



Mission report by Milica Petrovic on Mission to Supplementary dimension meeting on Combating Sexual Exploitation of children hosted by OSCE in Vienna 18-19th of October 2007.

Background – history and basic documents

OSCE\ODIHR have started this meeting with idea that commercial sexual exploitation of children is not a new phenomenon and that communication technology; such as the internet, have also been seen to be associated with an increased risk of sexual exploitation of children. This meeting reflected on several international documents:

- Convention on the Rights of the Child by the United Nations
- Worst Forms of Child Labour Convention
- Worst Forms of Child Labour Recommendation
- Optional Protocol on the sale of children
- Child prostitution and child pornography
- Protocol to Prevent

Some of the other reflected documents were: Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime and Convention on Cybercrime. The newest document this meeting reflected on was a Convention on the Protection of children against sexual exploitation and abuse that Committee of Ministers of the Council of Europe adopted in July 2007.

It is important to emphasize that OSCE commitments relevant to combating sexual exploitation of children date back to Copenhagen 1990 when participating states decided to accord particular attention to the recognition of the rights of the child, including their right to special protection against all forms of violence and exploitation. In 1999 in Istanbul the OSCE participating States agreed in the Charter for European Security to prevent violence against children, sexual exploitation and trafficking, and the adoption or strengthening of legislation to hold accountable persons responsible for such acts(through the strengthening of protection for victims). In the *Action Plan to Combat Trafficking in Human Beings* (Maastricht 2003), participating states agreed to give special attention to the issue of trafficking in children, including for the purpose of sexual exploitation, and to recognize the particular vulnerability of unaccompanied children. In Sofia, the Ministerial Council encouraged participating States to counter factors which contributed to making children particularly vulnerable to trafficking, including discrimination, exploitation, poverty, lack of education and displacement. It also agreed to strengthen addressing demand, including combating child sex tourism. Finally it tasked the permanent council to create an addendum to the *OSCE Action Plan to Combat Trafficking in Human Beings* on addressing the special needs of child victims of trafficking for protection and assistance. The addendum was adopted by the "permanent council" in July 2005 and endorsed by the "ministerial council" in December 2005 in Ljubljana. It calls for effective national policies and programs to prevent trafficking in children, and a reduction in children's vulnerability by promoting a protective environment and through strengthening relevant institutions and regulations, reducing poverty and preventing violence against children. Importantly, last year's ministerial council in Brussels adopted a decision on *Combating Sexual Exploitation of Children - child prostitution, child pornography and trafficking of children for sexual exploitation*. It calls on states to conform their legislation to international commitments and obligations and urges them to take a holistic approach to addressing root causes and contributing factors by developing comprehensive measures to prevent sexual exploitation of children. It also calls on participating states to facilitate legal protection, care and rehabilitation of

child victims while urging increased co-operation among participating states for the detection, investigation, prosecution and punishment of those responsible for the sexual exploitation of children.

Despite many commitments undertaken at the national and international level, implementation is often inadequate and governments face serious challenges in transforming commitments into sustainable action. This meeting in Vienna provided an opportunity to raise and review key issues and challenges in tackling commercial sexual exploitation of children. Strengthening international co-operation and exchange of information between states and with international organizations and civil society organizations. Such exchange and cooperation is reflected in the preparation of this meeting which benefited from the valuable contributions of key child rights stakeholders, including ECPAT, the International Centre for Missing and Exploited Children, the regional programmes of Save the Children and Terre des Hommes, UNICEF and the International Programme on the Elimination of Child Labor of the ILO and a number of local non-governmental and civil society actors from the OSCE region.

Structure of the meeting:

The meeting was divided into three working sessions. Working session I focused on understanding and addressing vulnerability to exploitation, emphasizing the importance of preventive measures including adequate child protection systems and social welfare. A discussion of adequate legal frameworks, including criminalizing offences and prosecuting perpetrators and adequate laws and policies related to social, educational and labour issues followed in working session II. Finally, working session III was devoted to the consideration of responses to the sexual exploitation of children and provided an opportunity for participating states and civil society to share lessons and good practices on protective and preventive measures.

Session I: Understanding and addressing vulnerability to exploitation

This session explored the key factors that make children vulnerable to exploitation, particularly commercial sexual exploitation. This session provided

the basis for discussing adequate responses, with a focus on law enforcement as well as targeted and adequate child care policies. Vulnerability often stems from children's need for survival strategies due to a lack of resources in such areas as poor access to education, lack of parental care, and social and economic marginalization which results from their exposure to poverty and discrimination. Traditional harmful practices within particular communities result in girls being left without education and vocational training and being forced into marriages at an early age which adds to this vulnerability. Equally there are particular circumstances in individual families that make children vulnerable to commercial sexual exploitation later in life. This includes families in which domestic violence occurs, in particular sexual and physical abuse of children. Vulnerability also increases where there is experience with institutionalized care (such as that provided through orphanages and children homes) that can sometimes be inadequate and even abusive. Migration, or rather the context in which it often occurs, makes children vulnerable to exploitation. This is particularly true where children are separated from a protective environment, accompanied by abusive adults, undocumented, and marginalized in the place they migrate to. Measures taken to make migration (and return) safe must therefore be part of preventive and protective measures in tackling commercial sexual exploitation of children.

In this session participants had the opportunity to discuss mechanisms that are in place in their countries to assess the vulnerability of children to exploitation. There were several good discussions on different state institutions in different countries that are responsible for such assessment at the local and national level. Facilitator lead discussions on issue of addressing the vulnerability of particular groups such as separated minors, children in institutions and with special needs, minority children, socially and economically marginalized children and families. Various countries reported on ways of ensuring that these groups are empowered and can benefit from preventive and protective measures. At the end of this session participating states told about challenges they face in alleviating these vulnerabilities to exploitation and where would they need more support.

Session II: Legislation and its implementation: social protection and criminal law

Although there are international standards on combating CSEC, there is a lack of effective implementation of these international standards at the national and local levels. Participants reported that the fight against commercial sexual exploitation of children and legislative responses at the national and international level has so far been on the criminalization of related offences and the prosecution of offenders. In recent years, the importance of preventive and protective measures has been emphasized more, in particular in view of the limited deterrent effect of criminal law. Therefore targeted preventative and protective measures are essential, for children and their environments as well as for specific vulnerable groups and at-risk children. This includes the adoption of law and policy on education, social and child protection, health and labour. In the area of criminal law, the main task is to address remaining gaps in national legislation and to ensure that criminal justice systems are effective and adequately equipped and trained to implement the law. In the area of preventative and protective measures, a review and enhancement of child protection systems, including related regulatory frameworks, at the local and national level are needed. In particular with regard to child pornography on the internet, the need to focus more on victim identification and assistance, often neglected in the past, has been noted. Various NGO's reported on measures they have taken to identify and address loopholes in their national legislation and ensure that perpetrators are prosecuted. Some of countries reported very clear definitions of what constitutes child pornography but many participants reported there is confusion and sometimes even two different laws that are contrary (which can prove confusing when it comes to the court). Norway raised the question of ensuring that minors in prostitution are not punished or criminalized by national law. Many other countries reported on their experience.

Session III: Good practices in prevention and protection

This session focused on policies and measures to combat commercial sexual exploitation of children that must be guided by child rights standards

rather than for instance migration or public security concerns. Migrant children (in particular those who are separated from a protective family environment) are undocumented or have precarious residence titles, and they are at particular risk of exploitation and abuse. Children subject to commercial sexual exploitation often suffer further victimization by those who are responsible to help them. This is true for both girls and boys, national and foreign minors. Participating states need to ensure that exploited children are not subjected to further abuse, such as criminalization, deportation, violence, stigmatization or discrimination. Responses for tackling commercial sexual exploitation of children need to focus on empowering those that are exploited or vulnerable. For some minors this means access to education for others access to vocational training and work opportunities. The best interests and needs of the individual child should always be at the centre of any decision making. The active participation of children at all stages of development and implementation of child protection responses is also an important safeguard. Quality of care standards for caregivers are fundamental for ensuring that children are cared for appropriately. Basic features of such standards include the rights and protection of a child, functional operational guidelines, ethical principles of practice, basic requirements for a child's physical and psychosocial well-being (the responsibilities of managers and caregivers) and effective case management. At this session participants reported on existing child protection mechanisms for adequately responding to commercial sexual exploitation of children. Participants also shared on ensuring that children actively participate in the development and implementation of child responses. Three countries reported on the role of *Child Ombudsmen* in the prevention and protection efforts.

Personal involvement:

As EICYAC representative for Eastern Europe and CIS region, I have been working with my regional youth group in order to prepare for this event. In order to be represented in the best way we have produced two documents. The first one reflects on our expectations from participating countries and international organizations, especially from Council of Europe and OSCE. Emphasizing that I

am representing 12 countries (Serbia, Romania, Bulgaria, Russian Federation, Ukraine, Estonia, Moldova, Belarus, Albania, Czech Republic, Kyrgyzstan and Kazakhstan) I have presented our joint work on combating commercial sexual exploitation of children. As the main principles of our regional work I have emphasized:

- Efforts to ensure meaningful active child and youth participation against commercial sexual exploitation of children on all levels based on the principal of the best interest of the child
- Actions on ensuring the main international and regional documents on combating commercial sexual exploitation of children or related to commercial sexual exploitation of children and child and youth participation are ratified and implemented in countries of our region
- Activities to ensure that resources of each country are used in the best way on regional level.

Some of activities in region that I have emphasized were:

- Research of the situation with commercial sexual exploitation of children
- Conducting preventive programs in schools, vocational schools, boarding schools, social and rehabilitation centers
- Using the peer education to work with at risk children
- Taking part in the rehabilitation of children who are victims of commercial sexual exploitation.
- Working on training of specialists, changing public opinion on commercial sexual exploitation issues and changing and developing new laws on the issue.

The following part of the speech I find was the most significant: "Our experience in the field of counteraction against commercial sexual exploitation of children is successful. So we would like to propose all the participants working for combating commercial sexual exploitation of children whenever possible involve children and youth into their work at the same time taking into account their best interests.

We, the young people from Eastern Europe and CIS region, have ideas and expertise concerning the issues of the commercial sexual exploitation of children but often lack resources. We would like to propose existing foundations to develop new programs or enlarge existing programs for support of child and youth projects on counteraction against commercial sexual exploitation of children.

We would also like to propose OSCE and International organizations to create new Fund to provide resources for youth participation programs to combat commercial sexual exploitation of children. We envisage resources from this Fund being used for programs designed by young people and for young people.

In a partnership between children, young people and adults, we must take action now to stop the commercial sexual exploitation of children. Child and youth participation is effective and vital in the struggle against the commercial sexual exploitation of children! Help us to enlarge our network and give support to child and youth initiatives to combat commercial sexual exploitation of children".

Introduced the World Congress III, in the session where the issue of child consent was raised, I have intervened and shared experience from Serbia where a campaign on changing the age limit of sex consent is running.

The importance of attending this meeting has also been shown in the informal contacts and networking with different child and youth groups within East Europe. I can say that the biggest interest was shown for the youth group in Albania.

The final impression is that this conference was really opened for youth inputs and comments and that it encouraged participation in terms of sharing experience and knowledge.

The other document that was disseminated contained short but detailed contacts and information about every youth group in the region, so that participants can contact them in future.

On the issue of side events, it was very interesting to attend session "Drawing up a Framework Action Protocol on Child Abuse in Bosnia and

Herzegovina as result of the Catalan experience". Coming from the similar background (Serbia used to be in the federation with Bosnia) this experience was very useful for future work in Serbia.