

**Expert meeting on the legal framework required to prohibit, prevent and respond to all forms of violence against children**

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**Session: Legal protection of children from sexual exploitation**

**Introducing remarks**

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**During this session, we'll discuss the legal reform required to prohibit, prevent and respond to all forms of sexual exploitation of all children up to 18 years old**

Before giving the floor to the panelists, I just want to briefly make some introducing remarks:

**As you know, sexual exploitation of children takes many forms** : child prostitution, child sex tourism, child sale and child trafficking for the purpose of sexual exploitation of the child, all forms of child pornography including ( photos, films, ...) including pornography on the Internet and other evolving technologies ( telecommunications), , and "grooming" for sexual activities through social networks.

**The sexual exploitation of children is a serious crime against children**, who need special protection and care, and produce long-lasting and serious harm to child victims, Children fall prey to these crimes because certain factors make them particularly vulnerable, e.g. gender, young age, disability, poverty, social exclusion, migration, conflicts, humanitarian crisis, HIV pandemic, social tolerance ...

**Research suggests that this phenomenon is not decreasing** over time, but rather that certain forms of sexual violence are on the rise. The child victims portrayed in pornography are getting younger and the images are becoming more and more violent.

While there is no doubt that sexual exploitation of children is a serious problem, **there is a lack of accurate and reliable statistics on the nature of the phenomenon and the numbers of children involved**. This is due to differences in national definitions of different child sexual exploitation offences, very significant under-reporting by victims, and inadequate data collection mechanisms.

**Fighting these crimes is very difficult**. Children are vulnerable, ashamed and afraid to report what has happened to them. The Internet makes it easier to groom (the on-line solicitation of children for sexual purposes) children or to produce and distribute child pornography. In some cases, such as sex tourism or child pornography, abuse happens in different countries, and this, together with national differences in legislation, makes it difficult for authorities to act. Some convicted offenders go on abusing children after their sentences. Furthermore organized crime can make a high profit from it with limited risk.

**Many international and regional CR instruments give clear definitions and useful detailed standards**  
In view to **prohibit, prevent and respond to all forms of sexual exploitation of children:**

- First of all, the CRC ( articles 34, 35)
- Optional Protocol on sale of children (Offering, delivering or accepting, by whatever means, a child for the purpose of sexual exploitation of the child; or Transfer of organs of the child for profit; or Engagement of the child in forced labor; - Improperly inducing consent, as an intermediary, for the adoption of a child in violation of applicable international legal instruments on adoption; child prostitution (Offering, obtaining, procuring or providing a child for child prostitution); and child pornography ( Producing, distributing, disseminating, importing, exporting, offering, selling or possessing for the above purposes child pornography )
- The ILO Convention No 182 on to the worst forms of child labor which includes the "use, procuring or offering of a child for prostitution
- The 'Palermo Protocol', **to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children** which covers the trafficking of children, **for the purpose of sexual exploitation.**
- The Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse, (came into force on 1st July 2010) tackle all forms of sexual violence against children, including abuse perpetrated within the family environment. Apart from sexual abuse, child prostitution and pornography and coercing children into participating in pornographic performances, the convention also deals with grooming and sex tourism. The Council of Europe Convention is also more detailed in terms of the kinds of preventive, repressive and restorative actions it obliges States Parties to take. This convention include also an article on corporate liability recognizes an obligation to adopt legislation making all persons within a corporation legally responsible for their actions.
- And recently, The Council and the European Parliament have reached political agreement on the draft directive aimed at combating sexual abuse and exploitation of children as well as child pornography (I was involved in this process to advocate for this directive in the European Parliament). This directive will harmonize across UE around twenty relevant criminal offences, at the same time setting high level of penalties. It seems formal adoption will occur sometime in September

I remind you other international mechanisms such as special procedures (*Special Representative of the Secretary General on Violence against Children*, **Special Rapporteur on sale of children, child prostitution and child pornography**, Special Rapporteur on contemporary forms of slavery, SR on trafficking), treaty bodies ( Child Rights committee, Cedaw )

Not to mention **the global commitments** taken during the 3 World Congresses against Sexual Exploitation of Children (Stockholm in 1996, Yokohama in 2001 and Rio in November 2008), by the participant countries to prevent, prohibit and stop sexual exploitation of children and adolescents and to provide the necessary support to children who have fallen victim to it.

**Many tools were produced by various stakeholders:** handbook, guiding principles, training and raising awareness tools

**But despite all this commitments, these instruments, tools challenges still remain.**

How we can set on a comprehensive legal framework **prohibiting, preventing and responding to all forms of sexual exploitation** of all children up to 18? How we can set on a comprehensive legal framework who:

- Is based on the 4 Principles of CRC
- Is part of a global and comprehensive child protection strategy

A comprehensive legal framework who:

- Adopt a normative conceptual framework with explicit and clear definitions, taking into account overlapping and links between sale, trafficking, contemporary forms of slavery, worst forms of child labor , and also based on complementarities and synergies among the various CR instruments
- Recognize that the consent of persons under 18 is not relevant and not criminalizing children sexually exploited under 18
- Criminalize all the offences, including the new forms of sexual exploitation using information technology, social networks..., and setting minimum levels of penalties to ensure that sanctions reflect the gravity of the crimes
- Introduce criminal investigation and initiation of proceedings : a number of provisions would be introduced to assist with investigating offences and the bringing about of charges, in the absence of reporting by the child victim
- Include prosecution of offences committed abroad, rules on jurisdiction would be amended to ensure that child sexual exploiters face prosecution even if they commit their crimes in another country,
- Include child sensitive complaint, counseling and reporting mechanisms, easily accessible to children victims, witness and children at risk
- Include mandatory reporting
- Protect child victims, ensuring that abused children have easy access to legal remedies and do not suffer for participating in criminal proceedings e.g. by limiting the number of interviews, using videotape, providing for legal aid or for a special representative
- Prevent offences, special programmes should be accessible for offenders to prevent them committing new offences, and prohibitions imposed on them from carrying out activities with children. In addition, national mechanisms to block access to websites with child pornography should be put in place under the supervision of judicial services or the police.
- Address the Corporate social and legal responsibility (ISP, Telecom, Travel and tourism industry, financial companies...)
- Strengthen transnational cooperation at regional and international level, because of the mobility of child and offenders, the large use of technologies

- ensure easy access to all children without discrimination through child friendly judicial procedures; right to be heard/listened, right to privacy, safety, confidentiality, protection, care, remedies...

What could be the process regarding the implementation of this legal framework? A process that includes:

- Involvement of all stakeholders, children and youth since the beginning ;
- Raising awareness, advocacy, promotion of CR culture, targeting communities, youth, children, opinion leaders (public debate, media...),
- implementation measures : HR, financial , logistical, training of relevant personnel working with children
- Setting on indicators for monitoring of the implementation and impact measurement