

# The Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography (OPSC)

to the Convention on the Rights of the Child

To help stem the growing abuse and exploitation of children worldwide, the United Nations General Assembly in 2000 adopted the Optional Protocol to the Convention on the Rights of the Child (OPSC). Its objectives are to prevent the sale of children, child prostitution and child pornography. This Protocol is relevant to combating, among others, child sexual abuse material.

## OPSC & sexual exploitation of children online

Concerning sexual exploitation of children online, the OPSC implies obligations for governments to criminalise and punish, by appropriate penalties, activities related to (among others):

Art. 3  
(1)  
(i)  
(a) Offering, delivering or accepting by whatever means, a child for the purpose of sexual exploitation of the child;

Art. 3  
(1)  
(ii)  
(c) Producing, distributing, disseminating, importing, exporting, selling or possessing child pornography for the purpose of sexual exploitation of the child;

Art. 3  
(2) Attempting to commit any of these acts and to comply or participate in any of these acts.

OPSC definition of child sexual abuse material - Article 2 (c):

**"any representation, by whatever means, of a child engaged in real or simulated explicit sexual activities or any representation of the sexual parts of a child for primarily sexual purposes"**

## Strengths of the Convention

+ The Convention promotes a holistic approach addressing underlying causes such as poverty; this approach includes e.g. prevention, awareness-raising and reporting obligations;

+ It contains provisions concerning jurisdiction, extradition and mutual assistance to further facilitate and enhance international cooperation;

+ It criminalises those attempting, complying or participating in the conduct, which can be used to prosecute offenders and facilitators;

+ It calls for measures to protect the rights and interests of child victims at all stages of the criminal justice process.

## What is an Optional Protocol?

An optional protocol is a stand-alone treaty that is open to signature, accession or ratification by countries who are party to the main existing treaty it complements and adds to. Usually, it provides for procedures or addresses a substantive area related to the treaty. They are optional because States must independently choose whether or not to be bound by them.

## Weaknesses of the Convention

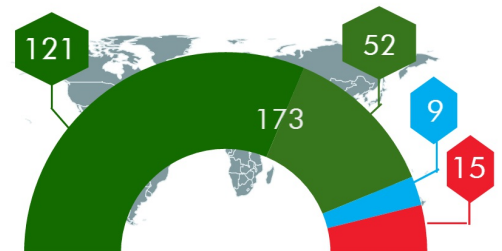
It does not specifically define and criminalise all the conducts related to sexual exploitation of children online, namely:

- knowingly accessing or viewing child sexual abuse material;
- merely possessing child sexual abuse material;
- digitally generated child sexual abuse material;
- online grooming;
- sexual extortion;
- live online child sexual abuse.

## Why should your State become Party to the OPSC?

> It complements the Convention on the Rights of the Child and extends the measures to protect children from child sexual abuse material;

> It promotes international cooperation.



To date, the OPSC has been ratified by 173 Member States of whom 121 signed and ratified it and 52 acceded to the Protocol. 9 States have signed but not ratified it and 15 States (including the European Union) have not yet signed nor ratified it.