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Third World Congress on Sexual Exploitation of Children and Adolescents: Some Thoughts about a European Follow-up.

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1. Introduction

The Third World Congress on Sexual Exploitation of Children and Adolescents took place in Rio de Janeiro at the end of November last year (Nov. 25-27, 2009).

It resulted in a Declaration and plan of Action setting the agenda for international efforts to prevent and stop the sexual exploitation of children and adolescents, also known as the Rio Outcome Document (ROD)(1).

This paper will inform you about the process that resulted in the Rio Outcome Document, its content and linkages with the outcome of the UN Study on Violence Against Children (2) and the possible follow-up actions in Europe.

2. The Road to the Rio Outcome Document

2.1 The wider and historical context of the Rio Congress

In 1996 the first World Congress against Commercial Sexual Exploitation of Children was held in Stockholm and marked the beginning of an international and national commitment to prevent and stop sexual exploitation of children. This commitment was clearly expressed in the outcome of this congress: The Stockholm Declaration and Agenda for Action supported by 119 governments, ECPAT and other NGO's, UNICEF and other UN agencies and other concerned organisations and individuals. Actions were recommended for coordination and cooperation, for prevention, protection and recovery and reintegration and finally on child participation.

This Congress resulted among others in an increase of the attention both at the international level and at the national level in many countries to the fight against commercial sexual exploitation of children.

The result of this increased attention was noted at the Second World Congress held in Yokohama in December 2001 (17-20 December). For instance:

- enhanced actions against child prostitution, child pornography and trafficking of children for sexual purposes and new laws to criminalize these forms of sexual exploitation;
- promotion of effective implementation and enforcement of policies, laws and gender-sensitive programmes to prevent and address sexual exploitation of children, including inter alia, information campaigns to raise awareness, social and support measures for families and children to counter poverty and actions against the demand for sexual exploitation of children;

- comprehensive, systematic and sustained involvement of the private sector, such as members of the travel and tourism industry, Internet Service Providers in improving child protection via e.g. the adoption and implementation of corporate policies and codes of conduct to protect children from sexual exploitation.

These and other results of the efforts to prevent and stop sexual exploitation of children since the Stockholm Congress can be found in the outcome document of the Second World Congress: The Yokohama Global Commitment 2001.

In terms of progress was made in the development, adoption and entry into force of new and specific international and regional standards for the protection of children from sexual exploitation via the following new instruments:

- the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children to the UN Convention against Transnational Organized Crime also known as the Palermo Protocol (2000);

- the ILO Convention 182 (and the related ILO Recommendation No. 190) concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (entry into force 19 November 2000) (3);

- the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography (entry into force 18 January 2002);

- the Convention on Cyber crime (2001);

- the Rome Statute of the International Criminal Court (entry into force 1 July 2002) in which rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization, or any other form of sexual violence of comparable gravity are qualified as crimes against humanity (article 7, par. 1, under (g) (4);

Compared to the specific Agenda for Action of the Stockholm Congress the Yokohama Global Commitment 2001 was of a rather general nature. It did not present a specific plan of action with concrete and/or time bound goals. Instead it did reiterate, reaffirm, recommit and reinforce the action already presented in the Stockholm Agenda for Action. It meant among others that it did not provide a strong framework for the assessment of progress made in the follow-up to this Second World Congress. But it should be noted that during regional conferences in preparation of Yokohama Congress various Commitments, Action Plans, Strategies were adopted (5). It is likely that they had some impact on the activities of governments, NGO's and UN agencies in the respective regions, although no specific procedures for monitoring this impact was established.

As part of the efforts to keep the fight against sexual exploitation of children high on the international and national agendas it was agreed to have every 5 years a World Congress. But a Third World Congress did not take place in 2006 mainly due to the fact that it turned out to be difficult to find a country willing to host such a Congress. Aware of this difficulty the Brazilian government offered in 2007 to organize the Third World Congress in close collaboration with UNICEF, ECPAT and the NGO group on the Convention on the Rights of the Child. A Central Organizing Committee (COC) with representatives of the Brazilian government and the partners mentioned, was established.

It goes beyond the scope of this paper to describe the many challenges and difficulties the COC was meeting in organizing the Third World Congress. Suffice to say that they were addressed one way or another resulting finally in a truly World Congress, supported by an extensive preparatory process.

2.2 The road to the Rio Outcome Document

With a view to structure the preparation and the programming of the Rio Congress the COC decided to work with five themes:

- Forms of sexual exploitation with the following sub-themes:
 - . Prostitution of Children
 - . Child Pornography and abusive images
 - . Sexual Exploitation of Children in Travel and Tourism
 - . Child Trafficking and Sexual Exploitation

- Legal Framework and Accountability
- Integrated Cross-sector Policies
- Corporate Social Responsibility
- Strategies for International Cooperation

For each of the themes and sub-themes background papers were written by different authors. These papers provide excellent overviews of the developments in the areas covered, including the identification of remaining challenges and conclude with some recommendations for further actions.

These documents were an important source of information for the General-Rapporteur in preparing the draft Rio Outcome Document. Unfortunately and contrary to the plans, hard copies of these important documents were not available for the participants to the Congress. But they can be consulted and downloaded from www.ecpat.net

In addition, regional and thematic consultations in preparation of the Congress were organized(6). Participants to these consultations were among others representatives of governments, NGO's, UN agencies and the corporate world. Children and adolescents also participated in the regional consultation. All consultation often produced very concrete and time bound recommendations for actions. There were quite a lot similarities in the recommendations illustrating a certain of level of consensus on the measures that should be taken e.g. in the area of prevention, legislation and law enforcement, the recovery and re-integration of victims, child participation, the role of the private sector, and on the need to strengthen inter-sectoral cooperation and coordination at the national level and improve international cooperation, in particular with a view to mutual support and to making law enforcement more effective in cross-border cases.

These recommendations played an important role in the drafting of the Rio Outcome Document.

This process of background papers and consultations meant that we could present at the Rio Congress a draft text of the Rio Outcome Document that was as solidly as possible reflecting the concerns and the recommended actions emerging from this process.

The programme of the Rio Congress was structured along the lines of the themes. Each half- day of the Congress was devoted to one of the themes via panel discussions and workshops (about 20 parallel workshops per theme).

Panels and workshops were invited to submit to a small drafting group further recommendations either amending or adding to the text of the draft. This resulted not only in various discussions, among others with representatives of governments, but also to further improvement of the draft Outcome Document.

This ultimately resulted in a final draft that including and/or reflecting the input, not only from the consultations but also from the participants to the Congress. But at the end of the Congress it was felt that the Plan of Action of the document should be open for further input during 30 days after the Congress.

A number of governments, NGO's and UN agencies, provided further input. These comments and suggestions were considered and discussed at a meeting of the COC in New York (April 8 + 9), It resulted in the adoption of the final text of the Rio Declaration and Call for Action to prevent and stop sexual exploitation of children and adolescents, which was presented at a meeting of representatives of States, NGO's and UN agencies on April 9 at the UN Headquarters.

Finally it should be mentioned that children and adolescents produced their own set of recommendations in meetings preceding and during the Congress.

These recommendations are an annex to the Rio Outcome Document. But in addition representatives of the children and adolescents played an active role in the discussion of the small drafting group about the final draft, considering the input that came from panels and workshops.

In the light of all the preparations and input I think it is fair to say that the Rio Outcome Document presents the internationally agreed call for Action for the next 5 years.

3. The Rio Declaration and Call for Action to prevent and stop sexual exploitation of children (7)

3.1 Some general remarks

The structure of the Rio Outcome Document is quite straightforward and rather traditional. It starts with a Preamble in which the participants express their concerns inter alia on the high level of sexual exploitation of children, the increase in certain forms of this exploitation and the increased vulnerability of many children to sexual exploitation as a result of, among others, increasing poverty, social and gender inequality, exclusion, ongoing demand for sex with children and displacements. This is followed by a Review of Progress and Outstanding Challenges (Part A). These challenges are of course the primary targets of the Call for Action.

In Part B, the Declaration, the participants to the Congress pledge themselves to undertake, as a matter of priority, the necessary measures to prevent and stop sexual exploitation of children and adolescents.

This pledge is supported by the recognition of e.g. the need to address the root causes of sexual exploitation of children, the important role of parents and other caregivers in the effort to prevent and protect children from sexual exploitation. In addition the pledge is translated in some general commitments such as the will to cooperate with and support international, regional and national human rights bodies and civil society, the will to support the establishment of structures for meaningful child participation in a sustainable way at all levels, the will to address any denial of the seriousness of sexual exploitation of children and the will to initiate, fund and share outcomes of research.

These parts provide the building blocks for the Call for Action (Part C). This part starts with actions recommended to address the various forms of sexual exploitation (Theme 1 of the Congress) and is followed by various more general recommendations, among others on prevention, assistance to victims and law enforcement.

In a next paragraph I will present a summary of this part of the Rio Outcome Document. But before doing so I will make some observations about the links between this Document and the outcome of the UN Study on Violence against Children.

3.2 Links with the UN Study on Violence against Children

The UN Study on Violence against Children did not pay much specific attention to sexual exploitation of children. But it goes without saying that there is a linkage between the Rio Outcome Document and the results of the UN Study if not only because “violence” as defined in the UN Study’s Report (par. 8) encompasses “all forms of exploitation, including sexual abuse” with reference to art. 19 CRC. At the formal level it resulted in support of the participants to the Rio Congress for the recommendations made in the UN Study (“We welcome and commit ourselves to follow up ...”) and a commitment to support with financial, human and other resources and to facilitate the work of the Special Representative of UN Secretary General on Violence against Children. It may be necessary to remind the participants (including the 137 governments represented in Rio) of this commitment as soon as this Special Representative has been appointed by the Secretary General (8).

At the more substantive level the following aspects of the UN Study should be kept in mind

- . the UN Study does not discuss and/or presents the problems of violence against children along a clear cut distinction between physical, mental and sexual violence;
- . The UN Study makes a distinction between the different settings in which violence against children occurs, and for good reasons. The dynamics and factors that result in violence against children are different in the different settings and therefore require at least partly different legislative, social and other measures with a view to stop and prevent violence.

The settings distinguished by the UN Study are:

- the home and family
- the school and other educational settings
- child care and the juvenile justice systems
- the workplace
- the community

The observations regarding violence against children in these settings and the recommendations for action do not suggest that there is a firm link between violence in these settings and sexual exploitation, with the exception of violence in the workplace and the community. The Study elaborates on (inter alia) the exploitation of children in prostitution and child pornography (par. 67) and the vulnerability of children in tourist areas, of refugee or other displaced children and trafficked children and their risks to be sexually exploited (par. 77-79). These observations ultimately result in some setting-specific recommendations under “violence in the community” (9) e.g. to develop and implement in accordance with international law legislative measures to protect children from being trafficked, to improve prosecution of sale of children, child prostitution and child pornography, abolition of the requirement of “double criminality” and using the relevant Optional Protocol to the CRC as a legal basis for extradition. These recommendations are to different degrees and in different words repeated in the Rio Outcome Document.

So there is a clear linkage in terms of supporting similar actions to prevent and stop sexual exploitation of children.

But there is another less explicit, kind of hidden linkage between Child (sexual) abuse in e.g. the family setting or in institutions of child care and sexual exploitation which can have a long lasting negative impact on the child’s development.

Next to various mental health problems such as low-self-esteem, anxiety, depression, anger and aggression and post traumatic stress dissociation a substantive body of research shows that children victims of sexual abuse run a significant risk of revictimization (10) This is the result of high-risk sexual behaviour and/or becoming involved in prostitution.

A study in 1996 found that of the abused and neglected group of children 10,7% had been paid for sex with someone compared to 5,6% of a control group (11).

In other words childhood sexual abuse was a significant predictor of prostitution, particularly among female children. It does not mean that e.g. all sexually abused children become prostitutes. But research found that 73% of former prostitutes had experienced sexual abuse compared to 29% of a control group (12).

In addition to many more observations one can make in this regard. I think it is important to note the fact that there is a link between violence against children and the (risk of) sexual exploitation. This means among others that, in addressing cases of (sexual) violence in e.g. the family or in institutions, special attention should be given to this link. This includes simply that preventing child sexual abuse contributes to reducing the risk of children to become victims of sexual exploitation. Furthermore, in providing treatment and support to children victims of sexual abuse have to include forms of after care aiming at preventing that they can fall victim to sexual exploitation.

4. Recommendations from the Third World Congress on Sexual Exploitation of Children

4.1 Introduction

For the full text of the Rio de Janeiro Declaration and Call for Action to Prevent and Stop Sexual Exploitation of Children and Adolescents I refer to www.ecpat.net ; here I will limit myself to highlighting the parts that can be directly linked to the Convention of the Council of Europe on the Protection of Children against Sexual Exploitation and Sexual Abuse (CoE Convention). In this paragraph the summary presents the recommendations as much as possible in the order of this Convention with reference to the relevant articles and where appropriate with some comments.

First some remarks on definitions. The Rio Outcome Document (hereafter: ROD) does not define sexual exploitation nor the specific forms such as child prostitution and child pornography. It only (and at best) refers to international standards notably the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography (hereafter: OPSPPC). The Council of Europe Convention, contains detailed definitions (see art. 18-21) which are in my opinion in compliance with the definitions in the OPSPPC (art. 2).

Important in this regard is that the definition of Child Pornography includes simulated representations or realistic images of a non-existent child shortly labelled as: “Virtual child pornography” It can be argued that the definition of child pornography in art. 2 OPSPPC includes, virtual child pornography (13). A critical issue in this regard is the question whether virtual child

pornography should be prohibited and criminalized and if so, how exactly? This question will be discussed later.

4.2 A summary of the Rio de Janeiro Call for Action (section C of the ROD)

The first call for action is to ratify all relevant international and regional instruments (inter alia) the CRC and its Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography, the ILO Convention 182 on the Worst Forms of Child Labour, the so called Palermo-Protocol, the African Charter on the Rights and Welfare of Children, the Inter-American Human Rights Conventions on International Traffic of Minors and on Violence against Women, the SAARC Convention on Preventing and Combating Trafficking in Women and Children for Prostitution and the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse.

It should be noted that this recommendation does not express any urgency, despite the fact that in almost all regional consultations it was recommended to call for ratification by 2013. Furthermore it is clear that the world has enough international and regional standards and that we have to invest in their implementation as a matter of the highest priority.

4.2.1 Prevention

There is an international consensus that we should take a variety of measures to prevent all forms of sexual exploitation as a matter of highest priority. In line with this the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (hereafter: the CoE Conv.) starts (after some introductory provisions) with Preventive measures (Chapter II, art. 4-9).

The Call for Action contains a section with recommendations for more general measures of prevention (par. 39-44) while more specific recommendations are related to the different forms of sexual exploitation (see e.g. par. 6, 20, 21, 23) The recommendations call for among others:

- immediate registration at birth of all children and of the not yet registered children (par. 39);
- awareness and educational campaigns focusing on children, parents, teacher youth organizations and others working for and with children. In this regard special support is needed for children to get a better understanding of the risks and various aspects of sexual exploitation that would empower them in partnership with adults to prevent and stop sexual exploitation of children (par. 41-43).

Special attention must be given to possible exploitative use of the Internet, mobile telephones and other new technologies with information for children on how to protect themselves, how to get help and to report incidences of this form of sexual exploitation (par. 6).

Furthermore, monitor newly emerging tourist destination and take proactive measures to prevent sexual exploitation of children in these locations (par. 21);

- eradicate poverty and provide comprehensive support for parents and services for child victims;
- undertake research (inter alia) with a view to promote and strengthen respect for the rights of girls and women among boys and men (par. 44) and regular evaluation of programmes to prevent and stop (inter alia) trafficking of children (par. 27); with regard to research see also the many issues that need further attention (part B Declaration par. 9);
- prohibit the production and material advertising sexual exploitation in tourism and alert travellers on the applicable criminal sanctions (par. 20; CoE Conv. art. 8, par. 2)

I should note the fact that in the CoE Convention under the heading of prevention special attention is given to potential offenders and their access to effective intervention programmes. Under the heading >Intervention programmes or measures” (Chapter V, art. 15-17) more and specific attention is given to the offenders (see also hereafter recommendations in the ROD).

4.2.2 Participation

The CoE Convention deals with this issue in art. 9 under the heading of preventive measures. It is about the participation of the relevant actors notably children, the private sector, the media with also a provision on financing prevention programmes. In the Call for Action a lot of attention is given to child participation. In addition to reference to the recommendations of children and adolescents who participated to the Congress the Call for Action contains a number of specific recommendations on the participation of children, the private sector, including media and others. Just by way of example:

- the participants to the Congress committed themselves to support measures and structures to institutionalise meaningful child participation in a sustainable way at all levels including for child victims or at risk of sexual exploitation (Section B Declaration, par. 7). This commitment was further specified in the Call for Action (par. 37) “(to) promote and fund meaningful child and youth participation in the design, monitoring and evaluation of (national) policies and programmes, in campaigns and through peer-to-peer youth programmes, aimed at raising awareness and preventing the sexual exploitation and trafficking of children and adolescents”.

The participation of the private sector in the fight against sexual exploitation can be found in a number of recommendations, in particular addressing different forms of sexual exploitation. By way of examples:

- the call upon Internet Service Providers, mobile phone companies, Internet cafés and other relevant actors to develop and implement Codes of Conduct and other corporate social responsibility mechanisms together with the development of legal tools for enabling the adoption of child protection measures in this business (par. 8).

A similar action is recommended for the corporate world operating in tourism, travel and hotel business: encourage and support this private sector to join and implement the already existing Code of Conduct for the Protection of Children in Travel and Tourism with the suggestion to provide incentives for those who do join and implement this Code (par. 16);

- the call upon financial institutions to undertake actions to trace and stop the flow of financial transactions undertaken through their services which facilitate access to child pornography (par. 9). Finally there is the general encouragement, in addition to the more specific actions just mentioned, to the private sector to engage proactively in all efforts to prevent and stop sexual exploitation of children and adolescents, through its entire production chain as well as employers and workers organizations (par. 60).

An encouragement that is supported by the call to develop, with the involvement of NGO's, UN agencies, civil Society et al., policies and programmes to support corporate social responsibility of enterprises operating in e.g. tourism, travel, transport and financial services, media internet services and advertising/entertainment (par. 57)

Remarkable is the lack of a call for actions addressed specifically to the media,

4.2.3 Coordination and Collaboration (art.10 + 38 CoE Conv.)

The Rio Call for Action addresses the need for collaboration and coordination at the national level (art. 9 CoE Conv.) and for international cooperation (art. 38)

At the national level: the ROD calls for the development and implementation of comprehensive National Plans of Action based on a cross-sectoral approach which brings all relevant stakeholders together in a coherent framework for action(par. 35, 36 and 45)

At the international level: the call to establish and/or improve by 2013 concrete mechanisms and/or processes to facilitate at the national, regional and international levels for enhanced cooperation among (inter alia) government ministries, funding bodies, UN agencies, NGO's the private sector, media and children's organizations (par. 54). In addition a call is made to strengthen and improve the effectiveness of existing regional mechanisms for exchange, coordination and monitoring of progress on child protection including against sexual exploitation (par. 55).

Furthermore, the participants to the Rio Congress call for the provision of financial, technical and other support via existing multilateral, regional and other programmes and for exploration of the possibility of a fund for child and youth initiatives for addressing sexual exploitation of children (par. 56). Other actions recommended for international cooperation are made with regard to effective law enforcement (see hereafter 4.2.6.)

4.2.4 protection and assistance to victims (art. 11-14 CoE Conv.)

It goes without saying that the protection of and the assistance to victims of sexual exploitation of children is an implicit or explicit part of various calls for action in the ROD.

For instance: the call to strengthen existing national child protection services or establish new ones in order to provide all child victims with the necessary psycho-social and economic support for their full physical and psychological recovery and social reintegration and to ensure that these services are accessible, well resourced, gender sensitive and reach all children without discrimination (par. 48, 49).

In addition there is the call to establish by 2013 an effective and accessible system for reporting, follow-up and support for the child victim and to develop or enhance accessibility of existing telephone or web-based help lines for children (par. 46 + 47)

More specific calls for action are made for specialized and appropriate health care for child victims of prostitution, including support for child-centered local models for recovery (par. 15); and for the piloting and replication of models of community-based rehabilitation and reintegration programmes of child victims of trafficking (par. 23). With a view to protection it is also necessary to ensure that a guardian is appointed without delay for every unaccompanied trafficked child and to provide not only short-term protection, but also economic and psychosocial support for full and long-lasting recovery and social reintegration (par. 26).

4.2.5 Measures regarding offenders (art. 7, 15-17 CoE Conv.)

The CoE Convention contains a number of provisions specifically dealing with (potential) offenders under the (in my opinion somewhat confusing) heading: “Intervention programmes or measures”.

The ROD calls for the establishment and implementation of international, regional and national legal mechanisms and programmes for addressing sex offender behaviour and preventing recidivism, including through risk assessment and offender management programmes, the provision of voluntary rehabilitation services and the safe reintegration of convicted offenders.

The other relevant recommendation in this regard was to address the demand that leads to prostitution of children by making the purchase of sex or any form of transaction to obtain sexual services from a child a criminal transaction under the law, even when the adult is unaware of the child’s age (par. 14). The demand side of the sexual exploitation has been discussed rather extensively (e.g. during the pre-Congress consultation in Europe) but it is apparently an issue that is not simply solved, if ever. But one kind of action has to do with awareness raising among men and understanding of and respect for the rights of girls and women (see par. 44).

4.2.6 Legislation and Law enforcement

The CoE Convention contains many articles devoted to the legislative (criminal law) measures States Parties to the Convention should take. They not only deal in details with the various acts of sexual exploitation of children, States Parties should criminalize (art. 18-24), but also with jurisdiction (art. 25), corporate liability (art. 26), sanctions and measures (art. 27-29) and issues of investigation prosecution and procedural law (art. 30-36) (14)

The Rio de Janeiro Declaration and Call for Action provides various recommendations for actions related to the issues mentioned before, sometimes more general than the CoE Convention but in some instances more specific. Just by way of a summary.

Legislation

The first and general call is to define, prohibit and criminalize, in accordance with existing international standards (15), all acts of sexual exploitation of children and adolescents in their jurisdiction (par.28).

More specially: criminalize the intentional production, distribution, receipt and possession of child pornography including virtual images and (...) the international consumption access and viewing materials where there has been no physical contact with a child (par. 4). It should be noted that art. 20, par. 3 CoE Convention allows States Parties not to criminalize the production and possession of pornographic materials that consist exclusively of simulated representation or realistic images of a non-existent child. The actions recommended in the Rio Call for Action clearly goes further than this provision.

Furthermore: legal liability of entities such as corporations and companies in case of responsibility for or involvement in the production and/or discrimination of these pornographic materials (par. 4; see for more details of this corporate liability art. 26 CoE Conv.).

Finally: the necessary legislative measures should be taken to require Internet Service Providers (ISP), mobile phone companies and search engines to report and remove child pornography websites and child sexual abuse images (par. 7).

Jurisdiction and extradition

The Rio Congress calls for the establishment of effective extra territorial jurisdiction and the abolition of the requirement of double criminality for offences of sexual exploitation of children and adolescents (par. 29). The CoE Convention specifies this extraterritorial jurisdiction (art. 25, par1 and 2) including the abolition of the so-called double criminality (art. 25, par. 4) (16)

All acts of sexual exploitation of children should be made extraditable offences in existing or newly established extradition treaties (par. 29). This is in line with art.5 OPSPPC and par. 2 of this article states that a State Party to this Protocol may consider this instrument as a legal basis for extradition in respect of offences of sexual exploitation of children mentioned in art. 3 (17)

In this regard it is also recommended to designate at the national level a lead law enforcement agency to proactively enforce extraterritorial laws related to sexual exploitation of children (par. 30)

Law enforcement

In this regard the Rio Call for action puts an emphasis on international cooperation and exchange of information by e.g. the following recommendations

- take all necessary steps to strengthen international cooperation by multilateral, regional and bilateral arrangements for the prevention, detection, investigation, prosecution and punishment of those responsible for acts of sexual exploitation of children (par. 53; see also art. 38 CoE Convention);
- support and contribute to the Interpol international child abuse images database and nominate a responsible national focal point person or unit to collect and update promptly national data on sexual exploitation of children and systematically share this information with Interpol in order to support cross-border law enforcement actions and strengthen its effectiveness (par. 58; see also par. 38);
- undertake national and international and coordinated measures to curb and stop the involvement of organized crime in commercial sexual exploitation of children and bring persons and/or legal entities responsible for this form of organized crime to justice (par. 59).

And more specifically:

- set up a common list of websites, under the auspices of Interpol, containing sexual abuse images based on uniformed standards whose access will be blocked (par. 10);
- continue to strengthen cross-border and international cooperation of law enforcement officials e.g. by establishing coordinating units with a mandate to issue guidelines for child centred investigation of cases of trafficking of children, treating these children not as criminals but as victims in need of protection (par. 25);
- cooperate in the establishment of an international travel notification system, such as the Interpol “green notice” system, in accordance with applicable law and human rights standards (par. 18).

4.2.7 Child victims and legal proceedings

The recommendations of the Rio Call for Action in this regard are of a rather general nature (18):

- promote and defend the privacy of child victims of sexual exploitation to (...) protect their identity in investigation or court proceedings or from disclosure by the media and ensure that these proceedings are child friendly and allow the child to participate in a meaningful way in the process of bringing the perpetrator to justice (par. 51);
- establish special gender sensitive units or children’s desks within police forces, involving when appropriate other professionals like health care and social workers and teachers, to address sexual crimes against children, and provide specialized training to judicial and law enforcement personnel (par. 32)

4.2.8 Monitoring

The first call for Action in this regard is to establish by 2013 children’s rights institutions such as children’s ombudspersons or focal points on children’s rights in existing human rights institutions or general ombudsperson offices; these bodies should play a key role in the independent monitoring of actions taken to prevent sexual exploitation of children, to protect child victims of these exploitations and to ensure that child victims have effective remedies.

The Rio Call for Action contains in the context of monitoring various recommendations e.g.:

For the UN Committee on the Rights of the Child to pay special attention to the Rio Call for Action in examining the reports of States Parties to the CRC and/or to the OPSPPC and to adopt as a matter of priority a General Comment on the right of the child to protection from sexual exploitation, trafficking, abduction and sale (par. 62, 63).

For the Human Rights Council to ensure that the Universal Periodic Review process includes rigorous examination of the States' fulfilment of their obligation to prevent and stop sexual exploitation of Children (par. 66)

Other recommendations are made to, inter alia, UN agencies, NGO's, the World Bank and the International Monetary Fund and to religious communities.

For the monitoring of the CoE Convention a Committee shall be established composed of representatives of the Parties to the Convention (art. 39). Other representatives can be appointed by specific bodies mentioned in art. 40 while representatives of civil society and NGO's can be admitted as observers. These representatives have no voting right. Two observations in this regard.

- I think it would have been better for the credibility of the monitoring of the Convention if the Committee was composed of independent experts;

- in the bodies that can appoint a representative (without voting right) I miss the UN Committee on the Rights of the Child. A representative of this Committee can contribute to an effective link (cooperation) between the monitoring of the CRC and OPSPPC and the monitoring of the CoE Convention.

4.2.9 Follow-up

An important feature of the Rio de Janeiro Call for Action, missing in the Outcome Document of the previous World Congresses on Sexual Exploitation of Children, is the specific call for follow-up actions:

- States should issue biennial public reports on the measures taken for the implementation of the Rio Declaration and Call for Action and promote or initiate discussions on the progress made and the remaining challenges;

- coordinated actions by relevant human rights treaty bodies, special procedures of the HRC and special representatives of the Secretary General of the UN should be encouraged and supported with a view to maintain awareness of and to promote the implementation of the Rio Declaration and Call for Action;

- the private sector is encouraged to join the UN Global Compact and communicate their implementation progress in the fight against sexual exploitation of children.

5. An Agenda for European Actions

(or: A European Call for Action)

The Rio Declaration and Call for Action to prevent and stop sexual exploitation contains many general and specific recommendations. Each member State of the Council of Europe should be urged to carefully read this Rio Outcome Document and implement it and/or use it as a guidance for the development and implementation of its laws and policies. Not all recommendations are equally relevant for each of CoE member States nor is it likely that they all can be implemented at the same time.

The summary of the Rio recommendations presented in previous paragraphs can be used as a guidance, in particular because it is linked to the Convention of the Council of Europe.

The following suggestions are meant as an input for the development of a European Agenda for Action to be promoted and supported by the Council of Europe.

1. Ratify all relevant human rights instruments, in particular by 2013 the Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography, the ILO Convention 182, the Palermo Protocol and the Convention of the Council of Europe on the Protection of Children against Sexual Exploitation and Sexual Abuse.

2. Support and cooperate with the Special Rapporteur on the Sale of Children, Child Prostitution and Child Pornography and the Special Representative of the UN Secretary General on Violence against Children, inter alia by providing with a standing invitation to visit the country.

3. Develop and implement a National Plan of Action to prevent and stop sexual exploitation taking into account, inter alia, par. 35 and 36 of the Rio Document. If good practices in this regard exist in member-States of the Council of Europe they should be used to inspire and inform other member-States.

4. Child participation: do not only encourage this participation (art. 9, par. 1 CoE Convention) but do support measures and structures to institutionalise meaningful child participation in a sustainable way at all levels (see above under 2.4.2.)

5. Prevention: while taking into account the recommendations in the Rio Call for Action (par. 39-44) invest in addressing the increasing problems of sexual exploitation and abuse via internet and mobile phones, via educational and awareness-raising campaigns (par. 6), supporting the development and implementation of Codes of Conduct for Internet service Providers and mobile phone companies (par. 8) and taking the necessary legislative measures to require these providers and companies to report and remove child pornography website and child sexual abuse images.

6. Legislation: criminalize the production, distribution, receipt and possession of virtual child pornographic images and urge the member States to the CoE not to make the reservation mentioned in art. 20, par.3 and 4 of the CoE Convention.

7. Promote the maximum possible extra-territorial jurisdiction without the requirement of double criminality and urge the member-States of the CoE not to use reservations in this regard as allowed in art. 25, par. 3 and 5 of the CoE Convention,

8. Law enforcement:

- establish special gender sensitive units or children's desks within police forces to address sexual crimes against children (par. 32); see under 2.4.7);
- support and contribute to the Interpol international child abuse images data base (par. 58 + 38; see under 2.4.6);
- establish coordinating law enforcement units with a mandate to issue guidelines for child centred investigation of cases of trafficking of children (art. 25; see under 2.4.6) and support or initiate other actions to strengthen cross-border cooperation between law enforcement agencies.

9. Monitoring:

- promote and support the establishment by 2013 in all member States of the CoE of an independent monitoring body for children's rights (par. 61; see also under 2.4.8);
- strengthen the monitoring of the CoE Convention by encouraging States Parties to appoint representatives to the monitoring Committee who are independent experts and ensure a strong linkage between this committee and the UN Committee on the Rights of the child with a view to establish a well coordinated and effective monitoring practice.
- urge all member-States of the CoE to issue every two years a report on its implementation of the Rio Declaration and Call for Action and when applicable of the CoE Convention. Use this report for a public discussion, including in Parliament, on progress made and plans for further action.

NOTES

1. The phase "children and adolescents" was used because it is the usual way in the Spanish and Portuguese languages to describe the age group 0-18 yrs. In other words it is the group of persons covered by the UN Convention on the Rights of the Child (see the definition of "children" in art. 1 CRC). In this paper the term "children" and "children and adolescents" are both used for the group of persons < 18 yrs of age.

2. UN Doc. A/61/299, 29 August 2006; See also World Report on Violence against Children providing detailed background information on Violence against Children in the different settings; published by the secretariat of the UN Secretary-General's Study on Violence against Children. It

can be consulted and downloaded from the following websites: www.violencestudy.org; www.ohchr.org; www.unicef.org; www.who.int

3. The definition of the worst forms of child labour in art. 3 of this Convention includes: “the use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic performances”.

4. In the list of “war crimes” for which the International Criminal Court has jurisdiction one will find a similar description of these forms of sexual exploitation or violence, either committed in the context of an international armed conflict or in the context of armed conflicts not of an international character (art. 8, par. 2, under (b)(xxii) and under (d) (vi))

5. These regional conferences (Consultations) took place for the East Asia and Pacific Region (Bangkok October 2001); for South Asia (Dhaka November 2001); for the Arab-African region (Rabat, October 2001); for the Latin-American-Caribbean region (Montevideo, November 2001); for Europe and Central Asia (Budapest, November 2001) and for North America (Philadelphia, December 2001)

These documents can be found as annexes to the Yokohama Global Commitment 2001.

6. Regional consultations took place in Bangkok (East Asia and Pacific Region), in Kathmandu (South Asia), in Buenos Aires (Latin American and Caribbean region), in Geneva (Europe and Central Asia) and in Dakar (Africa). Thematic consultations were organized on Trafficking and Sexual Exploitation in Travel and Tourism (Florence), on Corporate Social Responsibility (Winnipeg), on Legal Framework and Law Enforcement (Bern) and on International Cooperation (Florence).

7. See for the full and final text www.ecpat.net

8. In a Resolution on Children’s Rights, adopted in December 2007, the UN General Assembly requested the Secretary-General to appoint such a Special Representative. It took the Secretary General almost 18 month to respond to this request by appointing Marta Santos Pais on May 1 2009. A very regrettable delay resulting in the loss of much of he momentum generated by the Report on Violence against Children presented to the General Assembly in 2006 and the follow-up report of mr. Pinheiro of August 2007

9. To avoid misunderstanding: these specific recommendations are an addition to the overarching recommendations (Report Section VI under A, par. 96-109) which apply to and are relevant to all forms of violence including sexual exploitation of children.

10. See among others Mc Gee, H et al., the SAVI Report: Sexual Abuse and Violence in Ireland (2000 Dublin, The Liffey Press and Dublin Rape Crisis Centre) and C. Classen et al, Sexual revictimization: A review of the literature, Trauma, Violence and Abuse 6(2), 103-129 (2005)

11. See C. Spatz-Widom and J. Kuhns, Childhood victimization and subsequent risk for promiscuity and teenage pregnancy; A prospective Study, American Journal of Public Health 86(1996), 1607-1612

12. See Bagley,C. and Young,L. Juvenile prostitution and child sexual abuse : A controlled study, Canadian Journal of Community Mental Health, 6 (1987), 5 – 26;
Stoltz, J.-A.M. et al. Associations between childhood maltreatment and sex work in a cohort of drug-using youth, Social Science and Medicine 65 (2007) (6), 1214 - 1221

13. The definition is: any representation, by whatever means, of a child engaged in real or simulated explicit sexual activities.

14. It should be noted that the Optional Protocol to the CRC on the Sale of Children, Child Prostitution and Child Pornography (OPSPPC) also deals with criminalization of acts of sexual

exploitation (art. 3), jurisdiction (art. 4), extradition (art. 5), mutual assistance of States Parties in investigations and extradition proceedings (art. 6), the protection of child victims in criminal justice proceedings (art. 8). But the CoE is much more specific with regard to e.g. the rights and interests of child victims and the interviewing of these children (art. 31, 35) and the various actions that can be taken against the (alleged) perpetrators. As explicitly stated in art. 42: the CoE Convention is intended to enhance the protection under the CRC and its Optional Protocol and complement the standards contained therein.

15. See e.g. art. 2 (for definition) and art. 3 (for acts to be criminalized) of the OPSPPC.

16. These provisions are in line with art. 4 OPSPPC. But the OPSPPC does not require the abolition of double criminality although the CRC Committee does recommend this abolition to all States Parties to the OPSPPC.

17. A similar provision can be found in art. 38, par. 3 CoE Convention: a State Party may consider this Convention a legal basis for extradition in respect of the offences established in accordance with this Convention.

18. See for much more specific provisions in this regard art. 31,35 and 36 CoE Convention and art. 8 OPSPPC