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**Promotion and protection of all human rights, civil,
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including the right to development**

Report of the Special Rapporteur on the sale of children, child prostitution and child pornography

Note by the Secretariat

The present report provides an overview of the activities carried out by the Special Rapporteur since her last report was submitted to the Human Rights Council in March 2015. It also contains a thematic study on tackling the demand for the sexual exploitation of children and recommendations to reduce and eradicate the demand through prevention, accountability and rehabilitation measures.

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I. Introduction

1. The present report is submitted pursuant to Human Rights Council resolutions 7/13 and 25/6. It describes the activities carried out by the Special Rapporteur on the sale of children, child prostitution and child pornography since her last report was submitted to the Human Rights Council in March 2015. It also contains a thematic study on tackling the demand for the sexual exploitation of children.

II. Activities

A. Country visits

2. The Special Rapporteur undertook an official visit to Armenia from 12 to 18 May 2015 and one to Japan from 19 to 26 October 2015.¹

3. The Governments of Bulgaria and Georgia responded positively to the invitation requests sent by the Special Rapporteur to undertake an official visit to their countries. She also sent requests to visit Ghana, Kenya and Senegal. The Special Rapporteur reiterated her requests to visit the Dominican Republic, India, Mozambique, Thailand and Viet Nam and encourages the authorities to respond positively to her requests to conduct a visit to their countries.

B. Other activities

1. Conferences, meetings and engagement with stakeholders

4. On 15 January 2015, the Special Rapporteur was a speaker at a conference on working together against child trafficking, organized by the Nidos Foundation and the European Network of Guardianship Institutions in the Hague, the Netherlands. On 27 April, she attended a seminar on trafficking, with a special focus on children, organized by the Vatican and the Government of Sweden, held in Vatican City.

5. The Special Rapporteur gave a presentation on 16 June at the International Summit on the Legal Needs of Street Youth, organized by the American Bar Association in London. On 18 and 19 June, she participated in the cross-regional meeting on the protection of children from sexual violence that was organized in Strasbourg, France, by the Special Representative of the Secretary-General on Violence against Children and the Council of Europe. The Special Rapporteur also spoke on 6 July at the opening of the forty-sixth annual study session of the International Institute of Human Rights, on children and international human rights law, held in Strasbourg.

6. On 15 October, the Special Rapporteur presented her report, containing a study on the care, recovery and reintegration of child victims of sale and sexual exploitation, to the General Assembly at its seventieth session.²

7. On 23 November, she participated in a high-level symposium on national and intercountry adoption organized in Monte Carlo, Monaco.

¹ See A/HRC/31/58/Add.1 and Add.2.

² A/70/222.

2. Follow-up to previous thematic reports

8. As follow-up to her thematic report on information and communications technologies and the sale and sexual exploitation of children,³ the Special Rapporteur participated in several events and meetings. On 9 March 2015, during the twenty-eighth session of the Human Rights Council, she organized a side event with the Special Representative of the Secretary-General on Violence against Children on information and communications technologies, and the sale and sexual exploitation of children.

9. On 30 September 2015, she attended an event hosted by the Secretary-General of the International Telecommunication Union in the context of the tenth meeting of the Council Working Group on Child Online Protection, and had several bilateral discussions.

10. On 16 and 17 November 2015, the Special Rapporteur participated in and spoke at the second #WePROTECT summit, held in the United Arab Emirates. She has been an active observer of the International Advisory Board of the #WePROTECT initiative and participated in several meetings in order to ensure that a child rights perspective was incorporated in the initiative.

11. In follow up to her study on the care, recovery and reintegration of child victims of sale and sexual exploitation,⁴ the Special Rapporteur offered to conduct a joint technical visit to Nigeria with the Special Rapporteur on contemporary forms of slavery, including its causes and its consequences, and the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health.

3. Communications

12. Summaries of communications sent and replies received between 1 March and 31 October 2015 appear in the communications reports of special procedures to the Human Rights Council. The Special Rapporteur sent six communications during the period covered by the present report, addressing issues such as child marriage, the sale of children, the sexual exploitation of children and the production of child sexual abuse material.

III. Tackling the demand for the sexual exploitation of children

A. Objective and methodology

13. Building upon the work of one of her predecessors,⁵ the Special Rapporteur aims in the present report to address the demand for the sexual exploitation of children. In her previous thematic study, the Special Rapporteur focused on child victims and their right to care, recovery and reintegration. In the present report, she has chosen to address the opposite end of the issue, namely the perpetrators. The report seeks to recall the obligation of Member States to address effectively the demand factor as well as to share good practices and recommendations that will contribute to the eradication of the sexual exploitation of children through prevention, accountability and rehabilitation measures. Significant progress has been achieved in the research on the underlying causes of sexual exploitation of children, yet there are still significant gaps in understanding offenders and how to reduce the demand for such abhorrent crimes.

³ A/HRC/28/56.

⁴ A/70/222.

⁵ See E/CN.4/2006/67.

14. During a working visit to Geneva on 1 and 2 October 2015, the Special Rapporteur held an expert consultation with ECPAT International on understanding the demand for the sexual exploitation of children, in preparation for her report. The Special Rapporteur wishes to thank ECPAT International for organizing the consultation and for providing research materials based on a comprehensive literature review on the demand factor.

B. International legal framework

15. According to international human rights standards, States have the obligation to prosecute perpetrators and address the underlying causes that facilitate the sexual exploitation of children. Indeed, the Convention on the Rights of the Child provides that States parties shall take all appropriate measures to prevent the sexual exploitation and abuse of children. The duty to prevent consequently creates an obligation for States to criminalize, *inter alia*, the inducement or coercion of a child to engage in any 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; and the abduction of, the sale of or traffic in children for any purpose or in any form (see the Convention on the Rights of the Child, arts. 34 and 35).

16. The preambular paragraphs of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography emphasize that efforts to raise public awareness are needed to reduce consumer demand for the sale of children, child prostitution and child pornography. The allusion to demand is further substantiated in the Optional Protocol with specific obligations, under articles 1 and 3, for States parties to prohibit and criminalize the sale of children, child prostitution and child pornography. Article 3 (2) and (3) is particularly important, as article 3 (2) covers intent and participation to commit such illegal activities. Article 3 (3) adds the obligation for States parties to ensure that penalties are appropriate and commensurate with the grave nature of the offences.

17. In addition, the Optional Protocol calls for States parties to adopt extraterritorial jurisdiction, in particular in articles 4 to 6. This is fundamental in order to deal adequately with the often international nature of demand for the sexual exploitation of children. Article 7 of the Optional Protocol adds further crucial elements to deal with the demand factor by requiring States parties to seize and confiscate assets and funds derived from the offences in question, as well as to close premises used for the sexual exploitation of children. That is complemented by article 9 (4), which obliges States to ensure that child victims have access to adequate procedures to seek compensation for damages from those legally responsible.

18. Another important instrument is the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime. Article 9 (5) requires States parties to adopt or strengthen legislative or other measures, such as educational, social or cultural measures, including through bilateral and multilateral cooperation, to discourage the demand that fosters all forms of exploitation of persons, especially women and children.

19. The International Labour Organization Worst Forms of Child Labour Convention 1999 (No. 182) also calls in article 7 for the provision and application of penal sanctions or, as appropriate, other sanctions in order to prohibit and eliminate the worst forms of child labour.

20. The basic principles on the right to an effective remedy for victims of trafficking in persons⁶ add the supplementary angle of guarantees of non-repetition, which require that perpetrators be effectively sanctioned and that the root causes of trafficking, such as poverty, gender inequality and discrimination, be addressed effectively.

21. At the regional level, several instruments call for the prevention and prohibition of the sexual exploitation of children and thus entail the sanctioning of offenders. This is the case of the African Charter on the Rights and Welfare of the Child (art. 27), the South Asian Association for Regional Cooperation Convention on Preventing and Combating Trafficking in Women and Children for Prostitution (art. 3), the Inter-American Convention on International Traffic in Minors (art. 7) and the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (chaps. 2, 5 and 6). Further protection is offered, as detailed below, by that Council of Europe Convention and in the explanatory report thereto, specific guidance on sanctions is given. The Council of Europe Convention on Action against Trafficking in Human Beings is also noteworthy as it specifically addresses the demand factor (art. 6) by providing that States parties shall adopt preventive measures such as research, awareness-raising and education programmes.

C. Demand for the sexual exploitation of children

22. In the present report, demand encompasses both the individual offenders who pay, financially or in kind, for sexual services involving children, sexually abusing them in the process, and the social, cultural, gender and institutional constructs that create an environment in which the sexual exploitation of children is either ignored, tolerated or even accepted. Those who service the demand are intrinsically linked to the sexual exploitation of children and are thus included in the definition.

23. The use of the term “demand” is closely related to economics terminology as the sexual exploitation of children and the provision of such services are driven by the objective of making a profit, be it financial, social or political. However, economics terminology should never obscure the violation of the rights of children, and the use of related terms such as “clients” must be rejected. The economics analogy is also relevant in the sense that if the demand is stemmed, the offer will correlatively decrease. Addressing the demand factor is consequently an effective way to eradicate the sexual exploitation of children. Preventing and deterring the harm from happening in the first place is cost-effective.⁷

24. For the purpose of the present study, a theoretical model has been developed. It is composed of three levels of demand, namely the immediate, intermediate and underlying levels. The theoretical model facilitates the inclusion and classification of all those who are involved in the sexual exploitation of children from the demand side. Common understanding of the demand is often limited to those who directly exploit and abuse children, with little consideration for those who aid and abet in the commission of such crimes or contribute to the enabling environment.

1. Immediate level

25. The immediate level of demand for the sexual exploitation of children covers those who directly exploit children, such as purchasers of commercial sexual acts with children or of child sexual abuse material. They are normally individual offenders whose objective is to

⁶ See A/HRC/26/18, annex.

⁷ See A/68/275, para. 8.

satisfy personal sexually abusive drives, desires and fantasies. Their reward is direct sexual gratification with the child and the sexual services of various types that they seek to obtain from their victim. They generate demand.

26. Individual offenders can be broadly distinguished between those who have a preference for children and those who are considered to be situational offenders. The first group of offenders is generally equated with paedophilia, a psychiatric disorder characterized by a primary or exclusive sexual interest in prepubescent children. Nonetheless, there are other preferential offenders who cannot be classified as paedophiles. They include, for example, offenders who seek to have sexual intercourse with pubescent virgins, for a variety of motivations.⁸

27. The notion of paedophilia is complex and there are several varying definitions. The definition used by the World Health Organization is slightly broader than others; it is “a sexual preference for children, boys or girls or both, usually of prepubertal or early pubertal age”.⁹ The medical condition is often widely used to characterize any adult who has sexual intercourse with a minor, yet the definitions above indicate that the general consensus is that a paedophile has a preference for young children. Furthermore, offenders are considered to be paedophiles if they are at least 16 years old and 5 years older than their victims.¹⁰ Different subgroups have been identified among paedophiles, ranging from fixated to regressed and aggressive.¹¹ A fixated offender will go to great lengths to reach a child and is often associated with such methods as grooming. Regressed offenders, on the other hand, often require facilitators before acting and will target unknown victims. Aggressive offenders also derive their sexual gratification from the sense of power and control they feel by inflicting pain on the child.

28. As indicated above, certain preferential offenders cannot be described as paedophiles as they are interested solely in pubescent children. The specific sexual interest in teenagers is called hebephilia¹² and derives from a range of factors linked to the underlying level of demand. A strong motivation for committing such sexual exploitation of children is, for instance, linked to the context of sexually transmitted diseases with offenders believing that virgins or young children pose less of a health risk.¹³ There are also other practices, such as adults becoming sexually involved with teenagers in exchange for money or goods. This phenomenon is present across the world and those adults are often referred to as “sugar daddies”,¹⁴ and the practice is often referred to as “compensated

⁸ Information provided by the United Nations Office on Drugs and Crime (UNODC) Regional Office for South-East Asia and the Pacific.

⁹ World Health Organization, *International statistical classification of diseases and related health problems*, 10th revision (2010), F65.4.

¹⁰ Ryan Hall and Richard Hall, “A Profile of Pedophilia: Definition, Characteristics of Offenders, Recidivism, Treatment Outcomes, and Forensic Issues”, *Mayo Clinic Proceedings*, vol. 82, No. 4 (April 2007), p. 457.

¹¹ K.F. McCartan, “Current understandings of paedophilia and the resulting crisis in modern society”, in *Psychological Sexual Dysfunctions*, Jayson M. Carroll and Marta K. Alena, eds. (New York, Nova Publishers, 2008), p. 58.

¹² Ryan Hall and Richard Hall, “A Profile of Pedophilia”, p. 458.

¹³ Adele Jones, “‘Pimping Your Child’: Commercial Sexual Exploitation and Transactional Child Sexual Abuse”, in *Understanding Child Sexual Abuse: Perspectives from the Caribbean*, Adele Jones, ed. (Basingstoke, Palgrave Macmillan, 2013), pp. 121-122.

¹⁴ Nancy Luke, “Confronting the ‘Sugar Daddy’ Stereotype: Age and Economic Asymmetries and Risky Sexual Behavior in Urban Kenya”, *International Family Planning Perspectives*, vol. 31, No. 1 (March 2005), p. 6.

dating”.¹⁵ It is also at the heart of the exploitation of children in the context of tourism and travel.

29. The majority of offenders do not automatically have a sexual preference for children and have been classified as situational offenders.¹⁶ Individual offenders often resort to prostitution involving children simply because it is available; they do not take the child’s age into account. Since those offenders are not considered to be driven by a sexual attraction to children, their motives can be attributed to several cultural, social and economic factors linked to the other two levels of demand.¹⁷

30. In all of the above-mentioned offender categories, the majority of perpetrators are men; there is only anecdotal evidence of female offenders. Law enforcement data has consistently identified female offenders in the developed world, but without clearly classifying their crime. A 2005 study indicated that women accounted for up to five per cent of all sexual offences against children.¹⁸ The exact traits and motivations of female offenders are still the subject of numerous discussions and further research is required. They have generally been identified in cases of child abuse, and in respect to child sexual exploitation have fulfilled the role of accomplices to male offenders. Female offenders are indeed much more likely to act with a male offender.¹⁹ Comprehensive and updated data at the global level is nonetheless lacking. This is partly owing to pre-existing social constructs that have led to underreporting, since in most societies it has often been considered unimaginable for women to be sex offenders.

31. The consumption of child sexual abuse material has been facilitated by the rise of information and communications technologies and it is more and more characterized by its international nature. The ease of obtaining child abuse material through information and communications technologies has given rise to a greater range of offenders. Such offenders can generally be compared to offline offenders, in particular as most of them are male, though there are some differences in relation to offline offenders. For instance, online offenders are younger and more likely to be white than offline perpetrators, in the specific context of studies in the United States of America.²⁰ Furthermore, according to some studies there is some form of greater self-control or inhibitory mechanism among online offenders since the majority have not committed contact sexual offences.²¹ There are nonetheless significant crossovers between online and offline offenders which can render the differentiation between the two groups artificial.²²

32. Child sexual exploiters, both preferential and situational, have been regularly identified in certain contexts regardless of their specific profile. This is, for example, the

¹⁵ T.Y. Lee and D.T.L. Shek, “Compensated Dating in Hong Kong: Prevalence, Psychosocial Correlates, and Relationships with Other Risky Behaviors”, *Journal of Pediatric and Adolescent Gynecology*, vol. 26, No. 3, supplement (June 2013), pp. 42-48.

¹⁶ E/CN.4/2006/67, para. 39.

¹⁷ Alessia Altamura, “Understanding demand for CSEC and the related gender dimensions: A review of the research”, in *Examining neglected elements in combatting sexual exploitation of children*, ECPAT Journal Series No. 7 (2013), p. 4.

¹⁸ See Lisa Bunting, *Females who sexually offend against children: responses of the child protection and criminal justice systems*, NSPCC Policy Practice Research series (London, 2005).

¹⁹ Ryan Hall and Richard Hall, “A Profile of Pedophilia”, p. 459.

²⁰ K. Babchishin, R. Hanson and C. Hermann, “The characteristics of online sex offenders: a meta-analysis”, *Sexual Abuse: A Journal of Research and Treatment*, vol. 23, No. 1 (March 2011), p. 105.

²¹ *Ibid.*, p. 109.

²² M. Bourke and A. Hernandez, “The ‘Butner Study’ Redux: A Report of the Incidence of Hands-on Child Victimization by Child Pornography Offenders”, *Journal of Family Violence*, vol. 24, No. 3, (2009), pp. 183-191.

case in travel and tourism where the defining characteristic of their act is the targeting of child victims in a different geographical setting to theirs. An essential feature of those offenders is their knowledge or belief that their actions will go unpunished. Moreover, the economic and cultural differences at the heart of the exploitation define the actions of the offender. It is important to note that the expression “child sex tourism” to describe this type of demand is outdated and leaves out other categories of offenders who are travelling, such as business travellers, foreign workers, supporters travelling in the context of major sporting events, volunteers, government employees deployed overseas and expatriates on extended travel or residing abroad.²³ In addition, military servicemen stationed abroad have fuelled demand for prostitution, with several children being sexually exploited in the process. Military personnel who are preferential offenders have also taken advantage of their position to sexually exploit children.²⁴

33. Organized crime groups, which usually fulfil the role of facilitators to service the demand for child sexual exploitation, can also include contact offenders. The perpetrators may be preferential or situational offenders and will sexually abuse the child directly as part of the enslavement or grooming process. In general, the involvement of organized crime and the subsequent sexual exploitation of children is motivated by the vulnerability of the child rather than a specific sexual interest in children.²⁵

2. Intermediate level

34. The intermediate level of the demand for child sexual exploitation corresponds to those who act as facilitators between offenders and children, as well as those who provide and promote their exploitation. This level of demand is composed of individuals and groups and as far as the latter is concerned, is commonly linked to organized crime. Such actors service the demand and often control the child victims. They represent the truly exploitative nature of the crimes in question since their involvement is motivated by gain.

35. The most common providers of children for sexual exploitation are facilitators, who can range from procurers to traffickers and intermediaries, and include financial actors. Such individuals are not always part of criminal networks. Procurers are generally called by their vernacular name, such as “pimp” in English. They are the ones who identify the children and force them into sexual exploitation. Grooming is an essential part of the process. The aim is to entrap the children into a life of sexual servitude and manipulate them at will through extreme methods ranging from physical and psychological abuse to the provision of drugs and alcohol. The demography of procurers is diverse. Though most of them are men, there is a significant presence of women among procurers. There have also been cases of peer driven exploitation.²⁶ There is also a substantial number of cases of parents and/or family members pushing their children into sexual exploitation in order to provide the family with supplementary income.²⁷

36. Human traffickers include recruiters, transporters, those who exercise control over trafficked persons, those who transfer and/or maintain trafficked persons in exploitative situations and those involved in related crimes, as well as those who profit either directly or

²³ Information provided by UNODC Regional Office for South-East Asia and the Pacific.

²⁴ Isabelle Talleyrand, “Military Prostitution: How the Authorities Worldwide Aid and Abet International Trafficking in Women”, *Syracuse Journal of International Law and Commerce*, vol. 27, No.151 (2000), pp. 151-176. See also A/69/779.

²⁵ Child Exploitation and Online Protection Centre (CEOP), “Threat Assessment of Child Sexual Exploitation and Abuse”, 2013, pp. 18-21.

²⁶ Information provided by UNODC Regional Office for South-East Asia and the Pacific.

²⁷ A/HRC/22/54, paras. 30 and 38 and information provided by UNODC Regional Office for South-East Asia and the Pacific.

indirectly from trafficking, its component acts and related offences.²⁸ They thus can significantly overlap with procurers. Their key characteristics are the recruitment, transportation, transfer, harbouring or receipt of child victims and thus the servicing of the demand for child sexual exploitation. Deception and threats are often used by traffickers to obtain the child and convince his or her guardians of a better future for the child.

37. The label of intermediaries covers a wide range of other facilitators such as taxi drivers, hotel staff, entertainment staff, massage parlour staff, tour guides and tour operators.²⁹ They do not control the child victim, but act as a bridge between procurers or child victims and offenders. Individuals working in the entertainment industry, namely bars, karaoke clubs and brothels, have been identified in several cases as crucial points of contact for offenders seeking to sexually exploit a child.³⁰ Taxi drivers and hotel staff have also brought offenders to locations where children are sexually exploited. What is more, there is anecdotal evidence of sex tour operators organizing trips to areas where child sexual exploitation is rife.³¹ Most of those facilitators are part of the private sector, which thus becomes an intermediary by turning a blind eye to the criminal activities of its staff.

38. The private sector in the domain of information and communications technologies is also a significant intermediary in the demand for the sexual exploitation of children. Indeed, the technology in itself has created a means for offenders to contact children directly and initiate the process of grooming victims. Furthermore, it makes it easy to access child sexual abuse material, is affordable and can provide anonymity. For example, live streaming of child sexual abuse is only feasible with the spreading of video streaming technologies.³² In addition, developers of the “dark web” and peer-to-peer networks are increasingly facilitating the sexual exploitation of children online, with the majority of child sexual abuse material estimated to be exchanged on such platforms. Content providers have also become intermediaries by hosting child abuse material. Besides, certain content providers promote and profit from certain genres of pornography that can amount to child sexual abuse material or at the very least, foster tolerance for such themes. This is confirmed by the search results from the biggest pornography platform, Pornhub, which listed “teen” as the most sought-after genre in 2013 and 2014.³³ Lastly, the financial sector is widely used to process monetary transactions for purchasing child abuse material and paying for the sexual exploitation of children without leaving traces, thus facilitating impunity.

39. At this intermediate level of the demand, there is a much more significant presence of women. Indeed, according to recent figures on trafficking from the United Nations Office on Drugs and Crime (UNODC), 28 per cent of persons convicted for trafficking in persons were women and that proportion rose to 38 per cent for those having entered into contact with the criminal justice system. Female traffickers were more frequently involved in the trafficking of girls and in particular in recruitment for sexual exploitation.³⁴ Women are strongly represented among facilitators, since a key element of that role in the demand process is to build a relationship of trust and lure children into sexual exploitation.³⁵

²⁸ See E/2002/68/Add.1.

²⁹ Information provided by UNODC Regional Office for South-East Asia and the Pacific.

³⁰ See A/HRC/22/54, para. 29.

³¹ ECPAT International, “Global Monitoring: status of action against commercial against sexual exploitation of children. Moldova (2012), p. 15.

³² See A/HRC/28/56.

³³ See Pornhub Insights, 2014 Year In Review (2015).

³⁴ UNODC, *Global Report on Trafficking in Persons 2014* (United Nations publication, Sales No. E.14.V.10), p. 27.

³⁵ Information provided by UNODC Regional Office for South-East Asia and the Pacific.

40. The link between organized crime and human trafficking is clearly established and both are often involved in supplying children for sexual exploitation. Any of the facilitators outlined above can be affiliated or controlled by such criminal networks. Additionally, criminal networks have a particular interest in the production and sale of child abuse material, which is increasingly lucrative. Moreover, organized crime groups have used child sexual abuse material to extort money and steal identities.

3. Underlying level

41. The underlying level of the demand factor relates to the social, cultural, gender and institutional constructs that foster the conditions in which the sexual exploitation of children is either ignored, tolerated or even accepted. Those factors sustain the market for child sexual exploitation by allowing offenders and facilitators to act.

42. A major enabler of demand is the perception of youth, consent and virginity. Indeed, the attraction of preferential offenders who are not paedophiles to adolescents often stems from social and cultural constructs. The obsession with virginity owing to notions of purity and health is, for example, a source of demand for the sexual exploitation of children. There are thus in several regions of the world those who specifically seek to have intercourse with virgins.³⁶ Concurrently, a child who has lost his or her virginity is considered in negative terms and devalued, thus being more vulnerable to sexual exploitation. Besides, the definition of a child, although set at any person under 18 in international law, varies from one culture to another and is strongly related to his or her sexual maturity. There is further confusion as a result of the varying ages of sexual consent across the world. Preferential and situational offenders will thus justify their actions by affirming, based on their personal belief or on the degree of social tolerance, that their victim was not a child or consented to his or her exploitation.

43. The sexual exploitation of girls, who constitute the majority of victims, is rooted in gender discrimination. Patriarchal structures that promote male sexual domination and do not condemn the commercialization of girls and women are a fundamental underlying level of the demand factor. Culturally imposed feminine gender stereotypes also contribute to the sexual exploitation of women and girls by placing them in the role of serving males, negating women's and girls' ability to make decisions regarding their own sexual and reproductive life and making them prime targets for sexual violence.³⁷ Likewise, the commodification of the female body reinforces the notion of its consumption, which can be extended to girls by offenders. Gender stereotypes around masculinity also adversely affect boys, with little attention given to their possible vulnerability to sexual exploitation. Boys who are victims of sexual exploitation are consequently much less likely to be able to report a rights violation and to receive care.

44. Gender discrimination is further compounded by the inherent power imbalance between children and adults. Children are often not considered as rights holders and can even be viewed as property. In addition, their right to be heard is generally flaunted, which prevents them from voicing their concerns or experiences. This objectification of the child helps to comfort offenders in their actions.³⁸

45. Racism and discrimination play a central part in certain forms of demand for the sexual exploitation of children. Some offenders, in particular in the context of travel and

³⁶ E/CN.4/2006/67, para. 40, and information provided by UNODC Regional Office for South-East Asia and the Pacific.

³⁷ See A/70/222, para. 30.

³⁸ Richard Estes and Neil Weiner, "Commercial Sexual Exploitation of Children in the U.S., Canada and Mexico", University of Pennsylvania, 2001, p. 4.

tourism, target children of a different ethnicity because they believe that the children are inferior and/or that the local culture condones the sexual exploitation of children.³⁹ In addition, caste-based systems or similarly entrenched inequities enable the offender to justify the sexual exploitation of children from lower castes or groups. Discrimination based on sexual orientation is also a source of demand, since the sexual exploitation of homosexual or transgender children can be seen in certain cultures as acceptable. Indeed, in those contexts the sexual orientation of the child is condemned and his or her exploitation is blamed on him or her.⁴⁰

46. The real or perceived absence of accountability for crimes against children empowers sexual offenders and guides their choice of destinations when they travel. Moreover, the demand thrives on corruption and the complacency or even complicity of law enforcement. Impunity can also derive from social and cultural norms of shame which prevent the reporting of child sexual exploitation. Notions of honour and shame will lead to the blaming of the child victim and even his or her exclusion from the family or the community.

47. Intrinsically related to the impunity of offenders is the inappropriate care given to child victims of sexual abuse or exploitation. Research on preferential offenders has demonstrated that a significant percentage of them were themselves victims of abuse and exploitation during their childhood.⁴¹ A lack of care, recovery and reintegration of child victims can thus indirectly fuel the demand.

48. External factors, such as humanitarian crises or conflicts, can also foster the demand factor. The ensuing chaos and lawlessness empowers offenders to target vulnerable children in order to sell and/or sexually exploit them.⁴²

D. Measures to reduce and eradicate demand

49. The Convention on the Rights of the Child and the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography explicitly call for the prevention of the sexual exploitation of children. It is thus the duty of States parties to those instruments to take all appropriate measures to fulfil that obligation. Proactive measures to address the demand factor should be an upmost priority. A prerequisite is to study and map the demand for the sexual exploitation of children in order to develop fitting and coherent policies. A broad strategy is then necessary to deal with all the levels of the demand and can be based on a three-pronged approach. Firstly, prevention is necessary to address the majority of underlying factors of the demand as well as to dissuade individuals from committing such heinous crimes. Secondly, it is essential to deal with existing offenders by ensuring accountability, which also addresses the underlying factor of impunity. Lastly, to be able to prevent reoffending, there should be evidence and results-based rehabilitation programmes. The involvement of the private sector is crucial in this broad strategy.

³⁹ Protection project “International child sex tourism: Scope of the problem and comparative case studies”, John Hopkins University, 2007, p. 23.

⁴⁰ ECPAT International, “Informe de monitoreo de país sobre la explotación sexual comercial de niñas, niños y adolescentes en Guatemala”, 2014, p. 19.

⁴¹ United States Department of Justice, “Sex Offender Management Assessment and Planning Initiative”, 2014, pp. 64-65.

⁴² A/HRC/19/63, paras. 27-31.

1. Prevention

50. In the specific case of situational offenders, awareness-raising programmes that aim to reduce the recourse to prostitution can be helpful. Indeed, as underlined above, such offenders do not seek children per se and will end up exploiting them out of disregard or ignorance of their age. There have been several programmes developed in the United States targeting adults who engage in prostitution that aim to sensitize them about the plight of the individual they are exploiting and prevent the renewed solicitation of prostitutes. These programmes have generally been applied in the context of the criminalization of the purchase of sex and participation in them has been imposed or offered as an alternative to prosecution.⁴³ In the case of the sexual exploitation of children, situational offenders must be prosecuted regardless of the laws on adult prostitution, as is provided by international law. The prevention programmes could nonetheless prove to be useful in order to preclude potential prostitution users from exploiting children in the first place.

51. A key objective of prevention has been to target potential preferential offenders before they act. In 2005, the Institute of Sexology and Sexual Medicine in Berlin developed a prevention approach called the Prevention Project Dunkelfeld. It is based on a media campaign to encourage self-identified, but not officially registered paedophiles and hebephiles to seek professional help. The assistance offered is provided anonymously by a research team that has been specifically trained to build a trustworthy and empathetic relationship during the initial contact. It consists of a specialized one-year treatment programme to ensure that the potential offenders can control their impulses by using cognitive-behavioural techniques and sexological tools, as well as pharmaceutical options. An evaluation of the programme revealed that the primary prevention approach reduced risk factors for child sexual abuse, prevented sexual offending against minors, reduced the number of contact offences, and reduced the frequency and the severity of child pornography offences.⁴⁴

52. An essential part of any prevention strategy is to fight against corruption in law enforcement and judicial bodies. On the one hand it ensures the prosecution and conviction of offenders and on the other hand it ends a climate of impunity, which fosters the demand for the sexual exploitation of children.

53. In respect to gender-based discrimination and entrenched gender stereotypes, there have been positive initiatives such as the Empowering Young Men to End Sexual Exploitation module created by the Chicago Alliance Against Sexual Exploitation. It has focused on educating children, particularly boys, about masculinity and the realities of the commercial sex trade, as well as human trafficking.⁴⁵

54. Rapid and sudden societal or technological changes have also facilitated demand and it is crucial to ensure that such radical revolutions are better managed in order to prevent child sexual exploitation. This applies particularly to the growth of tourism and of the Internet. There have been positive initiatives, such as the Child Safe Tourism campaign developed by World Vision and the International Tourism Partnership in collaboration with Governments from South-East Asia, which targets both potential offenders and intermediaries.⁴⁶ Similarly, there are numerous initiatives concerning the Internet, such as

⁴³ See Donna Hughes, "Best Practices to Address the Demand Side of Sex Trafficking", University of Rhode Island, 2004.

⁴⁴ See www.praeventionstag.de/dokumentation/download.cms?id=2090.

⁴⁵ See <http://caase.org/prevention>.

⁴⁶ Information provided by UNODC Regional Office for South-East Asia and the Pacific.

the British “Stop it Now!” prevention campaign, which has launched several videos to deter potential offenders.⁴⁷

55. Only the delivery of comprehensive human rights education by adequately trained professionals to society at large can lead to the eradication of the root causes of the demand for child sexual exploitation, such as the disregard and commodification of children. The core principles of the Convention on the Rights of the Child must be continuously promoted and engrained across the world, namely non-discrimination (art. 2), the best interests of the child (art. 3), the right to life, survival and development (art. 6) and respect for the views of the child (art. 12).

2. Accountability of offenders

(a) Sanctions

56. The cornerstone of any effective policy to reduce the demand factor is accountability, which gives the assurance that the crimes will be fully investigated, prosecuted and sanctioned. Accountability, in particular with a comprehensive and commensurate set of criminal penalties, is also a fundamental deterrent. As outlined above in the section on the legal framework, international and regional instruments set clear standards for the criminalization of the sexual exploitation of children. The Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography states in article 3 (3) that the offences in question must be punishable by appropriate penalties that take into account their grave nature. The United Nations Model Strategies and Practical Measures on the Elimination of Violence against Children in the Field of Crime Prevention and Criminal Justice confirm the same notion of appropriate penalties taking into account the grave nature of the offences. They add the notion of aggravating circumstances as well as criminal responsibility even when under the influence of substances. The Model Strategies also urge Member States to ensure that safety risks, including the vulnerability of victims, are taken into account in decisions concerning non-custodial sentences, bail, conditional release, parole or probation, especially when dealing with repeat and dangerous offenders.⁴⁸

57. The Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse is particularly specific and states that such offences should be “punishable by effective, proportionate and dissuasive sanctions, taking into account their seriousness” (art. 27 (1)). The accompanying explanatory report sheds further light on the type of penalties as it links prison sentences, which must be provided by parties, to the possibility of extradition, which is only granted in cases of offences punishable by deprivation of liberty or under a detention order of at least one year.⁴⁹ Furthermore, the Convention requires parties to allow the perpetrator to be banned, temporarily or permanently, from carrying on the activity involving contact with children, whether professional or voluntary, in the course of which the offence was committed. In relation to perpetrators, the Convention also provides for the possibility for parties to withdraw parental rights or to monitor or supervise convicted persons.⁵⁰

58. The Convention is also important in respect to intermediaries. Indeed, it specifically lists measures such as the seizure and confiscation of proceeds derived from the relevant

⁴⁷ See www.stopitnow.org.uk/.

⁴⁸ See General Assembly resolution 69/194, annex, para. 27 (e).

⁴⁹ See the explanatory report to the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse – Council of Europe Treaty Series- No. 201, para. 182.

⁵⁰ *Ibid*, paras. 187, 191 and 192.

offences or property equivalent in value. Targeting financial proceeds is a particularly strong deterrent and reparatory measure, since on the one hand intermediaries are motivated by profit and on the other hand the seized resources can be used to fund care, recovery and reintegration programmes.

59. An essential aspect of accountability and thus of the proportionality of penalties is to ensure the safety of victims. The United Nations Model Strategies and Practical Measures on the Elimination of Violence against Children in the Field of Crime Prevention and Criminal Justice underline that protection and assistance measures for child victims of violence must continue after the person accused of that violence has been convicted and sentenced. Member States should particularly ensure the right of a child victim of violence, or his or her parents or legal guardian, to be notified of the offender's release from detention or imprisonment if they so wish. They should also ensure that the risk to a child victim of violence and the best interests of that child are considered at the time of making decisions concerning the release of the offender from detention or imprisonment or the re-entry of the offender into society.⁵¹

60. In accordance with international law, the general practice is to sentence perpetrators of child sexual exploitation to imprisonment. As far as intermediaries are concerned, penalties vary and are not always commensurate with the gravity of the crime. The length of the deprivation of liberty also varies widely and can in particular be influenced by the age and gender of both the offender and the victim. Regrettably, significant loopholes remain and prevent the conviction of offenders and thus the assurance of accountability. This is the case, for example, for the sexual exploitation of boys or the possession of child sexual abuse material, which in several countries are yet to be criminalized.

61. A fundamental precondition in order for the laws to have an impact on the demand is consequently the effective implementation of provisions and penalties. An interesting indication of conviction rates worldwide comes from the 2015 Trafficking in Persons Report, which compiles law enforcement data provided by contributing States. Out of 10,051 prosecutions in 2014, only 4,443 led to convictions.⁵² Those statistics are estimates and relate to trafficking in persons in general, yet the cases include instances of child sexual exploitation. Moreover, the Global Report on Trafficking in Persons 2014 concluded that among the detected victims of trafficking, 33 per cent were children and 53 per cent had been trafficked for sexual exploitation.⁵³ The total number of victims identified in the Trafficking in Persons Report was 44,462 in 2014⁵⁴ which, combined with the above-mentioned figures, underlines the very significant gap between the extent of the crimes and the perpetrators involved and the law enforcement response worldwide.

62. Prosecution must also be ensured in cases of crimes committed abroad. This is the particular focus of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, which can be considered as a legal basis for extradition when there is no extradition treaty. Articles 6 and 7 also emphasize the duty of States parties to cooperate and assist with investigations, confiscations and extraditions relevant to those offences. There has consequently been a strong emphasis on extraterritorial legislation to prevent offenders from escaping prosecution. It should nonetheless be noted that judging the crime in the country of the offender, when he or she has been removed from the crime scene and the victim, is not always in the best interest of the child and of the investigation. Unfortunately, the principle

⁵¹ See General Assembly resolution 69/194, annex, para. 26 (a) and (d).

⁵² United States Department of State, "2015 Trafficking in Persons Report", p. 48.

⁵³ UNODC, *Global Report on Trafficking in Persons 2014*, pp. 29 and 33.

⁵⁴ United States Department of State, "2015 Trafficking in Persons Report", p. 48.

of double criminality is often a stumbling block for the prosecution of offences committed abroad. The Committee on the Rights of the Child has thus consistently called for the waving of that principle in the context of child sexual exploitation.⁵⁵

63. International cooperation between law enforcement agencies and initiatives led by the International Criminal Police Organization (INTERPOL) and the European Police Office (Europol) have facilitated the pursuit of accountability in the context of transnational child sexual exploitation. With the help of the International Child Sexual Exploitation image database, around 3,800 offenders have been identified.⁵⁶ The Virtual Global Taskforce, which consists of law enforcement partners including INTERPOL and Europol and a number of private sector partners, is also of particular interest. It focuses on online child sexual abuse and child sexual exploitation and has led to successful operations such as Operation Atlas, Operation Endeavour and Operation Rescue. The first led to the arrest across the globe of 303 individuals involved in the sharing and distribution of child sexual abuse material. The second concerned the live streaming of child sexual abuse on demand in the Philippines and led to 29 international arrests. The third led to the dismantling of a global paedophile ring and 184 arrests across the world.⁵⁷ Regrettably, it is unclear how many of those arrests led to convictions.

64. In the specific case of military and peacekeeping troops and personnel, there is a lack of accountability in instances of sexual exploitation of children.⁵⁸ Concrete measures are needed to ensure that those offenders are also prosecuted and convicted either at the international or national level. As far as United Nations peacekeeping troops and personnel are concerned, the Secretary-General has outlined a series of measures to ensure the investigation of those crimes and the prosecution of the perpetrators through the creation of immediate response teams, the imposition of strong sanctions, the repatriation of contingents and the referral to judicial authorities of host countries and contributing countries.⁵⁹ He has also established an external independent review panel to assess the response of the United Nations to allegations of sexual exploitation and sexual abuse and other serious crimes by members of foreign military forces not under United Nations command in the Central African Republic. The Special Rapporteur looks forward to the panel's findings and hopes they will improve accountability.

65. The experience of child victims and their satisfaction or dissatisfaction with the outcome of the trials in their cases needs to be taken into consideration. To ensure the prosecution and conviction of offenders, it is crucial to adopt child-sensitive justice procedures that facilitate the provision of testimony. In that regard, there has been a substantial amount of work and standard setting achieved, notably resulting in 2005 in the Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime of 2005.⁶⁰ As has been outlined above, the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography also places emphasis on the need for adequate procedures to seek compensation for damages from those legally responsible and the Committee on the Rights of the Child has continuously called on States to take all the measures necessary to implement the right to reparation. The

⁵⁵ See CRC/C/OPSC/TGO/CO/1; CRC/C/OPSC/PHL/CO/1; CRC/C/DEU/CO/3-4.

⁵⁶ See www.interpol.int/Crime-areas/Crimes-against-children/Online-child-abuse-Q-As.

⁵⁷ See <http://virtualglobaltaskforce.com/what-we-do/> and <http://virtualglobaltaskforce.com/2015/vgt-announces-over-300-arrests-from-operation-atlas-2/>.

⁵⁸ Isabelle Talleyrand, "Military Prostitution: How the Authorities Worldwide Aid and Abet International Trafficking in Women" *Syracuse Journal of International Law and Commerce*, vol. 27 (2000), pp. 151-176; A/59/710; A/69/779.

⁵⁹ See A/70/357-S/2015/682, paras. 119-121.

⁶⁰ See Economic and Social Council resolution 2005/20, annex.

Committee has similarly asked States to establish a fund for the compensation of victims for cases in which compensation cannot be obtained from the perpetrator.⁶¹

(b) *Sex offender registration*

66. Although the majority of child sexual exploiters are not preferential offenders, most responses have focused on the latter. A common measure has been the adoption of sex offender registers or databases, which have in some cases included all types of sex offenders. The rationale behind such policies is based on research on the recidivism of different types of sex offenders, which tends to increase with the passage of time.⁶² As of 2014, 19 States or entities⁶³ had enacted sex offender registration laws.⁶⁴ The registers can also come with provisions requiring registered sex offenders to notify competent authorities about their travels domestically and abroad.

67. The use of such registers and the sharing of information with other law enforcement agencies abroad can be a vital tool to prevent child sexual exploiters from reoffending elsewhere. There have been other initiatives to prevent offenders from hiding their criminal record and taking up employment that involves contact with children. For example, the United Kingdom of Great Britain and Northern Ireland has developed the International Child Protection Certificate, which is a criminal records check against police and intelligence databases in the United Kingdom that reveals any convictions or reasons why someone should not work with children.⁶⁵ It is very useful for overseas schools and other child-focused organizations that seek to employ a British national.

68. At the international level, the Green Notice system established by INTERPOL provides warnings and criminal intelligence about persons who have committed criminal offences and are likely to repeat the crimes in other countries.⁶⁶ It is an essential border control tool that must be embraced and used effectively by member countries of INTERPOL. The Special Rapporteur invites member countries and law enforcement agencies to study the need for and feasibility of creating a specific notice for offenders convicted of sexual abuse and exploitation of children.

69. The growing use of sex offender registers has nonetheless been criticized in some cases. Provisions such as residency restrictions are particularly controversial and have not proved to prevent offending.⁶⁷ Moreover, there is a particular danger when the registry is made publicly accessible as it can encourage vigilantism.⁶⁸ When offenders are minors, there is the risk that they will be placed on a sex offender register, which can last for life, thus hampering any rehabilitation and reintegration.⁶⁹

⁶¹ See CRC/C/OPSC/THA/CO/1; CRC/C/OPSC/USA/CO/1; CRC/C/OPSC/EGY/CO/1.

⁶² United States Department of Justice, "Sex Offender Management Assessment and Planning Initiative", p. 101.

⁶³ Argentina, Australia, Bermuda, Canada, France, Germany, Ireland, Jamaica, Jersey, Kenya, Maldives, Malta, Pitcairn Islands, South Africa, Republic of Korea, Taiwan, Trinidad and Tobago, United Kingdom, United States.

⁶⁴ SMART Office of Sex Offending Sentencing, Monitoring, Apprehending, Registering and Tracking, "Global Overview of Sex Offender Registration and Notification Systems", 2014.

⁶⁵ See www.acro.police.uk/icpc/.

⁶⁶ See www.interpol.int/Crime-areas/Crimes-against-children/Sex-offenders.

⁶⁷ Human Rights Watch, *No Easy Answers: Sex Offender Laws in the US*, 2007.

⁶⁸ Kate Hynes, "The Cost of Fear: An Analysis of Sex Offender Registration, Community Notification, and Civil Commitment Laws in the United States and the United Kingdom", *Penn State Journal of Law & International Affairs*, vol. 2, No. 2 (2013).

⁶⁹ Human Rights Watch, "Raised on the Registry: The Irreparable Harm of Placing Children on Sex Offender Registries in the US", 2013.

3. Rehabilitation programmes

70. There have been several initiatives developed to rehabilitate preferential offenders. The need for such programmes is confirmed by the risk of recidivism. Cognitive behavioural therapy is the most widely used treatment as it aims to change offenders' behaviour and enable them to control their urges.⁷⁰ There have also been treatments based on drugs and measures such as surgical castration. It should be emphasized that the latter is non-human rights compliant, as it can amount to inhuman and degrading treatment, particularly when there is no consent from the offender. Studies on the effectiveness of the different rehabilitation treatment programmes in reducing recidivism rates of sex offenders are inconsistent. Therefore, there is a need for further comprehensive and evidence-based research, particularly on the exact profile of child sex offenders.⁷¹

71. Complementary solutions, such as community-based support for sexual offenders once they have been released from prison, have also been developed. This is the case of the Circles of Support and Accountability, which are based on a group of four to six volunteers who act as a support network for socially isolated sex offenders in the community. A review of the programme demonstrated that offenders who had attended had a lower reoffending rate.⁷² Another treatment that has been developed is the Good Lives Model of Offender Rehabilitation, which focuses on helping sex offenders to attain their life goals in a way that will not harm others.⁷³

72. Of interest are the Standards of Care for the Treatment of Adult Sex Offenders, which were adopted by the International Association for the Treatment of Sexual Offenders. They underline, inter alia, the importance of appropriately trained and competent professionals for the care of sex offenders and recall that it is fundamental to ensure that any rehabilitation of offenders is undertaken in accordance with human rights principles.

4. Role of the private sector

73. There have been several positive initiatives taken by different branches of the private sector, as has been regularly underlined in previous thematic reports.⁷⁴ Of particular relevance are the Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism, and the Global Code of Ethics for Tourism. The former has focused on training staff in the tourism sector, with 125,890 persons trained worldwide in 2013.⁷⁵ The emphasis placed on raising awareness of the criminal nature of the sexual exploitation of children and thus reaching potential offenders is particularly crucial. Furthermore, trained staff get to understand their reporting obligations and the prohibition from facilitating the sexual exploitation of children. The Guiding Principles on Business and Human Rights should also be used as a benchmark by the private sector in its entirety as they complement those initiatives.

74. Individual offenders and criminal networks use financial services to either pay for the sexual exploitation of children or transfer the proceeds from such crimes. This has

⁷⁰ Pamela Yates, "Treatment of Sexual Offenders: Research, Best Practices, and Emerging Models", *International Journal Of Behavioral Consultation And Therapy*, vol. 8 (July 2013), p. 90.

⁷¹ United States Department of Justice, "Sex Offender Management Assessment and Planning Initiative", pp. 137-140.

⁷² United Kingdom Home Office, "Review of the protection of children from sex offenders", 2007, p. 14.

⁷³ Pamela Yates, "Treatment of Sexual Offenders", p. 92.

⁷⁴ See A/HRC/22/54, paras. 76-81, and A/HRC/28/56, paras. 75-81.

⁷⁵ See www.thecode.org/annual-report-2013/.

pushed the financial sector to act and the Financial Coalition Against Child Pornography was launched in 2006 in the United States. Similarly, the European Financial Coalition against Commercial Sexual Exploitation of Children Online and the Asia-Pacific Financial Coalition Against Child Pornography were created. Those initiatives have shown a commitment from some banks and financial service providers to stop being indirect intermediaries in the demand for the sexual exploitation of children. Other financial service providers, such as those trading in bitcoins, are yet to take comparable measures, even though it has been emphasized that virtual currencies are extremely hard to trace and thus ideal for illegal transactions.⁷⁶

75. Another noteworthy project was the collaboration between ECPAT France and Air France, as well as the sports newspaper *L'Equipe*, among others, in the context of the FIFA World Cup in 2014 to prevent the sexual exploitation of children on the fringes of such a major sporting event. The campaign from ECPAT France entitled “Don’t look away” was disseminated by the two private sector partners in an attempt to ensure that potential offenders understood that the sexual exploitation of children abroad would still be prosecuted.⁷⁷

76. The media and the advertising world should also be actively involved in prevention efforts by refraining from promoting sexualized images of children. They lead not only to children believing that certain behaviour is acceptable at a young age, but also to potential offenders purporting that children are legitimate objects of sexual desires.⁷⁸

77. Unfortunately, the above-mentioned private sector initiatives are all voluntary and are not binding. An added challenge is the multiplication of suppliers, which renders the recognition and acceptance of the standards by all the entities concerned difficult. Moreover, most of the initiatives do not come with a monitoring mechanism; when they do, it is weak and lacks external oversight.

IV. Conclusions and recommendations

A. Conclusions

78. There have been several initiatives to stem the demand for the sexual exploitation of children at both the national and international levels. Existing measures to investigate and prosecute online and offline offenders are gaining pace. The private sector has also gradually understood its potential role as a facilitator and has taken several countermeasures in response. Yet the scourge of child sexual exploitation has not disappeared. This is due to the absence of comprehensive strategies to face the three levels of demand. Firstly, the continuing absence of data prevents the comprehensive mapping of the demand. Secondly, there are still too many individuals and groups at the intermediary level who see child sexual exploitation as a profitable business, despite its illegal nature. Thirdly, the underpinning causes of the demand factor are not systematically addressed and thus foster the perpetuation of child sexual exploitation. Lastly, there is still room to harmonize criminal provisions and penalties to ensure that no offender enjoys

⁷⁶ European Cybercrime Centre (Europol), “Commercial Sexual Exploitation of Children Online: A Strategic Assessment”, 2015, pp. 33-34.

⁷⁷ See <http://ecpat-france.fr/kaka-et-juninho-soutiennent-la-campagne-ne-detournez-pas-le-regard-1414/>.

⁷⁸ See A/68/275, para. 47.

impunity. Concurrently, significant gaps remain in the implementation of the legal standards and the sharing of information leading to an inadequate law enforcement response.

79. A definitive understanding of offenders still needs to be achieved. The existing profiles, such as the distinction between preferential and situational offenders, remains open to debate. There is also scarce and conflicting information about online offenders and female offenders. Further research is consequently necessary with clear parameters to ensure comprehensive and evidence-based results. The inconclusive results of rehabilitation programmes are also linked to the incomplete knowledge about the different types of offenders. The effectiveness of the programmes will thus be improved once those gaps have been filled.

80. In 2016, it will be 20 years since the first World Congress against Commercial Sexual Exploitation of Children was held in Stockholm. Substantial commitments were made by several stakeholders in the declarations at the end of that Congress and the following two, which were held in Yokohama, Japan, in 2001 and in Rio de Janeiro, Brazil, in 2008. The Special Rapporteur hopes that the anniversary will be an opportunity to look back at the progress that has been achieved and focus specifically on the pledges that were made in respect to demand in the Rio de Janeiro Declaration and Call for Action to Prevent and Stop Sexual Exploitation of Children and Adolescents.

B. Recommendations

81. In order to eradicate the sexual exploitation of children, it is critical for States and all stakeholders to focus on the demand factor and establish comprehensive strategies to reduce it effectively. The Special Rapporteur recommends the adoption of the following measures.

1. At the national level

82. The Special Rapporteur invites all States to:

(a) Ratify all relevant regional and international instruments, in particular the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, and establish clear and comprehensive legal frameworks by adopting or reforming laws to explicitly prohibit and criminalize all forms of sale and sexual exploitation;

(b) Ensure that legal frameworks specifically address the demand for child sexual exploitation by providing clear guidance on penalties that are commensurate with the gravity of the offence;

(c) Ensure that criminal proceedings against offenders can always be initiated *ex officio*;

(d) Pay particular attention to the prosecution and conviction of all intermediaries, such as procurers, traffickers and facilitators in the tourism and entertainment industries, as well as financial and technology sector staff, at every level of the supply chain in order to effectively stem the sexual exploitation of children;

(e) Ensure that all the proceeds and assets derived from the sexual exploitation of children are effectively seized and confiscated in order to fund care, recovery and reintegration programmes, which should include compensatory measures for the victims;

(f) Ensure that national legislation does not criminalize child victims of sexual abuse and exploitation and ensure that children are not placed on sex offender registers;

(g) Ensure easy access to child-sensitive complaint and reporting mechanisms through comprehensive and adequately resourced child protection systems in order to facilitate the detection, investigation and prosecution of offenders;

(h) Ensure and strengthen capacity-building and specialist training of relevant professionals, ranging from social services and education professionals to law enforcement personnel and magistrates, to effectively detect, investigate, prosecute and sanction offenders;

(i) Ensure that children who are required to participate in criminal justice proceedings are given appropriate support and counselling to assist them at all stages of proceedings and that they have access to a child-sensitive legal system to facilitate the prosecution and conviction of offenders and avoid their revictimization;

(j) Establish and extend prevention programmes, both offline and online, targeting potential offenders and providing them with support and follow-up;

(k) Conduct research to map all the levels of the demand factor, namely the immediate, intermediary and underlying levels, in order to provide comprehensive and evidence-based data that will feed into comprehensive strategies to eradicate the sexual exploitation of children;

(l) Conduct research on offenders, with a particular focus on online offenders and female offenders, and on the effectiveness and success of prevention and rehabilitation programmes;

(m) Involve and empower child victims throughout legal proceedings and in the development of compensation measures as part of comprehensive care, recovery and reintegration programmes;

(n) Address the underlying causes of the demand factor through comprehensive awareness-raising and education of children, society at large and professionals working with children on gender equality, non-discrimination and the rights of the child.

2. At the international level

83. The Special Rapporteur invites the international community to reinforce the coordinated global response by:

(a) Reinforcing the comprehensive and global legal framework preventing and criminalizing the sexual exploitation of children with explicit guidance on penalties;

(b) Strengthening international cooperation as is required by the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography in key areas, by:

(i) Sharing and updating information related to child victims and offenders to effectively investigate and prosecute perpetrators and criminal networks responsible for the sexual exploitation of children;

(ii) Supporting alliances such as the Virtual Global Taskforce and encouraging increased membership or the development of similar collaborations for the effective cooperation in the investigation and prosecution by law enforcement forces of criminal networks and offenders;

(iii) Promoting active membership of INTERPOL and partaking in and utilizing effectively the Green Notice system, particularly for the identification of travelling sex offenders;

(c) Holding military and peacekeeping troops and personnel accountable in cases of child sexual exploitation by having zero tolerance for such crimes, setting up prompt and thorough investigations, implementing strong penalties for those guilty of such crimes, taking measures such as suspension, repatriation and termination of the deployment and ensuring the follow-up to those procedures. Care, recovery and reintegration measures should also be provided to child victims as part of their right to a remedy.

3. Corporate social responsibility

84. The Special Rapporteur highlights the importance of enhancing corporate social responsibility, particularly with regard to the servicing of demand. Existing guidelines, such as the Guiding Principles on Business and Human Rights, the Global Code of Ethics for Tourism and the Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism, should be universally followed by members of the private sector and mainstreamed in all their activities and across the supply chain. Compliance with those guidelines should be enforced and monitored.

85. There is a need for State intervention when the private sector does not take sufficient measures to ensure that it does not become or remain a facilitator in the demand for the sexual exploitation of children. Measures such as conducting background checks, particularly for employment that involves coming into contact with children, such as childcare workers, should become a mandatory practice.
