

**General Rapporteur's report from 2<sup>nd</sup> World Congress against CSEC**  
**Yokohama, Japan, 20 December 2001**  
**General Rapporteur: Professor Vitit Muntarbhorn**

## **INTRODUCTION**

In 1996, the first World Congress against Commercial Sexual Exploitation of Children was held in Stockholm, Sweden. It adopted the Declaration and Agenda for Action of the First World Congress against Commercial Sexual Exploitation of Children ("The Stockholm Declaration and Agenda for Action"), which have become an essential linchpin globally for mobilizing action to protect children from sexual exploitation.

In 2001, from 17 to 20 December, the 2nd World Congress against Commercial Sexual Exploitation of Children was convened in Yokohama, Japan, as part of a follow-up process to review developments since the first World Congress. It was co-hosted by the Government of Japan, the United Nation Children's Fund (UNICEF), the End Child Prostitution, Child Pornography and Trafficking of Children for Sexual Purposes (ECPAT) organization, and the NGO Group for the Convention on the Rights of the Child. The 2nd World Congress provided a welcome opportunity to strengthen/consolidate world-wide partnerships – old and new – since the first World Congress and to reinforce the global commitment to protect children from sexual exploitation and sexual abuse. Delegates from 136 States took part, together with 135 Japanese non-governmental organizations (NGOs), 148 NGOs from other regions, 23 inter-governmental organizations (IGOs), and other participants, including children, young persons, and members of civil society. A total of 3,050 individuals participated at the Congress.

At the opening ceremony, H.E.Ms. Makiko Tanaka, Minister of Foreign Affairs of Japan, made the opening remarks on behalf of the host country. These were followed by Welcome Speech by H.I.H. Princess Takamado of Japan, Honourable Speech by H.M. Queen Silvia of Sweden, and Welcome Speech by the Mayor of the Host City.

The opening session which followed heard keynote addresses by H.E.Ms. Mayumi Moriyama, Minister of Justice of Japan; Ms. Carol Bellamy, Executive Director of UNICEF; Ms. Josephine de Linde, Chairperson of ECPAT International; Ms. Cherry Kingsley representing the NGO Group for the Convention on the Rights of the Child; and representatives of children.

The 2nd World Congress witnessed a number of plenary sessions and a large variety of workshops to address the issue of commercial sexual exploitation of children (CSEC). This relates primarily to child prostitution, child pornography and child trafficking for sexual purposes. Many government delegates made statements concerning action to protect children from sexual exploitation.

There were three discussions panels covering the six themes of the Congress, namely:

- Prevention, Protection and Recovery of Children from Sexual Exploitation
- Profile of the Sex Exploiter

- Role and Involvement of the Private Sector
- Legislation and Law Enforcement
- Trafficking in Children
- Child Pornography

These six themes were analysed from the angle of lessons learned, challenges and gaps. Background information was provided by six papers submitted as contributions from the various partners in the organization of the Yokohama Congress, as follows: *Prevention, Protection and Recovery of Children from Commercial Sexual Exploitation* written by Jane Warburton; *The Sex Exploiter* written by Julia O'Connell Davidson; *The Role and Involvement of the Private Sector* written by Mark Eric Hecht; *Child Sexual Exploitation and the Law* written by Geraldine van Bueren; *Trafficking in Children for Sexual Purposes* edited by June Kane and Jyoti Saghera; *Child Pornography* written by John Carr.

The Report on the Yokohama Congress was written by the General Rapporteur, Professor Vitit Muntarbhorn (Thailand), and an oral summary was delivered in the plenary session on the final day of the Congress. At the Closing Session, representatives of children and young people made a final appeal on the issue of the sexual exploitation of children. An Outcome Document from the Yokohama Congress in the form of **The Yokohama Global Commitment 2001** was adopted by acclamation in the final plenary session. The Closing Remarks were delivered by H.E. Mr. Ryutaro Hashimoto, former Prime Minister of Japan, on 20 December 2001.

## **FROM STOCKHOLM CONGRESS TO YOKOHAMA CONGRESS:**

The period between the Stockholm Congress and the Yokohama Congress has seen a number of positive developments, analysed in greater detail below, including more cooperation against CSEC, more activities aimed at prevention of CSEC, protection of the child victims, rescue/recovery and reintegration of the victims, and increased child/young people's participation. In some areas, the situation has improved, but current trends suggest that CSEC is worsening on many fronts.

CSEC is rendered more complex by the following scenarios:

### **1. The Changing Nature and Intensification of CSEC**

CSEC mutates and intensifies. As witnessed by various reports and discussions of the Yokohama Congress, the situation facing CSEC has changed since the Stockholm Congress and is changing and will change.

First, although negative traditional practices persist (such as the Devadasi system (or equivalent) of giving girls to various temples who then fall into the trap of prostitution), a more modern process of sexual exploitation has been expanding rapidly, namely the trafficking of children for sexual purposes. This phenomenon is both national and transnational, both in country and across borders, both continental and transcontinental, both regional and inter-regional.

International and national cooperation to tackle the issue is emerging in several regions. Various

regional, subregional, bilateral and national activities have been initiated during the past five years to counter the menace of trafficking. Some of the examples of these initiatives are listed below in the section on “Protection”.

In one presentation made at the Yokohama Congress, it was stated that the situation is aggravated by socio-economic deprivations and the “belt of patriarchy” leading to gender-biased discrimination. That “belt of patriarchy” is compounded by the “bolt of criminality” pervading many regions of the world – the spread of crime, including organized criminal networks, preying on innocent people, particularly women and children, both locally and internationally. While the needed counter-measures seem self-evident – and many of them are listed in the international instruments below – there is a long way to go to promote implementation measures that address the phenomenon effectively.

Second, while the benefits of globalization such as the growing information and communication systems should be recognized, the negative aspects of globalization are increasingly visible and are intensifying CSEC. Most evidently, the rise of the Internet has become a double-edged sword. On the one hand, it is a wonderful tool for the spread of information, education and entertainment – alias “Info-Edu-Tainment”. On the other hand, it has become a massive network for the spread of child pornography. It has posed critical questions for how to prevent and suppress the child pornography which wreaks havoc on children generationally and trans-generationally. Not only are the child pornography images on the Internet replicable infinitely, but also they remain in cyberspace indefinitely. With consequences from childhood to adulthood, and for the sexually exploited child, from one generation to another, precisely because the images are indelible.

Various initiatives to protect children from the threat of child pornography through the Internet include legislative responses to incriminate abuses on the Internet to self-regulation by the Internet Industry (such as through the adoption of Codes of Conduct), the provision of hotlines to receive complaints of abuses, and a broadened educational process for children, families and teachers to promote safety on the Internet. These can be assisted by technological responses such as the development of software programmes to help filter or block information coming through the web, and networks between Internet service providers as a vigilant partner for child protection.

Yet, despite these initiatives, the global community is on unknown terrain in regard to the impact of the exponential use of the Internet and other technological innovations. The technology is mutating every day and it may regrettably be used to exploit children in diversified forms. For example, a few years ago it was the “bulletin boards” on the Internet which were most talked about in terms of the spread of child pornography. Today, e-mail, chatrooms and the web have been supplemented by cameras attached to computers, with more individualized webs adding new features to the “real time” of instantaneous but globalized communication, replete with moving images of multiple forms of exploitation. At the Yokohama Congress, one workshop addressed the misuse of mobile phones for CSEC not only by means of telephone calls but also electronic messages via mobile phones – all part of the dating-cum-money-cum-sex afflicting young people particularly in some countries. This thus calls for technological and community-based vigilance.

## **2. The Challenge of Protecting the Rights of the Child Effectively**

The rights of the child are inspired and guaranteed particularly by the key international treaty on the subject – the Convention on the Rights of the Child (CRC) -- which has been ratified almost unanimously by the global community. There was a vigorous call from participants at the Yokohama Congress for unanimous and expeditious ratification of the CRC.

Under this treaty, the child is generally defined as a person under 18 years old. The CRC embodies basic minimum standards for child protection and provides the global and national settings with a structure for more child-sensitive actions. There are several provisions calling for prevention of abuses and exploitation as well as recovery and reintegration of the child victims. Most directly on the issue of sexual exploitation, Article 34 of the Convention calls for inter-disciplinary measures aimed at preventing the inducement or coercion of a child to engage in unlawful sexual activity; the exploitative use of children in prostitution or other unlawful sexual practices; the exploitative use of children in pornographic performances and materials.

Article 35 of the CRC calls for a variety of measures to prevent the abduction of, the sale of or traffic in children for any purpose or in any form.

The Stockholm Declaration and Agenda for Action complement the CRC by providing more specific commitments and a checklist of needed measures. The Stockholm Declaration itself underlines key principles and commitments calling for more cooperation between States and other partners to:

- accord higher priority to action against CSEC, with adequate resources;
- promote stronger cooperation between States and all sectors of society and strengthen families against CSEC;
- criminalize CSEC, punish the offenders and ensure that the child victims are not penalised;
- review and revise where appropriate, laws, policies, programmes and practices to eliminate CSEC;
- enforce laws, policies and programmes against CSEC and strengthen communication and cooperation between law enforcement authorities;
- promote adoption and implementation of laws, policies and programmes against CSEC, in addition to relevant mechanisms;
- develop and implement comprehensive gender-sensitive plans and programmes to prevent CSEC and help the victim recover and reintegrate into society;
- create a climate through education, social mobilisation and development activities to help families to protect their children from CSEC;
- mobilise political and other partners to assist countries against CSEC;
- enhance popular participation, including that of children, against CSEC.

The Stockholm Agenda for Action provides a list of needed measures in a comprehensive and inter-disciplinary setting in the following areas: coordination/cooperation, prevention, protection, recovery and reintegration, and child participation. As part of measures of coordination/cooperation, there are two major commitments from the Stockholm Agenda for Action:

- to adopt national agendas for action and indicators of progress by the year 2000;
- to identify/establish focal point(s) at the national/local levels, with data bases on CSEC, by the year 2000.

To date, some 50 countries have adopted or are in the process of adopting national agendas for action/plans against CSEC. The international framework has been enhanced in recent years by the rise of other treaties reinforcing protection of the rights of the child. These include:

- the Optional Protocol to the CRC on the Sale of Children, Child Prostitution and Child Pornography;
- the International Labour Organisation (ILO)'s Convention no.182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, complemented by its Recommendation no.190;
- the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and children, Supplementing the UN Convention against International Organised Crime;
- the Convention on Cybercrime.

Various provisions of the Rome Statute of the International Criminal Court also counter sexual exploitation as part of war crimes and crimes against humanity.

As seen above, the global community is hardly short of international instruments, such as treaties, commitments and declarations, on the issue. These have been enriched by various regional instruments ranging from those found in Central/South America to Africa and Asia. A recent addition in Europe is the Council of Europe's Recommendation (2001) 16 on the protection of children against sexual exploitation. These are complemented by a variety of actions and programmes from the European Union.

At the national level, there has been a variety of law reforms, new legislation, policies and programmes to protect children from sexual exploitation introduced since the Stockholm Congress. Some examples are found below in the section on "Protection". Suffice it to note here that, in reality, the international and national framework suffers particularly from the inadequacy of implementation of all the promises made. On a related front, the adoption of national plans of action against CSEC has also to be measured from the angle of the quality of their implementation.

The implementation process is particularly challenged by five C's which often obstruct the effective guarantee of child rights: Crime, Corruption, Collusion, Clientelism and Complacency.

Further marginalization is witnessed by minority and indigenous communities, especially where their children have no access to birth registration, proof of identity and citizenship – in which case,

regrettably, they may become subjected to multiple forms of discrimination and exploitation.

There is equally a strong message to be conveyed concerning the minimum age for protecting the child from CSEC. The international trend advocates that children under 18 years of age must be protected absolutely against CSEC, irrespective of the issue of sexual consent. That was a prominent call at the Stockholm Congress and reverberations of that call ring true today!

### **3. A Global Phenomenon afflicting both Developed and Developing Countries**

There was a key recognition throughout the Yokohama Congress that CSEC is a global scourge affecting both rich and poor countries, both developing and developed countries, although the extent of the problem varies per country and per region.

The environment/root causes behind the phenomenon are multifarious. They include poverty, inequality, illiteracy, discrimination, persecution, violence, armed conflicts, HIV/AIDS, dysfunctioning families, the demand factor, criminality, negative traditional practices, and violations of the rights of the child. In this regard, poverty should not be seen as a pretext for justifying the sexual exploitation of children. Indeed, there are many poor countries where CSEC is not a major problem. By contrast, it is disconcerting that while CSEC is rampant in several developing countries, there are many instances of CSEC also rampant in developed countries, where economic deprivations are not so prevalent.

The physiognomy of the problem is also changing, precisely because CSEC is becoming increasingly a borderless phenomenon. Importantly, the trafficking issue referred to above transcends national boundaries and interlinks both developing and developed countries. Likewise, the advent of the Internet and other forms of technology referred to earlier.

Precisely because of the global nature of CSEC, cooperation is key to tackling the phenomenon. The Stockholm Congress and Yokohama Congress are the embodiment of the concerted will on the part of the global community to cooperate to protect children from CSEC. It is also important to recognize that the needed actions demand an ongoing, sustainable process of co-operative measures, and some of the “good practices” on this front are seen below in the section on Cooperation and were highlighted at the Yokohama Congress. Suffice it to note here that in responding to the global challenge, there is much room for multi-faceted, multi-disciplinary and multi-levelled measures.

In the lead-up to the Yokohama Congress, the regional consultations in various parts of the world attested to the “value added” of the regional inputs as a complement to the international/global cooperative framework. Several regional commitments/declarations stipulate a more definite time frame than the international framework in regard to the need for national agendas/plans of action against CSEC. For example, the Regional Commitment and Action Plan of East Asia and Pacific Region Against Commercial Sexual Exploitation of Children urges countries, especially Pacific Island Countries that did not attend the First World Congress, to adopt, by 2004, the Stockholm Declaration and Agenda for Action, and to adopt, by 2004, national plans/agendas of action in accordance with the Stockholm Declaration and Agenda for Action. A similar deadline – by 2003 – was adopted by the

Commitment and Plan for Action adopted by the participants from Europe and Central Asia at the Conference on 'Protection of Children against Sexual Exploitation'.

The other regions have provided many valuable inputs complementing global action against CSEC. For example, the suggestions from North America Regional Consultations on the Commercial Sexual Exploitation of Children include:

- the call to develop strategic alliances with the public and private sectors, including government, youth-based and parent-organisations, and parents;
- the call to ensure that a national strategy against CSEC is a plan that can be monitored, evaluated and reported on;
- the call to design and implement campaigns to sensitise people about the issue of CSEC.

On another front, the Declaration of the Arab-African Forum against Sexual Exploitation of Children highlights the fact that the subject of sexual exploitation remains a taboo in many countries – and it is through a variety of co-operative activities globally and locally that the taboo can be broken. This Declaration and the South Asia Strategy adopted by the South Asian Consultation for the 2<sup>nd</sup> World Congress against Commercial Sexual Exploitation of Children underscore the relationship between child rights and women's rights, particularly the plight of the girl child, the rampancy of violence and the spread of HIV/AIDS affecting the young.

Meanwhile, the Commitment for the Implementation of a Strategy to Deal with Commercial Sexual Exploitation and other forms of Sexual Violence to Children and Adolescents in Latin America and the Caribbean, as well as the commitments/ declarations from the African/Arab Consultation and South Asia, broach the fact that global/local communities should tackle more effectively not only CSEC but also non-commercial forms of sexual exploitation, such as child marriages and intra-familial situations of abuse, and the need for national plans of action against CSEC which enhance cooperation among and between partners, as well as multisectoral measures, on a sustainable basis.

The global nature of CSEC thus requires not only global responses but also regional and other responses, as seen by the regional commitments mentioned.

Capping the above is the reality that clearly the cooperative activities against CSEC require adequate financial and other resources. Yet, it is regrettable that many budgetary allocations are distorted against child protection. There is too much expenditure on arms purchases when the money would be better used to help children and marginalized groups. This year's preoccupation with terrorism has also diverted much attention and resources from the concerns facing children to the commitment to State security. As noted by one panellist at Yokohama:

“Isn't it sad that the state of the child does not command that commitment? Do we have to be driven by calamities to get our act together?”

#### **4. Tackling the Demand, Not Forgetting the Supply**

During the Yokohama Congress, the demand factor for CSEC was raised as a predominant concern. On one front, the issue is closely interlinked with the pattern of male behaviour, and the fact that in the majority of cases of sexual exploitation of children, it is men who perpetrate the crimes against children. This does not neglect the fact that women are also at times involved with exploiting children for sex, but a major concern of the discussions at Yokohama was to address the issue of the demand factor and the role of males in relation to CSEC.

Male behaviour is intrinsically linked with the educational and socialisation process, where regrettably the knowledge base, attitudes and behaviour are not adequately nurtured to respect the rights of children. As commented by one participant: “men are the problem, men need to be the solution.” And cooperation needs both men and women, young and older.

Second, although in many situations boys are the victims, it is the girl children who are the vast caseload of the sexually exploited. Any interventions to prevent and to protect the victims must be based upon greater respect for the rights of women. It is thus only through the empowerment of women that the demand for CSEC can be reduced.

Third, it was recognized by a background document on the “Sex Exploiter” that the term used needs to be in the plural – sex exploiters, rather than the singular. The document notes intriguingly that:

“There is no ‘sex exploiter’ as such. Instead, there are people (adult and child, male and female) who sexually exploit children in many different ways, for many different reasons and in many different social contexts. Questions about who sexually exploits children cannot be reduced to questions about ‘paedophile’. Though we must urgently address the existence of, and harm caused by, those who consistently and consciously seek out young children to abuse, questions about why children are sexually exploited and by whom do not end here.”

There is thus a diversity of exploiters to be identified and analysed. For example, the notion of exploiter encompasses not only the client of CSEC, but also the pimp, the procurer, the industry, the negligent authorities and the whole system that fails to respond to child protection.

Moreover, it should be noted that:

“To be clinically diagnosed as suffering from ‘paedophilia’, an individual need not necessarily have committed any sexual abuse, and we cannot therefore claim that all ‘paedophiles’ are sex exploiters. It would be still more emphatically wrong to claim that all sex exploiters are “paedophiles”, and this would remain the case even if the term were more loosely used to refer to adults with a sexual interest in young children (as it is used in popular parlance).

Sex exploiters who are involved as third party beneficiaries of CSEC are rarely motivated by personal sexual desire or obsessive fantasies. They sexually exploit children for profit, not because their act of exploitation brings them psychic belief or sexual gratification. Next there are those who sexually exploit children if and when they find themselves in situations where a child is more readily or cheaply available for sexual use than an adult, but whose

satisfaction does not bring on the physical or emotional immaturity of the individual they exploit. There are also adult men who choose young children as sexual partners primarily on the basis of misconceptions about sexual health, or because they uncritically accept myths about virgins being able to restore potency, bring luck to new business venture, and so on.”

Tackling the demand factor and its various manifestations also requires us to tackle the five C’s reported earlier as well as an additional five C’s affecting contemporary society – Cash, Cars, Cell phones, Computers and Consumerism, at times resulting in a decline in values and the treatment of children as objects of exploitation rather than as subjects of rights.

On another front, it should be underlined that the demand factor goes hand in hand with the supply factor – and the components of that factor which push children into sexual exploitation and the context behind them are diffuse. They vary from poverty to family disintegration and violence, from armed conflicts to clandestine labour migration, from the threat of sexually transmitted diseases to the advent of new technologies, from social inequity at the local level to economic disparities at the global level, from uneven development to crimes such as trafficking, from gender/sexuality to power/abuses, from non-commercial abuse/exploitation to the realm of commercialization and the warped free market. Interventions against the demand and supply factors thus call for integrated measures and they are linked to the multi-pronged approach adopted by the Stockholm Declaration and Agenda for Action, namely, coordination/cooperation, prevention, protection, recovery/reintegration and child participation.

An important actor in the process is the media; they need to be mobilized more extensively to counter stereotypes and to build awareness and behaviour sensitive to the rights of the child. One media message to be conveyed to the public suggested by a panellist at the Yokohama Congress was this: “*real* men don’t rape.”

The role of families and communities should not be underestimated in encouraging more responsive behaviour to protect children as well as to monitor and pressure against the exploiters.

## **5. The Call for Multi-faceted, Comprehensive, Integrated Measures against CSEC**

The call for these measures is longstanding. It was loud and clear at the Stockholm Congress, and was equally loud and clear at the Yokohama Congress. Many participants at the Yokohama Congress viewed the Stockholm Congress as seminal in breaking the taboo of CSEC and the silence permeating CSEC. It was and is a challenge conveyed to various policy makers who remain blind to the problem. If the problem is regarded as invisible to them, there is a degree of fictitious invisibility involved! As noted by one panellist at the Congress:

“This time, we cannot pretend that we did not know. This time we cannot pretend we did not see.”

The Yokohama Congress highlighted even more strongly the need for effective implementation of comprehensive programmes and to move beyond overcoming the silence of

neglect-and-omission to nurturing an abundance of child-sensitive actions.

The various panels and workshops provided opportunities to share and learn constructive developments and “good practices”, as well as the gaps and obstacles.

From the angle of progression from Stockholm to Yokohama, a key question for review is to what extent the two time-targeted goals of the Stockholm Agenda for Action – national plans and national focal points by the year 2000 – have been implemented by the time of the Yokohama Congress.

As noted earlier, some 50 countries have or are in the process of developing National Plans of Action against CSEC. The record is disappointing and needs further impetus. Moreover, these reflections observe note. First, it is not only the adoption of a plan of action which is important but also the process of promoting cooperation among the stakeholders in the lead-up to the adoption of the plan of action, as well as *post facto*. Second, the key test of any plan is in its implementation. Yet, information on the implementation of national plans and evaluation of such implementation is missing or nascent rather than well established. Third, in fairness, some countries without such plans are taking concrete measures against CSEC, while, in truth, the mere fact that a country has a national plan does not guarantee that it will be well implemented unless there is the political – and social – will of governments and civil society to do so.

Yet, the “value added” of having a national plan is that it provides more focus and specificity of purpose, in addition to a rallying call for more targeted measures, with adequate resource allocations. The plan itself has to be well monitored, and thus depends upon a transparent and credible monitoring structure/institution/mechanism which can promote effective implementation, review, reforms and follow-up. This is linked with the need to promote respect for the rights of the child through child-sensitive processes/mindset; laws/enforcement;policies/implementation;programmes/practices; mechanisms/institutions/personnel; resources (material/ non-material); information/ education; and cooperation and coordination. Yet, the identification of a national focal point and monitoring mechanism on the issue remains unclear in many countries.

If the Yokohama Congress provided an opportunity to take stock of the development of these measures, a key message is that they are still not enough. The speed and quality of these interventions were summed up by one comment at the Congress: “Slow, Slow, Slow.”

This was paralleled by continual messages of hope, and not despair:

“Imagine how much worse CSEC would be, if we did not cooperate against it.”

## **6. The Child – Victim, Survivor, Change Agent, Leader**

The Yokohama Congress provided a key forum to understand “the child” better and the impact of CSEC on the child affected by it. While some would regard the children subjected to CSEC as victims, another perception is the resiliency of children in surviving the traumas of CSEC and the need to help them progress from the image of victimization to that of survivor - with the potential to step from the passivity of their position in CSEC to pro-activity in the healing process and “moving on in life”.

At the Congress, many survivors recounted how they were able to move into new lifestyles, occupations and environments. Some are peer counsellors helping other children, others are involved with advocacy and a whole process of constructive change. As noted by a survivor:

“Crucial to this understanding is the voice of vulnerable and exploited children. I believe their voices must become central to our actions against the sexual exploitation of children. If you see us only as victims, you have missed the point. We could be leaders, indeed many of us are.”

This changing perception and image calls for more broad-based, concrete action including:

“Recognize those most vulnerable and protect them;

- When commercial sexual exploitation is happening, develop respectful non-punitive interventions for children and hold those responsible for buying, selling, and facilitating the exploitation of children accountable – “we must stop jailing our exploited children”;
- Fund and resource exiting and healing programmes for children and youth who are exploited;
- Engage young people in the development of laws/policy programmes and services.”

The wisdom of the victim who became a survivor, who became a change agent, who became a leader is seen from these quotations from the young person concerned:

“By supporting our commercially sexually exploited youth, we send a message that we know what is happening, we are sorry we let you down and we care and we want you to be safe and free.”

And

“As we struggle for solutions to end the Commercial Sexual Exploitation of Children, we may find that it is the children that have been exploited that show us the way.”

## **LESSONS LEARNED:**

The Yokohama Congress provided a wealth of information to review developments since the Stockholm Congress.

Key developments were noted on various fronts, including the following:

### **a) Cooperation/Coordination**

Since the Stockholm Congress, the issue of the sexual exploitation of children has gained a much higher profile and has come increasingly to the fore as an area needing broad-based cooperation and collaboration between States, NGOs, IGOs, the private sector, children/young people, and members of civil society. There has emerged greater cooperation between these actors on many fronts.

A large number of cooperative activities were noted by participants at the Yokohama Congress, including:

- more joint activities between government personnel, NGOs, and other actors within countries and across borders;
- more cooperative actions within countries, bilaterally, (sub-)regionally and multilaterally;
- greater networking between members of the private sector, including the communications industry and the travel/tourism industry;
- closer cooperation among/between governments, IGOs, NGOs, and young people

The realities facing coordination/cooperation were highlighted by various discussions at the Yokohama Congress. In referring to the various regional strategies promoting cooperation, one workshop underlined the following challenges:

- there remains disagreement among operational actors concerning definitions behind the phenomenon of sexual exploitation of children;
- there are many possible different levels of the existence of different partners, through information sharing, to ongoing collaborative planning, but the cooperation must not be allowed to become an end in itself;
- inclusion of young people and their representatives is important to comprehensive and effective cooperation, but this is nascent and experimental rather than well-established.

These lessons were identified as useful for others working in this area:

- more information is needed, particularly data that come from children and the young people themselves. This presumes reliable and methodologically sound data collection.
- good cooperation is that which is both necessary and effective. There are many levels of cooperation, and it is important to know at what level cooperation is useful.

It is worth recalling that the Stockholm Declaration and Agenda for Action called for the attainment of two targets by the year 2000, as noted above, very much as part of “cooperation” and “coordination”; these have yet to be implemented more extensively world-wide.

### **b) Participation of Children**

One of the major tenets of the Stockholm Declaration and Agenda of Action was the participation of children and young people to protect themselves from sexual exploitation.

At the international level, there has been greater networking among young people through a number of forums, including one major forum (involving the survivors of sexual exploitation) held in Vancouver in 1998 and the International Conference on Young People’s Participation Project against CSEC held in

Manila in 2000. The Yokohama Congress was preceded by a young people's forum at Kanagawa.

A number of activities took place involving young people from many parts of the world in the process leading to Yokohama to establish dialogues between/among young people and adults, including government officials. One project cited during the Yokohama Congress was to involve young people in research to interview other young people who are involved with CSEC. The lessons learned include these features from the project:

- resource-intensive nature
- the need to be planned, supported and given plenty of time
- good communication and sensitivity
- the need "to give back to those who have participated"

Another project involving young people discussed at the Yokohama Congress was on child participation and the media. A major aim was to empower children and young people through media literacy, particularly to maximize good use of the media while countering the negative aspects.

Other lessons learned on the issue of participation from examples cited at the Congress include:

- the need to avoid the token inclusion of children in the activities as contradistinguished from genuine involvement in these activities
- the need to address the pervasive cultural perception and practices based upon the premise that "children are to be seen and not heard"

As noted by a participant at a workshop held during the Congress:

"The opinion of young people is sometimes considered only on paper and not in reality."

### **c) Prevention of CSEC**

Since the Stockholm Congress, there have been a number of key programmes and activities aimed at preventing CSEC. For example, a good practice in one country is the existence of a Youth Career Development Programme based upon cooperation between members of the hotel industry, UNICEF, NGOs and the government sector to help train youth and prevent the conditions leading to their entry into CSEC. The programme recruits young women who might otherwise have been vulnerable to CSEC to enter a programme of training in the services of the hotel industry and life skills.

Another programme discussed at the Yokohama Congress highlighted the need to engage a person at the core of his/her own value and strength so that s/he is able to participate in self-determining a better future. Community alternatives are thus used to prevent and fight domestic and sexual violence, including child prostitution. A systematic approach based upon services involving inter-agency collaboration is promoted.

A difficult area for many countries is how to address the issue of sexuality and the introduction of sex education (or the equivalent) in the educational system, bearing in mind the need to be culturally

sensitive. In dealing with the theme of sex education as a means of preventing sexual abuse, one of the workshops at the Yokohama Congress underlined these lessons:

- the importance of conveying scientific information to children and to protect them from being ashamed of the subject;
- the need to be aware that every adolescent is at a different step of development, to be careful about the language used in education and to be conscious of the psychological status of adolescents;
- the linkage with women's empowerment.

Another project cited at the Yokohama Congress was to involve the community more actively in preventive measures against the trafficking of children through education and participatory research. The lessons learned included the following:

- “Children need to learn that change is possible and that they are not victims of circumstance.
- Children need to understand their rights and need to be encouraged to speak out.
- Children need training in non-violent conflict resolution to avoid the cycle of violence.
- Adults must be encouraged to take their responsibilities seriously.”

From the angle of technology, particularly the advent of the Internet, a key concern is to use it wisely and to prevent abuses, while not demonising the Internet. This calls for various awareness programmes on the safety of such technology. In the workshops held during the Yokohama Congress, this issue was addressed in regard to the implementation of Internet Safety Awareness Programmes. A key lesson is that the programme must be targeted to the audience – parents, teachers and children of all ages, and the message should be empowering and realistic, while covering offline and online materials. Partnerships are also important, interlinking between industry, governments and non-profit groups.

Another angle of preventive action is to educate and raise awareness among groups and individuals who have impact on the lives of children. For example, in some regions, there has been a growing campaign against sex tourism affecting children. This campaign has involved the travel and tourism industry in a variety of activities, in cooperation with NGOs and Governments at times, in various innovations, *e.g.* information slots/messages (such as film/video clips), training of trainers and monitoring processes.

There is potentially a limitless list of activities which can be targeted to prevent CSEC and it is closely interwoven with the other measures noted above and below.

#### **d) Protection of Children from CSEC**

The protection issue is closely linked with all the other needed strategies, such as prevention, and is intertwined with key measures such as laws, policies and their effective implementation.

The emerging role of national plans of action against CSEC has already been noted. On the legislative front, there have been many legislative reforms across the globe since the Stockholm Congress. These include at the national level:

- New Child/Adolescent Codes and equivalent laws guaranteeing the rights of the child
- New laws against trafficking
- New laws against child prostitution, child pornography, and other forms of child abuse and violence
- New child welfare laws that provide more services and facilities to help prevent sexual exploitation of children, and offer services
- New laws against the worst form of child labour, including CSEC
- New laws to offer more child sensitive procedures such as videotaping of child witnesses' evidence so that they will not be traumatised by multiple questioning; video links between the court room where the accused sex exploiter appears and the room where the child gives his/her testimony to avoid face-to-face confrontation between the accused and the child; and the presence of psychologists, welfare officers and/or counsellors to assist the child
- New extraterritorial laws to incriminate the misdeeds of a country's nationals and residents if perpetrated against children in other countries
- New extradition laws and new mutual legal cooperation arrangements
- New measures to screen-out applicants suspected of child abuse when they seek employment near children

Many of the (older) existing laws parallel to the above have also been invoked more readily against CSEC due to the international and national pressures on the subject.

Japan's own experience on this front was analysed extensively by various panels and workshops. For example, with the introduction of a new law against child pornography, the load of child pornography materials in Japan has declined. There have been a number of significant prosecutions of the perpetrators on this issue, as well as cases concerning "dating young girls for sex-cum-money." The issue is now a higher priority among policy-makers and law enforcers – propelled inevitably by the Yokohama Congress itself. The question of whether possession of child pornography for private use (as contradistinguished from public use) and whether cartoon-types of child pornography not actually involving real children (the 'Manga' cartoons) should be criminalized remains open to debate.

Many of the panels and workshops at Yokohama delved into the issue of trafficking of children and effective protection measures. While various new laws have emerged against the trafficking of children and other groups, the relationship between such laws and immigration law and policy, on the one hand, and other laws which criminalize prostitution, on the other hand, is not altogether clear. While the child victims of trafficking should, in principle, not to be penalized, they may regrettably fall

into the trap of being classified as illegal immigrants entering a country without permission and in breach of the national immigration law. The fact that a country generally criminalizes prostitution may also lead to the child victim being placed in the category of a prostitute, thereby becoming legally and socially stigmatised as a criminal and an outcast in the process. The preferred direction advocated by several participants of the Yokohama Congress and various Governments was not to classify the victims of trafficking as illegals or criminals.

As noted by a comment in one workshop:

“Traffickers – and not the victims – should be penalized.”

Another perspective is that in many countries, law enforcement is weak and slow. Access to justice and to the judiciary is very limited generally, and all the more so for children. A workshop at the Yokohama Congress on “Law, Justice Delivery and Enforcement” raised concerns in regard to South Asia which have a universal message:

- “While trafficking is a rampant problem, the reporting and conviction rates are low; the delivery of justice is slow;
- In processes of law, the “burden of proof” lies with the victims, while “benefit of the doubt” is given to the trafficker. In the event of convictions of traffickers, there is no provision in the law to compensate the victims;
- Corruption within the law enforcement agencies is an area of concern;
- Gender bias in the existing legislation is an area of concern;
- There is a need to sensitize the judges and law enforcement – attitudinal and behavioural change in these institution is required;
- In the trial process, the victims’ right to privacy is violated and the victims is retraumatized.”

Steps needed for the future include:

- “comprehensive laws addressing the issue of trafficking
- extradition treaties and bilateral agreements to facilitate prosecution of traffickers
- speedy delivery of justice
- court procedures to be made victim/child-friendly
- coordinated response from the various law enforcement agencies
- victim’s protection to be addressed.”

A key reflection was provided by this comment:

“When the laws (in South Asia) were framed, they were based on criminology. Now with the human rights movement and international Convention, there is a need to change the focus to victimology.”

Another workshop on extraterritorial laws highlighted the lessons of implementation including:

- the need for more attention to the evidence of child victims and how it is handled;
- the need for awareness-raising among the judiciary, and child-sensitive procedures;
- the importance of discarding the double criminality provisions in relation to the offenders (these provisions call for proof that the alleged misdeed is both a crime in the country where it took place and in the (other) country where the accused is tried).

Various constructive directions suggested by the discussions during the Yokohama Congress included:

- decriminalization in relation to the child victim
- provision of social welfare facilities to help the child victims rather than placing them in detention
- restorative justice and compensation for the child victims
- protection of witnesses
- training and capacity-building of law enforcers to help children
- cross-border and in-country cooperation between government officials, NGOs, the private sector, IGOs and members of civil society.

On an encouraging note, one commentator observed:

“If you work with one police officer and meet his heart, we can reach many more police officers through him.”

On another front, the linkage between the protection issue and the private sector has come increasingly to the fore. For the latter, in addition to or as an alternative to the “hard law” of national legislation, the industry itself may take a role in adopting various Codes of Conduct or Ethics to protect children from CSEC. While not binding as law, these Codes offer a degree of self-regulation based upon a “soft law” approach more oriented to guidelines than norms.

One workshop on this issue addressed the Code of Conduct for the Protection of Children from Sexual Exploitation in Tourism. This experience is based upon more education and awareness raising of those involved in the sector, on the one hand, and contractual clauses which repudiate CSEC, on the other. A major challenge concerns how such Code would be implemented and reviewed in regard to the implementation process. Parallel situations exist concerning the role of the communications industry, particularly Internet Service Providers, in exploring self-regulation to prevent CSEC.

From the discussions at the Yokohama Congress, at times the “hard law” approach may be adopted, while the “soft law” approach may also be explored – the latter with the advantage of enabling the industry to have a sense of ownership in action against CSEC. The key, however, is effective implementation, and there is a linkage between the law-based response and the other interventions required – social, cultural, economic, psychological, technological and more.

### **e) Recovery and Reintegration**

Guidance for measures of recovery and reintegration is found in the Stockholm Declaration and Agenda for Action. They range from rescue to judicial, medical and psychological remedies, as well as return to the homesteads of the victims in safety and dignity.

One panel which addressed this issue highlighted these lessons in regard to the trafficking phenomenon:

- using rescued children as a vital resource in rescuing other children;
- criticality of partnerships in national and cross-border repatriation both at government and NGO level;
- monitoring, surveillance and prosecution can be effective deterrents to trafficking.”

Clearly, there is a link between prevention, protection, and recovery/ reintegration as an integrated strategy with the victims’ interests as a primary concern. As noted by one commentator:

“Autonomy, dignity and choice have turned a ‘victim’ into a ‘survivor’ ”.

While legal sanctions against the perpetrators are essential against the factor of impunity, the Stockholm Agenda for Action also invited the global community to address the psychological challenge of the exploiter of children in this process. This is closely linked with the demand factor raised earlier in this report and the need for a humane educational and socialisation process respectful of the rights of the child. While psychological support is needed to help children recover from traumas, psychological interventions to deal with deviancy in relation to the exploiter should not be forgotten.

Yet, the reality is that many countries lack the staff to deal with psychological issues and the impact of CSEC on a long-term (longitudinal) basis. The spread of HIV/AIDS takes its toll in terms of further depletion of resources for the health sector. The building of a corps of quality-based personnel, a supportive infrastructure, and the use of community capabilities to act sustainably are thus an underlying challenge.

### **f) Information/Research/Monitoring/Education**

One of the persistent questions concerning CSEC is the number(s) of children subjected to this danger. “How many millions?” is a favourite question. “Have they increased or declined?”

In some of the research concerning various regions, it is possible to indicate that CSEC is in decline for some groups. Yet, with the changing situations noted earlier, it is possible to generalise from recent investigations and coordinated police actions in a number of countries, such as Operation Cathedral and Operation Landmark, that the world is faced with another type of “new millions” of abuses – millions of pictures of child pornography conveyed by the Internet. On another front, it is worth noting that the Stockholm Agenda for Action called for indicators of progress as well as databases on CSEC at the national level by the year 2000. This has not been responded to in many parts of the world, to date.

Of note is the fact that a number of United Nations agencies are now promoting the building of databases, such as by means of long-term/longitudinal surveys and sentinel surveillance system to trace samples of children and their families in the path to and exit from CSEC.

Various workshops during the Yokohama Congress touched upon the issue of research and data from these angles:

- the need to research the manifestation of sex tourism and link the research to the programme development process of the tourist industry;
- the need for mapping of the CSEC situation on a long-term basis;
- the need to evolve indicators and to document cases and data systematically;
- the need to be clear and as complete as possible when providing the information in a data bank;
- the need to make the information available to stakeholders;
- the need to open the door to participatory research involving children, bearing in mind the need to share benefits with them, consistent with the rights of the child;
- the need to up-date the collected data regularly.

In the area of education, many of the activities cited above have an educational component linked with or integrated into them. Special training programmes on child rights and against CSEC have emerged in various parts of the world, and they range from programmes for general students to NGOs, officials, and those in the private sector, including the travel/tourism industry, employers and workers.

Awareness-raising campaigns for the public against CSEC have grown in many regions, and many have been due to the impetus provided by NGOs, while interacting with law enforcers, the private sector and other stakeholders. Examples include radio spots against CSEC, videos shown on aeroplanes against CSEC, and related posters, leaflets and other methods of dissemination. Yet, in many parts of the world, public education against CSEC is still inadequate, and even where it is present, it lacks sustainability and support systems to nurture behavioural changes, especially on the part of the demand factor referred to earlier. Thus, there is much more room for a more systematic and sustained process of information-gathering/utilisation, field/action-related research, transparent monitoring mechanism, and broad-based awareness raising and education in a sustained and proactive manner. The value of spiritual inputs, music, art, culture, sports and leisure activities in activating interest to protect children from sexual exploitation should not be underestimated in this regard.

## **ORIENTATIONS:**

The Yokohama Congress provided a golden opportunity to trace key developments since the Stockholm Congress. It witnessed a rich tapestry of views, dialogues and interchanges. Importantly,

it provided the “experiential” side in the follow-up of the Stockholm Declaration and Agenda for Action – the strengths, weaknesses and challenges faced at the policy and practical levels. Significantly, it broadened the discourse to cover various stakeholders who were encompassed only in a limited manner at the Stockholm Congress – namely, children/young people, and the private sector. This augured well for a broadened global movement to protect children from sexual exploitation – children, governments, NGOs, IGOs, the private sector, the media, and members of civil society.

The march to the future should bear in mind the following preferred orientations:

- Ensuring effective protection of the rights of the child through participatory processes;
- Learning from the voices of the children who have been affected by commercial and other forms of sexual exploitation and working with them in dignity and in the pursuit of self-esteem;
- Ratifying and implementing well the Convention on the Rights of the child and related instruments;
- Reinforcing the Stockholm Declaration and Agenda for Action through practical actions based upon non-discrimination, the best interests of the child, the child’s right to life, survival, and development, and respect for the views of the child;
- Guaranteeing protection for children under 18 years of age absolutely from CSEC, irrespective of the issue of consent to a sexual act;
- Harmonizing national laws and policies and ensuring their consistency with international standards;
- Ensuring that the child victims of CSEC are not criminalized/penalized;
- Promoting an integrated culture of peace, human rights, sustainable development, democracy and good governance for all;
- Underlining actions not only to curb the supply factor but also the demand factor, particular to prevent deviant behaviour leading to CSEC;
- Identifying good practices and profiles on child protection, while overcoming the not-so-good practices;
- Widening the networks against sexual exploitation of children to involve all key actors/stakeholders, with even greater participation by children/young people and the private sector;
- Countering the proliferation of crimes and corruption interlinked with CSEC by more preventive measures, effective law and policy enforcement, and community vigilance;
- Building the capacity of officials, including law enforcers, service providers and other actors involved in work to protect children from CSEC, through training and supportive incentives for their work;
- Establishing a global fund to address the issue of sexual exploitation and sexual abuse of children, while allocating more national resources to tackle the issue;
- Addressing not only the physical impact of sexual exploitation of children but also health-related and psychological impact, bearing in mind the escalating problem of HIV/AIDS;

- Promoting more sustained and broader awareness-raising programmes and education/information campaigns to prevent sexual exploitation of children and to nurture behaviour respectful of the rights of the child, particularly among men;
- Adopting and implementing national agendas/plans of actions against CSEC, and establishing related focal points, in addition to indicators of progress and data bases, coupled with regional plans and inputs, consistent with the spirit of the Stockholm Declaration and Agenda for Action;
- Ensuring comprehensive measures against CSEC with a transparent process of review and reform;
- Promoting child-and-gender sensitive facilities and services accessible to the child victims;
- Countering the negative aspects of technology while harnessing their benefits for child protection;
- Protecting the role of the family in child protection and in overcoming negative traditional practices;
- Recognising the contributive work of NGOs and civil society members against CSEC, and promoting the network of volunteers and the spirit of volunteerism to help children and marginalized group;
- Enhancing coordination/cooperation/collaboration at different levels of society and between different actors to prevent and remedy CSEC and other forms of sexual exploitation and abuse, with the imperative that these malpractices must not be tolerated.

In conclusion, as one commentator at the Yokohama Congress aptly summed up in his presentation:

“Instead of waiting in the trenches for the wind to change, let us be the windmill that directs the winds of change.”