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**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development**

Report of the Special Rapporteur on the sale of children, child prostitution and child pornography, Najat Maalla M'jid

Summary

The Special Rapporteur on the sale of children, child prostitution and child pornography submits the present report to the Human Rights Council at its twenty-fifth session, pursuant to Council resolutions 7/13 and 19/37.

This report describes the activities carried out by the Special Rapporteur since her last report in March 2013 and reflects on her six-year tenure as Special Rapporteur on the sale of children, child prostitution and child pornography, providing an overview of the main issues relating to her mandate.



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I. Introduction

1. The present report is submitted pursuant to Human Rights Council resolutions 7/13 and 19/37. It describes the activities carried out by the Special Rapporteur since her last report in March 2013 and provides a thematic overview of the main issues relating to the mandate as well as the lessons learned from the experience of the Special Rapporteur during her six-year tenure.

II. Activities

A. Country visits

2. Since her previous report to the Human Rights Council (A/HRC/22/54 and its addenda) in March 2013, the Special Rapporteur has undertaken visits to Kyrgyzstan from 15 to 26 April, Madagascar from 15 to 26 July and Benin from 28 October to 8 November 2013. The reports on these visits are presented as addenda (A/HRC/22/54/Add.1, 2 and 3, respectively) to this report. Her country visit to India, initially scheduled to take place from 16 to 27 April 2012, was postponed at the request of the Government in April 2012. The Special Rapporteur regrets that this visit did not take place.

3. The Special Rapporteur is yet to receive replies to her requests for invitations from Cambodia, Canada, Gambia, Nepal, Nicaragua, Nigeria, Viet Nam and the Bolivarian Republic of Venezuela, as well as confirmation of the new dates for the visit to India.

B. Other activities

1. Conferences, seminars and engagement with civil society

4. The Special Rapporteur participated in numerous conferences, workshops and seminars during the period under review. She delivered a keynote speech at the International Criminal Police Organization (INTERPOL) conference on crimes against children, held in Bangkok from 19 to 21 March 2013. On 28 and 29 May, she participated in a conference organized by the United Nations Children's Fund (UNICEF) in the Dominican Republic on good practices relating to the prevention of sexual exploitation of children and adolescents in travel and tourism. She made a presentation at a seminar on psychosocial support for street children organized by the SAMU Social non-governmental organization in Paris from 6 to 11 June. A keynote speech was delivered on her behalf at an ECPAT conference on sports events and child protection organized in Warsaw on 13 and 14 June. She also participated in a regional consultation organized by ECPAT in Addis Ababa on 1 and 2 August 2013 on actions to stop the commercial sexual exploitation of children in Africa. On 12 September, she participated in a workshop on the protection of migrant children in the framework of the International Metropolis Conference in Tampere. On 18 September, the Special Rapporteur participated in an International Organization of la Francophonie workshop on alternative care in Paris. On 28 September, she gave a lecture at the International University of Rabat on children's rights. She reported to the General Assembly on 16 October and participated in a panel event on 17 October organized by the European Union and Uruguay on A World Fit for Children. On 10 and 11 December, she attended a round table on promoting and protecting the rights of street children in South-East Asia organized jointly by the Office of the United Nations High Commissioner for Human Rights (OHCHR), Consortium for Street Children and AVIVA in Singapore.

2. Communications

5. A summary of communications sent and replies received appears in the communication report (A/HRC/23/51).

III. Reflecting on a six-year tenure as Special Rapporteur on the sale of children, child prostitution and child pornography

A. Objective and methodology

6. As she reached the end of her mandate, the Special Rapporteur on the sale of children, child prostitution and child pornography undertook to review the major developments relating to her work that have taken place over the past six years and draw lessons from her experience as mandate holder. Since 2008, the world has undergone significant changes that have had a far-reaching impact on the extent and nature of the sale and sexual exploitation of children. The progression of globalization, the continued expansion of the use of the Internet, including in developing countries, increased migration — either internationally or domestically, in particular due to urbanization, the economic and financial crisis, natural disasters, conflicts and climate-related changes have all affected children's vulnerability. Although numerous efforts have been undertaken to address the scourge of the sale and sexual exploitation of children through a better understanding of these phenomena and innovative practices and enhanced cooperation among actors, numerous gaps remain.

7. Against this backdrop, the Special Rapporteur has deployed significant efforts to raise awareness of the issue, sharing her experience and expertise, encouraging coordination among key stakeholders, and advocating for responses at the global, regional and national levels. She has produced action-oriented reports with a view to reinforcing policies and practices. Her participation in numerous conferences, expert and high-level meetings has contributed to the visibility of the issue. She has advised on regional and global strategies aimed at addressing these phenomena.

8. In carrying out her mandate, the Special Rapporteur has taken a holistic approach to addressing the sale and sexual exploitation of children, building on the interdependence and interrelatedness of children's rights. The sale and sexual exploitation of children are complex phenomena with multiple manifestations and a wide array of root causes. Their manifestations and the factors that expose children to risk have significantly changed in the past as a result of developments in the global environment.

9. Taking stock of the six years of the Special Rapporteur's mandate, the present report aims to identify responses and good practices across regions and to inform future efforts.

10. The report is based on the work carried out by the Special Rapporteur and her predecessors, including through country visits, on reports and studies of United Nations human rights mechanisms and agencies, other regional, international and non-governmental organizations, and on academic research.

B. Overview of the issues and trends relating to the mandate

11. An analysis of the core substantive aspects of the Special Rapporteur's mandate points to a worsening of several manifestations of the sale and sexual exploitation of children. However, the real scope is still unknown due to various factors, such as the inadequacy of some legislation, which does not clearly define all the relevant offences, the

absence of reliable data on the extent of the violations and their evolution over time and the lack of transnational information sharing. Moreover, the criminal nature of these activities implies that they are generally hidden. Most children and families do not report cases of abuse and exploitation because of stigma, a fear of reprisals and a lack of trust in the authorities. The social tolerance that can exist with respect to these phenomena and the lack of awareness also contribute to under-reporting. Taking these limitations into consideration, the studies and reports that are available nevertheless provide an overall picture of the phenomenon today.

1. Sexual exploitation of children online¹

12. The Internet has been significantly misused as a tool for the dissemination of child pornography. Estimates indicate that the number of child abuse images online runs into the millions and the number of individual children depicted is most likely in the tens of thousands.² The age of victims has tended to decrease and representations are becoming more graphic and violent. Images are increasingly disseminated through peer-to-peer networks, making them more difficult to detect.³ Data from the Internet Watch Foundation suggest that the number of domains hosting child sexual abuse content halved between 2006 and 2012 and that the 9,550 web pages reported were hosted on 1,561 domains from 38 countries in 2012.⁴ However, this does not mean that there has been a decrease in the circulation of child sexual abuse images.

13. In 2011, the International Association of Internet Hotlines received 29,908 reports of child abuse material, 71 per cent involving prepubescent children and 6 per cent involving very young children. By 2012, that number had jumped to 37,404 reports, 76 per cent involving prepubescent children and 9 per cent involving very young children.⁵

14. By the beginning of 2013, the International Child Sexual Exploitation image database managed by INTERPOL had enabled identification of 3,000 victims and 1,500 offenders from more than 40 countries, as well as data related to numerous unidentified victims whose cases are yet to be investigated.⁶

2. Child prostitution

15. Child prostitution is still a prominent problem in many countries. It encompasses all forms of transactional sex involving children. It may be performed in exchange for money but also for other goods or favours. Demand for child prostitution is fuelled by overall demand for prostitution, beliefs that having sex with a child is “safer” and a range of issues revolving around power, superiority and the perception of children as objects.

16. Although no reliable data is available on the extent of the phenomenon, studies indicate that it exists in all environments, including in developed countries, and across

¹ See also the report of the Special Rapporteur on the sale of children, child prostitution and child pornography on child pornography on the Internet (A/HRC/12/23).

² J. Carr and S. Hilton, *Digital Manifesto* (Children’s Charity Coalition on Internet Safety, London, 2009), p.29.

³ UNICEF, *Child Safety Online: Global challenges and strategies* (2011). Available from www.unicef-irc.org/publications/pdf/ict_eng.pdf.

⁴ Internet Watch Foundation, *Annual and Charity Report 2012*. Available from www.iwf.org.uk/assets/media/annual-reports/FINAL%20web-friendly%20IWF%202012%20Annual%20and%20Charity%20Report.pdf.

⁵ INHOPE, *2012 Annual Report*. Available from <http://www.inhope.org/gns/about-us/annual-reports.aspx>.

⁶ www.interpol.int/Crime-areas/Crimes-against-children/Victim-identification.

various socioeconomic levels. The root causes of child prostitution have become worse in recent years. They include early sexualization and the dissemination of sexualized images of children, the effects of the economic crisis as well as violence, gangs and peer pressure. Some studies point to consumerism and the attractiveness of some goods for children as an incentive for transactional sex. Child sex tourism is one critical aspect of child prostitution.

3. Sexual exploitation of children in travel and tourism⁷

17. The actual scale of child sex tourism is not known due to the lack of available data. However, during her official visits to tourism destination countries, the Special Rapporteur has been advised by local actors that child sex tourism has been increasing, driven by the overall growth in tourism.

18. While child sex tourism tends to occur more commonly in developing countries, no country or tourism destination is exempt. Destinations are constantly shifting, with offenders favouring countries with weak legislation and controls, where they can act with impunity.

19. Data from the Trafficking in Persons Report 2013 indicate that instances of child sex tourism are reported in 55 countries out of the 188 covered by the report, with offenders originating from 18 countries and travelling to 30 countries (7 are countries of both origin and destination).⁸ However, the criminal nature of the activity and the negative impact in terms of a country's image for tourism development mean that the large majority of cases are never reported.

20. The growth in international tourism, with the number of international tourists set to reach 1.8 billion by 2030, according to the World Tourism Organization, shows that it will continue to remain an important challenge in the coming years.

4. Child trafficking

21. Recent estimates indicate that child trafficking is on the rise as a proportion of all human trafficking. Child trafficking includes several forms of exploitation, including sexual exploitation, involving in many instances practices amounting to the sale of children.

22. The 2012 Global Report on Trafficking in Persons of the United Nations Office on Drugs and Crime indicates that detected cases of child trafficking represented 27 per cent of human trafficking in 2007–2010, up from 20 per cent in 2003–2006. In recent years, the increase has been greater for girls. Between 2006 and 2009, the proportion of girls in the number of total victims has grown from 13 to 17 per cent. Two out of every three child victims are girls. Although trends are not homogenous globally, the report finds that more than 20 countries recorded a clear increase in the proportion of child trafficking detected in the period 2007–2010 compared with the period 2003–2006. Significantly, in Africa and the Middle East, over two thirds of the detected victims of trafficking are children. Globally, trafficking for the purpose of sexual exploitation represents 58 per cent of the total number of detected cases.⁹

⁷ See also the report of the Special Rapporteur on the sale of children, child prostitution and child pornography on the protection of children from sexual exploitation in travel and tourism (A/HRC/22/54).

⁸ www.protectionproject.org/wp-content/uploads/2013/07/TPP-Review-of-TIP-Report-2013-Final.pdf.

⁹ www.unodc.org/documents/data-and-analysis/glotip/Trafficking_in_Persons_2012_web.pdf.

5. Sale of children

Illegal adoption

23. Illegal adoption is also an extremely hidden phenomenon. However, a review of the situation of intercountry adoption points to heightened risks of illegal adoption due to the conjunction of various factors. Existing records suggest that there has been an increase in intercountry adoptions worldwide between 2000 and 2004, followed by a significant decrease.¹⁰ Demand for adoption has continued to increase, while supply decreases, creating the conditions for abuse, corruption, excessive fees amounting to the sale of children, and the illegal adoption of children.¹¹

24. This phenomenon will require ongoing attention in coming years to ensure that adequate governance frameworks are put in place to prevent and combat illegal adoption.

Transfer of organs

25. The sale of organs continues to be a major concern, although there is a dearth of data on the phenomenon and on the extent to which it affects children. Studies on the topic have highlighted that “tourism” for organ transplants has expanded, again facilitated by the development of international travel. People from high-income countries travel to poor areas where people will sell their organs as a survival strategy. Existing research has highlighted that the most vulnerable members of the population are particularly affected by this crime.¹²

Child marriage

26. Child marriage remains widespread in many countries, despite the adoption of domestic legal frameworks forbidding it. Child marriage is rooted in unequal gender status and power relations in society. In many cases, it can be regarded as a form of sale of children. The requirement to provide a dowry for younger girls can be an incentive for parents to arrange to marry their daughters at an early age. Child marriage can be used as a means to settle family debts or provide economic security to families.

27. In total, some 158 countries have adopted laws prohibiting marriage before the age of 18, although in 146 of them, marriage under the age of 18 can be performed with parental consent. In spite of these measures, early marriage continues to take place worldwide. Although a few countries have made progress, the available data shows that globally, the incidence of early marriage was stable between 2001 and 2010. As many as 61 countries still have a prevalence rate of child marriage of over 20 per cent.¹³ According to UNICEF data from 2012, one third of women aged 20 to 24 years old — that is, some 70 million women — were married before the age of 18.¹⁴

¹⁰ The African Child Policy Forum, *Africa: The New Frontier for Intercountry Adoption* (2012). Available from <http://resourcecentre.savethechildren.se/sites/default/files/documents/6524.pdf>.

¹¹ ChildONEurope, *National experiences on the management of the demand for intercountry adoption* (2012). Available from www.childoneurope.org/issues/publications/COE_Management%20demand.pdf.

¹² See Yosuke Shimazono, “The state of the international organ trade: a provisional picture based on integration of available information” in the Bulletin of the World Health Organization, available from www.who.int/bulletin/volumes/85/12/06-039370/en/. See also Joint Council of Europe/United Nations Study, *Trafficking in organs, tissues and cells and trafficking in human beings for the purpose of the removal of organs* (Council of Europe/United Nations, Strasbourg, 2009).

¹³ United Nations Population Fund (UNFPA), *Marrying too young – End child marriage* (2012). Available from <http://unfpa.org/endchildmarriage>.

¹⁴ www.unicef.org/protection/57929_58008.html.

Serious consequences

28. All forms of abuse, violence and exploitation have serious short- and long-term physical, psychological and social effects, not only for the girls and boys who are the direct victims, but also for their families and communities. Victims of sexual violence are at high risk of unwanted pregnancy and of contracting HIV/AIDS and other sexually transmitted diseases. In their daily lives, they are confronted with social stigma, family rejection, psychological stress and depression. Images of sexually exploited children circulated online will never disappear, which has a devastating effect on victims. The development of responses and care for victims, including reparation and rehabilitation, needs to address these consequences.

C. Increased vulnerability and new risk factors

29. The current patterns of the sale and sexual exploitation of children are explained by a number of critical aspects of the protective environment around children, and unfold in a context in which those aspects are affected. Vulnerability is a function of a child's exposure to risk and his or her resilience; it depends on the situation of the child, but most importantly on the child's immediate environment and the broader context. All these elements are interdependent.¹⁵

30. The underlying push and pull factors that affect the sale and sexual exploitation of children are multidimensional and are linked to the political, legal, socioeconomic, cultural and environmental context, both at national and transnational levels.

31. Today, more children are at risk of sale and sexual exploitation than was previously the case. The gravity of these risks has increased due to the combined effect of more profound and lasting disruptions in children's protective environments and the development of global integration and instruments for committing crimes.

1. Weakening of families

32. The family represents the first layer of a child's protective environment. When families are not able to fulfil their protective role because of the absence of one or two parents, a lack of parental skills or insufficient resources, children are particularly at risk of being exploited.

33. Recent studies have highlighted numerous factors that have affected the ability of families to care for their children. With the economic crisis, parents have been forced to spend longer hours at work, leaving children unattended.

34. However, economic circumstances are not the only factors that weaken families. A UNICEF study has found that children in Eastern Europe and Central Asia are increasingly being separated from their parents, indicating greater vulnerability of families. The study underlines that the fact that the vast array of causes, including poverty, single parenthood, migration, deprivation of parental rights, and disability of the child, actually

¹⁵ See the report of the Special Rapporteur on the sale of children, child prostitution and child pornography on effective prevention strategies in combating the sale and sexual exploitation of children (A/68/275).

reflect a lack of access to social services in support of parenting, including day-care or educational facilities.¹⁶

35. The Special Rapporteur has repeatedly emphasized in her reports that support to parents and families in their parental responsibilities and capacities should be a priority in order to prevent and combat the sale and sexual exploitation of children.

2. Economic hardship

36. Poverty exacerbates vulnerability when combined with other risk factors.¹⁷ When poverty is combined with one or several negative events, such as drought, loss of employment or death or illness of a family member, it places significant stress on families. When State institutions and social services are not able to provide adequate support for families in their child-rearing responsibilities and to offer adequate protection to children, poverty becomes a risk factor.

37. Globally, between 2007 and 2012, the economic and financial crisis significantly affected households and contributed to destabilizing the socioeconomic environment for children. In particular, unemployment and less secure employment have been on the rise, with young people bearing the brunt of the crisis.¹⁸ This has simultaneously affected the economic stability of families and reduced young people's prospects of being gainfully employed, in turn increasing their exposure to risky behaviours and making them vulnerable to exploitation. Studies have shown that children are at increased risk of leaving education to enter employment after the main household income earner has become unemployed. Furthermore, evidence suggests that crises lead to an increase in the number of children living or working on the street and the number of children entering into commercial sexual exploitation in order to assist their parents financially.¹⁹

38. Although research indicates that in 2008–2009, governments managed to maintain social spending and offset the effects of the crisis on the most vulnerable, since 2010, the trend has been reversed. Increased fiscal austerity has led to significant cuts in social spending, including family benefits, pensions and delivery of social services, resulting in negative effects for households.²⁰

39. The Special Rapporteur has witnessed the effects of economic hardship and insufficient social services in many countries she has visited and draws attention to States' responsibilities to ensure the provision of adequate safety nets.

3. Migration

40. Migration has significant effects on the vulnerability of children to sale and exploitation. When children and families migrate to new places, they often leave behind the

¹⁶ UNICEF, *At home or in a home? Formal care and adoption of children in Eastern Europe and Central Asia* (2010). Available from www.unicef.org/protection/Web-Unicef-rapport-home-20110623v2.pdf.

¹⁷ International Labour Office, *Training manual to fight trafficking in children for labour, sexual and other forms of exploitation: understanding child trafficking* (2009). Available from www.unicef.org/protection/Textbook_1.pdf.

¹⁸ United Nations, *The Millennium Development Goals Report 2013*. Available from www.un.org/millenniumgoals/pdf/report-2013/mdg-report-2013-english.pdf.

¹⁹ Isabel Ortiz and Matthew Cummins, eds., *A Recovery for All: Rethinking Socio-Economic Policies for Children and Poor Households* (UNICEF, New York, 2012); Caroline Harper and others, *Children in times of economic crisis: Past lessons, future policies* (Overseas Development Institute, 2009). Available from www.odi.org.uk/sites/odi.org.uk/files/odi-assets/publications-opinion-files/3749.pdf.

²⁰ Ortiz and Cummins, *A Recovery for All*; Harper et al., *Children in times of economic crisis*.

social support, coping mechanisms and protective environment a community and familiar context provide. Children migrating on their own are easy prey for traffickers. While it holds numerous positive aspects, migration is also an important component of international mobility that facilitates the sale and sexual exploitation of children.

41. The number of migrants worldwide has increased rapidly in the past few years, reaching almost 1 billion persons — one in seven human beings. The number of international migrants in 2010, estimated at 214 million according to the Department of Economic and Social Affairs, could almost double by 2050, and internal migrants accounted for 740 million migrants in 2009, according to the United Nations Development Programme.²¹ Similarly, the number of people uprooted by conflict or persecution is at its highest level in 18 years.²²

42. Children and young people represent an important proportion of the migrant population. It is estimated that there are 33 million international migrants under the age of 20, representing 16 per cent of the international migrant population, but over 20 per cent in Africa and Asia. One third of these migrants are adolescents, while 39 per cent are under the age of 10.²³ Data on internal migration and children left behind is not available. However, global trends suggest that this issue will remain significant in the coming years.

4. Conflicts and violence²⁴

43. The breakdown of families, communities and social and institutional structures during conflict and in its aftermath puts children at great risk of being sold, trafficked and sexually exploited. The World Development Report 2011 of the World Bank estimates that approximately 1.5 billion people live in countries affected by repeated cycles of political and criminal violence.²⁵ The current nature of conflicts, mostly civil wars fought by armed groups rather than the military, disproportionately affects civilians. Children pay a high toll. A child living in a conflict-affected or fragile developing country is nearly three times more likely to be out of school than a child living in a developing country that is unaffected by these factors. Sexual and gender-based violence is a major issue, during and in the aftermath of conflict. Women and children account for close to 80 per cent of refugees and internally displaced persons. As more countries fall into conflict and high levels of political and criminal violence, involving an increasingly complex range of protagonists and ever more violent schemes, children will continue to be exposed to heightened risks.

5. Climate change and natural disasters²⁶

44. Global warming and natural disasters have continued to affect children in all parts of the world. According to UNICEF, “climate-related hazards are increasing, accounting for 70 per cent of all disasters today compared to 50 per cent two decades ago, and such

²¹ See International Organization for Migration, *World Migration Report 2011*. Available from http://publications.iom.int/bookstore/free/WMR2011_English.pdf.

²² United Nations, *The Millennium Development Goals Report 2013*.

²³ UNICEF, “International migration and generation 2025”, in *Population Dynamics: International migration, children and adolescents*, April 2013. Available from www.unicef.org/socialpolicy/files/Population_Dynamics_and_Migration%20%29.pdf.

²⁴ See <http://childrenandarmedconflict.un.org/> and <http://srsg.violenceagainstchildren.org/>.

²⁵ <http://web.worldbank.org/WBSITE/EXTERNAL/EXTDEC/EXTRESEARCH/EXTWDRS/0,,contentMDK:23252415~pagePK:478093~piPK:477627~theSitePK:477624,00.html>.

²⁶ See the report of the Special Rapporteur on the sale of children, child prostitution and child pornography on the protection of children from sale and sexual exploitation following humanitarian crisis due to natural disasters (A/HRC/19/63).

climate-related crises are projected to affect hundreds of millions every year as early as 2015”.²⁷

45. Drought, earthquakes and floods put children at risk. They directly affect the child’s daily environment by impacting food security, water sources and diseases, among others.²⁸ They increase vulnerability by creating further hardships for families and may be an incentive to migrate. They weaken governance systems, affect delivery of services and dislocate families. Following a natural disaster, children are more likely to be unidentified, hastily fostered, adopted or placed in long-term care institutions. Some people exploit the chaotic environment to engage in criminal activities, including selling children for the purposes of illegal adoption, forced labour or sexual exploitation. Evidence suggests that climate extremes have a tangible impact on the sale and sexual exploitation of children.²⁹

46. Climate change and natural disasters are likely to remain significant concerns in coming years. Data from the United Nations Office for Disaster Risk Reduction indicate that floods and storms have been on the rise since 1980 and in particular since 2006, although there are strong variations from one year to the next.³⁰ A 2013 World Bank report has underlined the devastating impact of global warming, even with a modest rise of temperature, with significant effects on communities and on children in Asia and Africa.³¹

6. Evolving social norms

47. Social norms are a critical element of a protective environment for children. They can increase vulnerability, especially when they lead to discrimination, gender bias, harmful practices, and social acceptance and under-reporting of violations. Conversely, social norms promoting protective behaviours can play an important role in reducing risk and enhancing resilience. They also influence the functioning of formal institutions and good governance, including public accountability.³²

48. Research has demonstrated how developments in the broader context modify the level of social acceptance of violence.³³ The Special Rapporteur has observed in recent years how communities have coped with some of the challenges they face by increasing their social tolerance of child sexual exploitation, resulting in the normalization and permissibility of the crime. For example, communities have increasingly tolerated the emergence of child prostitution due to the rapid growth of tourism in some areas as an inevitable and acceptable price to pay for economic development.

49. Similarly, the expansion of the Internet and social networking has had an impact on children’s social norms. The exposure of children to child pornography inspires and

²⁷ UNICEF, *Humanitarian Action for Children: Building resilience* (2011), p.6. Available from www.unicef.org/hac2011/files/HAC2011_EN_PDA_web.pdf.

²⁸ UNICEF, “Achieving the MDGs with Equity”, *Progress for Children*, No. 9 (September 2010).

²⁹ Katie Harris and Kelly Hawrylyshyn, “Climate extremes and child rights in South Asia: a neglected priority”, *Project Briefing* No. 78, Overseas Development Institute and Plan International, October 2012. Available from www.odi.org.uk/sites/odi.org.uk/files/odi-assets/publications-opinion-files/7832.pdf.

³⁰ See www.preventionweb.net/files/20120613_ClimateDisaster1980-2011.pdf.

³¹ World Bank, *Turn Down the Heat: Climate Extremes, Regional Impacts and the Case for Resilience* (2013). Available from www-wds.worldbank.org/external/default/WDSContentServer/WDSP/IB/2013/06/14/000445729_20130614145941/Rendered/PDF/784240WP0Full00D0CONF0to0June19090L.pdf.

³² See UNICEF Child Protection Strategy (E/ICEF/2008/5/Rev.1).

³³ World Health Organization, *Violence prevention: the evidence. Changing cultural and social norms that support violence* (2009). Available from http://whqlibdoc.who.int/publications/2009/9789241598330_eng.pdf.

influences their sexual practices and affects their behaviour. Prevailing standards and peer pressure has led adolescents to share sexualized images of themselves, making them vulnerable to abuse and potentially redefining some of the social limits of acceptability of child pornography.

7. Increasing global demand

50. The demand for sex with children is persistent and growing, underpinned by an environment of social tolerance, complicity and impunity. Despite popular misconceptions, the demand for sex with children does not only come from paedophiles. It stems from overall demand for sex and typically happens as “opportunities” arise in that context. Perpetrators of child sexual exploitation are of all ages, may be male or female and can be from very different socioeconomic backgrounds and professions.

51. Moreover, child sexual exploitation is a very lucrative industry, allegedly a source of billions of dollars of profit.

8. Global spread of the Internet³⁴

52. The growth of the Internet and the ongoing development of evolving technologies over the past decade, across the world, is a major phenomenon that has significantly affected the global context of the sale and sexual exploitation of children and will continue to do so in coming years. In 2004, 14 per cent of the world’s population was using the Internet, with 7 per cent in the developing world.³⁵ In 2012, almost 39 per cent of the world’s population was online, and 31 per cent of the population in the developing world.³⁶

53. The Internet brings tremendous positive opportunities, in particular for children and young people. Although the Internet may not represent a determinant per se of the sale and sexual exploitation of children, it does nonetheless operate as an instrument for offenders, multiplying the possibilities of obtaining, distributing and selling child abuse material and facilitating access to children in all parts of the world, and consequently promoting the growth of this phenomenon.

9. Globalization and financial transactions

54. While some aspects of globalization can bring advantages, the increased integration of a country into the global economy can also facilitate transnational organized crime. The International Monetary Fund has underlined the fact that global financial flows have continued to increase since 2000, making countries increasingly integrated.³⁷ Transnational criminal networks use the tools offered by globalization for registration and financial transactions, to develop lucrative activities involving the sex industry and thus creating new risks for the sexual exploitation of children. As global integration continues to grow and new payment tools develop, the use by criminals of the possibilities globalization offers, including for the sale and sexual exploitation of children, will remain a central preoccupation.

55. To sum up, since 2008 major changes have occurred in the nature, extent, and root causes of the sale and sexual exploitation of children. Although progress has been made in some areas, the result has been an overall preoccupying growth in the phenomenon, as

³⁴ See the report of the Special Rapporteur on the sale of children, child prostitution and child pornography on preventing and combating child pornography on the Internet (A/HRC/12/23).

³⁵ United Nations, *The Millennium Development Goals Report 2006*.

³⁶ United Nations, *The Millennium Development Goals Report 2013*.

³⁷ See www.imf.org/external/about/histglob.htm.

suggested by existing — albeit all too often scarce — data. These developments have been fuelled by global changes that have exacerbated risk factors and are likely to keep unfolding in coming years, raising serious concerns about possible future developments. For this reason, it is important that responses are constantly adapted to a shifting and ever more complex environment.

D. Preventing and combating the sale and sexual exploitation of children: Evolving responses

56. In the framework of her mandate, and in particular during her country visits, the Special Rapporteur has had the opportunity to interact with numerous stakeholders and learn about many initiatives aimed at preventing and combating the sale and sexual exploitation of children. Her reports have highlighted various promising approaches that can positively inform policies and practices.

57. As the Special Rapporteur has repeatedly underlined, responses to the sale and sexual exploitation of children need to take into account the complexity and multidimensional nature of the phenomenon.

58. Effective strategies take a systemic approach and include the coordinated strengthening of protective factors and mitigation of risk factors. Throughout her mandate, the Special Rapporteur has consistently emphasized the need for comprehensive approaches that contribute to system-building by ensuring adequate legislation, a sound institutional framework, effective policies, delivery of quality services, and promotion of protective social norms. Responses therefore work in synergy and are mutually reinforcing when adequately coordinated.

1. Child protection strategies

59. While a large number of action plans and strategies have been developed, they are very often only partially or incompletely implemented in some countries owing to:

- Weak capacities of the institutions responsible for the design, implementation and monitoring of action plans and strategies;
- Inadequate allocations of budget and qualified human resources;
- Multiple sectoral action plans and insufficient coordination among actors leading to duplication of work and ineffective use of resources;
- Shortage or absence of monitoring and assessment mechanisms to measure the impact of actions undertaken.

60. In order to overcome these challenges, a strong child protection system is indispensable.³⁸ UNICEF actively promotes and supports the implementation of such systems; with input from civil society, it assisted in developing the 2012 Children's Code in Kyrgyzstan, which includes provision for the establishment of a comprehensive child protection system.

61. In her thematic reports and country visit reports, the Special Rapporteur has emphasized the importance of a systemic approach and focused her recommendations on the various elements of a child protection system.

³⁸ See the report of the Special Rapporteur on the sale of children, child prostitution and child pornography on building rights-based and comprehensive national child protection systems to prevent and combat the sale of children, child prostitution and child pornography (A/66/228).

2. Adequate legislation

62. Despite the increasing number of ratifications of child rights instruments, universal ratification of the Convention on the Rights of the Child and the two Optional Protocols thereto is still to be reached.

63. Laws and regulations are critical for the functioning of child protection systems. They determine the prohibition of certain acts and express public recognition that some violations are not acceptable. Criminalization is also a precondition for offenders to be punished, and for victims to benefit from redress. In addition, laws define the mandate of various institutions involved in the protection of children from exploitation.

64. The Special Rapporteur has observed that the effectiveness of child protection legislation is often hampered by imprecise definitions, which leads to inadequate protection of children from violations of their rights. In many cases, domestic legislation is not in compliance with the relevant international instruments. The status of child victims of some forms of sexual exploitation is often not recognized. Instead, it is the child who is criminalized or punished.

65. While each country needs to adopt legislation in line with its legal tradition and system, international standards provide important guidance on the legislative measures to be adopted in addressing the sale and exploitation of children. This includes a number of provisions concerning the age of the victim, the rights of victims to assistance, redress and compensation, the prosecution of offenders, and extraterritorial jurisdiction.³⁹

66. Across regions, laws are constantly being reviewed and amended to ensure better compliance with international standards. The Protection Project at The Johns Hopkins University and the International Centre for Missing and Exploited Children have developed a model law for child protection, building on best practices from countries across the world. It includes both model provisions, in line with international standards, and examples of existing legislation from 68 countries. One chapter is devoted to various aspects of the protection of children from sexual exploitation.⁴⁰

3. Child-sensitive justice

67. Child-sensitive justice is a central element of a child protection system. Promoting justice for children requires comprehensive approaches that ensure that children are better served and protected by justice systems. It entails simultaneously considering justice for children within the broader rule of law agenda while guaranteeing specialized interventions, focusing on the interactions between the security, justice and social sectors.⁴¹

68. The United Nations has adopted guidelines on justice in matters involving child victims and witnesses of crime.⁴² The Special Rapporteur is concerned that in many places she has visited, significant efforts need to be made to ensure that justice systems respect the rights of children involved as victims and witnesses in criminal cases related to the sale and sexual exploitation of children. It is also important that child offenders be treated in

³⁹ See the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography.

⁴⁰ The Protection Project and International Centre for Missing and Exploited Children, *Child Protection Model Law – Best Practices: Protection of Children from Neglect, Abuse, Maltreatment, and Exploitation* (Washington, D.C., Johns Hopkins University, 2013).

⁴¹ United Nations Secretary-General, *Guidance Note of the Secretary-General: UN Approach to Justice for Children*, September 2008. Available from www.unicef.org/protection/RoL_Guidance_Note_UN_Approach_Justice_for_Children_FINAL.pdf.

⁴² Economic and Social Council Resolution 2005/20.

accordance with the provisions of the relevant international instruments and awarded special protection as juveniles.⁴³

4. Combating impunity

69. Combating impunity for perpetrators of the sale and sexual exploitation of children is a major challenge. When laws — even where they exist — are not enforced, organized crime is likely to flourish and social tolerance for exploitation is likely to increase. Impunity stems from limited reporting of violations due to a lack of trust in the system and the nature of the crime, which can be seen as shameful and stigmatizing for victims within their communities.

70. Impunity is the result of weak law enforcement due to a lack of capacity or corruption. It is also due to the complexity of the criminal networks involved, the tools they use and their transnational nature.

71. In several instances, the Special Rapporteur has voiced her concern at the culture of impunity that prevails in numerous contexts. In order to address impunity, including the implicit norms that undermine necessary actions against offenders, governance systems need to be strengthened. Links between governance systems and development have received increased attention lately, particularly in the context of the formulation of a post-2015 development agenda.

5. Child-sensitive complaint and reporting mechanisms

72. In a joint report, the Special Rapporteur and the Special Representative of the Secretary-General on Violence against Children highlighted the numerous initiatives undertaken at the national level to promote accessible and child-sensitive counselling, complaint and reporting mechanisms for child rights violations, including sexual abuse and exploitation.⁴⁴

73. Child helplines have developed significantly over the past decade. Helplines are toll-free telephone numbers that can be called by victims or others to seek help and information. Membership of Child Helpline International, the federation of child helplines worldwide, has grown from 49 members in 46 countries at its creation in 2003 to 173 members in 142 countries as of October 2012.⁴⁵ Data from Child Helpline International shows that in Europe in 2005, only 8 per cent of contacts to helplines involved a visit to the website while in 2012, that figure had reached 52 per cent.⁴⁶

74. Independent human rights institutions for children play an important role in the protection of children from sale and sexual exploitation. For the most part, they have the power to consider individual complaints, carry out investigations and make both individual and policy recommendations to address relevant issues. The development of these institutions across regions has been unfolding since 1989 and has accelerated since the mid-

⁴³ See the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (Beijing Rules), and the United Nations Guidelines for the Prevention of Juvenile Delinquency (Riyadh Guidelines).

⁴⁴ See the joint report of the Special Rapporteur on the sale of children, child prostitution and child pornography and the Special Representative of the Secretary-General on Violence against Children on accessible and child-sensitive counselling, complaint and reporting mechanisms (A/HRC/16/56).

⁴⁵ See www.childhelplineinternational.org.

⁴⁶ Child Helpline International, *Voices from Young Europe* (2013). Available from www.childhelplineinternational.org/media/60261/europe_10_year_data_publication_final.pdf.

2000s, according to data from UNICEF which found that, as of 2012, over 200 independent institutions were operating in over 70 countries.⁴⁷

75. During her country visits, the Special Rapporteur has become aware of good practices in this area. For example, in Guatemala municipal child protection boards (Juntas Municipales de Protección a la Niñez y Adolescencia), under the Ombudsman's Office, receive and register complaints on child rights violations, direct such complaints to the relevant authorities and raise awareness on child rights, among other activities. Staffed by trained volunteers, these boards aim to address the absence or weakness of the judiciary in some municipalities and resolve conflicts that do not require judicial intervention.

76. In Mauritius, the Special Rapporteur acknowledged the work of the Office of the Ombudsperson for Children, which has a range of competencies, including making proposals on laws and policies, advising the Government and relevant authorities on childcare, and receiving and investigating cases of child rights violations. It strongly promotes a multidisciplinary and cross-sectoral approach.

77. In Senegal, the Special Rapporteur has learnt about the impressive consultation work carried out by the Technical Monitoring Committee in Mbour and the approach its members have chosen to adopt to children's rights. The Committee meets every month to consider cases of child trafficking, child labour, abuse and sexual exploitation and takes the necessary action. Where required, help is provided to find a lawyer for children in conflict with the law.

78. However, for the most part, complaint mechanisms still do not provide adequate protection for children. They are frequently unavailable or difficult to access, particularly for vulnerable children. Where they do exist, they often lack adequate resources and their staff often lack the skills needed to offer children adequate protection.

79. Children may lack information on the existence of these mechanisms and how to access them. They may not trust the mechanisms and may fear stigmatization, public exposure and reprisals. They may feel that they will not be listened to and believed. These issues are particularly challenging in cases of sexual exploitation, which are deeply taboo and often committed by people in children's immediate environment.

6. Intersectoral coordination

80. The multidimensional nature of the sale and sexual exploitation of children requires significant coordination among the various actors involved. Coordinating bodies provide an important tool to ensure the coherence and sustainability of coordination efforts. They need to include various parts of the relevant Government in preventing and responding to the crime. They also need to involve relevant stakeholders in civil society and the private sector.

81. In the framework of her official visit to Honduras, for instance, the Special Rapporteur welcomed the establishment of the Inter-Agency Commission to Combat the Commercial Sexual Exploitation of Children and Adolescents, which is responsible for ensuring the implementation of legal and administrative measures to combat commercial sexual exploitation and trafficking.

⁴⁷ UNICEF, *Championing Children's Rights: A global study of independent human rights institutions for children — summary report* (2012). Available from www.unicef-irc.org/publications/pdf/championing2_eng.pdf.

7. Detection, care and recovery

82. Care for victims is an essential aspect of the fight against the sale and sexual exploitation of children. It should seek to rehabilitate victims and avoid revictimization by addressing the factors that made them vulnerable. Adequate care involves a continuum of actions, from identification of victims and children at risk, to care centres, justice and social measures. Many countries have created centres providing comprehensive care for victims towards their recovery and reintegration.

83. In Latvia, the Special Rapporteur visited the Ilguciems Prison for women and girls. She praised the methodology employed by the caretakers at this centre, where she witnessed a child-rights approach to the care, rehabilitation and follow-up of the girls. The social rehabilitation programmes implemented include measures to encourage forward-looking thinking and to prepare the girls for discharge and reintegration into society through acquiring and developing basic skills.

84. In the United States, the Special Rapporteur learnt about the Manhattan Child Advocacy Center, which provides multidisciplinary care in treating cases of physical and sexual abuse, child prostitution and trafficking, with staff and representatives from social services, the judiciary, the police and medical personnel housed under one roof. The services provided include orientation, forensic interviews, client and family advocacy, and medical evaluation with a paediatrician, as well as adequate care and follow-up on cases.

85. During her visit to France, the Special Rapporteur learnt about how child victims of sexual violence are heard immediately following their identification. Several hospitals have created forensic units specializing in hearing children's testimonies as soon as the child victim is identified. Victims are cared for by a multidisciplinary team of psychologists and medical doctors.

8. Social protection

86. The formulation and implementation of sound social policies that effectively address the root causes of the sale and sexual exploitation of children and ensure the care of victims is critical to preventing and combating the phenomena. The past few years have seen an increased recognition of the fundamental role of families in the protective environment and the importance of policies aimed at supporting them. Most recently, additional attention has also been given to the links between social protection and the protection of children from abuse, violence and exploitation.

87. The 2008 UNICEF Child Protection Strategy emphasizes the need to strengthen families as essential components of national child protection systems.⁴⁸ The Guidelines for the Alternative Care of Children emphasize the importance of policies aimed at supporting families in their responsibilities of care by addressing the root causes of children's separation from their family through a range of multisectoral interventions.⁴⁹ Most recently, the report of the High Level Panel on the Post-2015 Development Agenda has emphasized the importance of empowering families.⁵⁰

88. Interventions need to consist of both economic support and social measures and accessible quality services ranging from housing to childcare, psychosocial support and counselling. Family strengthening has positive effects beyond the protection of children

⁴⁸ UNICEF Child Protection Strategy (E/ICEF/2008/5/Rev.1).

⁴⁹ Guidelines for the Alternative Care of Children, Human Rights Council Resolution 11/7, annex.

⁵⁰ *A New Global Partnership: Eradicate Poverty and Transform Economies through Sustainable Development*, Report of the High-Level Panel of Eminent Persons on the Post-2015 Development Agenda (2013). Available from www.post2015hlp.org/wp-content/uploads/2013/05/UN-Report.pdf.

from exploitation; it is also beneficial for the socioeconomic development of societies as a whole.⁵¹

89. Social protection is also an important element of strategies aiming to protect children from sale and sexual exploitation. Social protection includes a range of interventions, such as transfers in cash or in kind, social services, social insurance and protection from discriminatory practices.⁵²

90. The United Nations has stepped up its engagement in this area. The Social Protection Floor Initiative, a United Nations joint initiative led by the International Labour Organization (ILO) and the World Health Organization (WHO), was launched in 2009.⁵³ It acknowledges the importance of social justice for human dignity and social cohesion and emphasizes the right of everyone to an adequate standard of living, achieved by having their basic needs met.

91. The 2013 ILO World Report on Child Labour also concentrates on economic vulnerability and the role of social protection in addressing child labour. The report concludes that social protection alone is not sufficient to prevent and address child labour. Complementary measures, particularly those related to health and schooling, are needed for effective protection.⁵⁴

9. Preventive measures⁵⁵

92. Prevention is the key to an effective, rights-based child protection system. It aims to avoid harm or mitigate its effects, including by avoiding revictimization. Primary prevention involves the universal provision of quality social services in order to prevent problems from arising. Secondary prevention concentrates on specific at-risk groups by providing additional targeted support. Tertiary prevention targets perpetrators and/or victims to limit the effects of the violation and prevent it from reoccurring.

93. Preventive measures are both universal and targeted. They are effective if they tackle the multiple facets of child vulnerability, building in a sustainable manner on the full range of policy instruments listed in the present report, including legislation, social policy, international cooperation and capacity-building.

10. Capacity-building

94. In many places, low capacities, including financial and human resources, thwart efforts to tackle any form of abuse, violence and exploitation of children and to care for victims. Significant efforts are needed to train professionals to identify and address the relevant crimes and foster child-sensitive approaches to prevent and combat these child rights violations. Capacity-building also necessitates adequate budgetary allocations to enable the relevant institutions and services to operate effectively.

⁵¹ Save the Children, *Strengthening families: Save the Children programs in support of child care and parenting policies* (2012). Available from <http://resourcecentre.savethechildren.se/sites/default/files/documents/7049.pdf>.

⁵² Ibid.

⁵³ See www.socialprotectionfloor-gateway.org/index.html.

⁵⁴ ILO, *World Report on Child Labour: Economic vulnerability, social protection and the fight against child labour* (International Labour Office, Geneva, 2013).

⁵⁵ See the report of the Special Rapporteur on the sale of children, child prostitution and child pornography on effective prevention strategies in combating the sale and sexual exploitation of children (A/68/275).

11. Data collection and analysis

95. The collection and analysis of reliable data on the sale and sexual exploitation of children remains a major challenge. The lack of reliable data reduces the visibility of the issue and the development of adequate responses and prevention. Data collection is made difficult by various factors. The phenomena involved are extremely hidden. The culture of silence that surrounds these crimes due to the fear of reprisals, cultural taboos, shame and a lack of confidence in the justice system results in high levels of under-reporting, which in turn exacerbates difficulties in collecting data. Furthermore, many States lack an integrated data collection system. Such systems require harmonized, quality indicators and the collection by various actors and parts of Government of data which is adequately disaggregated, regularly shared, centralized and disseminated.

96. During her visit to Estonia, the Special Rapporteur welcomed the information provided by the Ministry of Justice about an ongoing initiative to establish an electronic database to store information related to all cases that are referred to the justice system, including the type of crime, the age of the accused and the victim(s), gender and other elements.

97. Qualitative research on the drivers of the sale and sexual exploitation of children, risk factors, offender profiles and the effectiveness of responses is also critically lacking and requires additional attention in coming years.

12. Child participation⁵⁶

98. Child participation is a key component of an effective child protection system and an overarching principle of the Convention on the Rights of the Child. It therefore represents an obligation for States. It needs to be incorporated into all programmes and policies at all levels, from homes to governments.

99. In recent years, child participation has received increased attention. In 2009, the Committee on the Rights of the Child adopted its general comment No. 12 on the right of the child to be heard. Since then, it has contributed much needed guidance on the issue and paved the way for the development of practical tools for implementing this right.⁵⁷ Yet in practice, efforts need to be further strengthened in order to ensure that children's voices are taken seriously.

100. In her report on child participation as a key element in preventing and combating the sale and sexual exploitation of children (A/67/291), the Special Rapporteur set forth a number of practical approaches that have yielded positive changes in ways of working with children as partners. These include: facilitating child-sensitive and appropriate information, taking into account the sensitive nature of the issues; involving children in creative arts, especially theatre; producing child-friendly media, including leaflets, booklets, posters, television and radio broadcasts; using child-friendly spaces and forums such as children's associations, youth forums, children's councils and parliaments, and blogs; fostering online participation, combined with online safety initiatives; and encouraging children's participation in public policy development and monitoring, including research and data collection at the national, regional and international levels. The Special Rapporteur has insisted on the need to scale up and disseminate these practices.

⁵⁶ See the report of the Special Rapporteur on the sale of children, child prostitution and child pornography on child participation as a key element in preventing and combating the sale and sexual exploitation of children (A/67/291).

⁵⁷ Gerison Lansdown, *Every Child's Right to be Heard: A resource guide on the UN Committee on the Rights of the Child General Comment No. 12* (UNICEF/ Save the Children, 2012).

13. Corporate social responsibility

101. Corporate social responsibility has received increased attention in the light of recognition of the business sector's role in upholding and promoting human rights. Initiatives seeking to strengthen corporate social responsibility have developed considerably in very recent years, building concurrently on the private sector's voluntary efforts to take action, and on renewed momentum internationally through the adoption of various important guidelines and resources.

102. The concept refers to the duty of businesses to respect human rights.⁵⁸ The Human Rights Council endorsed the Guiding Principles on Business and Human Rights: Implementing the United Nations "Protect, Respect and Remedy" Framework (A/HRC/17/31) in 2011 as a global standard for preventing and addressing the risk of adverse impacts on human rights linked to business activity.

103. The Guiding Principles have been adapted to the child rights framework in the Children's Rights and Business Principles developed by UNICEF, the United Nations Global Compact and Save the Children, published in 2012.⁵⁹ In addition, the Committee on the Rights of the Child has adopted a general comment No. 16 (2013) on State obligations regarding the impact of the business sector on children's rights.

104. A significant number of businesses have adopted codes of conduct in an attempt to adhere to international standards. In partnership with governments and non-governmental organizations, they have also supported information and awareness-raising campaigns, as well as prevention and child protection programmes. Initiatives include the creation and expansion of various networks. The International Association of Internet Hotlines (INHOPE) was created in 1999 and has grown to a network of 44 hotlines in 38 countries, where the public can report child sexual abuse.⁶⁰ In 2007, leading mobile telephone operators and content providers in the European Union signed the European Framework for Safer Mobile Use by Younger Teenagers and Children.⁶¹ Since 2008, Google has used technology to identify duplicates of abuse images online and has recently developed additional tools towards ending online child pornography.⁶²

105. The Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism was introduced in 1996 and now has over 1,000 members, including leading travel and tourism companies.⁶³

106. Financial coalitions aiming to combat these crimes have multiplied, bringing together the public sector and banks, credit card and Internet payment companies and other financial actors. In the United States, the Financial Coalition Against Child Pornography was created in 2006 to combat child pornography.⁶⁴ The model has expanded to the Asia Pacific region

⁵⁸ United Nations, *The corporate responsibility to respect human rights: An Interpretative Guide* (2012). Available from www.ohchr.org/Documents/Publications/HR.PUB.12.2_En.pdf.

⁵⁹ www.unglobalcompact.org/docs/issues_doc/human_rights/CRBP/Childrens_Rights_and_Business_Principles.pdf.

⁶⁰ www.inhope.org/gns/about-us/about-inhope.aspx.

⁶¹ <http://www.gsma.com/gsmEurope/wp-content/uploads/2012/04/saferchildren.pdf>.

⁶² <http://googleblog.blogspot.ch/2013/06/our-continued-commitment-to-combating.html>.

⁶³ UNICEF, *Assessing The Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism: Discussion Paper* (2012). Available from www.unicef-irc.org/publications/pdf/ids_codeofconduct2.pdf.

⁶⁴ www.missingkids.com/FCACP.

in 2009 and to Europe through the European Financial Coalition against Commercial Sexual Exploitation of Children Online in 2012.⁶⁵

107. In her country visits, several interesting initiatives were brought to the attention of the Special Rapporteur. In El Salvador, the Ministry of Tourism reported on a programme to raise awareness among personnel in small- and medium-sized enterprises, such as tourism agencies, small hotels and tour operators, about the commercial sexual exploitation of children and trafficking of children. In Madagascar, telecommunication companies have supported the establishment of child helplines.

108. In coming years, efforts are likely to focus on the consolidation of the application of these instruments, expansion of private sector-led initiatives and sharing of good practices. In 2011, the Human Rights Council decided to establish a working group to promote the implementation of the Guiding Principles on Business and Human Rights (A/HRC/RES/17/4), which provides an avenue for taking stock of developments and advocating for increased corporate social responsibility, including for children.

14. International cooperation

109. The transnational nature of the sale and sexual exploitation of children, owing to the development of information technologies, trafficking networks, tourism and migration, frequently involves children being transferred from one country to another and often implicates transnational criminal networks. This calls for coordinated preventive measures across countries, particularly neighbouring countries. Consequently, it is virtually impossible to address these crimes adequately without solid networks at the regional and international levels aimed at promoting coordination and cooperation. Compliance with international standards plays an important role in ensuring a common understanding of the nature of the crimes and fostering cooperation among countries. Cooperation ranges from border control and verification of travel documents to joint efforts from law enforcement authorities and joint preventive programmes, including harmonization of legislation, sharing of information and learning from good practices.

110. Over the past few years, international cooperation to address the sale of children, child prostitution and child pornography has increased. Many countries have police attachés within their embassies who support coordination with local law enforcement authorities and help build their capacities, assist with investigations, and facilitate the sharing of information.

111. INTERPOL has developed its activities aimed at coordinating law enforcement globally to prevent and combat crimes against children. In particular, it has set up a system of “green notices” issued to provide warnings and criminal intelligence about persons who have committed criminal offences and are likely to repeat these crimes in other countries.⁶⁶

112. Managed by INTERPOL and funded by the European Commission, the International Child Sexual Exploitation image database is a powerful intelligence and investigative tool. It was launched in 2001, revamped in 2009, and is regularly updated with the latest technology, which allows specialist investigators to share data with colleagues across the world. It uses sophisticated image comparison software to make connections between victims, abusers and places. Police forces in almost 40 countries are currently connected to the database and cooperate in the identification of child sexual exploitation victims and their abusers.⁶⁷

⁶⁵ www.europeanfinancialcoalition.eu/.

⁶⁶ www.interpol.int/en/Internet/Crime-areas/Crimes-against-children/Sex-offenders.

⁶⁷ www.interpol.int/Crime-areas/Crimes-against-children/Victim-identification.

113. The Virtual Global Task Force is an alliance of twelve law enforcement agencies that seek to build partnerships with non-government organizations and the private sector to help protect children from online child abuse. Since its creation in 2003, it has helped rescue hundreds of children from sexual abuse, prompted investigations, and identified hundreds of offenders around the world.⁶⁸

IV. Conclusions and recommendations

A. Conclusions

114. **Changes in the nature and extent of the sale and sexual exploitation of children reveal preoccupying trends. Even though this issue has gained increased visibility over the past years, thanks to the joint efforts of numerous stakeholders, millions of children worldwide are still victims of sexual exploitation today and have their childhood stolen. The phenomenon has developed and become increasingly complex. Risk factors are growing and multiplying. The social tolerance for these crimes, impunity, corruption and precarious socioeconomic situations remain among the most challenging obstacles to overcome in combating this scourge. Strategies aimed at preventing and combating the phenomenon need to be constantly reviewed in the light of renewed challenges and emerging threats. Importantly, such strategies can only be effective if they tackle the multidimensional nature of the problem in a comprehensive and holistic manner. This requires multidisciplinary approaches bridging various parts of policymaking and tackling the broader environment that can either protect children or make them more vulnerable. It also calls for increased coordination among actors at the local, national, regional and global levels.**

115. **As she reaches the end of her mandate, the Special Rapporteur recognizes that, despite the significant efforts deployed, the growing magnitude of the risks makes children more vulnerable, raising significant concerns for the years ahead. Efforts need to be constantly strengthened and reassessed in order to ensure appropriate responses. Appropriate responses can only be formulated through genuine political commitment at the highest level. Laws, action plans and strategies are not enough if they are not translated into concrete actions, with adequate funding and capacities to be fully operational.**

B. Recommendations

116. **As the world reflects on global development goals for the post-2015 era, the Special Rapporteur underlines the importance of taking into consideration the strong linkages between economic, social and political development and child protection issues. To this end, the Special Rapporteur recommends the inclusion of child-sensitive social protection in the post-2015 development agenda.**

117. **In order to effectively prevent and combat the sale and sexual exploitation of children in the years ahead, the Special Rapporteur underlines the need to strengthen and develop comprehensive child rights strategies, building on:**

- **National comprehensive and child rights-centred protection systems;**
- **Comprehensive and child rights-centred transnational cooperation.**

⁶⁸ www.virtualglobaltaskforce.com.

1. At the national level

118. The Special Rapporteur invites all States to accelerate efforts towards comprehensive and child rights-centred protection systems, in order to create:

- (a) Comprehensive legal frameworks (both civil and criminal) to prevent, prohibit and protect children from all forms of sale and sexual exploitation;
- (b) Child-sensitive justice systems;
- (c) Strong institutions and mechanisms, including community-based mechanisms, equipped with well-trained staff, providing care, recovery, reintegration and follow-up of children;
- (d) Sustainable preventive measures that take into account all the underlying factors, including demand;
- (e) Social protection policies and family strengthening programmes;
- (f) Strong corporate social responsibility among the private sector, Internet service providers, telecommunications, tourism, travel, media and financial institutions;
- (g) Societies in which children and young people are involved in designing solutions and contributing to assessment;
- (h) Reliable and updated information;
- (i) Regular assessment and accountability mechanisms.

2. At the international level

119. The Special Rapporteur invites the international community to establish a coordinated global response, by:

- (a) Ensuring the universal ratification of the Convention on the Rights of the Child and the Optional Protocols thereto;
- (b) Establishing a comprehensive and global legal framework to prevent, prohibit and protect children from all forms of sale and sexual exploitation;
- (c) Sharing and updating information related to child victims and offenders through strong cooperation among law enforcement agencies and justice systems;
- (d) Harmonizing practices and procedures to prevent and respond to the sale and sexual exploitation of children;
- (e) Sharing expertise and scaling up good practices;
- (f) Providing sustainable support to the development and strengthening of child protection systems, especially in low-income countries;
- (g) Increasing cooperation and harmonization in the work of the United Nations system. During her country visits, despite some excellent support and work undertaken, the Special Rapporteur sometimes observed a lack of coherence and numerous overlaps in the work of United Nations entities.

3. Regarding the mandate of the Special Rapporteur on the sale of children, child prostitution and child pornography

120. The Special Rapporteur highlights the importance of providing pragmatic, realistic and action-oriented recommendations to be shared with all relevant

stakeholders, particularly in the framework of country visits, in order to ensure enhanced ownership of the recommendations and the actions to be undertaken.

121. Close cooperation with States and other stakeholders, in particular during and after country visits, is critical to making a difference in children's lives. Constructive dialogue involving all stakeholders has enabled the Special Rapporteur to bring about concrete change through the implementation of recommendations before and after the submission of her reports. Results have included States' ratification of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, reform of legislation, increased compliance with international standards and strengthening of institutions and services.

122. Owing to the multidimensional nature of the sale and sexual exploitation of children and its intersection with a number of connected phenomena, including migration, the expansion of the Internet and related concepts such as various forms of child abuse and exploitation, close cooperation with the other existing human rights mechanisms is crucial, as well as with the private sector, particularly Internet service providers and the telecommunications, tourism and travel industries.

123. In order to ensure proper monitoring and follow-up to these recommendations, including the possibility of providing the necessary technical assistance — if requested — particularly in the framework of country visits, support to the mandate should be strengthened.
