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Promotion and protection of the rights of children

Sale, sexual exploitation and sexual abuse of children

Note by the Secretary-General

The Secretary-General has the honour to transmit the report of the Special Rapporteur of the Human Rights Council on the sale, sexual exploitation and sexual abuse of children, submitted in accordance with General Assembly resolution [76/147](#).

* [A/78/150](#).



Report of the Special Rapporteur on the sale, sexual exploitation and sexual abuse of children, Mama Fatima Singhateh

Summary

In the present report, submitted pursuant to General Assembly resolution [76/147](#), the Special Rapporteur on the sale, sexual exploitation and sexual abuse of children describes the activities undertaken in relation to the discharge of her mandate since her previous report to the Assembly ([A/77/140](#)). She also presents a thematic study on the exploitation and sexual abuse of children in the context of travel and tourism, including a closer look at the phenomena of voluntourism.

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I. Introduction

1. The present report, submitted pursuant to General Assembly resolution [76/147](#), contains information on the activities undertaken by the Special Rapporteur on the sale, sexual exploitation and sexual abuse of children from January 2023 to August 2023.
2. The report includes a thematic study on the exploitation and sexual abuse of children in the context of travel and tourism, with a focus on a closer look at the phenomena of voluntourism.
3. The thematic study is the product of contributions from States, national human rights institutions, civil society organizations, United Nations entities, academia, international and regional organizations, corporate entities, individuals and other stakeholders.¹
4. The report also encompasses a review of the literature on the topic, as well as the outcome of meetings held with some stakeholders. The Special Rapporteur wishes to thank all of the stakeholders for their contributions and welcomes the engagement demonstrated through the exercise.

II. Activities carried out by the Special Rapporteur

A. Conferences and engagement with stakeholders

5. Information on the activities carried out in this area by the Special Rapporteur in 2022 can be found in her annual report to the Human Rights Council ([A/HRC/52/31](#)), submitted to the Council at its fifty-second session.
6. On 19 January 2023, the Special Rapporteur on the sale and sexual exploitation of children, including child prostitution, child pornography and other child sexual abuse material, participated in an online event hosted by ECPAT International entitled “Disrupting harm: conversation with young survivors about online child sexual exploitation and abuse”. She presented opening remarks on the importance of child participation.
7. On 1 February 2023, the Special Rapporteur addressed the 37th meeting of the Committee of the Parties to the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (Lanzarote Committee) and presented a summary of her report entitled “A practical approach to addressing the sale and sexual exploitation of children” ([A/HRC/49/51](#)) and a checklist for use by States and other stakeholders as a concrete and user-friendly tool in their work.
8. On 22 February, during a virtual meeting of the Advisory Board of the Artificial Intelligence for Safer Children initiative, the Special Rapporteur was invited to serve on the Advisory Board. At the meeting, she delivered a presentation on her work and the issues addressed under her mandate.
9. On 8 March 2023, the Special Rapporteur presented her annual report to the Human Rights Council ([A/HRC/52/31](#)) at its fifty-second session, focusing on reparation for child victims and survivors of sale and sexual exploitation.

¹ See www.ohchr.org/en/calls-for-input/2023/call-input-addressing-exploitation-and-sexual-abuse-children-context-travel.

10. On 10 March 2023, the Special Rapporteur organized and moderated a side event at the fifty-second session of the Human Rights Council on reparation for child victims and survivors of sale and sexual exploitation.

11. On 14 March 2023, the Special Rapporteur was invited by the Edinburgh Law School of the University of Edinburgh to deliver the Ruth Adler Human Rights Lecture on the importance of child participation. On 15 March, she spoke at the official launch of Childlight – Global Child Safety Institute.

12. On 20 March 2023, the Special Rapporteur spoke at a side event of the Human Rights Council on “Family and child rights protection in the digital environment”, organized by the Permanent Mission of Qatar to the United Nations Office at Geneva and other international organizations in Switzerland, where she highlighted the importance of child-centred approaches to keeping children safe in the digital environment.

13. On 31 May 2023, at a special working session on access to justice, organized by ECPAT International, the Special Rapporteur presented a paper on the challenges involved and how access to justice is regulated under the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography.

B. Country visits

14. The Special Rapporteur visited Uruguay at the invitation of the Government from 16 to 26 May 2023. She conducted a country visit to the Philippines from 28 November to 8 December 2022. The Special Rapporteur thanks both Governments for their cooperation before, during and after the visits.

15. The Government of Australia has agreed to a visit by the Special Rapporteur from 30 October to 10 November 2023. The Special Rapporteur is grateful for the acceptance of her request and looks forward to a constructive dialogue in preparation for the mission.

III. Thematic study on the exploitation and sexual abuse of children in the context of travel and tourism; a closer look at the phenomena of voluntourism

A. Prevalence, characteristics and adverse effects of voluntourism

16. Global travel and tourism, which have more than doubled in the past 30 years, are a crucial contributor of foreign exchange earnings and job creation for many countries. Over the past 30 years, the global travel and tourism industry has undergone substantial growth, having more than doubled in size. The voluntourism sector, which is valued at \$2 billion and has been gaining increasing popularity, lies within this industry.² The coronavirus disease (COVID-19) pandemic and subsequent economic recovery have led to a significant rise in travel and tourism, exposing children to risks, particularly within the largely unregulated voluntourism sector.

17. The concept of voluntourism must be distinguished from that of professional and regulated volunteering. It revolves around the surge of new travel “products”, “programmes” and “packages” which feature short- or longer-term volunteer

² See Virginia Baumgarten, “The paradox of voluntourism: how international volunteering impacts host communities”, *Michigan Journal of Economics*, 22 January 2022.

opportunities, as well as customized placements, through which volunteers – foreign, local or long-term residents – are able to work with or visit local communities, religious sites, schools and sports and childcare facilities. This includes teaching placements, childcare activities and other activities with or for children, and visits with or placements in host families and communities, residential care facilities and orphanages.³ Projects for local communities taken on by volunteers are commonly nature-based or people-based or involve restoration of buildings and artefacts.⁴ Volunteers perform their work free of charge at the tourist destination.⁵

18. While the concept of volunteering is premised on noble intentions, the manifestations of exploitation and sexual abuse of children within this domain are by now well acknowledged, owing to the fact that children are increasingly vulnerable, particularly in settings where legal protection is weak and child protection systems are inadequate or contain loopholes. As child safeguarding measures vary significantly across sending and receiving countries of volunteers, gaps arise with respect to their applicability, causing vulnerabilities to exploitation and abuse.⁶

19. The forms of travel and the profile of abusers have also changed, as have the means of exploitation which, through technological advances, have become more sophisticated.⁷

20. While the adverse effects of voluntourism have been recorded as a recurrent problem over the past decade across several countries (including Cambodia, Haiti and Nepal),⁸ it is still an emerging trend in other destinations.⁹ Africa, the Asia-Pacific region and Latin America account for over 90 per cent of the locations offered by voluntourism sending and receiving organizations.¹⁰ As this global growth has outpaced efforts to respond at national, regional and international levels, child protection regulations are lagging behind. Voluntourism is multidimensional and complex, as it interacts with a wide range of factors, including political, civil, legal, socioeconomic, cultural and environmental factors and multiple and intersecting forms of discrimination, at both the national and transnational levels. Situations of poverty and economic hardship, unemployment, lack of access to basic needs¹¹ and discrimination, including gender-based violence, are prominent root causes of and risk factors for abandonments, relinquishments, sale, sexual exploitation and sexual abuse of children.

21. Voluntourism-related trips and programmes may inadvertently pose additional risks to the physical safety, well-being, and emotional and cognitive development of children, as unregulated and unsupervised placements may lead to direct engagement with children in vulnerable settings with no safeguarding procedures in place and may provide avenues for perpetrators to access and establish relationships and methods of

³ See submission from ECPAT International.

⁴ ECPAT International, “Sexual exploitation of children and voluntourism”, 2019.

⁵ The Code and ECPAT International, “The code voluntourism policy: does your business include voluntourism products with children or visits to orphanages in its tourism programs” (Bangkok, July 2021).

⁶ See submissions from ReThink Orphanages.

⁷ Muireann O’Briain, Milena Grillo and Helia Barbosa, *Sexual Exploitation of Children and Adolescents in Tourism*, contribution of ECPAT International to World Congress III against Sexual Exploitation of Children and Adolescents, Rio de Janeiro, Brazil, 25–28 November 2008, p. 2.

⁸ United States of America, Department of State, “Child institutionalization and human trafficking”, June 2018.

⁹ ECPAT International, “Combating child sex tourism: questions and answers”, 2008.

¹⁰ Simon Milne and others, *Voluntourism Best Practices: Promoting Inclusive Community-Based Sustainable Tourism Initiatives* (Singapore, Asia-Pacific Economic Cooperation Secretariat, 2018).

¹¹ See submission from National Human Rights Commission of Nigeria.

contact with children to enable later abuse, grooming and exploitation. Moreover, volunteering for short periods of time without appropriate skills, training and experience could contribute to the sense of abandonment and traumatization repeatedly experienced by vulnerable children, thereby affecting their ability to form secure attachments.¹² Voluntourism programmes may be facilitated by private agencies that are not registered or accredited and may employ methods or operate under conditions that encourage the commission of illegal acts and engagement in illicit practices, which may become rife in these systems and lead to corruption and impunity.

22. The demand for volunteering involving work with children creates problematic and unhealthy competition among agencies. Agencies usually finance their operations by charging fees to prospective volunteers.¹³ Those fees will not be forthcoming unless the agency secures placements involving work or visits with children. The risk of abuse is greater when agencies establish privileged links with childcare facilities, as they may seek to ensure a constant supply of children to guarantee their relationship with those facilities, regardless of actual child protection needs.

23. The former Special Rapporteur of the Human Rights Council on the sale of children, child prostitution and child pornography highlighted the fact that traffickers lure poverty-stricken families into giving up their children, offering promises of good living conditions and education (see [A/71/261](#)). “Child finders”, for example, will travel to local villages or communities – often, those affected by war, natural disaster, poverty or societal discrimination – and offer parents the opportunity to place their children in homes where they will be provided with free education, housing, food, security and health care. Instead of fulfilling their promises, many of those facilities, which are regarded as either orphanages or boarding schools, use the children to raise funds by coercing them into performing in shows for potential donors or interacting or playing with those donors to encourage more donations. Such facilities have kept children in a state of poor health to elicit more sympathy and obtain more money from donors.¹⁴ The underlying level of demand is related to the social, cultural, gender and institutional constructs that foster the conditions under which both the extent to which children are used in such activities and the way they are treated are deemed socially acceptable (see [A/71/261](#)). Despite attempts to hold those responsible accountable for exploitation and abuses, victims and survivors often lack appropriate legal remedy, support and access to justice.¹⁵

24. The links between childcare institutions and trafficking were highlighted by this Special Rapporteur on the sale and sexual exploitation of children, including child prostitution, child pornography and other child sexual abuse material, when she stated that orphanage trafficking was a form of trafficking and modern slavery to which children in institutional care may be exposed for exploitation and profit (see [A/77/140](#)). She underscored that children from minority and indigenous groups are found to be overrepresented in institutional care and as candidates for international adoption.¹⁶

25. There have been instances where children were deemed adoptable even when their parents were alive and there were no measures in place to safeguard children and protect them from illegal adoptions (see [A/HRC/19/63](#) and Corr.1). While

¹² Marinus H. van IJzendoorn and others, “Institutionalisation and deinstitutionalisation of children 1: a systematic and integrative review of evidence regarding effects on development”, *The Lancet: Psychiatry*, vol. 7, No. 8 (August 2020).

¹³ See submission from Mali.

¹⁴ See United States, Department of State, “Child institutionalization and human trafficking”.

¹⁵ See submission from Khmeng onka Cambodia care Leaver Network.

¹⁶ Ibid.; [CRC/C/CZE/CO/5-6](#), para. 45; and [E/C.19/2010/CRP.8](#), p. 11.

agencies frequently claim that they lack knowledge of illegal activities or that they lack control over intermediaries in countries of origin (see [A/HRC/34/55](#)), the financial gain associated with the unlawful practices, which is usually linked to money-laundering activities, often calls such claims into question (*ibid.*).

26. Programmes and trips are usually advertised using marketing strategies which involve a poverty-related approach, with attractive phraseology to give credibility to a programme, and which invoke, for example, gaining new skills; building self-confidence; new learning experiences related to different cultures and ways of life; forming social connections; and making a difference for, or having a positive impact on, the communities that are visited.¹⁷ Companies, travel agencies, tour operators and other stakeholders often promote these experiences to potential travellers on their websites, on social media and in person in the country of origin. They may partner across countries and regions with social media influencers or public figures, who then share their experiences and advertise the opportunities available to a wider audience.¹⁸

27. Notably, some States are evaluating the behaviour of their nationals and tourists travelling to destinations that are most at risk for human rights violations.¹⁹ The Government of the Kingdom of the Netherlands, for example, commissioned a study to determine the scope of voluntourism-related trips from the country to residential care institutions abroad and the actors that were involved and responsible. It was found that “residential care facilities for children in low- and middle-income countries owe their establishment and continued existence to a complex interplay between the supply and demand for institutional care” and that “[v]arious factors – such as chronic poverty, structural disadvantage and a colonial legacy – contribute to this state of affairs, along with the fact that the existence of such facilities promotes their use”.²⁰ These factors are amplified in times of crisis and emergencies.

B. International legal instruments and policy frameworks

28. The existing body of international law devoted to protecting children include the Convention on the Rights of the Child and the Optional Protocol to the Convention on the sale of children, child prostitution and child pornography. These international laws protect children’s right not to be separated from their family unless it is in their best interests (article 9 of the Convention); their right not to be subjected to arbitrary or unlawful interference with their privacy, family, home or correspondence nor to unlawful attacks on their honour and reputation (article 16 of the Convention); their right to protection from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse (article 19 of the Convention); their right to special protection and assistance if deprived of their family environment (article 20 of the Convention); their right to a standard of living adequate for their physical, mental, spiritual, moral and social development (article 27 of the Convention); their right to protection from economic exploitation and from performing any work that is likely to be harmful to their psychosocial, emotional or spiritual development (article 32 of the Convention); their right to protection from all forms of sexual exploitation and sexual abuse (article 34 of the Convention); and their right to protection from trafficking (article 35 of the Convention). Further, a State party is required to establish jurisdiction over these crimes when the offender is a national of that State or a person who has his or her

¹⁷ See submission from Facts and Norms Institute.

¹⁸ See submission from Poland.

¹⁹ See ECORYS, “Investigation of the extent of volunteer travel from the Netherlands to residential care facilities for children in low and middle-income countries: roles, responsibilities and scope for government action”, final report, 15 July 2020.

²⁰ *Ibid.*

habitual residence in its territory, even if these crimes are committed outside the State's territory (article 4 of the Optional Protocol on the sale of children, child prostitution and child pornography).

29. Relevant specifically to the discourse in this report is the Framework Convention on Tourism Ethics, which was adopted by the General Assembly of the World Tourism Organization at its twenty-third session in September 2019 by its resolution 722 (XXIII). The Framework Convention provides guidance on ethical principles in tourism and calls on States, the private sector and other stakeholders to take measures to prevent and protect children from exploitation, particularly sexual exploitation. The adoption of this landmark convention was preceded by the adoption in 1999 by the General Assembly of the World Tourism Organization of the Global Code of Ethics for Tourism, which consists of a comprehensive set of principles designed to guide stakeholders on responsible and sustainable development of tourism.²¹ The Global Code encompasses the economic, social, cultural and environmental aspects of travel and tourism and aims towards maximizing the benefits for residents of tourism destinations while minimizing their potentially negative impact on the environment, cultural heritage and societies across the globe. The World Committee on Tourism Ethics prepared a leaflet entitled "Tips for a responsible traveller" (2020) which called on tourists to observe human rights and protect children from exploitation and abuse.

30. The World Congress against Commercial Sexual Exploitation of Children, the first global conference to address specifically the issue of exploitative sexual practices involving children, was convened in 1996. In the Agenda for Action against Commercial Sexual Exploitation of Children adopted by that first World Congress, the World Congress encouraged mobilization of the private sector and international cooperation through developing, strengthening and implementing extraterritorial jurisdiction. The Congress called for increased use of extradition to prosecute perpetrators who had evaded local jurisdiction, as well as seizure of assets and other sanctions against the persons involved.²²

31. Following the first World Congress, the World Tourism Organization established the World Tourism Network on Child Protection (formerly known as the Task Force for the Protection of Children in Tourism) to encourage government and national tourism authorities to improve their administrative and legal processes as well as implement good practices and self-regulatory measures.²³

32. The Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism is an industry-driven, multi-stakeholder initiative developed by tourism companies and members of ECPAT and initiated in 1998. It is designed to provide awareness-raising, tools, support and an instrument of self-regulation and corporate social responsibility to combat and prevent exploitation and abuse of children in the travel and tourism industry. It comprises six standards to be followed, with time frame and reporting requirements, by tourism companies and other stakeholders to provide protection to vulnerable children in touristic destinations. This includes establishing ethical policy against sexual exploitation of children (criterion 1); training employees in children's rights, prevention of sexual exploitation and reporting suspected cases (criterion 2); including a clause in contracts throughout the value chain repudiating and affirming a zero tolerance policy for sexual exploitation

²¹ See World Tourism Organization, resolution 406(XIII).

²² See A/51/385; and Karen Mahler, "Global concern for children's rights: the World Congress against Sexual Exploitation", *International Perspectives on Family Planning*, vol. 23, No. 2 (June 1997).

²³ See WTO, *15 Years of the UNWTO World Tourism Network on Child Protection: A Compilation of Good Practices* (Madrid, 2014).

of children (criterion 3); providing relevant information to travellers (criterion 4); supporting, collaborating and engaging with stakeholders to prevent sexual exploitation of children (criterion 5); and reporting annually on code implementation (criterion 6).

33. In the report of the Secretary-General on the status of the Convention on the Rights of the Child ([A/74/231](#) of 26 July 2019), attention was drawn to the issue of potential harm to children stemming from a wave of short-term, unqualified staff, volunteers and interns in orphanages around the world as an emerging area of progress, as a consequence of awareness-raising campaigns. In its resolution [74/133](#) of 18 December 2019 on the rights of the child, the General Assembly called on Member States to take “appropriate measures to prevent and address the harms related to volunteering programmes in orphanages, including in the context of tourism, which can lead to trafficking and exploitation” (para. 35 (t)).

34. The Guiding Principles on Business and Human Rights: Implementing the United Nations “Protect, Respect and Remedy” Framework ([A/HRC/17/31](#)), which were unanimously endorsed by the Human Rights Council in June 2011, are relevant to the impact of business activities on human rights. According to the Guiding Principles, States have existing obligations to respect, protect and fulfil human rights and fundamental freedoms, including the rights of children, through ensuring human rights due diligence and provision of remedies in cases of violations.

35. The Children’s Rights and Business Principles, developed by the United Nations Children’s Fund (UNICEF), the United Nations Global Compact and Save the Children, are the first comprehensive set of principles to guide companies on the full range of actions that they can take in the workplace, marketplace and community to respect and support children’s rights. With a set of 10 principles and first proposed in 2010, the Children’s Rights and Business Principles build on the Guiding Principles on Business and Human Rights. Under the Children’s Rights and Business Principles, businesses are called upon to identify, examine and assess any actual or potential adverse child rights impacts they may be associated with, either directly or indirectly, as a result of their own business activities, relationships, operations, supply chains and strategies. The Children’s Rights and Business Principles cover a wide range of critical issues, extending from child labour and marketing and advertising practices to the role of business in aiding children affected by emergencies. Under these principles, companies everywhere are called upon to respect children’s rights through their core business actions, as well as through policy commitments, due diligence and remediation measures.

36. Other relevant international and regional frameworks aimed at protecting children from all forms of exploitation include the “Children’s Rights and Alternative Care Outcome Report” of the Committee on the Rights of the Child (2021); the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (Palermo Protocol); the Recommended Principles and Guidelines on Human Rights and Human Trafficking, issued by the Office of the United Nations High Commissioner for Human Rights (2002); International Labour Organization Convention No. 182, concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (1999); the Durban Call to Action on the Elimination of Child Labour and the International Programme on the Elimination of Child Labour; the 2030 Agenda for Sustainable Development, in particular target 5.2, which focuses on elimination of all forms of violence against all women and girls in the public and private spheres, and target 8.7, which focuses on the elimination of child labour in all its forms by 2025 and the eradication of forced labour and ending modern slavery and human trafficking; the Universal Declaration of Human Rights; the International Covenant on Economic, Social and Cultural Rights; and the International Covenant on Civil and Political Rights.

C. Challenges in preventing the exploitation and sexual abuse of children in the context of voluntourism

37. Despite the existence of international and regional legal instruments, as well as, in some cases, national legal frameworks and initiatives, all aimed at protecting children from exploitation and abuse in the travel and tourism sector, there are still significant challenges and gaps which need to be addressed.

Gaps in legal and policy frameworks

38. Largely, States do not have specific legal frameworks and provisions for addressing voluntourism,²⁴ which makes it difficult to bring related activities within the scope of law in order to monitor and regulate the industry. Instead, broad and generic provisions have been relied upon for the prevention and protection of children, particularly in the context of human trafficking and travel and tourism. In some instances, existing legal frameworks are not well defined or contain gaps that may not take into account the specific vulnerabilities of child victims and survivors.

39. Even where child safeguarding legislations and regulations exist, the enforcement measures in place are limited. This may be due to limited resources, limited technical expertise, corruption or lack political will to prioritize this issue. These restrictive factors can hinder efforts to gather data on the extent and prevalence of voluntourism, which is essential for developing targeted prevention and intervention responses, including training for frontline workers, awareness-raising campaigns and support services for survivors of exploitation and abuses.

40. The activities under voluntourism are not often subjected to the strict implementation of criminal law. This makes it challenging to implement child safeguarding standards, as well as ensure ethical and responsible practices. The strict compliance with due diligence requirements are not observed in this domain; for instance, most often, there are no mandatory rules for the private sector with respect to conducting comprehensive background checks; vetting; maintaining a minimum threshold for qualification, skills and experience; and preparation of volunteers.²⁵ Monitoring safeguards and relevant sanctions that can be applied to check whether most operating entities perform their due diligence according to the same standards recommended by States are mostly inadequate as well.²⁶ Adequate legislations that address the risks of voluntourism for children are therefore highly necessary in the current context to ensure that countries are not used as safe havens or channels for exploitation and abuse of children.

Cross-border nature of crimes

41. Compared with the transnational nature of trafficking for purposes of sexual exploitation and abuse,²⁷ the issue of voluntourism is equally complex, as it involves multiple stakeholders, including government agencies, non-governmental organizations and private companies. There is often a lack of coordination and collaboration among

²⁴ See submissions from Algeria, Azerbaijan, Bulgaria, Indonesia, Israel, Lithuania, Mali, Mauritius, Netherlands (Kingdom of the), Nigeria (National Human Rights Commission), Poland and Qatar.

²⁵ See submission from ECPAT International.

²⁶ Ibid.

²⁷ See Samantha Lyneham and Lachlan Facchini, "Benevolent harm: orphanages, voluntourism and child sexual exploitation in South-East Asia", in *Crime and Justice Research 2019*, Michael Phelan, ed. (Canberra, Australian Institute of Criminology, 2019).

these actors, which can result in fragmented responses, duplication of efforts and limited impact of interventions.²⁸

42. In practice, very few countries have invoked extraterritorial legislation or used it to hold their citizens accountable so as to ensure that they are penalized for a crime committed in another country. Constraints on resources and jurisdictional conflicts are often cited as obstacles to bringing action against any person involved in crimes committed against children.²⁹

Limited capacities and power imbalances

43. The practice of voluntourism can perpetuate power imbalances among organizations, staff, volunteers, children and local communities. Many volunteers are, or the management facilitating their work is, at the top end of supplying aid; or many volunteers or management may not have a proper understanding of – or may lack training concepts and staff capacities reflecting – the importance of protection of children and responsible and ethical tourism practices.³⁰ Some may not realize, for instance, that volunteering at an orphanage can cause harm to children by fostering the perpetuation of their separation from their families and the disruption of their lives, education and development. Others may not be aware of the cultural and social nuances of life in the communities that they are visiting, which can lead to unintentional disrespect or offence.

44. A revolving door of volunteers can cause disruptions in children's routine, create dependency and exacerbate attachment and abandonment issues rather than foster long-term and sustainable development, especially for children who have already experienced trauma, violence, abuse and neglect. Hence, through non-existent safeguarding practices and contact with unqualified and unvetted visitors having unsupervised access to children, those children may be exposed to greater risks of exploitation and sexual abuse.

45. Owing to limited capacities within national contexts, which include a lack of specialized units, monitoring mechanisms, databases and technology, hotlines, proper training for volunteers and professionals, and licensing and accreditation systems for effective monitoring³¹, the aforementioned gaps result in power imbalances which are not adequately addressed.

46. Furthermore, children, local organizations and communities should be consulted and involved in the implementation of voluntourism programmes; otherwise, there will be limited effectiveness in addressing local needs and priorities.³² Where voluntourism programmes and initiatives are run and operated in partnership with stakeholders, the risks of exploitation can be averted and the programmes themselves will be more meaningful and will achieve mutually beneficial goals. Moreover, community interests should lie at the heart of any regulation scheme and should be put ahead of commercial gain so as to ensure effective accountability and transparency.³³

²⁸ See submission from Chile.

²⁹ ECPAT International, "Combating child sex tourism: questions and answers".

³⁰ See ECPAT International and others, "From volunteering to voluntourism: challenges for the responsible development of a growing travel trend", March 2015, p. 10.

³¹ See submission from ECPAT International and UNICEF.

³² See Milne and others, *Voluntourism Best Practices*, pp. 22, 34, 43 and 50.

³³ *Ibid.*, p. 42.

Limited data and knowledge on the issue

47. Lack of data on the extent and prevalence of voluntourism is a major challenge, which has hindered development of targeted prevention and response measures, awareness-raising and the availability of support services for survivors of exploitation and abuses. Data on the number of volunteers and their flow are not collected or recorded effectively, which may be attributed to the insufficient scrutiny and monitoring of these initiatives.

48. The informal and decentralized nature of voluntourism has led to difficulties in the collection of statistics on the number, scope and magnitude of phenomena. Further, there were very few data and statistics received following the call for input for the present study. In this regard, the Special Rapporteur notes that the practice of collecting data on matters relating to volunteering and voluntourism within the national context is limited or non-existent. There is also limited cross-verifying of independent data for other purposes, especially to shed light on cases in developing or least developed countries, where practices of voluntourism are most prevalent,

49. There is a crucial need to further raise the awareness of travellers and stakeholders, prior to departure and the start of any programme, on the risks related to voluntourism, as well as other forms of care of children.

Imposition of incompatible cultural values

50. Voluntourism has been criticized largely for its colonialist implications, which perpetuate the notion of Western superiority and the “white saviour” narrative. According to that narrative, acts of engagement originating from the West and Europe are needed to “save”, “help” or “rescue” marginalized communities in the global East and global South.³⁴ This form of volunteering may be in contradistinction to the history of volunteering in receiving communities and local cultural practices³⁵ and may drive Westernization models that benefit only a small group of individuals, namely, directors of businesses and institutions, but not the whole community and the children involved.³⁶ This narrative reinforces a power dynamic that places Western volunteers in a position of superiority over the communities that they are supposed to be helping, as they may unknowingly perpetuate the legacy of colonization by imposing their own values, beliefs and practices on children and people in local communities, thus ignoring the existing knowledge and resources within receiving communities.³⁷ This can lead to situations of cultural incompatibility, where volunteers are providing services or working on projects that may not be relevant or helpful to the children and community they work with, and can create tensions between volunteers and locals.

Commodification of children and their families

51. Modern-day voluntourism programmes require moving beyond notions of charity in order to protect the rights of children so that they are able to exercise their

³⁴ Robtel Neajai Pailey, “De-centring the ‘white gaze’ of development”, *Development and Change*, vol. 51, No. 3 (May 2020).

³⁵ Nichole Georgeou, “From hōshi to borantia: transformations of volunteering in Japan and implications for foreign policy”, *Voluntas: International Journal of Voluntary and Non-profit Organisations*, vol. 21, No. 4 (December 2010).

³⁶ Ivan Illich, “To hell with good intentions”, in *Combining Service and Learning: A Resource Book for Community and Public Service*, vol. 1, Jane Kendall and others, eds. (Raleigh, North Carolina, National Society for Internships and Experiential Education, 1990).

³⁷ Laura Ann Hammersley, “Volunteer tourism: building effective relationships of understanding”, *Journal of Sustainable Tourism*, vol. 22, No. 6 (2014).

autonomy, agency and dignity.³⁸ In the current contexts, the real threat of mistreatment and commodification of children is often related to the role of intermediaries, who promote, generally for reasons³⁹ related to profit, situations of children living in poverty or engage in practices that perpetuate harmful stereotypes, with little to no regard for the rights and well-being of those involved.

52. Voluntourism operators usually emphasize the benefits of such programmes in supporting childhood development. The travel and tourism industry continues, however, to increase their margin of profit, with little transparency regarding the allocation of funds and repatriation of profits to the receiving countries or communities of voluntourism programmes.⁴⁰ This therefore raises the issue of the indispensable need to evaluate the effectiveness of voluntourism initiatives and their impact on local communities.

53. Voluntourism may, in addition, be deeply entrenched as a form of development aid in some countries, making it difficult to identify and address cases of exploitation and abuse of children owing to the overarching dependencies and influences associated with sustaining poverty.⁴¹

54. In a 2020 report commissioned by the Ministry of Foreign Affairs of the Kingdom of the Netherlands in which the extent of volunteer travel from the Kingdom of the Netherlands to residential care facilities for children in low- and middle-income countries was investigated, it was found that only a small proportion of the money (5–15 per cent) directly benefited the projects concerned, even though the fee paid by volunteers to travel organizations and specialized providers for a four-week stay was about €1,000 (not including the travel costs).⁴²

55. It is worth noting that when volunteers provide services that could be completed by local workers, it can lead to a loss of employment opportunities and income for receiving communities.

D. Good practices as pathways for safe voluntourism

56. The aim of the present section is not to advocate for a particular approach but rather to showcase some examples of positive development associated with various steps that have been taken by governmental and non-governmental actors to address existing challenges to preventing the exploitation and sexual abuse of children in the context of voluntourism.

Strengthen child protection legislation and standards

57. Whether they occur in an organized or isolated manner, deliberately or inadvertently, child sexual abuse and exploitation in voluntourism involve the participation and facilitation within the industry of many different actors, including but not limited to non-governmental organizations, law enforcement bodies (local bodies and those abroad), tourism authorities, tour operators, local transport operations and other stakeholders. Efforts of every sector are therefore necessary to

³⁸ See A/71/261; and Yuri Torres, “Voluntourism from a children’s rights perspective”, Master of Law thesis, Leiden University, 2017, pp. 3, 10 and 45.

³⁹ See Lyneham and Facchini, “Benevolent harm”.

⁴⁰ See submission from ECPAT International.

⁴¹ Freya Higgins-Desbiolles, Regina A. Scheyvens and Bhanu Bhatia, “Decolonising tourism and development: from orphanage tourism to community empowerment in Cambodia”, *Journal of Sustainable Tourism* (February 2022).

⁴² See ECORYS, “Investigation of the extent of volunteer travel”.

establish and implement standards that tackle and address the exploitation and abuses of children through voluntourism at the national, regional and international levels.

58. In 2018, Australia became the first country to recognize “orphanage trafficking” as a form of modern slavery.⁴³ In the final report emerging from the Modern Slavery Act inquiry,⁴⁴ significant recommendations were made with respect to orphanage trafficking. The recommendations were related to awareness-raising on the risks involved; revision and review of charity regulations; reform of funding streams; supporting divestment and transitions involving residential care institutions; and establishing a register of legitimate overseas residential institutions. In the report, provisions are outlined for penalties regarding visiting or donating to non-registered institutions in accordance with the Convention on the Rights of the Child and the United Nations guidelines for the appropriate use and conditions of alternative care for children.⁴⁵

59. In 2018, Peru implemented legislation (Law No. 30802, regulated by the Ministry of Foreign Trade and Tourism and provincial governments) mandating the control of access of children and adolescents to hotels and other accommodation providers. The legal framework defines who qualifies as a tourism service provider in its General Law on Tourism.⁴⁶ The definition includes within its scope: accommodation providers, travel and tourism agencies, travel and tourism operators, tour guides, restaurants, event organizers, travel counsellors, transportation services, health and thermal tourism providers, adventure tourism services, ecotourism and casinos.⁴⁷ Moreover, Peru has a mandatory national code of conduct which lists crimes related specifically to the sexual exploitation of children and requires reporting of any type of suspected criminal activity taking place in the context of travel and tourism.⁴⁸ All legal representatives of tourism service providers must sign a declaration of adherence to the national code and failure to comply may result in revocation of licences and penal sanctions for individuals.⁴⁹ The Peruvian code requires accommodation providers to report any situation linked to sexual exploitation of children and to display informational materials.⁵⁰ Although Peru does not have a specific procedure for reporting cases of sexual exploitation of children in travel and tourism, the Ministry of Women and Vulnerable Populations has produced a guide for identification and reporting.⁵¹ Stakeholders are obligated to submit an annual report on the status of implementation to the Ministry of Foreign Trade and Tourism, the Directorates of Foreign Trade and Tourism or the Foreign Trade and Tourism Management.⁵²

⁴³ Kathryn E. Van Doore and Rebecca Nhep, “Orphanage trafficking and the modern slavery act in Australia” (E-International Relations, 2018); and Australia, House of Representatives, *Modern Slavery Bill 2018: Explanatory Memorandum* (2018).

⁴⁴ Australia, Joint Standing Committee on Foreign Affairs, Defence and Trade, *Hidden in Plain Sight: An Inquiry into Establishing a Modern Slavery Act in Australia* (Canberra, 2017).

⁴⁵ Ibid.

⁴⁶ ECPAT International and Grupo de Acción Regional de las Américas, “An overview: codes of conduct on child protection for the travel and tourism industry in the Americas”, November 2020.

⁴⁷ Ibid.

⁴⁸ Ibid.

⁴⁹ In Peru, ministerial resolution No. 430-2018-MINCETUR and its annex II (Declaration of Compulsory Subscription of the Code of Conduct Against Sexual Exploitation of Children in Travel and Tourism) were approved in October 2018.

⁵⁰ Ibid.

⁵¹ Peru, Ministerio de la Mujer y Poblaciones Vulnerables, *Guía de Detección y Derivación de Víctimas de ESNNA* (Lima, 2019).

⁵² See ECPAT International and Grupo de Acción Regional de las Américas, “An overview: codes of conduct on child protection”.

60. In order to address gaps in legislation, through endeavours of academia, a Model Law on Institutional Childcare Trafficking for the Purpose of Financial Exploitation has been developed to serve as a basis for assisting States in criminalizing and combating the trafficking of children into orphanages and other residential childcare institutions.⁵³

61. In Poland, volunteering is regulated by the Act on Public Benefit and Volunteer Work, which sets out the definition of volunteering, eligibility criteria on who can be a volunteer, the services that they can provide, their rights and responsibilities, and the rights and obligations of the beneficiary of the volunteer's work.⁵⁴

Existing multi-stakeholder guidelines and initiatives

62. Given that the discussions of the adverse effects of voluntourism on children is relatively new, it is crucial to continue raising awareness, sharing information and developing guidelines for stakeholders in all regions across the globe. In this regard, a positive step worthy of highlighting is the publication in February 2018 of a report of the Asia-Pacific Economic Cooperation (APEC) Tourism Working Group entitled *Voluntourism Best Practices: Promoting Inclusive Community-based Sustainable Tourism Initiatives* to promote good practices and sustainable tourism initiatives in the Asia-Pacific region so as to discourage orphanage voluntourism in member economies' tourism sectors.⁵⁵

63. As a multi-stakeholder initiative, Colombia, UNICEF, the United Nations Office on Drugs and Crime, the World Travel and Tourism Council and ECPAT International organized the first International Summit on Child Protection in Travel and Tourism.⁵⁶ The event brought together governmental and non-governmental actors from around the world, resulting in the implementation of the recommendations of the *Global Study on Sexual Exploitation of Children in Travel and Tourism*⁵⁷ and a "Declaration and Call for Action for the Protection of Children in Travel and Tourism".

64. The Regional Action Group of the Americas for the prevention of sexual exploitation of children in travel and tourism launched an Action Protocol Model to strengthen capacities of tour guides and provide actionable guidelines for preventing, identifying and reporting cases of exploitation and abuses of children.⁵⁸ The Action Protocol Model is accompanied by a Decalogue for Tour Guides, which discourages travellers from engaging in volunteer activities with unregulated and unsupervised access to children.⁵⁹

65. The Children's Rights in Impact Assessments Tool, developed by UNICEF, provides guidance for businesses seeking to integrate a child rights lens into their processes and policies. The tool offers several criteria that businesses can use to build

⁵³ See Lumos, "Cycles of exploitation: the links between children's institutions and human trafficking – the model law", 2021.

⁵⁴ See submission from Poland.

⁵⁵ See Milne and others, *Voluntourism Best Practices*.

⁵⁶ See *Report of the International Summit on Child Protection in Travel and Tourism, Bogotá, Colombia, 6–7 June 2018*.

⁵⁷ Angela Hawke and Alison Raphael, *Offenders on the Move: Global Study on Sexual Exploitation of Children in Travel and Tourism* (Bangkok, ECPAT International and Defence for Children-ECPAT Netherlands, 2016).

⁵⁸ See Grupo de Acción Regional de las Américas, "Action protocol model for tour guides for potential cases or risk of sexual and/or labor exploitation of children in the travel and tourism sector", 2022.

⁵⁹ *Ibid.*

plans to enhance child rights impact assessment within their organizations and take specific actions to address identified risks or opportunities.⁶⁰

66. Another practical tool established by UNICEF is the Child Safeguarding Toolkit for Business, which provides a step-by-step guide to identifying, assessing and preventing risks to children who interact with business, including physical, sexual and emotional abuse and maltreatment by employees and other persons whom the company is responsible for.⁶¹

67. The UNICEF Engaging Stakeholders on Children’s Rights tool aims towards guiding businesses on determining why, with whom and how to engage stakeholders on issues affecting children’s rights as a part of enhancing their standards and practices at both the corporate and site levels. This can help inform company policies, human rights due diligence, and grievance and remediation mechanisms.⁶²

68. Fiji developed a community-based Child Safe Tourism Toolkit in 2022 to strengthen child safety measures within tourism activities.⁶³ It provides a list of recommendations and resources and a list of organizations and authorities to which concerns about tourists can be reported; a checklist for tourism operators; and policy templates to help communities, parents and guardians, tour operators, tourists and other stakeholders to take meaningful action to encourage the safeguarding of children in the travel and tourism sector.⁶⁴

Multi-stakeholder coordination of programmes

69. The Philippine National Volunteer Service Coordinating Agency is a government agency that is mandated to promote and coordinate volunteer programmes and services in the country with government institutions and other stakeholders as well as to maintain a centralized registry of the identity of all domestic volunteers.⁶⁵

70. In Morocco, the Integrated Public Policy for Child Protection 2015–2025 was launched, with the involvement of the private sector in preventive policies. One of the goals is for the tourism sector to adopt a code for the protection of children from sexual exploitation.⁶⁶

71. Countries such as Australia, France, Germany and the United Kingdom of Great Britain and Northern Ireland require companies to undertake human rights due diligence and report on corporate human rights conduct and actions against contemporary forms of slavery. There may be gaps, however, in some instances where such requirements are not applicable to smaller companies.⁶⁷

Conduct extensive screening and develop robust databases

72. Thorough safeguards can ensure that volunteers are qualified and meet requirements in line with the scope of activity that they perform. Article 9 of the French Programming Law on Solidarity Development and the Fight Against Global Inequalities (2021) requires French or foreign companies, organizations or institutions of higher education to conduct background checks and verify that

⁶⁰ See submission from UNICEF.

⁶¹ Ibid.

⁶² Ibid.

⁶³ See AVI and others, “Community-based child safe tourism toolkit: a practical resource for communities in Fiji to strengthen child safety measures within tourism activities”, 2022.

⁶⁴ Ibid.

⁶⁵ See www.pnvsca.gov.ph/.

⁶⁶ See submission from ECPAT International.

⁶⁷ Ibid.

volunteers have not received a conviction or been prohibited from engaging in a professional or voluntary activity involving habitual contact with children abroad.⁶⁸

73. The Israeli Ministry of Labour, Social Affairs and Social Services, through the Volunteer in Israel official programme, provides rigorous screenings and vetting of volunteers assigned to work with vulnerable populations, including children, prior to their arrival and placement.⁶⁹ A supervisory system has been set in place with authority over institutions that employ volunteers so as to ensure appropriate labour conditions.⁷⁰ Candidates must be over 18 years of age and are first carefully vetted by pre-approved sending organizations through personal interviews, authentication and analysis of their application and supporting documents, including a clear and validated lack of a criminal record; recommendation letters; a motivational statement; a résumé; and demonstration of relevant experience and qualifications.⁷¹ The admission of volunteers is subject to thorough regulation under the Ministry's internal regulations by both the sending and receiving organizations.⁷² The candidates are reinterviewed by the volunteer coordinator to verify their suitability for placement.⁷³

74. In 2018, India launched a national database on sexual offenders, which is accessible to law enforcement agencies and is used to carry out background checks for individuals working in schools, colleges, hostels and other institutions.⁷⁴ The database keeps records of names, aliases, travel and immigration documents, employment information, professional licences, vehicle-related information, criminal history, photographs, fingerprints, DNA samples, identity card numbers and voter identification.⁷⁵

75. Kenya launched a sexual offenders register in 2012, under the Sexual Offences Act, which holds the records of all convicted sexual offenders, including their names, identification card numbers, the crime committed and the age of their victim, and includes an international travel notice requirement.⁷⁶ Any person with a reasonable interest may inquire as to whether an individual is on the registry.⁷⁷

Cross-sectoral collaboration and cooperation

76. ReThink Orphanages is an inter-agency cross-sectoral initiative which brings together advocates from across the child protection, education, media, volunteering, tourism, and faith sectors to foster coordinated member-led action towards addressing orphanage tourism and volunteering.⁷⁸ It is involved in numerous high-level advocacy and research campaigns, development of tools and standards, sector-specific engagement and awareness-raising.⁷⁹ For instance, as part of the stocktaking of the measures to end orphanage voluntourism in order to protect children from unnecessary institutionalization and the risk of trafficking and exploitation, engagement of members of the working group with the Government of the United

⁶⁸ See France, Law No. 2021-1031 on Programming relating to Solidarity Development and the Fight against Global Inequalities of 4 August 2021.

⁶⁹ See submission by Israel.

⁷⁰ Ibid.

⁷¹ Ibid.

⁷² Ibid.

⁷³ Ibid.

⁷⁴ See ECPAT International, "Annex: how voluntourism may facilitate the sexual exploitation of children – key findings from legal analysis of 12 countries", 2022.

⁷⁵ Ibid.

⁷⁶ See United States of America, Department of Justice, Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering and Tracking, "Global overview of sex offender registration and notification systems", April 2014.

⁷⁷ Ibid.

⁷⁸ See submission from ReThink Orphanages.

⁷⁹ Ibid.

Kingdom influenced the decision of UK Aid to make orphanages and all forms of children's institutions ineligible for funding, thereby moving away from previous practices of funding.⁸⁰

77. In Mauritius, the Monitoring and Compliance Unit of the Tourism Authority works in close collaboration with other governmental bodies, specifically the police force, in crackdown operations.⁸¹ The Tourism Authority carries out inspections to ensure compliance with Tourism Authority Act regulations and guidelines and establishes contraventions whenever applicable through suspensions or revocations for alleged parties based on cases of conviction or availability of reliable evidence,⁸² as well as investigates complaints.⁸³ According to submissions received, the Authority ensures in particular that guidelines for nightclubs and businesses are complied with by licensed operators to ensure that no child is found in these types of environments.⁸⁴

Increase awareness and child protection campaigns

78. It is crucial to promote awareness-raising and sensitization to ensure that both professionals and volunteers are aware of the issues and risks that children may be exposed to through these programmes, as well as the domestic and extraterritorial legislations, accountability measures and reporting channels that exist in individual countries.

79. Many sending countries, travel agencies, airlines, tourism companies, tour operators and other stakeholders have developed information materials, including brochures, ticket folders, luggage tags, video spots and public service announcements, and other methods to inform tourists, travellers and volunteers about child sexual abuse and exploitation existing and emerging in various tourism destinations.⁸⁵

80. The Smart Volunteering Campaign launched in 2018 is an initiative undertaken by the Australian Government to discourage Australians from engaging in any form of short-term, unskilled volunteering in orphanages in order to prevent citizens from inadvertently contributing to child exploitation through the practice of orphanage tourism.⁸⁶

81. The Government of the Kingdom of the Netherlands launched the Don't Look Away campaign, aimed at raising awareness and encouraging Netherlanders who are travelling to report directly to the police any suspected child sexual abuse and exploitation witnessed in the Kingdom of the Netherlands or abroad.⁸⁷

82. In Poland, through joint partnerships, model procedures and information brochures have been disseminated to more than 3,300 accommodation establishments across the country on the sexual exploitation and abuse of children in the travel and tourism sector.⁸⁸ According to submissions received, information is currently being collected on the implementation of those procedures in facilities providing hotel services, in line with the National Action Plan against Trafficking in Human Beings and the Code of Conduct.⁸⁹

⁸⁰ Ibid.

⁸¹ See submission from Mauritius.

⁸² Ibid.

⁸³ See www.tourismauthority.mu/organisational-structure/.

⁸⁴ See submission from Mauritius.

⁸⁵ ECPAT International, "Combating child sex tourism: questions and answers".

⁸⁶ See www.volunteering.com.au/new-smart-volunteering-campaign/.

⁸⁷ See www.dontlookaway.nl/.

⁸⁸ See submission from Poland.

⁸⁹ Ibid.

83. Other notable campaigns and initiatives include the “Rethinking Volunteering in Orphanages” campaign to stop unethical missions trips, led by Australian churches;⁹⁰ the Lumos “Helping not Helping” campaign, which offers potential travellers a place in which to learn and share information about the harm of orphanage tourism;⁹¹ the ChildSafe Movement “Children are not Tourist Attractions” campaign, which drew attention to the harms of orphanage tourism and institutionalization of children;⁹² the United Kingdom Anti-Modern Slavery Unit of Border Force and the Association of British Travel Agents partnership with Hope and Homes for Children to raise awareness among travellers and discourage the practice of orphanage tourism;⁹³ and the short film entitled *The Love You Give*, designed for use in schools and universities to demonstrate, first-hand, better solutions to supporting communities and families, other than orphanage tourism.⁹⁴

84. The Governments of the Kingdom of the Netherlands⁹⁵ and the United Kingdom have issued travel advisories to include references to the link between voluntourism and child exploitation to help ensure that their citizens avoid inadvertently contributing to the harm and suffering of children while travelling and to discourage them from volunteering at orphanages.⁹⁶

Invest in capacity-building, sustainable child support and empowering communities

85. In order to address the root causes that contribute to the exploitation and sexual abuse of children through volunteering in residential care facilities and orphanages, States working with stakeholders should put in place structural and sustainable solutions. These would include investments in poverty reduction, food security, sexual and reproductive health rights, security and rule of law.⁹⁷

86. Examples of positive initiatives conducted in this regard include the case of the Kingdom of the Netherlands, which granted a total of €22 million to civil society organizations in 2016–2022 to combat exploitation of children.⁹⁸

87. A consortium of civil society organizations was funded in 2022 through the Down to Zero Step Up the Fight Programme (2023–2026) to provide support to children and communities in 12 countries in Latin America and Asia in challenging social norms and harmful practices related to the sexual exploitation of children, accessing protective environments and holding duty bearers accountable for their obligations towards implementation of laws, policies and frameworks.⁹⁹

88. Training and capacity-building activities should be provided on a regular basis for child protection officials and social workers. They should be provided with information on issues related to child sexual abuse and exploitation and how it is relevant to key aspects of their work in areas such as legal frameworks, principles, complaint handling, understanding profiles of victims and offenders, assessing risk factors and safeguards protocols on prevention and protection. They should also have

⁹⁰ See submission from ReThink Orphanages.

⁹¹ See www.helpingnothelping.org/.

⁹² See <https://thinkchildsafe.org/children-are-not-tourist-attractions/>.

⁹³ See www.abta.com/sustainability/human-rights/orphanage-tourism.

⁹⁴ See <https://loveyougive.org/>.

⁹⁵ See submission from the Kingdom of the Netherlands.

⁹⁶ See www.gov.uk/guidance/safer-adventure-travel-and-volunteering-overseas#volunteering.

⁹⁷ See submission from the Kingdom of the Netherlands.

⁹⁸ Ibid.

⁹⁹ Ibid.

knowledge on their roles under the Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism.¹⁰⁰

89. In Chile, training is provided to tourism service providers and companies through the National Tourism Service in collaboration with the investigative police authorities on the topic of child sexual exploitation.¹⁰¹ As part of their efforts, 12 workshops were carried out and a total of 1,111 stakeholders across the country participated in those workshops in 2022.¹⁰²

IV. Conclusions and recommendations

A. Conclusions

90. **While the benefits of voluntourism are many, the adverse effects of unregulated and unmonitored volunteering have wide-ranging repercussions, which include the sexual abuse and exploitation of children. While efforts have been made at national, regional and international levels to set standards and develop legal and policy frameworks with a view to preventing and combating all forms of exploitation and abuse of children in the travel and tourism sector, challenges still remain. It is therefore essential to take into account the existing gaps in national laws; the lack of awareness-raising on the issues; demand-supply power imbalances; and unchecked market forces and financial systems which commodify children and communities. Due diligence measures and “do no harm” policies can contribute towards ensuring that host communities serve as primary and crucial sources of support for children and that children are not exploited for profit by private companies or the tourism industry.**

91. **The issue of sexual abuse and exploitation of children in voluntourism is a complex issue which requires extensive and wide-ranging intervention at local, national, regional and international levels by all actors and stakeholders working together. Laws regulating the activities of the public and private sectors in this sector must be strengthened to ensure adequate monitoring, early detection, investigation and penalization of wrongdoing.**

92. **More can be done in the effective application of existing guidelines, tools and good practices on voluntourism through efficient data-collection systems and effective screening and vetting of volunteers, as well as the introduction and strengthening of measures that ensure the prevention and protection of children within this sector as well as the provision of rehabilitative services and support for children at risk or victims of exploitation and/or abuse perpetrated by volunteers.**

B. Recommendations

93. **It is in the spirit of constructive dialogue that the Special Rapporteur encourages all stakeholders, including States, civil society, the private sector, communities and individuals, at both national and international levels to work towards an effective protection of children from exploitation and sexual abuse in all contexts, including in voluntourism. Towards this end, the Special Rapporteur calls upon States and other stakeholders to:**

¹⁰⁰ ECPAT International, “Combating child sex tourism: questions and answers”.

¹⁰¹ See submission from Chile.

¹⁰² Ibid.

94. **Strengthen legal and policy frameworks;**
95. **Demonstrate a strong political commitment in preventing and combating exploitation and abuses of children within the travel and tourism sector and in the context of voluntourism;**
96. **Ratify and incorporate the World Tourism Organization Framework Convention on Tourism Ethics and the Convention on the Rights of the Child and its three Optional Protocols in national legislation;**
97. **Strengthen existing laws to address all forms of exploitation of children, including the sale, sexual abuse and trafficking of children in travel and tourism;**
98. **Formulate and put in place measures that provide child victims and survivors with the necessary rehabilitative support services, as well as access to justice.**
99. **Put in place measures that ensure the non-recurrence of violations and prohibit the use of unskilled and untrained volunteering in childcare institutions and facilities;**
100. **Regulate the private sector within the travel and tourism industry to ensure compliance with business and child rights obligations and the “do no harm” principle;**
101. **Penalize entities, including agencies, tour operators and tourism companies, that provide voluntourism services for profit without putting in place requirement for screening and vetting their volunteers;**
102. **Put in place measures that promote services that allow only ethical volunteering trips, such as those supporting families and communities in remaining together;**
103. **Adopt the Global Code of Ethics for Tourism, which defines the principles of ethical, sustainable and responsible tourism, and adapt it to a national regulatory framework for the tourism industry, and ensure its applicability in the issuance of licences and control of the tourism industry to services such as transport, agencies, tour operators, hotels, guesthouses and clubs;**
104. **Encourage and promote the use of the Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism within the travel and tourism sector at national level;**
105. **Strengthen wider adoption and implementation of model tourism child protection instruments across all regions and localities, including developing collaborative partnerships with the private and community-based sectors;**
106. **Legislate on and enforce mandatory registration of all residential care services for children, with penalties for any non-compliance;**
107. **Put in place supervisory measures that prevent children from being separated from their families and placed in childcare facilities, in line with the Guidelines for the Alternative Care of Children;**
108. **Provide resources, awareness-raising and incentives;**
109. **Provide adequate budgetary allocation for the effective implementation of the laws and measures in place to ensure the effective protection of children from exploitation and sexual abuse in the context of voluntourism;**
110. **Regulate and monitor how funding is sourced and received for orphanages and residential care institutions for children, to ensure that the children, including their families, are not exploited and that their rights are not violated;**

111. **Support the redirection of private and public funding away from orphanages and alternative care facilities towards prevention of separation services, family-based care and critical aftercare services for young people in exiting care;**
112. **Ensure funders' policies, regulations and guidelines to restrict the use of funding and donations for renovation of buildings and institutions, and family- and community-based care, with a view to redirecting it away from childcare institutions;**
113. **Emphasize that funders with established relations with institutions should ensure a phased divestment strategy towards ceasing operations and minimizing the risk of immediate withdrawal of support and placing the remaining children in even more harm;**
114. **Raise awareness and issue a travel advisory for citizens and residents on the national policy on voluntourism and its implication for its citizens and residents;**
115. **Create incentives for tourism companies to actively prioritize child protection and take clear action to combat the sale, sexual exploitation and sexual abuse of children;**
116. **Work with intermediaries and partners from the sector developing voluntourism "products" and "packages" to closely regulate their operation and elaborate measures for the prevention of the commodification of children;**
117. **Promote alternative solutions instead of offering voluntourism products, which can be done through:**
 - **Providing meaningful support to children**
 - **Working towards deinstitutionalization of children**
 - **Providing services that prevent separation**
 - **Providing family-based care and critical aftercare services for young people exiting care, in line with the Guidelines for Alternative Care of Children**

Cooperation, due diligence measures and capacity support

118. **Encourage cooperation and collaboration among all stakeholders, including international and regional bodies, civil society, experts, non-governmental organizations, community actors, including faith-based leaders, and other relevant stakeholders, to address and respond to these phenomena;**
119. **Ensure that unqualified and unsuitable persons do not volunteer in programmes, including childcare facilities, and including but not limited to teaching placements, childcare activities, visits or placements in host families/communities, residential care facilities or orphanages or other activities with or for children;**
120. **Create a regulated system of volunteering and conduct thorough background checks on volunteers and providing training and support to ensure that they understand and respect the rights of children;**
121. **Provide technical and financial support to, as well as share good practices with, developing and least developed countries, both in existing and in emerging tourist destinations, on how to adequately respond to the exploitation and sexual abuse of children within the travel and tourism sector;**

122. Provide regular, long-term and sustainable funding to support capacities and activities of civil society organizations and professionals working with or for children; and to provide safe spaces where child victims and survivors can share their experiences, as well as provide them with support services.
