could be included in this report and would be happy to undertake the gathering of such data.

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