

## **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**

The Governments, with the support of national and international Non-Governmental Organizations and International Organizations represented at the Regional Governmental Consultation on Sexual Exploitation of Children and Adolescents, having met in Montevideo, Uruguay on November 7-9, 2001:

### **CONSIDERING**

I. That the international community has declared, through different instruments and resolutions, that child and adolescent sexual exploitation is a particularly severe violation of human rights and that, among such instruments, the Convention on the Rights of the Child, signed and ratified by all participating countries, constitutes the framework of action that is most important for the protection of the rights of the child and the adolescent as it recognizes the children as full subjects of law;

II. That the Convention on the Rights of the Child establishes guidelines and principles for the development and orientation of social policies for integral protection, and the universalization of health, education policies and the strengthening of families in order to protect the integral development of children and adolescents, as well as to ensure all persons their basic rights, and that these universal public policies are the best mechanism for the prevention and eradication of commercial and non-commercial sexual exploitation;

III. To promote the adequation of laws and the strengthening of public policies, and the organization and development of national and local systems to adequately protect under the previous article to facilitate the operation of the policies and the creation of awareness and participation of the different sectors of the civil society;

IV. That crimes against integrity and freedom include sexual abuse, incest, rape and any other form of sexual contact performed through incitation and coercion for the purpose of obtaining profit or pleasure from children and adolescents and that commercial sexual exploitation is linked to a transaction remunerated in money or kind, that involves the utilization of a child in sexual activities in exchange for remuneration or any other kind of payment as well as pornography, sexual tourism, and the trafficking of children and adolescents;

VI. That commercial and non-commercial sexual exploitation are different forms of sexual violence which require specific types of intervention;

VII. In 1996, among the 122 governments who adopted the Declaration and Agenda for Action in the first World Congress against Commercial Sexual Exploitation of Children held in Stockholm, Sweden, 20 countries from Latin America and the Caribbean were participating;

VIII. That the Declaration of Stockholm included specific commitments of a political nature and a concrete Agenda for Action that established the following guidelines and the following priority areas to guide national action:

1. Co-ordination and co-operation (local, national, regional and international)
2. Prevention
3. Protection
4. Recovery and reintegration

## 5. Participation of children and adolescents

IX. That in December 2001 the 2nd World Congress on this issue will take place in Yokohama, Japan, an event where all countries should present their findings and developments in the implementation of the Stockholm Agenda for Action;

X. That reports submitted at the Governmental Regional Congress on child sexual exploitation have allowed to detect that there are significant efforts presented by the countries in order to combat this problem, and only some countries in Latin America and the Caribbean have developed National Action Plans, and in several cases such plans have not been adequately implemented;

XI. That the design and execution of National Action Plans constitute a vital indicator in order to access the development achieved in the region, in order to fulfill the purposes in the Stockholm Agenda and that it is important to develop National Action Plans in all the countries;

XII. That it is necessary to count on a higher resource allocation for the creation and execution of all Action Plans;

XIII. That several countries have performed studies on the sexual exploitation of children and adolescents, and that there is a scarce availability of databases allowing for the dissemination and systemization of the knowledge generated and the information collected;

XIV. That most studies have not studied in depth the motives of clients and sexual exploiters, and the ways of discouraging the demand;

XV. That most countries in Latin American and Caribbean have revised their national legislation to the Convention on the Rights of the Child, however it is necessary to continue to reform national legislation to international treaties on human rights particularly penal codes and penal procedure codes in order to protect children and adolescents from commercial and non-commercial sexual exploitation and the effective punishment of exploiters;

XVI. That it is essential to count on better and wider regional and international co-operation among countries in order to fight against this problem in a effective manner, and their national police organizations working on this issue should be involved;

XVII. That prevention actions mainly concerning awareness and public information campaigns, in order to be effective should (a) consider cultural and social contexts that conform the sexual identities of men and women, and (b) make the seriousness of the problem visible as a violation of the main human rights of children and adolescents;

XVIII. That the empowerment of children and adolescents in order to guarantee a full participation as advocates of their own rights is decisive for the prevention and protection of child sexual exploitation without recognizing that other people are responsible for stopping this violence;

XIX. That the technical and financial assistance from international co-operations, especially from United Nations agencies and programs, from the Organization of American States and other organizations in the inter-American system as well as the support from multilateral financial agencies and non-governmental organizations has been positively valued for the development of governments for the achievement of the commitments;

XX. That the impact of sexually transmitted diseases, especially HIV/AIDS, is a consequence and an associated factor resulting from commercial and non-commercial sexual exploitation, and that there is strong possibility that in the next decade children and adolescents in Latin America and Caribbean will be in a high risk situation;

**IN ORDER TO ELLABORATE A STRATEGY TO ADVANCE TOWARDS THE GOALS OF THE PLAN OF ACTION OF STOCKHOLM, THE ORGANISATIONS REPRESENTED IN THE REGIONAL CONGRESS COMMIT THEMSELVES TO:**

### Co-operation and Co-ordination

- 1) Reaffirm the importance of National Plans of Action to combat the commercial and non-commercial sexual exploitation of children and adolescents, and to insist on the urgency of the development and execution of such plans, prepared in co-ordination with all sectors involved. National Plans should be accompanied by a greater and permanent political will, and actual resources both technical and economical allowing for an impact in the combat against this problem, thus national action plans should be prepared in those countries where they are still not available.
- 2) Promote the approach of this topic from the perspective of law and rights, with an approach on gender and generations taking as a basis the Convention on the Rights of the Child and other international instruments ensuring the integral protection and defense of rights of children and adolescents affected by commercial and non-commercial sexual exploitation, consequently it is necessary to comply with and ratify international instruments as well as ratify those that have not been ratified.
- 3) Promote the strengthening of adequate laws and public policies, reflecting all those adequate with this perspective, together with social policies that should integrate awareness, information and promotion of all the social and community activities of the population.
- 4) Identify and promote common information systems with desegregated databases, allowing for the analysis of the collected information at the regional level and the evaluation and follow-up of this phenomenon and the political and social responses and sexual exploitation and child trafficking.
- 5) To request from international co-operation, especially from agencies and programs of the United Nations and the OAS in the inter- American system as well as multilateral financial organizations and international non-governmental organizations, their full support to make the recommendations operational.
- 6) To guarantee that in each country civil society organizations may participate in the design, execution and monitoring of National Action Plans for eradicating commercial sexual exploitation of children and adolescents.

### Prevention

- 7) To develop, as preventative measures, primary and secondary education policies with the perspective of gender and assuring equal access, as well as universal coverage and quality coverage for children and adolescents, as well as review the regulation of educational centers and the contents of teaching in order to avoid exclusion and the abandonment of school.
- 8) Promote actions modifying the social and cultural conduct of men and women, including programs of education to reach the elimination of prejudices and customs as well as any other practice based on the idea of superiority and inferiority of any gender or stereotypical roles of men and women that legitimize and deepen violence against women, and girls of adolescents, in accordance to the provisions of the Convention on the Elimination of all Forms of Discrimination against Women and the Inter- American Convention to Prevent, Sanction and Eradicate Violence Against Women.
- 9) To maintain the efforts underway on the prevention of intra-family violence and violence against women and compliance with the Action Platform in the World Conference on Women (Beijing 1995) and in particular the chapter on girls.
- 10) To focus discussions and actions on the issue of clients and the demand as generators of commercial sexual exploitation of children and adolescents, thus amending the naturalization of practices and roles of institutions in the invisible nature of the problem.

- 11) To develop awareness and public information campaigns at a national and international level on commercial and non-commercial sexual exploitation of individuals under age for the purpose of reducing as much as possible the invisible nature of the phenomenon, in order to generate changes in cultural patterns to create awareness, public opinion and involvement of the various groups in the combat against this problem.
- 12) To ensure universal access to health services and social and family support services according to the Codes of the Child and other laws approved by these countries in agreement with the Convention on the Rights of the Child
- 13) To make political authorities aware and to train professionals that directly operate programs and services related with children and adolescents, in order to detect risk situations that may result in the effective intervention of commercial and non- commercial sexual exploitation.
- 14) To make children and adolescents aware of the risks of commercial and non- commercial sexual exploitation, through education on reproductive sexual health, sexual education, education on sexually transmitted diseases and drug abuse.

### Protection

- 15) From the States, to develop public policies aimed to the integral protection of children and adolescents from their birth as subjects of rights and ensure their full personal development as the Convention on the Rights of the Child establishes. Protection measures should involve effective procedures and mechanisms for the establishment of social programs with the objective to provide the necessary assistance to children and adolescents affected by commercial and non-commercial sexual exploitation and those who are responsible for them.
- 16) To continue fostering the necessary legal reforms in each country in order to fight against commercial, and non-commercial sexual exploitation in accordance with the provisions in the Convention on the Rights of the Child and other international judicial instruments.
- 17) Emphasize a deep consideration of children and adolescent as victims, in the penal prosecution of exploiters, in the establishment of the extraterritorial conditions of these crimes, the adoption of measures allowing for the confiscation of the benefits resulting from these illicit activities, in order to ensure the civil responsibility in favor of the victims, as well as the strengthening of the methods of prosecution of these crimes and creating mechanisms that guarantee their application and avoiding the impunity cycle.
- 18) To continue the efforts for the eradicating the production, distribution, exportation and commercialization, transmission and publishing of child pornography and sexual tourism, in this case for the application and regulation of agreements for the installation of blocking systems in Internet and child pornography will be essential.
- 19) Promote the necessary procedural reforms in allowing to establish “judicial procedures friendly” to children and adolescents, where their needs will be taken care of in a quick, effective, respectful manner according to their age and level of development.
- 20) To promote registration at birth, in a free and universal form, as part of the respect of the right to have an identity and a citizenship, and agree upon mechanisms to prevent illegal adoptions of children and adolescents.
- 21) Promote the intra-regional and international co-operation of governments and judicial authorities in order to ensure an effective investigation of the crimes as well as the conviction and penal sanction of the exploiter.
- 22) To create operational systems of interrelations with INTERPOL in the region, in order to combat the trafficking of children and adolescents, as well as to adopt specific programs for the rescue and voluntary repatriation of victims that need assistance.

### Recuperation and Reintegration

- 23) To privilege and guarantee the right to family and community assistance in those sections of children and adolescents affected by commercial and non-commercial sexual exploitation taking always into account the higher interest of the child.
- 24) To develop recovery and reinsertion programs of individuals under age affected that should guarantee the restitution of their rights on the bases of an reintegration concept instead of a revictimization concept.
- 25) To develop and implement inter-institutional and inter-sectoral co-ordination protocols and intervention models for the attention of victims of commercial sexual exploitation and other forms of sexual violence globalizing those positive experiences that are already being developed in the region.

### Participation of Children and Adolescents

- 26) To recognize and reaffirm that participation of children and adolescents is a key element in the fight to eradicate commercial and non-commercial sexual exploitation, thus to urge the strengthening of organizations of children and adolescents and other adequate empowerment forms and participation systems guaranteeing their full citizenship.

### Investigations and Indicators

- 27) To design and formulate indicators in order to recognize and differentiate the cases of commercial and non-commercial sexual exploitation cases as well as the risk factors having an influence on the permanence of the child within this problem and to develop the adequate methods in order to analyze the characteristics of sexual exploitation as well as the development of indicators.
- 28) To create databases taking into account the various aspects of the problem allowing for the monitoring, follow-up and updating of programs aiming to deal with commercial and non-commercial sexual exploitation, as well as to count on databases on offenders and networks on each one of the countries.

### Monitoring of the compliance and commitments of the Action Plans

- 29) To create a Working Group, formed by governments, international governmental and non-governmental organizations, that should be responsible for defining, promoting and coordinating the regional strategies, as well as disseminating the actions of Latin America and Caribbean countries should implement. At the same time, to follow up national policies and action plans as well as international commitments assumed on this issue by convening to a meeting for the evaluation and follow up in the year 2004.

**In Montevideo, on the ninth of November of the year two thousand and one.**