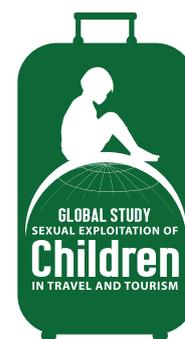


EXPERT PAPER

SUBMISSION OF THE SPECIAL REPRESENTATIVE OF THE SECRETARY-GENERAL ON VIOLENCE AGAINST CHILDREN



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INTRODUCTION

The Special Representative of the Secretary-General on Violence against Children (“SRSG”) welcomes the preparation of the global study on the sexual exploitation of children in tourism and travel (“SECTT”).

The United Nations Study on Violence against Children (“the UN Study”) published in 2006 addressed a number of different aspects of SECTT. It drew attention to evidence pointing to an increase in the prevalence of child sexual exploitation, including exploitation by tourists and travellers.¹ It noted further how the evolution of information and communications technologies (“ICTs”) provided new avenues for offenders to gain access to children in the context of tourism and travel.² The UN Study also emphasised the critical role of the private sector - especially the tourism sector – in preventing and addressing SECTT.³

Toward a World Free from Violence - the global survey undertaken by the SRSG in 2013 to assess the progress made in implementing the recommendations of the UN Study - echoed these themes. It highlighted the exploitation of children in travel and tourism as



1 UN Study on Violence against Children (Geneva, United Nations: 2006), p. 246

2 Ibid., p. 314

3 Ibid., p. 270

an aspect of violence in the community, as well as the importance of public-private partnerships in prevention and awareness-raising activities.⁴

One of the cross-cutting themes of both the UN Study and *Toward a World Free from Violence* was the dearth of sound data and research on the nature and scale of violence against children. This deficit still persists with respect to SECTT. However, by providing a much clearer and more subtle picture of the prevalence and characteristics of this phenomenon than has been available up to now, the global study will make an invaluable contribution to our collective efforts to prevent and address it.

This submission will focus on two dimensions of the response to SECTT, namely:

- The opportunity presented by the implementation of the 2030 Agenda for Sustainable Development to generate momentum behind tackling SECTT; and
- Addressing SECTT as an aspect of wider efforts to eliminate violence against children.

Transforming our World: The 2030 Agenda for Sustainable Development

The outcome document adopted by the United Nations summit for the adoption of the post-2015 development agenda - *Transforming our World: the 2030 Agenda for Sustainable Development* - describes a vision of a world of peaceful, just and inclusive societies which are free from fear and violence.⁵ It includes the elimination of all forms of abuse, exploitation, trafficking and violence against children as a distinct priority, as well as committing Member

States to eliminate all forms of violence against women and girls in the public and private spheres, including trafficking and sexual and other types of exploitation.⁶ Furthermore, States have committed to strengthening relevant national institutions, including through international cooperation, for building capacity at all levels to prevent violence, among other things.⁷ These goals are of immediate and direct relevance to combating SECTT.

Ending the abuse, neglect and exploitation of children is also mainstreamed across the Sustainable Development Goals (“SDGs”). The implementation framework of goals and targets is integrated and indivisible, global in nature and universally applicable; respecting, protecting and fulfilling international human rights obligations are at the core of the Agenda. As a result, other dimensions of the 2030 Agenda relating to matters such as promoting sustainable tourism and engagement with the private sector must be viewed through this lens.⁸

The central UN platform for the follow-up and review of the 2030 Agenda for Sustainable Development is the High-Level Political Forum (“the Forum”). The Forum has a mandate to: provide political leadership, guidance and recommendations on the Agenda's implementation and follow-up; keep track of progress; spur coherent policies informed by evidence, science and country experiences; as well as address new and emerging issues. The Forum is also mandated to conduct national reviews and thematic reviews of the implementation of the Agenda, with inputs from other intergovernmental bodies and forums, relevant UN entities, regional processes, and other stakeholders. In particular, the work of the High-Level Political Forum will be supported by functional commissions of the Economic and Social Council

4 Special Representative of the Secretary-General on Violence against Children, *Toward a World Free from Violence - Global Survey on Violence against Children* (New York, OSRSG: 2013). See pages 46 and 95.

5 See the outcome document of the United Nations summit for the adoption of the post-2015 development agenda, *Transforming our World: the 2030 Agenda for Sustainable Development* (25 September 2015) A/RES/70/1

6 Targets 16.2 and 5.2 respectively

7 Target 16.a

8 See, for example, targets 8.9, 12b and 17.7

(“ECOSOC”), as well as working with and benefiting from the guidance and support of the UN General Assembly.

As noted in the Secretary-General’s report on follow-up to the adoption of the SDGs, review processes at the global level must complement and support national and regional reviews. Member States themselves have emphasised that the lynchpin of follow-up and review in implementing the SDGs will be action at the national level.⁹ The Secretary-General’s report recalls further that Member States are already subject to reporting obligations in many areas related to the SDGs, both to UN bodies -such as the Human Rights Council, treaty monitoring bodies and specialized agencies -and non-UN bodies. The follow-up and review of the implementation of the SDGs is therefore intended to build on such existing reporting mechanisms, as recommended by the 2030 Agenda.¹⁰ Indeed, it is hoped that human rights monitoring mechanisms incorporate the appropriate dimensions of the 2030 Agenda into their own analyses of States’ compliance with their international obligations.

The explicit connection made between implementing the SDGs and complying with international human rights standards is important to bear in mind. The measures required to tackle SECTT effectively reflect the legal obligations on States that flow from international and regional human rights instruments, including the need to ensure: robust legal provisions are in place to deter and prosecute offenders, as well as protect victims; adequate financial and human resources are devoted to ensure effective implementation of such legislation; policy action is coherent and coordinated; data and research are used to generate evidence-based interventions; and children are provided with safe and child-sensitive services and reporting mechanisms.

The implementation framework for the 2030 Agenda provides a strategic opportunity for stakeholders working on SECTT to integrate this issue as a consideration in the monitoring and follow-up processes put in place by Member States, in a manner that complements existing human rights reporting mechanisms. This could serve to keep SECTT on the political agenda, highlight where and how deficits in the protection of children from SECTT could be remedied, and help mobilize the necessary action at a national, regional and international level to fulfill the Sustainable Development Goals relevant to SECTT.

SECTT as an aspect of wider efforts to prevent and address violence against children

The sexual exploitation of children in travel and tourism has very distinct characteristics that are continually evolving, demanding a specific and targeted response. Nonetheless, many of the cross-cutting themes arising in the wider context of preventing and addressing violence against children are relevant to eliminating SECTT.

The UN Study presented a set of overarching recommendations for action to prevent and address violence against children, which include:

- strengthen national and local commitment and action;
- prohibit by law all violence against children;
- prioritize prevention;
- promote non-violent values and awareness-raising;
- enhance the capacity of all who work with and for children;
- provide recovery and social reintegration services;
- ensure the participation of children;

⁹ Report of the Secretary-General on critical milestones towards coherent, efficient and inclusive follow-up and review at the global level (19 January 2016), at para. 7

¹⁰Ibid., at para. 84

- create accessible and child-friendly reporting systems and services;
- ensure accountability and end impunity;
- address the gender dimension of violence against children; and
- develop and implement systematic national data collection and research.

The UN Study recommendations provide a navigation chart to accelerate and monitor progress in the prevention of violence against children. In view of their particular urgency, the Study also identified time-bound targets for three of these recommendations. For this reason, the SRSG has given special attention to them, developing and deepening the recommendations by promoting:

- the development in each State of a national comprehensive strategy to prevent and respond to all forms of violence, mainstreamed in the national planning process, coordinated by a high level focal point with leading responsibilities in this area, supported by adequate human and financial resources to support implementation, and effectively evaluated;
- the introduction of an explicit legal ban on all forms of violence against children, in all settings; and
- the promotion of a national system of data collection, analysis and dissemination, and a research agenda on violence against children.

There is a strong resonance between these fundamental building blocks of an effective response to violence against children and the specific recommendations that the SRSG understands will be contained in the global study on SECTT. Indeed, without a multifaceted agenda that envisages progress across these different domains, efforts to achieve lasting change are unlikely to succeed.

One strand of the SRSG's mandate has been enhancing awareness and consolidating knowledge to prevent and respond to violence against children by hosting international expert consultations, developing research on strategic topics and publishing thematic studies. A number of these studies are of particular relevance to the recommendations contained in the global study on SECTT:

- In 2012, the SRSG in collaboration with the Special Rapporteur on the sale of children, child prostitution and child pornography published a report on safe and child-sensitive counselling, complaint and reporting mechanism.¹¹ Such mechanisms are critical, as they provide child victims of violence and abuse with avenues to seek assistance, advice, support and redress. This report recommended that counselling, complaint and reporting mechanisms should:
 - be established by law and in conformity with international human rights instruments;
 - be made widely available and well publicized;
 - be accessible to all children under the jurisdiction of the State, without discrimination of any kind, while being age-appropriate and gender-sensitive, and granting special protection to children at risk;
 - be guided by the best interests of the child and informed by children's experience and perspectives;
 - guarantee the safety of children through, inter alia, measures to avoid any risk of harm, intimidation, reprisals or revictimization;
 - ensure the confidentiality of proceedings and respect children's right to privacy; and
 - provide prompt and speedy response and follow-up.¹²

¹¹ Special Representative of the Secretary-General on Violence against Children and Special Rapporteur on the sale of children, child prostitution and child pornography, *Safe and child-sensitive counselling, complaint and reporting mechanisms to address violence against children* (New York, OSRSG: 2012)

¹² *Ibid.*, pp. 21-22

- The SRSG's thematic report on ICTs, the Internet and violence against children outlined a holistic approach to addressing the threats to children's rights and safety arising from the use of information and communications technologies, including when associated with travel and tourism.¹³ In particular, the report set out the crucial steps required to put in place a safe, inclusive and empowering digital agenda for children, which include:
 - ratifying and effectively implementing all relevant international children's rights instruments;
 - empowering children to navigate the online world in safety;
 - passing comprehensive legislation to ban all forms of violence against children that is 'technology neutral' as far as possible, so that its applicability is not eroded by future technical developments;
 - putting in place effective, well-resourced and coherent national policies to prevent and address violence against children including online abuse;
 - capacity-building for professionals working with and for children to recognize the signals that suggest a child may be a victim of online harm and to learn the skills to take appropriate steps in response;
 - ensuring that counselling, reporting and complaint mechanisms have appropriate links to child support services and law enforcement; and
- ensuring children who are victims of abuse through ICTs have access to effective redress mechanisms and appropriate support and reintegration services.¹⁴
- The SRSG's 2015 report on safeguarding the rights of girls in the criminal justice system focused on the situation of girls who are victims of trafficking and prostitution, who can be at high risk of being deprived of liberty and subjected to ill-treatment, rather than being supported through recovery and reintegration.¹⁵ The report set out a number of key measures to advance progress in the protection of girls from violence, victimization, stigmatization and deprivation of liberty in the criminal justice system, such as:
 - decriminalizing offences related to morality and ensuring that no child is ever criminalized for prostitution, which should always be regarded as a form of abuse;
 - challenging gender stereotypes that reinforce notions of girls' and women's inferiority and subordination through awareness-raising campaigns, education programmes, community dialogue and social mobilization; and
 - including boys, men, and the media as partners in this endeavor, as well as religious, traditional and local leaders.¹⁶

¹³Special Representative of the Secretary-General on Violence against Children, *Releasing Children's Potential and Minimizing Risks - ICTs, the Internet and Violence against Children* (New York, OSRSG: 2014).

¹⁴Ibid., pp. 64-65

¹⁵Special Representative of the Secretary-General on Violence against Children, *Safeguarding the rights of girls in the criminal justice system - Preventing violence, stigmatization and deprivation of liberty* (New York, OSRSG: 2015), p. 5

¹⁶Ibid., p. 35

CONCLUSION

This year marks the beginning of the implementation phase of the new Sustainable Development Agenda, the tenth anniversary of the submission of the UN Study on Violence against Children to the General Assembly and the twentieth anniversary of the first World Congress against the Commercial Sexual Exploitation of Children. The preparation of the global report on the sexual exploitation of children in travel and tourism is therefore particularly timely. It represents a very significant contribution to the understanding of this phenomenon at the global level, leaving all those working to combat it better equipped to undertake this vital work and opening renewed avenues for children to be effectively protected from the risk of sexual abuse and exploitation everywhere and at all times.

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