



Government Commitments to Combat Sexual Exploitation of Children

A Report for Adolescents

World Congress III against Sexual Exploitation of Children and Adolescents

Theme II: Legal Frameworks for Combating Sexual Exploitation of Children

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Introduction

What is this document about?

UNICEF has developed this document for the follow-up of the World Congress III against Sexual Exploitation of Children and Adolescents (also referred to as WCIII in this document). There were five themes that were discussed during the WCIII. This document is a simplified version of theme number 2: 'Legal Frameworks for Combating Sexual Exploitation of Children' or, in other words, 'Government Commitments to combat sexual exploitation of children'.

Who is this document for?

The document has been written for adolescents aged 14–18 years, but can also be used by younger children and by adults.

What can you learn from this document?

In this document you can learn:

- what international law and other commitments made by governments say about combating sexual exploitation of children;
- how governments must change their laws in accordance with international law;
- what progress has been made to make international law a reality.

The document also provides recommendations on how laws need to change and other actions needed to stop sexual exploitation of children and adolescents. It shows how governments must take actions, based on their commitments made in conventions (international law), to combat all sexual exploitation. Through this document you can get ideas on how you can use international laws and other agreements and work together with your communities and governments to help stop sexual exploitation.

"It is important to ask children what they think. Is it going to take a Congress like this every five years to listen to us? We want our voices heard on a regular basis."

An adolescent during the WCIII¹

What was the WCIII about?

¹ 'Pulling a Face at Sexual Exploitation', Report on Children's and Adolescents' Participation in World Congress III against Sexual Exploitation of Children and Adolescents, 25-28 November 2008.

The WCIII was a meeting to share, exchange and build knowledge and guidelines on how to stop sexual exploitation of children and adolescents.

It was held from 25 to 28 November 2008 in Rio de Janeiro, Brazil. Around 3500 people² from over 170 countries participated in this meeting. Representatives of governments, intergovernmental and non-governmental organizations, human rights institutions, ombudspersons, the private sector, and civil society in general, together with religious leaders, parliamentarians, researchers and academics, and children and adolescents, all took part in the Congress. Around 300 of these participants were adolescents, from 56 countries.³

An adolescent girl from Australia, at the WCIII, said:

"This was the first time adolescents participated in such a large number in a world congress against sexual exploitation of children. They participated as resource persons, speakers and panelists during the opening and closing ceremonies, in panels, press conferences and in a committee to work on the Outcome Document."

(The outcome document outlines what the participants in the meeting agree to do next. The draft outcome document will be available at
<www.iiicongressomundial.net/index.php?pg=docs&inicial=2&id_pg=79&sid=e8763bf55d107241740dc77c79b2afc3&id_sistema=2&id_idioma=2>.)

Adolescents were involved from the early stages, in the preparatory process of choosing their representatives, in preparing a space where adolescent activities would take place, and most importantly breaking communication barriers among adolescents.

Moreover, they were also very successful in getting their messages and recommendations across to governments and agencies.

The WCIII wasn't the first time people came together to discuss sexual exploitation of children. The WCIII continued and built on discussions and commitments from:

- the First World Congress against Commercial Sexual Exploitation of Children in Stockholm, Sweden in 1996;
- the Second World Congress against Commercial Sexual Exploitation of Children held in Yokohama, Japan in 2001;
- recommendations of the UN Study on Violence against Children 2006 (see page 24).

The Convention on the Rights of the Child and its Optional Protocols (see page 17), as well as other international standards and commitments, was the foundation/base for the WCIII.

² <www.iiicongressomundial.net>.

³ 'Pulling a Face at Sexual Exploitation', op. cit.

The five themes at World Congress III were:

Theme 1: Existing and new forms of sexual exploitation of children such as trafficking in children for sexual exploitation, sexual exploitation of children and adolescents in prostitution, sexual exploitation of children through travel and tourism, sexual exploitation of children through pornography and child-abusive images, internet crimes and new technologies.

Theme 2: Government commitments to combat sexual exploitation of children to include revising laws on sexual exploitation of children and adolescents in various countries, and implementation of those laws through awareness raising, provision of child friendly services, child friendly justice, setting up procedures for special investigations and following up on the effect of those laws, and so on.

Theme 3: Making policies work well together across sectors so that various government departments at different levels, including the justice system and police, are able to work together to combat the sexual exploitation of children and adolescents.

Theme 4: The role of businesses, banks and corporations, looking at ways that the private sector can promote good ways of doing business that help society, in particular helping to combat the sexual exploitation of children and adolescents.

Theme 5: Governments, organizations and groups working together at the international level so that the various agencies working to combat the sexual exploitation of children and adolescents come together to stop cross-border crimes, share information, support children who have experienced sexual exploitation and follow up on the commitments made at previous World Congresses.

For each of the themes, a thematic document has been prepared to help the participants to better understand the issues, what has been done so far and what more needs to be done. Most of the papers also have a child and/or adolescent friendly version. **This is the adolescent friendly version for theme no. 2.**

For more information about the World Congress, sexual exploitation or other related topics, please visit:

<www.stopx.org>

<www.unicef.org> and <www.unicef-irc.org>

<www.iiicongressomundial.net>

(Also visit Section 8 of this document for more links, information and resources.)

In this document, you can find the following information:

1. Before you get started...
2. What is international law, and how does it protect children and adolescents?
3. What international laws and other agreements have governments made to combat the sexual exploitation of children and adolescents?
 - a. The Convention on the Rights of the Child (CRC)
 - b. New tools to make the CRC stronger
 - c. Other international legal agreements to protect children
 - d. Legal agreements between countries in a specific region
 - e. The United Nations Secretary-General's Study on Violence against Children
 - f. The UN General Assembly Special Session on Children, and the World Fit for Children +5 Commemorative Event
 - g. Guidelines and codes of conduct
4. How do we make international laws and other commitments work to combat sexual exploitation?
5. Progress and positive developments
6. Recommendations
7. Actions for and by adolescents
8. Resources for learning and action

1. Before you get started...

Here are some definitions and explanations you may find helpful.

Human rights are those rights and freedoms to which all humans – including of course all children – are entitled. Every person has the same human rights, which we are all entitled to simply because we are born. Some of our human rights have to do with our basic physical needs to stay alive. For example, we all have the right to our lives, and to food, water, shelter, and basic health care. Some of our human rights have to do with how other people treat us. We all have the right to be treated with dignity and respect. Some of our rights have to do with our need to develop and grow, and be part of our communities. We all have the right to an education, to express our own ideas and opinions, and to participate in making decisions about issues that affect us.

Human rights institutions are organizations that are created to protect human rights of people globally, or in a given country. Some institutions choose to deal with specific rights, or the rights of a group of people, such as the human rights of women, or of people with disabilities, or of children, and so on.

'Treaties' and 'conventions' mean the same thing. They are legal agreements made by governments. They highlight the promises governments have made on an issue (for example, trafficking, child labour or child rights) and they are part of the law, not just advice to governments. There are many different treaties and conventions, dealing with many different issues.

Ratification: When a government 'ratifies' a treaty or convention they are saying that they agree with it, and it becomes a legal duty for that country. In other words, by ratifying a treaty/convention, a government is agreeing that it has to do the things outlined in the treaty/convention.

'Codes' and 'standards' are not law, but they give advice on what should be done or not done. For example, there is a code on what the tourism industry should do to prevent sexual exploitation in tourism

United Nations – or UN for short – is a body of representatives of the countries of the world. It was created after the Second World War to provide

a place for all the countries of the world to try to sort out problems between them and deal with issues that affect them all. It has a key role in trying to maintain international peace and security. The UN head offices are based in New York and Geneva, but the UN also has offices in other countries.

UNICEF is the main organization in the United Nations that works for children's rights, including the survival, development and protection of children. It works closely with governments around the world to provide services to children such as medicines, vaccines, water, food and schooling. UNICEF also works to ensure that children are not exposed to any form of violence

Intergovernmental organizations (IGOs) bring together many different governments to form a group which focuses on special issues globally or in different parts of the world.

Non-governmental organizations (NGOs) are organizations created by individuals or groups of people outside the government. The organization is often formed for a particular purpose; for example, helping children and women get their rights, protecting the environment and so on. Sometimes NGOs work in many countries and in different regions of the world. These are known as international non-governmental organizations or INGOs, such as Save the Children or Plan International. There are also many organizations which are formed by and/or run by children.

For instance, the African Movement of Working Children and Youth, in Senegal, a network of working children's organizations, uses the media to promote the rights of working children. It runs classes for working children on how to use computers and discusses working children's issues with local groups. It also raises awareness through debate, radio and TV programmes.⁴

The private sector includes companies and corporations. They may be all different kinds of businesses, such as credit card companies, computer companies, travel agents, hotels, banks, media and manufacturing.

Civil society refers, for example, to groups of people who are concerned about the society's welfare, human rights and development, and who are not acting as part of the state or the private sector. Examples are self-help groups, trade unions, and children's organizations.

Law enforcement agencies is a term used to describe all organizations that help to ensure that the laws are followed, such as the police and other security forces

⁴ Secretariat for the UN Study on Violence against Children, 2006: 'Our Right to be Protected from Violence', page 49; available at <www.violencestudy.org/IMG/pdf/Our_Right_to_be_Protected_from_Violence-2.pdf>.

Parliamentarians are people who are elected to represent the citizens of a country in the national parliament.

Ombudsperson is an independent institution/person whose role is to defend the human rights of people against abuses committed by the government or others. The ombudsperson is a mediator who addresses problems by talking to relevant people to find a solution, making recommendations, and speaking out publicly when necessary. Many countries have a special ombudsperson for children who monitors the actions of government, parliament, and others such as the media, schools and companies, and checks how their actions affect children; this ombudsperson helps solve individual situations where children's rights are threatened, ensures that children's voices reach decision-makers, and advises on good policies for children's rights.

Researchers are people who search to find out more information about an issue, such as why children are being trafficked. This information helps the government and other organizations to improve their laws and programmes, for example to stop child trafficking. Children and adolescents are also involved in research in many parts of the world

The National Movement of Working Children and Adolescents in Nicaragua works to prevent sexual abuse of working children and adolescents. It developed and carried out a survey on how often sexual abuse involves urban and rural working children. Based on the information it found, it held press conferences, and met with the local government to discuss the issue. It also mounted a campaign with the aim of strengthening the capacity of young people to defend themselves from abuse.⁵

To understand what sexual exploitation is, we must understand the following:

Exploitation: Mistreatment, taking advantage of someone, using someone selfishly. For example, making a child work to pay off their parent's debt or making them do dangerous or illegal work in order to make someone else better off.

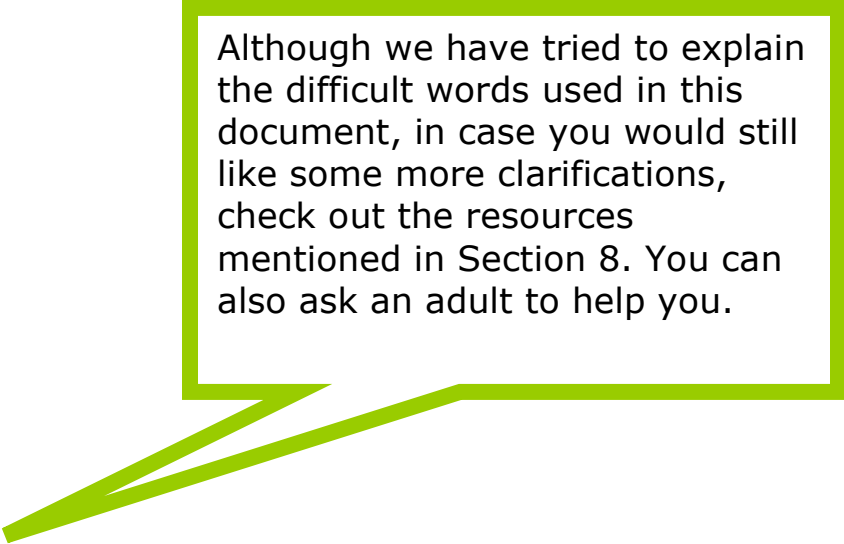
Sexual exploitation of children in tourism: The sexual exploitation of children by people who travel from one location to another and engage in sexual abuse and exploitation of children. They often travel from a richer country to one that is less developed, but they can also be travelers within their own countries or regions.

Sexual exploitation of children through pornography including abusive materials: Included are images, sound recordings or written words/stories of children being sexually abused. The images, sound recordings and words/stories are used by adults for sexual purposes. Most

⁵ Ibid.

common are photographs or films of children's private parts, adults doing sexual things to children, or children doing sexual things to each other.

Child trafficking: Trafficking is the movement of a child from one place to another for the purpose of exploitation. Trafficking of children for sexual purposes means children are moved from one place to another (short or long distances) so that adults can sexually abuse and exploit them.



Although we have tried to explain the difficult words used in this document, in case you would still like some more clarifications, check out the resources mentioned in Section 8. You can also ask an adult to help you.

2. What is international law and how does it protect children and adolescents?

"We need a global mechanism to respond to a global problem, no matter where they are in the world. Children are entitled to the same level of protection regardless of the country."

A girl speaking in the panel on legal frameworks and enforcement at the WCIII⁶

All governments have a responsibility to protect all children and adults from sexual exploitation and to ensure their human rights. They have a special responsibility to protect the rights of all children and adolescents in their country, including both their citizens and children who are temporarily in their country (such as child victims of trafficking, child migrants and child refugees). These responsibilities are part of international law.

In order for governments to meet this responsibility, they must find ways to work together with governments of other countries as well as with NGOs, children, adolescents and other members of civil society. One important way that governments can work together to protect children's and adolescents' rights is by creating international law. One form of international law is known as a '**convention**'.

Conventions describe promises and goals that governments should make every effort to honour and to reach (such as the right of all children to free primary education), or rights which governments are to protect (such as the right of the child to be protected from exploitation), and rights that governments should immediately ensure (such as the rights to freedom of speech and of religion and the right to information). Once a government says it will be part of an international agreement there are certain things it must do to implement it (that is, to put it into practice).

⁶ 'Pulling a Face at Sexual Exploitation', op. cit.

International law also includes '**international instruments**', because they are tools that governments and citizens can use to protect people from abuse, harm, and other violations of their rights. They also promote citizens' rights to information, to participation and to form their own organizations or associations. They are also called **legal frameworks**, because they are like a frame or a foundation on which laws can be adjusted or built. It is important to remember that international laws go far beyond legal frameworks. They include other things which are sometimes called 'general measures'. What are general measures? Among many others, for example, governments have to put money aside to pay for the things the law indicates will be done. They also have to inform people about the laws, they have to put in place a system to monitor the way things are improving, and they even have to try to get different people in government working together.

Some of the most important international laws and agreements made by governments are about **human rights**. One important goal of the United Nations (UN) is to support governments in making agreements to protect human rights and to ensure that these agreements are implemented and realized.

Governments can also make '**declarations**'. Declarations are also agreements, but they are not part of international law. Governments do not have to report on how they have implemented a declaration. Declarations are very important signals that support countries working together to make the world better for children.

The first agreement made between most countries of the world to protect human rights was the **Universal Declaration of Human Rights**. The agreement was made by all of the governments of the United Nations in 1948. (The UN was formed only three years before, in 1945, so the development of the Declaration was one of the first important acts by the UN.) By signing the Declaration, all of those governments agreed that ***all human beings – rich and poor, children and adults, male and female, from all races and religions – have equal rights and must therefore be treated equally and with respect for their natural worth as human beings.***

Even though the Universal Declaration of Human Rights was written to protect the rights of all human beings, there are still many challenges to make sure that the rights of all people are protected and respected.

Governments and citizens have also realized that it would be valuable to make legal agreements that focus on the rights of specific groups of people who are discriminated against and/or who need special protection. In 1989, the Convention on the Rights of the Child (CRC), which focuses specifically on the rights of children, was adopted. You will learn more about the CRC in the next section of this paper.

The process ...

How is international law created?

When several governments consider making a new convention (international law), they usually start by sending representatives from each country to join a committee. That committee meets to discuss and debate what should be said in the agreement, and how it should be written. It is important to know that not only governments write these laws. When the child rights convention was written, many other people helped. These were NGOs and other bodies who really wanted to help children and ensure their rights are realized.

When they have finalized the agreement, governments can join officially by **signing** and **ratifying** the convention.

'Signing' is the first step before 'ratification'. If a government 'signs' a convention it is saying that it agrees with it – but it is not yet a legal obligation.

When a government 'ratifies' a convention it is saying that it agrees with it and it becomes legally binding for that country. By ratifying a convention, a government is saying that it commits to doing the things outlined in the convention and it makes a commitment to make the convention a reality in its own country, including changing national laws so that they reflect the convention. However, a government may make a 'reservations' to the implementation of certain rights of the convention.

The governments then have to report regularly to a UN committee (such as the Committee on the Rights of the Child, see page 32) on how they have implemented the convention, for example, what laws they have developed and what services they have put in place, what challenges they face and what more needs to be done. The Committee then gives recommendations to the government based on these reports as to what to do next to further improve the lives of children. The Committee's feedback is called '**Concluding Observations**'. These recommendations will be reviewed the next time the country reports to the Committee.

It is not enough for governments to make international legal agreements with other countries in order to be successful in protecting human rights for children and all people. Each government must also take action within its own country by revising, passing and enforcing laws to carry out those conventions. This process is called '**harmonization**' of national laws, because the national laws should work in *harmony* with each specific agreement a government has made.

In some countries, when a government signs an international convention, it automatically becomes part of the law in that country. In other countries, the governments need to revise all their existing laws to ensure that they include

the same rights as the convention. For example, it may be necessary to compare all the laws of the country with the text of the CRC, and to change the laws to ensure that all the articles of the CRC are reflected in them, and that no contradictory messages are given.

Legal frameworks sometimes work well as tools to protect children, adolescents and adult citizens ... and sometimes they do not...

International legal agreements, such as conventions, play an important role in making the world safer, and in protecting the rights of children, adolescents and adults. The benefits include:

- When the governments of many countries agree to the same set of goals (such as the right of all children to health care), it is easier for them to work together, to help each other and to protect and ensure all children's rights.
- When many governments agree to join an agreement, this can influence other governments to join as well.
- International law creates a good opportunity to inform people around the world about important issues, such as children's right to be safe from harm.
- When a government signs an international convention, the citizens (children and adults) of that country gain a tool that they can use to hold their government accountable for doing what they agreed to do.
- The process of making an international legal agreement can also be helpful to governments because the discussion related to the agreement gives the governments a chance to learn more about problems they all share. It gives them a chance to consider how the situation in their country is different, and to figure out how to make an agreement that can work well for all countries. It also gives governments opportunities to discuss how they can work together to solve the problem.

However, international laws are not always effective.

- Governments can choose whether or not to ratify an international convention, and sometimes they choose not to. For example, the government of the United States of America is one of the two governments in the world that has chosen not to ratify the Convention on the Rights of the Child.
- Sometimes governments join an international legal agreement, but they do not fulfil their promises and do not take actions based on the agreement. There are many reasons why this may be the case:
 - In some countries, the new commitments under a convention may be very different from the laws that already exist in that country, and some governments may not want to or have limited resources to change and implement the new and revised laws.
 - Some countries do not have a strong **rule of law**. 'Rule of law' means that all citizens in a country, including its leaders, are

required to follow the written laws of that country, and when someone breaks the law, he or she is held accountable/is punished within that country's legal system. When the rule of law is not strong in a country, it is less likely that citizens will follow a new set of laws, or that the laws will be enforced.

- Conflicts and natural disasters also affect governments' capacity to implement laws and to take other actions to protect children.

As mentioned earlier, changing laws does not solve the problem automatically; it should always be combined with other actions such as:

- **awareness raising and education**, to make everybody aware of the new laws and how they will be implemented (information for professionals, parents and children) – how to report a crime, what support is available to the victim, and more;
- awareness raising and mobilization to **change attitudes** which may be in conflict with the new law;
- building **supports and systems** (justice, social services, etc.) to ensure the laws can be implemented;
- mobilizing and involving **civil society** in developing and implementing the laws;
- providing for information, statistics and data as well as independent mechanisms to **monitor the implementation** of the laws (such as child Ombudspersons).

It can be challenging for governments to work together to uphold international law, especially if the laws in two countries are different.

For example, if a citizen of **one** country travels to **another** country and abuses a child, but the two countries have different laws about abuse – how should the person be punished? It is therefore important to have clear laws and special agreements between countries, to explain how such situations should be solved.

What do you think?

Can you give some more examples of why laws are not always effective?

Can you give an example of a law in your country which has made life much better for children? Why do you think this law was so effective?

Attitudes in communities sometimes make implementation of laws difficult. Which are the attitudes that you think have to be changed to make laws more effective?

What do you think should be done to change those attitudes? How can children and adolescents be involved in changing attitudes of adults and of other children? What are children and adolescents already doing in your country?

Here is an example of what a group of boys and young men are doing in Ethiopia to change attitudes and practices.

"being a member of the Boys' Group is above all entertaining, educative, a place where one makes a difference. I am very happy that I am part of such a group."

Male adolescent, 18 years old, Hiwot Boys' Group⁷

Save the Children Sweden in Ethiopia started a programme in 2005 to assist boys and young men in their efforts to promote gender-equal relationships with girls and women. The programme involves awareness raising on gender, sexual health, HIV/AIDS, rights and responsibilities in relationships, how to communicate better and how to develop trust and respect with girls. Groups and clubs of boys – and girls – have been established in the communities to provide peer education for other boys.⁸

⁷ Save the Children, 'Boys for Change: Moving towards gender equality', 2007, page 12.

⁸ Ibid., pages 12-14.

3. What international laws and other agreements have governments made to combat the sexual exploitation of children and adolescents?

"The protection of children involves major financial resources but the life and well-being of millions of children depend on the willingness of governments to put in place the necessary measures. In our view, violence committed against a single child is one instance of violence too many."

Children from West Africa in the regional consultation for the UN Study on Violence against Children⁹

A. *The Convention on the Rights of the Child*

For the past 20 years, the United Nations and governments of the world have taken many important steps forward to work together to protect and support children. The most important landmark event in governments' work was the adoption of the Convention on the Rights of the Child (CRC) (<www.unicef.org/magic/briefing/uncorc.html>). The CRC was adopted in 1989 and all the governments except for the United States of America and Somalia have ratified the Convention (that is, promised to make it a reality) and agreed to use it as a basis for the way they treat children. The rights

⁹ Save the Children Alliance, 'Act Now: Some highlights from children's participation in the regional consultations for the United Nations Secretary-General's Study on Violence against Children', 2005, page 11.

listed in the CRC are based on the idea that the right of each person should be recognized and respected by everyone. The CRC says that all children have equal rights. It also shows that children are vulnerable and need more protection than adults do. At the same time, children, like adults, have an important role in 'realizing' their rights. This means that adults must listen to and involve children when decisions are made which will affect children.

The CRC includes many rights, such as the rights to education, health, a name, to be heard, to information, and more. The governments who have signed the Convention agree to do everything they possibly can to ensure the economic, social and cultural rights of children (for example, to education and health). Civil and political rights (for example, rights to information, religion, participation, and more) have to be implemented immediately.

The rights are intended to ensure children have what they need to grow, develop and learn in a safe environment and in good health, and to be involved in decisions that affect their lives. All these rights are important and need to be respected at all times.

Some of the rights in the CRC are *directly* related to children's right to be protected from sexual exploitation. (The CRC is made up of different parts/paragraphs called 'articles'. In total there are 54 articles.) For example:

Article 19 of the CRC protects children from all forms of violence, including sexual exploitation.

Article 34 of the Convention says that governments should protect children from sexual exploitation and abuse, including prostitution and involvement in pornography.

Article 35 of the Convention says that governments should make every effort to prevent the sale, trafficking and abduction (for example, kidnapping of a child) for any purpose or in any form.

Article 39 of the Convention says that governments must do everything necessary to help child victims of exploitation, abuse and other forms of violence to get appropriate support and treatment, in an environment which is good for the child.

Many other articles in the CRC also *support* children's right to be protected from sexual exploitation, such as articles to protect children's rights to live with their parents, or, if that is not possible, to live in a healthy family environment in which they are safe. Children's right to information, education, non-discrimination and participation are other examples of supportive rights which make children less vulnerable to abuse and exploitation.

The CRC has four rights which are also called the **general principles of the CRC**:

- **the right to non-discrimination, article 2;**
- **the best interest of the child, article 3;**
- **the right to survival and development, article 6;**
- **the right to be heard and to have his or her views taken into consideration, article 12.**

These rights should always be considered when a right is being implemented. However, all rights in the CRC are connected to each other and equally important. It is therefore important to put all of them into practice.

It is also useful to know that the CRC includes the definition of a child as being a person below the age of 18, so all of the rights in the CRC are guaranteed to children and adolescents up to that age.

The CRC is the most important convention to know about in order to understand how the United Nations and governments around the world are trying to work together to protect the rights of children and adolescents. However, since the CRC was adopted in 1989, governments have made more legal agreements to combat sexual exploitation of children and adolescents.

B. New tools to make the CRC stronger

These are some new agreements made by governments, with other tools to reinforce the CRC and make it a stronger means to combat sexual exploitation of children.

The CRC Optional Protocol on the sale of children, child prostitution and child pornography, adopted in 2000: 129 governments (by October 2008) have agreed to implement this agreement. It focuses on the **different forms** of sexual exploitation of children. It also mentions the **causes** that sometimes put children at risk of those forms of harm and it requires governments to take action to **prevent these forms of sexual exploitation**. It further tells governments to **criminalize** these forms of exploitation, give support to child victims and to cooperate with other countries to make sure that this all happens.

A youth group in Venezuela found that a popular website for young people had links to pornographic sites. They reported the site to the government and the site was closed down. The youth organization, Community Centre of Learning, is now running school workshops on internet safety.¹⁰

¹⁰ Secretariat for the UN Study: 'Our Right to be Protected from Violence', op. cit., page 58.

The CRC Optional Protocol on children affected by armed conflict was adopted in 2002 and explains that no child under the age of 18 should take direct part in war/hostilities. The CRC Committee also raises the issue of sexual abuse and exploitation, especially of girls, during conflict and recommends appropriate treatment for and support of all child victims.

General Comment No. 5 gives governments guidance on how to make the CRC a reality: by developing laws; making the Convention known; involving civil society and children in its implementation, and ensuring that there is a budget for doing so. The General Comment also encourages governments to establish child ombudspersons or other institutions which are independent of the government to monitor and follow up on what the government is doing to make the CRC a reality. This gives governments useful suggestions on actions needed to protect children from *all* forms of violence, abuse, and exploitation. These measures are also called the General Measures of Implementation.

Some of the other **General Comments** give governments guidance on how to protect children in specific situations that put them at risk of being sexually exploited:

General Comment No. 6 gives governments special recommendations on how to protect children who are forced to leave their homes because of poverty, wars or natural disasters (such as children who become refugees), and for those who are separated from their parents. These children are at risk of sexual exploitation and child trafficking because they often have nobody to protect them.

General Comment on HIV/AIDS (1993) includes recommendations to protect children who are affected by HIV/AIDS, or whose families are affected or have died due to HIV/AIDS. These children often face discrimination and poverty, and are therefore at risk of sexual exploitation.

HIV/AIDS: HIV stands for 'human immunodeficiency virus' and AIDS stands for 'acquired immune deficiency syndrome'. HIV causes AIDS by infecting cells of the body. By causing the body's protection system to break down, it puts the body more at risk of developing serious symptoms or diseases that can result in death. HIV infection is spread through unprotected sex (sex without a condom) or through exposure to infected blood (including through needles, syringes or blood transfusions). HIV can also be transmitted from a mother to a child during birth or by breastfeeding

General Comment on "The right of the child to be protected from corporal punishment or other forms of cruel or degrading forms of punishment" highlights the importance of making all forms of violence illegal. Corporal punishment makes children vulnerable to sexual exploitation, because many children leave their homes and families due to cruel

treatment. Children are sometimes beaten/punished when they try to tell adults that they have been sexually abused or exploited.

Corporal punishment means any kind of physical punishment, including smacking, beating, whipping, done with the intention of controlling, educating or disciplining. Corporal punishment also include verbal humiliation for the purpose of punishment.

General Comment on the rights of children with disabilities discusses the risks run by children with disabilities of different forms of exploitation and harm, including sexual exploitation, due to discrimination and lack of protection.

C. Other international legal agreements to protect children

In addition to the CRC, governments have also made other legal agreements to protect the rights of certain groups of people, or to solve other international problems. Some of these agreements are also important for protecting children and adolescents against sexual exploitation. These international legal agreements also show that the problem of sexual abuse and exploitation of children is connected to and made worse by other global challenges and problems.

The **United Nations Convention against Transnational Organized Crime** is an international legal agreement made in 2000 to prevent 'organized crime', for example when people from different countries work together to commit crimes, such as selling illegal drugs or weapons. In 2008 another agreement was added to that Convention, the **Palermo Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children**. This is the first international agreement which explains what trafficking in children means; it says that a child (under 18 years of age) can never consent or agree to being trafficked, since the child will not fully understand what it means. So even if a child says to the trafficker, "Yes, I want to come with you," it is still child trafficking. Child trafficking means moving a child from one place to another for the purpose of exploitation.

The **Worst Forms of Child Labour Convention**, of the International Labour Organization, is a legal agreement which came into force in 1999 and focuses on the situation of children working in unsafe and unfair working conditions. These prevent children from enjoying their rights to grow and learn. The Convention defines the **worst forms of labour, which include sexual exploitation**. It requires governments to make these forms of work illegal – against the law. It also asks governments to start programmes such as free basic education and employment training, in order to make children less vulnerable to the worst forms of child work.

The **International Convention on the Protection and Rights of All Migrant Workers and Members of Their Families** protects the human rights of people who move from one country to another in search of work. It prevents adults and children from being forced into situations of slavery or forced work, which includes sexual exploitation of children.

The **Convention on the Rights of Persons with Disabilities (2008)** includes specific protections for children with disabilities against all forms of violence and exploitation, both inside and outside the home. This is important because children with physical or cognitive (mental) disabilities may have fewer opportunities to speak up for themselves and some children with disabilities live away from their families in institutions, where they may be vulnerable to sexual abuse and exploitation.

The Convention also asks governments to provide information to children with disabilities and their families about sexual abuse and exploitation. The information should be sensitive to the needs of girls and boys, to children from various age groups and to children with different forms of disability.

The creation of the **International Criminal Court in 1998** was another important step because it creates a system for punishing adults who are guilty of large-scale sexual abuse of children and adults during war situations (for example, the sexual abuse of enemies to make them weaker). This is seen as a 'crime against humanity' and as a 'war crime'.

D. Legal agreements between countries in a specific region

The governments of countries from a specific region, such as Europe, Africa or South-East Asia, sometimes work very closely together and make legal agreements among themselves. This is a good idea because they often share similar problems and concerns and some of those problems may be specific to that region.

The Council of Europe, which is an organization formed by governments of 47 European countries, has adopted two very important conventions, the **Council of Europe Convention on Action against Trafficking in Human Beings** and the **Convention on the Protection of Children against Sexual Exploitation and Abuse**. Countries outside Europe can also ratify these conventions.

Many people who work to combat sexual exploitation of children believe that these two conventions are especially useful. They include detailed guidance on how to protect children from exploitation in many situations, and how governments of different countries can work together to enforce their laws. They also focus on how to support and protect children who have been exploited.

The Convention on Sexual Exploitation and Abuse recognizes that most sexual abuse against children takes place within the family, by a person who is close and known to the child. The Convention addresses both sexual abuse and exploitation. It also asks government to train professionals working with children (teachers, doctors, social workers) on child rights and child protection. It calls for the rehabilitation of children who are sex offenders (that is, instead of children being put in prison, they should be helped so that they do not continue to sexually abuse and exploit other children), and for the involvement of children, the private sector and the media in developing and implementing policies and programmes to stop sexual abuse and exploitation. The Convention also asks governments to make it a criminal offence to have child pornography, for example in the home (even if the person does not plan to sell it), and to criminalize grooming (when an adult approaches a child and tries to make the child agree to sexual activities).

A third agreement, the **Council of Europe Convention on Cybercrime**, focuses specifically on forms of sexual exploitation of children that take place through the internet. It criminalizes not only real pictures of children but also cartoons and other images which portray a child in a sexual way. The Convention helps countries to develop national laws and agreements on how to work together with other countries.

The African Union, which includes 53 **African** governments, developed a **Charter on the Rights and Welfare of the Child** (1981) which tells governments to protect the rights of women and children as expressed in other international agreements. It specifically asks governments to prevent sexual abuse, child prostitution, child pornography and other form of sexual exploitation. The Charter also asks governments to prevent the abduction/kidnapping, the sale and the trafficking of a child for any purpose or in any form. It also prevents child marriage (the marriage of a girl or a boy under the age of 18 years). There is also a committee, the African Committee of Experts on the Rights and Welfare of the Child, which has developed advice to the governments on how to implement the Charter, and it also monitors/follows up with governments to see how they are implementing the Charter.

In Latin America, 32 governments agreed to implement an **Inter- American Convention on International Traffic in Minors** (adopted in 1994). It asks the governments to cooperate and to provide information and support to each other to prevent and stop this crime.

The countries of South Asia have formed the South Asian Association for Regional Cooperation. They have all agreed to implement two Conventions: the **Convention on Preventing and Combating Trafficking in Women and Children for Prostitution** and the **Convention on Regional Arrangements for the Promotion of Child Welfare in South Asia**. The first Convention asks the countries to make trafficking of women and children for prostitution a criminal activity, to cooperate between the countries and to

send the victims of child trafficking back to their home countries. The second Convention addresses many child rights issues and covers trafficking for all forms of exploitation, not only for prostitution.

E. The United Nations Secretary-General's Study on Violence against Children

"We urge you to activate these recommendation and others made by children in previous consultations and to involve us when designing actions on violence against girls and boys in each country and region."

Children in South Asia during the regional consultation for the UN Study on Violence against Children¹¹

The United Nations took another important step to combat sexual exploitation of children by supporting a worldwide study, beginning in 2005, to learn more about violence against children. The United Nations Secretary-General's Study on Violence against Children was led by Professor Paulo Pinheiro. He worked closely together with UN agencies, NGOs and with children and adolescents. The study looked at all of the forms of violence committed against children, including sexual violence, in homes, schools, other institutions, in communities and in workplaces. Children and adolescents played an important role in the study; they participated by sharing their views and recommendations. Some groups of children also did their own research.

The study gives recommendations to UN agencies, governments and others on what they should do to stop violence against children. The study and its recommendations were presented by Professor Paulo Pinheiro to the United Nations General Assembly in 2006. (To learn more about that study, see Section 8 of this paper.) The study and its recommendation are not part of international law, but it gives governments important guidance on how to stop violence against children.

We are also going to look at some other commitments made by governments which are not part of international law:

See Section 8 of the document to learn where you can get more information about the UN Study on Violence against Children.

Children in conflict with the law in Yemen experienced physical and sexual abuse at a police station. In the rehabilitation centre, where the children were helped to stay out of prison, young people decided to speak out. A national workshop for police was organized and the children described the

¹¹ Save the Children Alliance, 'Act Now', op. cit., page 10.

violence they had experienced. Officers at the police station decided, as a result of the workshop, to take action against the abusers.¹²

F. The UN General Assembly Special Session on Children, and the World Fit for Children +5 Commemorative Event

**"We are the world's children.
We are the victims of exploitation and abuse.
We are street children.
We are the children of war.
We are the victims and orphans of HIV/AIDS.
We are denied good-quality education and health care.
We are victims of political, economic, cultural, religious and environmental discrimination.
We are children whose voices are not being heard: it is time we are taken into account.**

We want a world fit for children, because a world fit for us is a world fit for everyone."

Extract from 'A World Fit for Children'¹³

The governments of the world have also had two important meetings at the United Nations to discuss how they can work together to make the world "fit for children." In 2002, the United Nations General Assembly – which is the highest level meeting of government leaders from all over the world – had a Special Session to discuss the most important problems facing children around the world, and what they must do to solve those problems. Children and adolescents also played an important role at that meeting and young people under the age of 18 made a statement during an official session of the General Assembly.

Together, children, governments, NGOs and other delegates created a Plan of Action to solve problems, which included a commitment to protect children from all forms of sexual exploitation. That plan, which included specific goals with specific deadlines, was called 'A World Fit for Children'. Five years later, in 2007, the General Assembly met again at the World Fit for Children +5 Commemorative Event to look at how much progress had been made. (To learn more about that Special Session and the Plan of Action please see Section 8 of this paper.)

G. Guidelines and codes of conduct

¹² Secretariat for the UN Study: 'Our Right to be Protected from Violence', op. cit., page 41.

¹³ Available at

www.unicef.org/specialsession/docs_new/documents/child_friendly_ssoc_outcome.pdf>.

Many guidelines and tools have been developed to help governments to implement the commitments they have made. Some guidelines give advice on how to protect children from child trafficking, how to find and identify children who have been trafficked, how to prevent sexual exploitation of children, how to prevent gender discrimination, and more.

Guidelines on Justice in Matters Involving Child Victims and Witnesses of Crime

These guidelines have been produced to help ensure that children who have been harmed by crime or who have seen others harmed are protected and treated fairly when they say what happened to them in court. The document also outlines protections for children when they talk to the police, social workers and anyone else they meet before and after they go to court.

(The document is also available in a child friendly version at www.unodc.org/pdf/criminal_justice/Guidelines_E.pdf.)

The guidelines also recognize that some children need special help and protection because of the way they have been harmed, such as through sexual exploitation. They may need, for example, medical and psychological (emotional) support that makes them recover and feel safe. The guidelines further highlight that all children have the right to information about the justice process and to say what they think should happen when adults are making decisions about their lives, including in the legal process. According to the guidelines, professionals (doctors, teachers, lawyers and others) should be trained on how to work with children and meet their needs.

It is not only governments who have a responsibility to stop sexual exploitation of children; everybody, including the private sector, has an important role to play;

Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism

This code of conduct provides guidelines to private companies who are working in the tourism and travel industry, such as travel agencies, on how they can help protect children from sexual exploitation. It was drawn up by ECPAT (End Child Prostitution, Child Pornography and the Trafficking of Children), supported by UNICEF and the UN World Tourism Organization, and is also known as 'the Code'. It has been signed by 600 tourism companies in 38 countries and they have thereby made a commitment to follow these guidelines.

When a company signs this code they agree to:

- develop a policy on what they are going to do to stop sexual exploitation of children;
- train all their staff in their country (where they are based) and in the destination country (the country to which they send tourists/travellers) on what sexual exploitation is, and that it is illegal;

- explain how they will make sure that other companies with whom they cooperate take actions against sexual exploitation of children (for example, hotels in which the tourists/travellers stay);
- inform the tourists/travellers about sexual exploitation of children and tell them that it is illegal (for example, by providing information in the airplane during a flight);
- provide information to key people in the country being visited by the tourists/travellers about sexual exploitation in tourism and what they can do about it, such as reporting to the police if they see or suspect abuse;
- report every year on what they have done to stop sexual exploitation.

The Code is now an organization itself. Members of the organization include people from the tourism industry, governments and non-governmental organizations.

What do you think?

How can we really tell if governments are implementing children's rights effectively in their respective countries?

Article 12 of the Convention on the Rights of the Child says that children have a right to be heard and listened to and that adults should take what they say seriously. Do you think adults in your country listen enough to children (parents, teachers, government officials and others)? If no, what could be done to ensure that adults take children seriously?

Many countries are working to protect children from sexual abuse and exploitation, but this still takes place and it is not always reported. There are many reasons why it is often hidden.¹⁴

Fear: Many children are afraid to report sexual abuse and exploitation, especially if the person who has hurt them is powerful and could harm again.

Stigma: Girls and boys may be afraid that if others know about their situation, they will be blamed or isolated.

Beliefs about sexual abuse and exploitation: Sometimes sexual abuse and exploitation is seen as a normal way of behaving.

It is not reported: Sometimes children and adults do not trust the authorities and offices where violence should be reported.

It is not recorded: Even if sexual abuse and exploitation is reported, there is no record kept, so no one knows about the problem.

¹⁴ Secretariat for the UN Study: 'Our Right to be Protected from Violence', op. cit., page 15.

4. How do we make international laws and other commitments work to combat sexual exploitation?

"We want to draft a document which will be followed up. We need to have a committee for monitoring the decisions made at the Congress. We need to educate children on this here and also inform children who are at home, on what went on here."

The adolescents from South Asia mentioned this during the WCIII¹⁵

As you can see, the governments of the world have made many agreements to work together to combat sexual exploitation of children. However, we all know that this terrible problem continues to occur. So, why are these agreements not enough? And why don't governments always fulfil their promises?

In order for international law to *really work* to combat sexual exploitation, governments must do their part by reviewing, passing and enforcing the right laws within their own countries. They must also find ways to work together with other governments to enforce laws when crimes are committed in one country by a citizen of another country.

Making and enforcing good laws can be challenging for governments. The laws they pass must be strong and clearly written, so it is clear to everybody when someone has broken them. They must also be strongly enforced, so that when someone *does* break those laws, he or she is held accountable/responsible. Laws are also educational and give people a clear message of what behaviour is acceptable and what is not. The laws must also ensure that the child victim is provided with the support that he or she needs. There must also be a reporting system set up where children and adults can report any sexual abuse and exploitation that has taken place – or

¹⁵ 'Pulling a Face at Sexual Exploitation', op. cit.

inform someone if they suspect that it may have happened. Helplines are also important because they can give children and adults counselling and advice on what to do. Children and adults must also have the information they need for reporting abuse. It is also important that the person to whom they report knows how they should act in the best interest of the child.

Governments must also have legislation/laws in force for preventing these crimes, so that they do not happen in the first place. These have to address the things that put children at risk of exploitation, such as discrimination, poverty, lack of education, lack of awareness, and more. Offenders must not only be punished but also be provided with treatment, so that they do not offend again. People who have sexually abused and exploited a child should never be allowed to work with children afterwards.

Passing new laws and making sure that people follow them also 'pushes' and educates people to change the ways they think about and treat children. Sometimes laws to protect children require citizens to stop doing something that they think is acceptable, or even beneficial, for families, or for children themselves (such as corporal punishment or early marriage). However, it is difficult for governments to enforce a law when some citizens disagree with it, so legislation should be combined with awareness raising and educating parents and professionals working with children, as well as children themselves.

In the state of Orissa in India, children identified physical and humiliating punishment as the most common form of violence against children. Awareness was raised by the children on the issue, with adults, through theatre, letters and workshops. The children also produced a film which they showed to community members. As a result of advocacy and awareness raising of children with parliamentarians, the Chief Minister of Orissa issued a Government Order to ban corporal punishment in schools in the state.¹⁶

It is also very important that the laws or the ways they are enforced **must not cause harm to the children they are intended to protect**. For example, children who have experienced abuse must not be put at more risk of further abuse, feel afraid in the court procedures, or treated as if **they** are criminals. Governments must set up systems to support and protect children who are victims or witnesses when someone has broken a law. This process is very important, but can be difficult at times.

Some of the important international legal instruments, commitments and guidelines that are related to protecting children from sexual exploitation – such as the CRC and its Optional Protocols, the General Comments on the CRC, the recommendations from the UN Secretary-General's Study on

¹⁶ Secretariat for the UN Study: 'Our Right to be Protected from Violence', op. cit., page 33.

Violence against Children, and the guidelines mentioned in Section 3 – all help governments to pass and enforce laws effectively.

The Convention on the Rights of the Child also explains to governments **how** they can make children's rights a reality. These measures are called the general measures of implementation.

The general measures of implementation – what are they?

The '**general measures of implementation**' explain how to implement the CRC and make children's rights a reality. Details include:

- **The process of law reform** – to make laws that reflect and respect the rights of children, as outlined in the CRC.
- **National agendas for implementation of the CRC** – to have concrete plans (at the country level) for making the CRC a reality. These plans should explain the actions that will be taken, when and by whom.
- **Allocation of resources for children** – to make sure that there is enough money and enough people with the right skills and knowledge in place to do this job.
- **Governmental coordinating bodies** – to ensure that all the ministries and departments in the government work together to implement the Convention and the national agenda/plan (for example, the Ministry of Finance, Ministry of Health and the Ministry of Social Welfare all working together).
- **Education, training and awareness raising on child rights** – for children, parents, teachers, judges, and others.
- **Systematic monitoring of CRC implementation** – to have data, information and statistics gathered so that governments and others can see if the lives of children are getting better, or not. For example, whether awareness raising on children's rights is making adults realize that a child should not be married at an early age. Whether the support to children who have been sexually abused really helps them to recover and move on in life.
- **Involvement of civil society in CRC implementation, including children's participation** – to make sure that the government works together with communities and children and listens to their views and recommendations.
- **Independent national institutions for children's rights** – to have organizations, such as Children's Ombudspersons, to monitor and make sure that the governments are doing what they promised to do. These institutions/organizations should not be run by the government. They should work closely together with children to make sure that what they are doing is in the best interest of children.

The Committee on the Rights of the Child also follows up on the general measures of implementation when they issue their Concluding Observations (telling the government what more they have to do). The Committee has also issued a General Comment on these general measures of implementation, to provide further guidance on putting the CRC into action.

What do you think?

Has your government made a plan of action to stop sexual abuse and exploitation? If yes, what is included in the plan? If no, what do you think should be included in the plan?

How are children and adolescents in your country involved in ending sexual abuse and exploitation? What more could be done?

5. Progress and positive developments

UNICEF and some other international organizations have carried out studies to learn more about whether governments have made progress towards ending sexual exploitation. They have looked into whether new national laws have been made and enforced. This is an important first step in learning what has been achieved and what else needs to happen.

All of these studies include some good news about progress that has been made, but they also show that there is a lot more work to be done.

A. Good news

Here are some examples:

- Many governments have passed laws to make it a crime to traffic a child and to sexually exploit a child – both in peace and war situations.
- Some governments have made laws which make it possible for them to punish their own citizens who travel to another country to exploit a child, even if exploitation is not illegal in the country to which the adult travels.
- South Africa has made a calculation of what it would cost to make sure that a new law on children's rights is fully implemented. It has also made a plan to define everything that has to be done to make the law a reality. This is important because many countries pass laws without ensuring that they have the resources to put them into practice.
- Ethiopia revised its laws on sexual exploitation to make them stronger and more effective. The new law includes a specific definition of 'child pornography', and strong punishments for anyone who distributes pornography to others.
- Bangladesh has made birth registration mandatory/compulsory; for example, the time and place of birth must be recorded for every child born. Birth registration is important for children's protection, because it ensures that there is a record of the child's age and it proves that the child is a citizen with legal rights. It also helps to prevent child labour and early marriage.

- In one of the states in India (Goa) new legislation provides assistance to child victims of trafficking, supports them in court and ensures that the child's views are heard. It has also been proposed to set up children's courts, where trials of all offences against children will be held in a child friendly environment. The courts will give special protection to child victims and witnesses of crime.
- In the Americas, 23 countries have developed an Action Plan against sexual exploitation of children.
- Many new laws have been adopted in the Latin American countries to prevent sexual abuse and exploitation of children. For example, Costa Rica has adopted a law on sexual harassment that requires all schools to have policies and take actions against sexual harassment of students.
- In Jamaica, a new law makes it possible for the child to give his or her testimony (as a witness) before the trial takes place, and the child does not have to be present in the court.
- In Canada, a law has been adopted which allows the court to decide that the sex offender (once he or she has been released from jail) is not allowed to visit parks, schools, playgrounds and swimming pools, to prevent the person from sexually exploiting a child again.
- In Italy a new law has been adopted to protect children under the age of 18 from child prostitution, child pornography and sex tourism. It also makes it possible for the Italian government to punish its citizens for committing these crimes outside Italy. A fund has also been created to support the rehabilitation of those child victims (outside Italy).
- Canada, France, Germany, Italy, Japan, Russia, United Kingdom and United States of America (the 'Group of Eight' or G8 States) have made laws to promote cooperation between the countries to stop sexual exploitation of children. They have also criminalized the planning of sexual exploitation of children in tourism, even before the travel takes place.
- INTERPOL, the world's largest international police organization, with 187 member countries whose goal is to stop international crime, has set up a database of child abusive images, with names and pictures of missing children and with names and pictures of adults who have sexually abused children. This database will help countries work together to find and help the victims and to catch the criminals.

Some of the good news shows the importance of children's and adolescent's participation in combating this global problem

In Honduras, children and adolescents have played an important role in a major national programme to combat commercial sexual exploitation of children. Young people under the age of 18 joined local protection networks in their communities, together with adults and local leaders. After being trained in how to identify sexual abuse and exploitation they worked as educators and advocates to their peers – other young people like themselves – sharing information with them about their rights, and how they can protect themselves.

India: community mobilization

An anti-trafficking network has been established in three particularly vulnerable districts of Andhra Pradesh to protect children from trafficking and address the root causes of trafficking, exploitation and abuse.¹⁷

The network cooperates closely with community-based anti-trafficking committees, youth groups and government and district administrations.

The network focuses on positive messages, using existing good practices and community structures to enter into conversations about child protection. It has influenced communities to take a stand and acknowledge that trafficking and exploitation and abuse of children need to be addressed.

The high level of youth participation and the government's long-term commitment has increased community involvement in the project. People from the community, especially women and adolescent girls, actively participate in looking out for trafficking related activities in their community, including monitoring the situation in the community and reporting on suspected trafficking.

B. ... and a lot more work ahead

Some examples of what needs to be done:

- Only a few countries have laws to protect children against corporal punishment in their homes, even though the UN Secretary-General's Study on Violence against Children strongly recommends that all governments should make all forms of violence, including all corporal punishment, against children illegal.
- In some countries, older children who are victims of sexual exploitation are treated as criminals. For example, in many cases children who have been victims of trafficking participate in activities which are illegal according to the law (begging, stealing, and more) and are often treated as illegal migrants or as criminals. A child should never be criminalized for being a victim of abuse and exploitation.
- Some countries have legislation against prostitution of women and girls, but forget that boys and men can also be used in prostitution.
- Very few governments have passed a strong set of laws against sexual exploitation on the internet and through mobile phones. Governments should also encourage the private sector to install report buttons in computer systems. (For more information see <www.thinkuknow.co.uk> where you will find information for parents, children and adolescents on abuse through the internet.)

¹⁷ Kapell, A., *Trafficking in Children in South Asia*, Save the Children Sweden, Kathmandu, Nepal, 2008, page 16.

- Many governments have laws that criminalize producing and selling of child pornography, but few countries have legislation against the downloading of child abusive images/child pornography from the internet and against having child abusive images (photos, cartoons or other images) in the home or workplace.
- Most governments do not have laws which make grooming illegal. 'Grooming' happens when an adult builds a trusting relationship with a child and acts as if they are a friend and then uses that trust and friendship to engage the child in sexual acts, or talk with them about sexual things.
- Some countries impose very low sentences (minor punishments) for adults who sexually exploit children and few countries have enough laws to address the causes of sexual exploitation, such as discrimination, poverty and adult attitudes and acceptance of violence against children.
- Few countries have laws which properly protect the rights of child victims and witnesses. Children are not always given the support they need for rehabilitation, to move on in life after exploitation and abuse has taken place.
- Laws to protect children against sexual exploitation are still very different from one country to another. This makes it very difficult for countries to cooperate and work together.
- Many laws lack a clear definition of 'child trafficking' and of other forms of exploitation. This means that it is difficult to punish adults when it is not clear what exploitation means. In some countries, trafficked children are sent back to their home countries without checking if this is what is best for the child.
- Few countries have good statistics and information – they do not know if their laws are working or how/if they are improving children's lives.

Few countries have legislation which promotes child participation in all parts of a child's life and in all decisions that have an impact on the child. Children are experts on their own life and situations, and must therefore be consulted and involved when governments are developing laws, policies and programmes to stop sexual exploitation. In courts, they should be consulted and asked whether they would like to testify or not. They should also be consulted when experts decide what protection and support the child needs to recover from abuse and exploitation.

And more needs to be done to implement the laws.

What do you think?

Are children and adolescents involved in changing or creating laws or in monitoring government's commitments in your country?

What could governments do to make their processes and systems more child friendly? What needs to be done to meaningfully involve children and adolescents?

What more could be done by children and adolescents to monitor government's actions and non-actions?

International Youth Advisory Congress (IYAC) on online safety and security, UK, July 2008¹⁸

"I have always been told not to talk to strangers that I meet on the street, but nobody told me not to talk to strangers on the internet" (boy)

"Restrictions alone do not work. Freedom to use the internet, in combination with information on the risk and other protection measures, is the best combination" (boy)

"Young people listen to other young people, therefore youth should be involved in developing safety messages on the internet" (girl)

Views of girls and boys expressed during the Congress

The first International Youth Advisory Congress on online safety and security took place in the UK from 16 to 21 July 2008. It brought together 148 adolescents (girls and boys aged 14–17 years old) from 19 countries from different parts of the world to share their experiences and recommendations. The Congress was organized by the UK Child Exploitation and Online Protection (CEOP) Centre, supported by the Virtual Global Taskforce (VGT), an international alliance of law enforcement agencies addressing child sexual exploitation.

¹⁸ See 'International Youth Advisory Congress: Key recommendations', 21 July 2008.

During the International Youth Advisory Congress, the young people met with representatives from governments, industry, law enforcement, education and the media. As an outcome of the meeting, a number of recommendations were presented by the young people, including:

- Broadcasters and advertisers to show existing films on online safety on television, on the sides of buses, on billboards and in online pop-ups.
- Industry to develop a mandatory and universal browser-based 'report abuse' button on the toolbar of each browser and on all social networking sites. This would require only two clicks to report any problem without even leaving the webpage.
- The establishment of an international online safety Industry Advisory Panel, made up of adolescents and industry leaders to represent current issues in their countries to government authorities
- Governments to use their collective power to put pressure on the media and on industry to promote online safety.
- Proactive education of teachers, politicians, parents and other adults to enhance their understanding of online safety issues, and to enable them to pass on their wisdom to other adults and young people.
- The replacement of the term 'child pornography' in the UN Convention on the Rights of the Child with 'child abuse images'.
- The expansion of article 6 (relating to survival and development) in the CRC to refer to the converged environment of the online and offline worlds.
- Finally, a global International Youth Advisory Congress online forum to be made accessible to registered users, for individuals to post their views, opinions and experiences.

A complete summary of the recommendations made by the youth delegates can be found at <www.iyac.net/corporate/press.htm>.¹⁹

¹⁹ Feinstein, Clare and Claire O'Kane, 'Children's and Adolescents' Participation and Protection from Sexual Abuse and Sexual Exploitation', *Innocenti Working Paper*, UNICEF Innocenti Research Centre, Florence, 2009.

6. Recommendations

"One of my final recommendations will be to make the police accessible to the children and make them more child friendly ... we ask the media to disseminate this message ... we all have to work together to end sexual exploitation of children and adolescents."

A boy from Costa Rica, at the World Congress III opening press conference²⁰

"We feel that primary preventions begin in the home – with proper communication between parents and children – and with proper implementation on a personal, direct and engaging level in schools. With proper education and preparation, children will be less likely to react violently to situations as they grow."

North American children's recommendations in the regional consultation on violence against children²¹

Sexual exploitation of children is a violation of children's and adolescents' equal right to be safe, to be treated with dignity, and to physical and emotional safety. Governments of every country are primarily responsible for ending all forms of sexual exploitation of children. They must ratify international agreements to protect children and meet the agreements they have made – however, not only governments, but everybody must respect international law.

The United Nations and governmental leaders have different roles to play in combating this worldwide problem. Here are some examples of actions they should/could take:²²

1. The **United Nations** should support governments by suggesting national laws that can work well in different countries. It should also remind governments to report on their progress made in creating and enforcing new laws to combat sexual exploitation of children.

²⁰ 'Pulling a Face at Sexual Exploitation', op. cit.

²¹ Save the Children Alliance, 'Act Now', op. cit., page 18.

²² The recommendations in this chapter are built on and elaborated from the recommendations of the thematic paper no. 2 for the WCIII.

2. The **Convention on the Rights of the Child** is a strong tool for combating sexual exploitation of children, but it can be made even stronger. There could be a **system for children to make an official complaint** if their rights have been violated and if their national government has ignored this problem. There could also be a new General Comment for national governments with **recommendations on how they can fight all forms of sexual exploitation of children**.
3. There are many laws that national governments must create and enforce to combat sexual exploitation of children. In every country...
 - anyone **below the age of 18** should be considered a child, and their rights as a child should be respected and upheld;
 - there should be laws with clear, detailed **definitions** of sexual exploitation – they should be in line with the definitions found in international law;
 - **all forms** of violence against children should be illegal;
 - children who are victims of sexual exploitation should **never be treated as criminals**.
4. Governments should take responsibility for **enforcing laws** against sexual exploitation, including:
 - when a citizen of that country violates those laws, even if they are in another country;
 - when a child who is a citizen of that country is exploited, even if the person committing the crime is a citizen of another country;
 - whenever those laws are broken within their territory.
5. There should be **legal and other services** available for children to report sexual abuse and exploitation and to support a child who has been abused and exploited. Those services should protect children's emotional and physical well-being, and it should be comfortable and easy for children to find them and use them when they need to. The legal services should give advice and help children to get justice.
6. Children must have the chance to **share their opinions** about laws to protect them, how they are monitored, and how they are enforced. Adults must **listen** to their views, and consider them when they are making decisions.
7. Whenever children are involved with the criminal justice system, whether they are the *victim* of a crime, the *witness* to a crime, or if they have been *accused* of a crime, they should be treated with their **best interests** in mind.

8. Children's **privacy** must be protected and respected if they are victims of a crime or if they are accused of a crime.
9. Governments must take responsibility for making sure that children are **informed** of all of their rights under the law. Children must be given information about laws to protect them, and what they can do to get help and support if those laws have been broken.
10. Most importantly, the laws should focus on **preventing** sexual exploitation. Adults who have been convicted of sexually exploiting children should not be allowed to hold jobs that allow them to work with or near children. Governments should keep evidence and records related to sexual crimes (such as DNA evidence), and they should make these records available to other governments so they can work together. **Whenever sexual exploitation of a child takes place, it is because governments and other adults have failed to do their part to protect children. Everybody has a role to play to stop sexual exploitation of children.**

What do you think?

Do you agree with the recommendations above? Are there any more recommendations that you would like to add?

7. Actions for and by adolescents

"There is no better protector of the child but himself. So, it is also important that the government gives us the place in terms of television and broadcasting hours in which children themselves facilitate their own transmissions or talk about their rights and the dangers that violate their rights."

A boy from Côte d'Ivoire and a girl from Niger write in a blog at <www.stopx.org>²³

There are many things children and adolescents can do to combat sexual exploitation of children and to work with their communities, their families, their governments and the United Nations. All governments have a responsibility to protect children from sexual exploitation, but they can only do this successfully if all of their citizens – especially children and adolescents – work with them as partners.

If you want to be a partner in combating sexual exploitation, it is important that you represent *your own* ideas and perspectives about this difficult issue. We hope you will start by talking to your friends, your parents, your teachers, and anyone else you trust about the issues and ideas you have for taking action.

Educate yourself

When you take time to learn more about what sexual exploitation is and what your government and the UN are doing to protect children against it, **you are already helping to combat this problem.**

As you have learned in the last sections of this document, every day governments, the UN and other organizations are taking new actions to try to combat sexual exploitation. All of these international laws, agreements and national laws to combat sexual exploitation may seem complicated, but if you ask a few simple questions you can learn a lot about your own rights – and what else needs to be done.

²³ 'Pulling a Face at Sexual Exploitation', op. cit.

Here are some questions to explore:

- What services and supports are there in your community and your country for a child who has been sexually exploited? Who could help a child who has been exploited? How could that person or that agency be contacted?
- Is there information available to children and adolescents about their rights? Is it easy or hard for children to get this information? Is the information written in a way that is easy for children of different ages to understand? Is it available in all the languages that children speak – and for children with disabilities?
- Has your government signed the major conventions and protocols that protect children against sexual exploitation? If so, is it passing and enforcing laws to fulfil its agreements?
- Is your government involving children and members of civil society in the development of laws, policies and programmes to prevent and respond to sexual exploitation of children?
- Do you have a child ombudsperson in your country? If yes, what does he or she do to help stop sexual abuse and exploitation of children?

We hope you will talk to other young people you know about how sexual exploitation can be ended. There are many actions **you** can take together with other young people and your local and national leaders.

Remember, you and all children and adolescents have the right to participate in any matter that affects your lives. You have the right to speak up, and to be heard. You have the right to be part of the solution. **Use your rights! Participate!**

ECPAT's Youth Partnership Project for child survivors of sexual abuse or exploitation in South Asia is an initiative with children who have experienced sexual abuse and exploitation. In each initiative, children and young people take on awareness raising or peer support roles with other children who have experienced sexual exploitation within their communities or organizations. Discrimination and stigmatization are often one of the biggest challenges faced by children and young people with these experiences (as well as other groups of marginalized children). However, when these children and young people have an opportunity to support each other in a safe environment and to gain self-confidence in expressing their views and stories, experience has shown how they start to take on new roles within their communities through raising awareness, supporting others and mobilizing action, all of which contributes to children's protection.²⁴

²⁴ Feinstein and O'Kane, op. cit.

Stay safe: protect each other, and yourself

Know your rights, and use them! Share what you have learned about your right to be protected from sexual exploitation with your friends and other young people. Make sure you *all* know what you can do if that right is violated. Make sure you *all* know what you can do to protect yourself from risk.

When you find information about your human rights, your legal rights and the services that support children in your country and community, share it with other young people you know. There are some examples of information at the end of this document. Please take a look!

If you or someone you know has been sexually exploited – *or even if you are just concerned that you or someone else might be at risk* – talk to an adult you trust. Be sure to use the supports and services that are available to you. **Just taking time to talk to a trustworthy person can be the most important first step in protecting yourself, or someone else.**

You should also read 'Safe You and Safe Me'

(www.violencestudy.org/IMG/pdf/safeyoufinal.pdf) and 'Our Right to be Protected from Violence' (www.violencestudy.org/r245) to learn more about this.

Work together

All around the world there are organizations of young people who are working together to combat sexual exploitation. You can join an organization with other young people so that you become powerful together in combating sexual exploitation. To meet and learn about young people around the world who are taking action, you can visit an online interactive website for young activists, www.stopx.org.

You could also consider forming your own organization, to work with other young people who have the same interests and concerns you do. Learn more about how to organize for action:
www.tigweb.org/action/guide/online.html.

Work with your government

In many countries there are **children's parliaments** and **children's councils**, who represent the perspectives and interests of children and speak directly to national and local governments about their concerns. Find out if there is a children's parliament or council in your country or your community. If there is one, make sure that they are talking to the government about how to combat sexual exploitation. Ask how you can be part of that conversation.

Children's councils in Hong Kong discuss violence and other issues that affect them.²⁵ One children's council made a survey on how many children had been hit by adults in the home or had seen violence in the home. The survey was published and sent to schools, libraries, government officials and local organizations.

Find out if your government is **taking action** by passing laws to protect children, or creating and sharing information with children about those laws. Read the newspaper and learn about your national laws by talking to your teachers or doing research on your own.

If your government **is** taking action, support it. Share information with other young people. Communicate with your leaders and let them know that you will work with them when they take action to protect you.

If your government is **not** taking action to make and enforce laws to protect children and adolescents against sexual exploitation, show them that you want them to **take action**. Let your government know that you and other young people expect it to support your rights. Take advantage of any chance to show it what you and other young people are doing to combat this problem. Use different ways to tell your leaders that you are concerned. Write letters and petitions. Ask your leaders to meet with you or your organization. Participate in forums and summits about children's rights. Make sure your children's parliaments or councils are representing your interests. **Show that you will be partners in the solution. Speak up!**

Be an advocate!

Many of the ideas presented above are forms of '**advocacy**'.

Advocacy is a way to bring about change in children's lives. Advocacy is about making a positive and *lasting* difference in the lives of children.²⁶

A well planned strategy will help you achieve better results. Before getting started, it will be important to do some research and to understand your goals and what you want to achieve.

To help you with your planning, there is a resource that you might find very helpful:

'One Step Beyond: Advocacy handbook for children and young people'.

This resource will help you think through your goal; who your intended audience is; your messaging; research; partnerships; and much more. It includes fun activities that you and your group can do to develop your

²⁵ Secretariat for the UN Study: 'Our Right to be Protected from Violence', op. cit., page 25.

²⁶ Kapell, A., *One Step Beyond: Advocacy handbook for children and young people*, Save the Children Sweden, 2007.

strategy and advocacy plan. It is by Save the Children's Global Task Group on Violence against Children;
visit <www.reddbarna.com/default.asp?V_ITEM_ID=17791>.

8. Resources for learning and action

Learn more about your rights! These resources will help you to get started.

UN Convention on the Rights of the Child

Learn more at <www.crin.org> or <www.unicef.org/crc/index_understanding.html>. You can find a summary of the rights under the CRC at <www.unicef.org/crc/files/Rights_overview.pdf>.

UN Secretary-General's Study on Violence against Children

Safe You and Safe Me is a report especially for children and young people to learn about the **UN Secretary-General's Study on Violence against Children**. This report was written by Save the Children. If you are an adolescent, you can easily learn about the Study by reading this booklet, and you can also share it with younger children you know.
<www.violencestudy.org/IMG/pdf/safeyoufinal.pdf>

UN Secretary-General's Study on Violence against Children: Adapted for children and young people

This book gives background information on the UN Study and on the issues of violence against children. It tells you what can be done to combat violence against children at home, in schools, in places where children live without their parents, in places where they work and in their neighbourhoods. The study also looked at violence against children who get into trouble with the law.

<www.violencestudy.org/r245>

Our Right to be Protected from Violence (for children and adolescents)

This book gives suggestions of activities for youth leaders and peer educators working with adolescents aged 12–18 years who are interested in discussing

the problem of violence against children and the need to take action to stop it. <www.violencestudy.org/r245>

UN Special Session on Children in 2002

Learn more about how children and adolescents made a difference at this important global event:
<www.unicef.org/specialsession/child_participation/index.html>

Convention on the Rights of People with Disabilities

The book *It's about Ability* helps children and adolescents with and without disabilities to know about the Convention on the Rights of Persons with Disabilities. This is also a book for children, so if you are an adolescent, you can use it to learn and also to teach younger children.
<www.crin.org/resources/infoDetail.asp?ID=17297&flag=report>

UN Guidelines on Justice in Matters Involving Child Victims and Witnesses of Crime

(for children and adolescents)

These guidelines were created to help make sure that children who have been harmed by crime and children who have seen others harmed are protected and treated fairly when they say what happened to them in a court of law. The document will also help to protect children when they talk to the police, lawyers, social workers and anyone else they meet before and after they go to court.
<www.unodc.org/pdf/criminal_justice/Guidelines_E.pdf>

OUTCOME PAPERS FROM WORLD CONGRESS I & WORLD CONGRESS II

The first World Congress was held in Sweden in 1996. The second World Congress was held in Yokohama, Japan in 2001. In both these meetings, many things were suggested to combat sexual exploitation of children. Governments, organizations and corporations agreed to follow many promises. The outcome paper for World Congress I is known as 'Stockholm Declaration and Agenda for Action'.
<www.csecworldcongress.org/PDF/en/Stockholm/Outcome_documents/Stockholm%20Declaration%201996_EN.pdf>

The outcome paper for World Congress II is known as 'Yokohama Global Commitment'.
<www.csecworldcongress.org/PDF/en/Yokohama/Outcome_documents/YOKOHAMA%20GLOBAL%20COMMITMENT%202001_EN.pdf>

Yokohama Youth Appeal

Nearly 100 young people participated in the World Congress II at Yokohama, Japan. Together they developed the 'Final appeal of children and young people' to governments and agencies. You can read about their suggestions to combat commercial sexual exploitation of children here:

<www.csecworldcongress.org/PDF/en/Yokohama/Outcome_documents/Young%20People%20Final%20Appeal%20in%20Yokohama.pdf>

Other resources are:

- Information Kit for Children and Adolescents Participating at the World Congress III against Sexual Exploitation of Children and Adolescents
<www.ecpat.net/WorldCongressIII/PDF/Resources/WCIII_ToolKit_eng.pdf>
- Learning about World Congress III: Questions and answers for children and adolescents
<www.eicyac.org/Resources/PDF/CYP-brochure.pdf>
- Child friendly thematic papers
<www.ecpat.net/WorldCongressIII/index.php>
- Introduction to the World Congress and to some of the preparatory meetings
<www.unicef-irc.org>
- 'What is Commercial Sexual Exploitation of Children? Definitions for young people'
<www.eicyac.org/Resources/PDF/Child%20Friendly%20Definitions%20CSEC.pdf>
- 'Pulling a Face at Sexual Exploitation', Report on children's and adolescents' participation in World Congress III against Sexual Exploitation of Children and Adolescents, 25–28 November 2008.

You can also visit the following websites:

<www.stopx.org>
<www.iiicongressomundial.com>
<www.EICYAC.org>
<www.unicef.org>
<www.savethechildren.net>
<www.plan-international.org>
<www.ecpat.net>
<www.wvi.org>

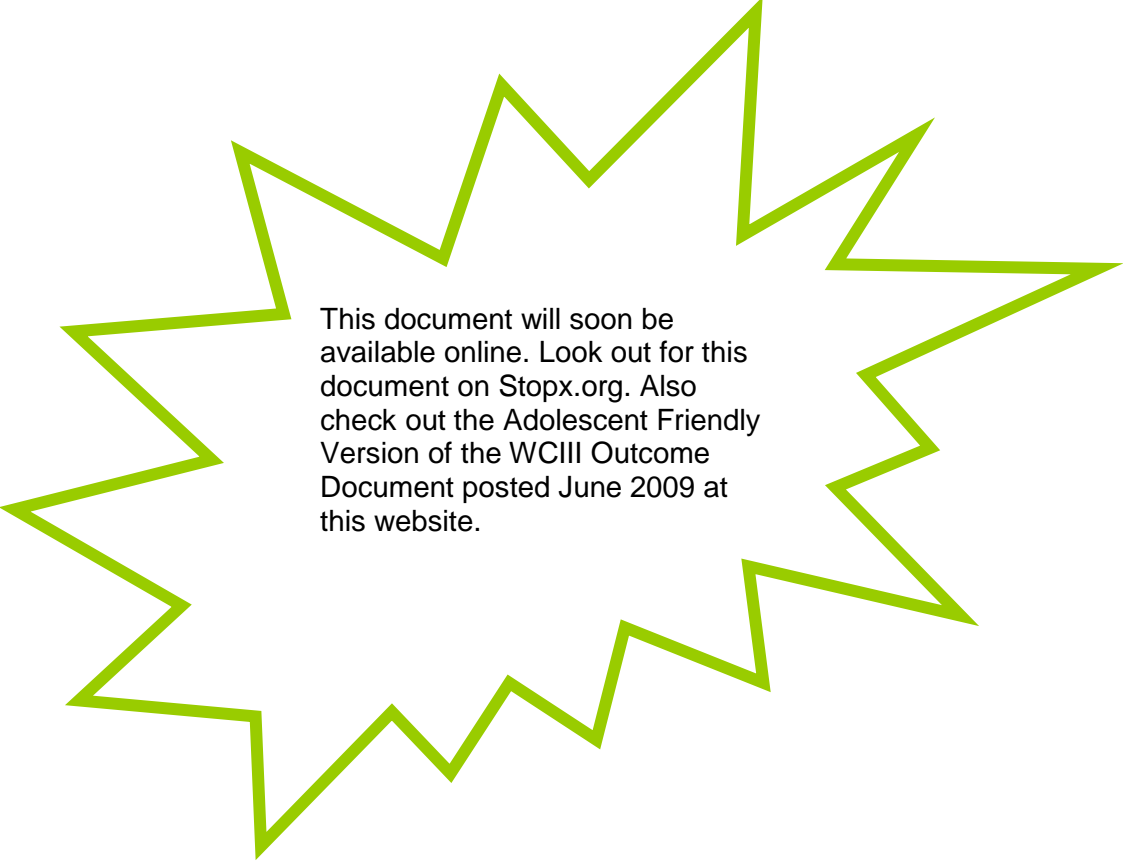
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'Pulling a Face at Sexual Exploitation', Report on Children's and Adolescents' Participation in World Congress III against Sexual Exploitation of Children and Adolescents, 25–28 November 2008.

Save the Children Alliance, 'Act Now: Some highlights from children's participation in the regional consultations for the United Nations Secretary-General's Study on Violence against Children', 2005.

'Legal Frameworks for Combating Sexual Exploitation of Children', thematic paper in preparation for World Congress III against Sexual Exploitation of Children and Adolescents, UNICEF Innocenti Research Centre, 2008.

Clare Feinstein and Claire O'Kane, 'Children's and Adolescents' Participation and Protection from Sexual Abuse and Sexual Exploitation', *Innocenti Working Paper*, UNICEF Innocenti Research Centre, Florence, 2009.



This document will soon be available online. Look out for this document on Stopx.org. Also check out the Adolescent Friendly Version of the WCIII Outcome Document posted June 2009 at this website.