



# Global Monitoring

status of action against commercial  
sexual exploitation of children

## UNITED STATES OF AMERICA

2<sup>nd</sup> EDITION

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# GLOSSARY OF TERMS AND ACRONYMS

- **CAASE:** Chicago Alliance against Sexual Exploitation
- **CEOS:** Child Exploitation and Obscenity Section
- **CETS:** Child Exploitation Tracking System
- **CPS:** Child Protective Services
- **CSEC:** Commercial Sexual Exploitation of Children
- **CST:** Child Sex Tourism
- **DOJ:** Department of Justice
- **DON:** Department of Navy
- **DHHS:** Department of Health and Human Services
- **DNA:** Demi and Ashton Foundation
- **DHS:** Department of Homeland Security
- **ECAP:** Endangered Child Alert Program
- **FBI:** Federal Bureau of Investigation
- **FCACP:** Financial Coalition against Child Pornography
- **G/TIP:** Office to Monitor and Combat Trafficking in Persons
- **GDP:** Gross Domestic Product
- **GEMS:** Girls Educational Mentoring Service
- **HTRS:** Human Trafficking Reporting System
- **ICE:** Immigration and Customs Enforcement
- **ICAC:** Internet Crimes against Children (ICAC) Task Force
- **IINIU:** Innocent Images National Initiative Unit
- **ILNI:** Innocence Lost National Initiative
- **IWF:** Internet Watch Foundation
- **NCMEC:** National Center for Missing and Exploited Children
- **NSOTC:** National Sex Offender Targeting Center
- **OECD:** Organisation for Economic Co-operation and Development
- **OJJDP:** Office of Juvenile Justice and Delinquency Prevention
- **OVC:** Office for Victims of Crime
- **PITF:** Inter-Agency Task Force to Monitor and Combat Trafficking in Persons
- **PSC:** Project Safe Childhood
- **PRE:** Prostitution Research and Education
- **RCM:** Regional Conference on Migration
- **SPOG:** Senior Policy Operation Group
- **S.O.S.:** Safe Online Street Internet Challenge
- **TIP:** Trafficking in Persons
- **URM:** Unaccompanied Refugee Minor Program
- **VGT:** Virtual Global Task Force
- **TVPA:** Trafficking Victims Protection Act of 2000
- **TVPRA:** Trafficking Victims Protection Reauthorization Act

# FOREWORD

The 2008 Rio de Janeiro Declaration and Call for Action to Prevent and Stop Sexual Exploitation of Children and Adolescents (CSEC) represents a broad societal alliance that builds on more than twenty years of global action. The First World Congress against Commercial Sexual Exploitation of Children was held in 1996 in Stockholm, Sweden. It marked the first public recognition by governments of the existence of CSEC and resulted in a commitment to an Agenda for Action adopted by 122 governments.

Since 1996, many actors around the world have focused their efforts around this common agenda, and more government and non-government entities have joined in to advance positive change for children and to protect their right to live free from sexual exploitation.

However, the increasing sophistication of resources available to those who seek to exploit children has grown in equal measure. Responding to these challenges, and particularly to new CSEC manifestations such as exploitation using the Internet and mobile technologies, requires new partnerships, and more coordinated and targeted efforts to address a borderless crime.

Experience demonstrates that the level of responsibility and role that a government takes to set and uphold standards of protection determines the nature, quantity and quality of what the country achieves overall for its children. Unfortunately, country actions have not been uniform, and far more urgent work must be done. In particular, the Rio Declaration highlights the increased vulnerability of children in a less stable world.

This is why I welcome the publication of second editions of ECPAT International's Agenda for Action (A4A) Country Reports Monitoring the Status of Action against the Commercial Sexual Exploitation of Children.

We are confident these unique publications will support governments to take prescribed actions to protect children from such heinous violations, which are still perpetrated with impunity in many countries. They also have the potential to stimulate the exchange of experience and knowledge among different actors to create a dialogue that can enhance our collective efforts against CSEC.

Over the years, ECPAT's A4A reports have become a baseline of information on actions taken and a roadmap for addressing gaps in each country based on the framework of the Stockholm Agenda. The reports succeeded in their goal of providing a basis for more systematic assessment of progress on implementation of country commitments. Moreover, we know they provide an important support to the implementation of other international mechanisms that exist to protect children's rights, such as the *Convention on the Rights of the Child (CRC)* and the *Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography*. Today, 193 countries have ratified the CRC, and 143 the OPSC.

Production of such comprehensive publications requires global collaboration. ECPAT International would like to thank all those who participated in the work and contributed their inputs. This includes ECPAT member groups, local experts and organisations, as well as the dedicated staff and interns in the Secretariat of ECPAT International. We acknowledge the generous support of donors who back these efforts. The A4A reports would not have been realised without their support and solidarity.



Kathleen Speake  
Executive Director, ECPAT International

# METHODOLOGY

The Agenda for Action against Commercial Sexual Exploitation of Children provides a detailed framework and categories of actions to be taken by governments in partnership with civil society organizations and other relevant actors for combating commercial sexual crimes against children. Broadly, these actions are focused on: 1) Coordination and Cooperation; 2) Prevention; 3) Protection; 4) Recovery, Rehabilitation and Reintegration; and 5) Child Participation. The Agenda for Action is thus the formal and guiding structure used by governments that have adopted it and committed to work against CSEC. As such, the Agenda for Action is also the main organising framework for reporting on the status of implementation of the Agenda as seen in the World Congress II of 2001, the Mid-Term Review meetings held between 2004 and 2005 and the World Congress III in 2008. It has been used in the same way to structure and guide the research, analysis and preparation of information presented in these reports on the status of implementation of the Agenda in the individual countries.

Preparatory work for this 2<sup>nd</sup> Edition report involved a review of the literature available on sexual exploitation for each of the countries where ECPAT works. A number of tools were prepared, such as a detailed glossary of CSEC terms, explanatory literature on more difficult themes and concepts and a guide to relevant CSEC-related research tools, to assist researchers in their work and to ensure consistency in the gathering, interpreting and analysing of

information from different sources and parts of the world.

Desktop research has shown a continuing lack of information in the areas of Recovery, Rehabilitation and Reintegration. After extensive efforts to collect information relevant to these areas for each of the countries covered, it was decided that as this information was not consistently available, the reports thus focus only on those areas of the Agenda for Action where verifiable information can be obtained. Thus, the report covers: Coordination and Cooperation; Prevention; Protection and Child and Youth Participation, and where information on recovery, rehabilitation and reintegration, was available, it has been included under the country overview. These 2<sup>nd</sup> Edition Reports also reflect a greater focus on integrated and inter-sector collaboration for the realisation of the right of the child to protection from sexual exploitation, including the need nationally for comprehensive child protection systems.

Research of secondary sources, including CRC country and alternative reports, OPSC country and alternative reports, the reports of the Special Rapporteurs, as well as research and field studies of ECPAT, governmental and non-governmental organizations, regional bodies and UN agencies, provided the initial information for each report. This information was compiled, reviewed and used to produce first draft reports. In-house and consultant specialists undertook a similar process of review to generate information on

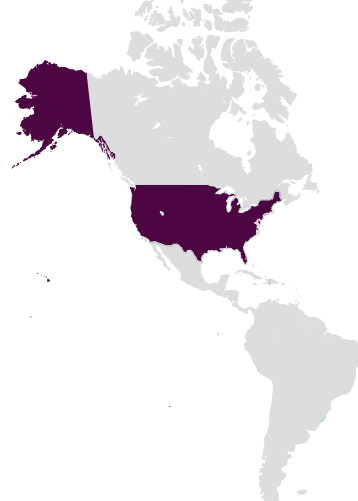
specialised areas of the reports, such as the legal sections. Nevertheless, researchers often encountered a lack of information. While sources also included unpublished reports and field and case reports of ECPAT and other partners, many countries lacked up-to-date data and information on areas relevant to this report.

Despite these limitations, sufficient information was gathered to provide a broad overview of the situation in each country. Subsequently, first drafts were prepared and shared with ECPAT groups, which then supplemented the information with other local sources and analysis (taking care to identify them and source appropriately). Upon receipt of these inputs, a series of questions were generated by the ECPAT International team for deeper discussion, which involved ECPAT groups and specialists invited by them. The information from these discussions was used to finalise inputs to each of the reports. These consultations proved to be invaluable for analysis of the country situation. They also served as a measure for triangulating and

validating information as different actors offered their perspective and analysis based on their direct work.

As previously noted, the information of each country report is organised to correspond to the structure of the Agenda for Action. Thus all the 2<sup>nd</sup> Edition reports feature updated information in relation to: (i) an overview of the main CSEC manifestations affecting the country; (ii) analysis of the country's National Plan of Action (NPA) against CSEC and its implementation (or the absence of an NPA); (iii) overview and analysis of coordination and cooperation efforts during the period under review; (iv) overview and analysis of prevention efforts; (v) overview and analysis of protection efforts, which includes detailed information on national legislation related to CSEC (see [www.ecpat.net](http://www.ecpat.net) for further details); (vi) overview and analysis of country's efforts incorporate participation of children in youth in the development and implementation of efforts to combat CSEC and (vii) priority actions required.

# UNITED STATES OF AMERICA



## INTRODUCTION

The United States is a federal constitutional republic, in which the President, Congress and the Judiciary share powers reserved to the Federal Government, and the Federal Government shares sovereignty with the state governments.<sup>1</sup> Although the financial crisis has resulted in a prolonged economic downturn, the United States still has the largest and most powerful economy in the world, with a per capita gross domestic product (GDP) of around \$48,000.<sup>2</sup>

The country overall has a very high standard of living and was ranked fourth in the world on the Human Development Index (HDI) in 2010.<sup>3</sup>

Despite the United States being a very high income country, US children are worse off than their peers in less rich countries in key areas of health, education and poverty. For example, infant and child mortality and rates of low birth weight are higher in the United States than in most other countries of the Organisation for Economic Co-operation and Development (OECD). In addition, the rate of child poverty is double and the rate of teen births, over three times the OECD average. However, the US Government is working to address these issues. It currently spends more on children than most OECD member states and has developed several relevant policies, as well as a good knowledge base, with regard to child wellbeing.<sup>4</sup>

The United States has also made progress in addressing the problem of commercial sexual

exploitation of children (CSEC). Successful efforts in this area have included: adoption of strong legislation like the *PROTECT our Children Act of 2008*; the formulation and implementation in 2010 of *The National Strategy for Child Exploitation Prevention and Interdiction*; new initiatives promoting Internet safety and national public awareness campaigns; cooperation between public and private sectors; and the creation of national databases.

Despite these efforts, there remains a huge gap in the implementation of existing laws, policies and practises. Major factors contributing to this gap include: a lack of resources to assist victims; insufficient awareness of the extent of harm caused by CSEC; and widespread public attitudes that often view sexually exploited children as juvenile delinquents undeserving of protection.<sup>5</sup>

While the United States has a well-developed child welfare system that includes risk assessments, family preservation, foster care and adoption services and youth development, these services are often only available to children with caregivers. Children living on the street, runaways and those who have been forced into prostitution are often treated as criminals instead of victims in need of assistance. Thus, the child welfare system needs to be adapted to provide specialised services to children and youth who are without caregivers or parents.<sup>6</sup>



Although the prostitution of children is often perceived as a problem confined to developing countries, it regularly takes place in the United States. However, accurate figures about children being entrapped into this form of sexual exploitation are not available. According to government information, experts estimate that at least 100,000 children are exploited through prostitution every year in the United States;<sup>7</sup> however, there is a paucity of reliable data

about the source and characteristics of sexually exploited children.<sup>8</sup> It is noteworthy that since the enactment of the *Victims of Trafficking and Violence Protection Act of 2000* (often referred to as the *Trafficking Victims Protection Act of 2000*), all cases of children exploited in prostitution are considered as child sex trafficking regardless of whether the victim is an American citizen or has been transported.<sup>9</sup>

Recently, Craigslist, the leading online classified advertisement service in the world, which has generated \$44 million annually from its 'adult services' section, was accused by law enforcement and human rights experts of being the "number one online brothel for child sexual exploitation and human trafficking."<sup>10</sup> An FBI investigation revealed that more than 2,800 ads for child sexual exploitation were disseminated through this service in 2008, and a research study showed that Craigslist was largely used by 'clients' purchasing the prostitution of young adolescents.<sup>11</sup> In September 2010, after significant public pressure and a request from 17 state Attorneys General, the site permanently closed its adult services section.<sup>12</sup>

The National Center for Missing and Exploited Children (NCMEC) notes that most of the children and young people exploited in the sex industry are girls, although an increase in the number of boys has been observed by some service providers. Child victims come from throughout the country, including inner cities and suburbs, and from many different income levels. The presence of boys appears to be more prevalent in larger cities.<sup>13</sup>

Runaway and homeless children are particularly vulnerable to sexual exploitation through prostitution.<sup>14</sup> These children are pushed to trade sex as a means of survival and are mostly persons who have fled sexual, physical and emotional abuse and impoverished environments.<sup>15</sup> According to the NCMEC, 86% of victims of child prostitution are runaways from the child welfare system.<sup>16</sup> Interestingly, many children recruited into prostitution are runaways from middle class families and are seeking a means

of supporting life on the streets.<sup>17</sup>

Most sources and statistics on child prostitution date back to 2001, highlighting a need to collect data on recent demographics. Prostitution on American-Indian reservations faces a particularly stark shortage of data.<sup>18</sup>

A study conducted by the Minnesota Indian Women's Resource Center indicates Native American children are more vulnerable to abuse, affected by 'generational trauma' and that many homeless and runaway Native youth engage in 'survival sex' - an act of exchanging sex for food, drugs and shelter.<sup>19</sup> It is reported that 31 percent of Native children living in the US are poor and Convent House, the largest shelter house for runaways and homeless youth, housed 40 percent Native Americans in the year 2008.<sup>20</sup> Jolene Goeden, a special agent of the FBI in Anchorage affirmed in a press statement that a large number of women working in the

Anchorage sex trade were Alaskan Native and that traffickers and pimps were targeting native girls since they could be posted

online as being Hawaiian, Asian or a Native Alaskan, given their diverse features.<sup>21</sup>

## Child trafficking for sexual purposes

The United States is primarily a destination country for adults and children trafficked from all over the world for the purposes of sexual and labour exploitation. The top countries of origin for foreign victims identified in 2010 were Thailand, India, Mexico, Philippines, Haiti, Honduras, El Salvador and the Dominican Republic.<sup>22</sup> Internal or domestic sex trafficking, where American children and legal residents are trafficked within the United States, also occurs.<sup>23</sup> US citizen victims of child sex trafficking are usually homeless, runaways or come from a broken home or dysfunctional family.<sup>24</sup> Trafficking for commercial sexual exploitation takes place in street prostitution, massage parlours and brothels.<sup>25</sup> Under the *Trafficking Victims Protection Act of 2000*, the primary element of trafficking has changed from transportation to exploitation; thus sexual exploitation of children, including child prostitution, is classified as child trafficking under this law.<sup>26</sup>

Despite an increase in databases and research on trafficking issues, the US Government still does not know how many children are trafficked each year. Obtaining accurate figures is difficult because of the decentralised federal, state and local structures in the United States; the hidden nature of these crimes; and a lack of funding for relevant research.<sup>27</sup> According to the US Department of State's *Trafficking in Persons Report 2011*, the lack of uniform nationwide data collection remains an obstacle to compiling accurate data on child trafficking victims.<sup>28</sup> While federal law enforcement and the Department of Justice (DOJ) have data on prosecutions and victims, no such information is available from state and local

law enforcement.<sup>29</sup>

While there are no reliable estimates on child victims of trafficking in the United States, there is data on the number of foreign child victims who received assistance. In 2010, 92 eligibility letters for assistance were provided to foreign children, officially identifying them as victims of trafficking. Among them, 29% were victims of sexual exploitation - of which 30% were boys - while 62% were trafficked for labour and 9% were victims of both sexual and labour exploitation. While this data appears to indicate more victims of labour trafficking, the government suspects that, in fact, the majority of trafficking is for sexual exploitation, but this is not reflected in the data because authorities are better able to identify victims of labour trafficking.<sup>30</sup>

Internal child trafficking has received increased attention in recent years. According to law enforcement statistics and field research, domestic child trafficking is increasing and children under 18 years old constitute the largest group of trafficking victims in the country.<sup>31</sup> Research published in 2009 by Shared Hope International specifically focused on American children being trafficked internally for sexual exploitation.<sup>32</sup> According to the study, "domestic child victims tend to be easy targets and carry less risk for the traffickers and buyers than adults and foreign nationals."<sup>33</sup> Between 2003 and 2010, about 1,200 American child victims were identified and assisted by US law enforcement agencies.<sup>34</sup>

Child trafficking victims are usually recruited and exploited in prostitution by family

members, friends and strangers, as well as by traffickers/pimps who pose as ‘boyfriends.’ While many victims are young people in the child welfare system and/or runaways, some are recruited from middle class families. Children trafficked internally may have a history of physical and sexual abuse in the home or be trafficked and sold for sex by a drug addicted parent.<sup>35</sup>

Data from 2009 showed that the FBI arrested 235 male and 844 female children for prostitution and ‘commercialized vice,’ as compared to 206 male and 643 female children in 2008.<sup>36</sup> In addition, a high percentage of adolescents rescued from trafficking return to the system as a result of the strong bonds established with their pimps.<sup>37</sup>

## Law enforcement operations to stop child sex trafficking

A number of successful law enforcement operations against child sex trafficking have been conducted in the United States, especially as part of the Innocence Lost National Initiative (ILNI) launched in 2003 by the FBI’s Criminal Investigative Division, the DOJ’s Child Exploitation-Obscenity Section and NCMEC (for more details see section on Coordination and Cooperation at national and local level).<sup>38</sup>

In October 2009, for example, the FBI rescued 52 children, mostly teenage girls, the youngest 10 years old, from prostitution rings during a national raid that led to nearly 700 arrests across 36 cities. Children were being sold for sexual exploitation on the Internet, on the street, in casinos and truck stops. Sixty pimps were charged with child trafficking. Authorities stated that pimp-controlled CSEC is linked to escort and massage services, private dancing, drinking and photographic clubs, major sporting and recreational events, major cultural events, conventions and tourist destinations.<sup>39</sup>

In November 2010, the FBI completed another successful operation against child prostitution and sex trafficking, Operation Cross Country V. In addition to the arrest of 885 suspects, including pimps, customers and other sex crime perpetrators, 70 trafficked and prostituted minors were recovered from several cities across the country.<sup>40</sup>

The US Government has strong law enforcement initiatives aimed at prosecuting trafficking cases; however, less attention has been devoted to community-based prevention efforts aimed at protecting children. Despite the investment of millions of dollars on training, services and

prevention of human trafficking, a small portion is allocated specifically for children.<sup>41</sup> Additionally, there is a serious lack of specialised shelters and housing to provide immediate care and assistance to child victims of trafficking.<sup>42</sup>

The US Department of State annually releases a *Trafficking in Persons Report*, which categorises countries into different “tiers” based on the extent of government action to combat human trafficking. Countries that have the highest level of compliance with the *Trafficking Victims Protection Act*’s minimum standards for the elimination of trafficking are placed in **Tier 1**. Those that have made “significant efforts” to meet the standards are placed in **Tier 2** and countries that are not making significant efforts to combat human trafficking are placed in **Tier 3**.

For the first time in 2010, the report included a ranking of the United States based on the same standards to which it holds other countries. In the 2011 report, the United States placed itself in **Tier 1** for the second year in a row.<sup>43</sup>

## Child pornography/abuse images

More than half of the child sex abuse images that are sold for profit worldwide are generated from the United States.<sup>44</sup> The United States is also one of the main hosts of commercial child pornography websites.<sup>45</sup> According to the Internet Watch Foundation, 48% of the 8,844 child sexual abuse URLs identified in 2009 were located in North America.<sup>46</sup> In 2010, that percentage had decreased to 42%, with 7,058 URLs reportedly hosted in North America.<sup>47</sup>

To combat the problem, the National Centre on Missing and Exploited Children (NCMEC) has allocated considerable resources to the identification of child pornography on the Internet.<sup>48</sup> Two other programmes currently used by law enforcement agencies to identify IP addresses and catalogue images include: Operation Fairplay, initiated in 2006 in Wyoming and Florida, and Operation Round Up, developed by the University of Massachusetts in 2009.<sup>49</sup> Together these two programmes have identified over 20 million different IP addresses offering child pornography files - pictures, videos etc. - on a peer-to-peer file-sharing network.<sup>50</sup>

Although quantifying the volume of child pornography in the United States is impossible, experts reported that child pornography is growing exponentially. For example, the CyberTipline managed by NCMEC has seen a 69% increase in reports sent by the public and electronic service providers between 2005 and 2009. Similarly, child abuse files and movies submitted to NCMEC's Child Victim Identification Program in order to identify the children depicted increased by 432% during the same time period. Law enforcement statistics also confirm the high volume of child abuse materials produced and distributed in the country. From 2005 through 2009, a total

of 8,352 child pornography cases have been prosecuted, and, in most instances, the offenders used digital technologies and the Internet to commit their crimes.<sup>51</sup>

Besides an overall increase in child pornography, law enforcement officers are seeing more prepubescent children and infants in child abuse materials and more images depicting severe forms of sexual exploitation. Statistics provided by the US Sentencing Commission show a 65% increase in violent images between 2002 and 2008.<sup>52</sup>

In line with a worldwide trend, most producers of these images in the United States are those who have established a relationship of trust with the child. Data collected by NCMEC indicates that 69% of identified child pornography victims were abused and/or exploited by people familiar to the children, including parents, other relatives, neighbours, friends, babysitters, guardians' partners, etc.<sup>53</sup> Only four percent were victimised by individuals with whom the child had no relationship.<sup>54</sup> Children abused in the privacy of their homes are particularly reluctant and scared to report, which makes it more difficult to detect this type of crime.<sup>55</sup> Despite these challenges, enhanced law enforcement coordination and the efforts of the NCMEC have helped identify and rescue a total of 2,312 victims of child pornography crimes in the United States as of May 2009, including over 1,000 of them since the launch of the Project Safe Childhood in 2006.<sup>56</sup>

The United States is also seeing an increasing problem of online grooming for online and offline exploitation and abduction. From 2004 through 2008, the Internet Crimes Against Children (ICAC) Task Force processed more than 20,000 documented

online enticement complaints, including nearly 8,000 cases of offenders who travelled to the location of a child for the purpose of establishing physical contact. Online solicitation can also result in victims self-producing child pornography. According to NCEMC, approximately 28% of child victims identified by their programme produced images of themselves.<sup>57</sup>

A survey was conducted in 2008 that polled 1,280 teenagers and young adults between the ages of 13 and 26 about their use of cell phones, computers and digital devices,

as well as their behaviours and attitudes. It confirmed that taking, sending or posting sexually explicit photographs of themselves via cellular phones or over the Internet has become common among US adolescents. The survey found that 22% of teen girls - 11% of whom were between the ages of 13 and 16 - and 18% of teen boys have electronically sent or posted nude or semi-nude images of themselves. While most of these photographs were sent to a girlfriend or boyfriend, 15% admitted sending provocative images to someone they only knew online.<sup>58</sup>

## Child sex tourism

A significant portion of international child sex tourists are US citizens. In 2004 the percentage was estimated at approximately 25% of all travelling sex offenders;<sup>59</sup> however, there is no recent data available. The U.S. does devote resources to investigating and prosecuting these cases, including by holding conferences around the world with local law enforcement and local NGOs seeking to work with local partners to get information about American child sex tourists.<sup>60</sup>

It is a common belief among some Americans who sexually exploit children that it is legal and culturally acceptable to have sex with children in some foreign countries. Some of these sex tourists see such exploitation as a respectable way of helping a poor child earn money. It is reported that the US government does not generate sufficient awareness or provide prevention messages on child sex tourism and many travellers are

unaware that engaging in child sex tourism is an offence in the USA, no matter where it is committed.<sup>61</sup>

Since 2004, the number of child sex tourism reports submitted to the NCMEC CyberTipline has significantly increased.<sup>62</sup> However, the number of reported incidents drastically dropped in 2008 and 2009, most likely reflecting an improved capacity of travelling child sex offenders to operate online in a less risky and detectable manner.<sup>63</sup> Now, rather than planning their travel through sex tour providers, most predators avoid such companies, making their own travel arrangements and waiting until they arrive in the country to organise their illicit activity.<sup>64</sup> In 2010, the Department of Homeland Security (DHS) arrested seven nationals for child sex tourism, resulting in five indictments and six convictions.<sup>65</sup>

## NATIONAL PLANS OF ACTION AND POLICIES ON CHILDREN AND CSEC

Following the 1996 Stockholm and the 2001 Yokohama global forums on commercial sexual exploitation of children, the United States reaffirmed its commitments at the 2008 World Congress III against Sexual Exploitation of Children and Adolescents, in Rio de Janeiro, Brasil. The World Congress III renewed global commitment and galvanised international resolve to combat sexual exploitation of children and adolescents.

Up until the World Congress III, the United States had made no progress in developing a national plan of action against CSEC. In that year, however, the US Congress passed the *PROTECT Our Children Act of 2008*, which mandated the Government to design *The National Strategy for Child Exploitation Prevention and Interdiction (National Strategy)*.<sup>66</sup> Approved in 2010, the National Strategy details a number of measures to address the different forms of CSEC, while also including an assessment of the magnitude of child exploitation in the country and an overview of state and federal agencies' efforts to coordinate and combat the problem.<sup>67</sup> The Department of Justice (DOJ) is required to submit an annual report to the Congress, highlighting goals and priorities in the reduction of child exploitation and progress in achieving them.<sup>68</sup> Although this strategy represents a significant step forward, its success will largely depend on budget allocation and effective implementation and monitoring.

The *National Strategy* identifies five priority areas: child pornography; online enticement of children for sexual purposes; commercial sexual exploitation of children (CSEC); child sex tourism; and child exploitation in Indian Country. The *National Strategy* also defines specific programmatic goals, which include supporting and increasing outreach and education about CSEC; creating and disseminating a national database to aid in investigations; increasing prosecutions and prosecution training; increasing collaboration between the various government agencies and entities engaged in the fight against CSEC; and supporting relevant research related to child exploitation.<sup>69</sup>

To lead the implementation of the *National Strategy*, the DOJ appointed a National Coordinator for Child Exploitation Prevention and Interdiction in January 2010. This position serves as a liaison among all federal agencies regarding the development and implementation of the *National Strategy*;

works to ensure proper coordination among agencies involved in child exploitation prevention and interdiction; and communicates with Congress, including submitting a biennial progress report on issues relating to the *National Strategy*.<sup>70</sup>

While the *National Strategy* includes a comprehensive assessment of current child exploitation threats and details the myriad efforts of the various government agencies engaged in the prevention, investigation and prosecution of child exploitation crimes, there does not appear to have been any meaningful child participation in developing the strategy. Additionally, the strategy does not identify an implementation period for the planned programmes nor specific outputs, indicators of progress and budget allocation, thus making the implementation and monitoring of success particularly challenging.



# COORDINATION AND COOPERATION

## Local and national levels

Despite the recent appointment of a National Coordinator for Child Exploitation Prevention and Interdiction who functions as liaison between federal agencies involved in child exploitation prevention and interdiction (see section on National Plans of Action), coordination among federal, state and local agencies with statutorily mandated roles and responsibilities is still limited. This often results in a failure to provide effective services and monitor achievements in combating CSEC. Studies by the US General Accountability Office (GAO)<sup>71</sup> and the Congressional Research Service,<sup>72</sup> along with other independent studies, have repeatedly highlighted a lack of overall strategy and coordination among government agencies and have uniformly cited a need to address these serious deficiencies. Although there is support in the United States for the use of a multidisciplinary team approach, in reality, various agencies working to investigate allegations of abuse and to provide services to exploited children, including civil society organisations, often function independently and do not coordinate their response. This lack of coordination often results in delayed services to those most in need.

Though efforts in this domain appear to be improving, lack of coordination has been identified as a key concern in anti-CSEC efforts. There are several offices within the Department of Health and Human Services, Office of Refugee Resettlement, Family and Youth Services Bureau Office for Native Americans. Each of these offices work on different aspects of international and domestic trafficked children and has their own staff, programs and trainings. Federal data collection systems (including the National Child Abuse and Neglect Data System, the Law Enforcement National Exchange and the Runaway and Homeless Youth Information system) also do not systematically share information.<sup>73</sup>

The US Government has taken measures to improve cooperation against human trafficking, but those measures are not focused enough on tackling and preventing child trafficking for sexual exploitation. The Interagency Task Force to Monitor and Combat Trafficking in Persons (PITF) is the main institution to coordinate federal efforts to combat trafficking in persons, while the Senior Policy Operation Group (SPOG)

coordinates interagency policy, research and planning issues involving international trafficking in persons.<sup>74</sup>

In addition to these structures, 39 anti-trafficking task forces are operating nationwide with financial support from the DOJ. The task forces are comprised of key government and non-government actors, including federal, state, and local law enforcement investigators and prosecutors, labour enforcement and NGO service providers. They coordinate cases as well as conduct law enforcement training on the identification, investigation and prosecution of human trafficking cases. In addition, the DOJ has created three Enhanced Collaboration Model Task Forces in California, Illinois and Texas to further share best practises.<sup>75</sup>

Though the US government has displayed efforts to provide a coordinated response to trafficking, until recently it lacked a specific coordinating body for the exploitation of children. However, in 2010 the DOJ appointed a National Coordinator for Child Exploitation, Prevention and Interdiction,

a position created under the Protect Our Children Act of 2008.<sup>76</sup> Housed in the Office of the Deputy Attorney General, the national coordinator will head the development of a national strategy for Child Exploitation Prevention and Interdiction and serve as a liaison with all federal agencies involved in this domain.<sup>77</sup>

Despite the creation of these multi-stakeholder bodies, bureaucratic requirements and narrow mandates often impede coordination among anti-trafficking agencies and pose difficulties to reaching out and assisting child victims.<sup>78</sup> For example, agencies' operating procedures have denied foreign child victims of cross-border trafficking the rapid support and assistance they need to minimise the trauma they have suffered.<sup>79</sup> Recognising the vulnerable condition of child victims, the TVPA excluded children from the requirement that victims cooperate immediately with law enforcement as a condition for receiving assistance.<sup>80</sup> Until recently, however, in implementing the law, the Department of Health and Human Services (DHHS), the DOJ and the Department of Homeland

Security (DHS) have had a memorandum of understanding that prevents DHHS from issuing a letter of eligibility for services to all child trafficking victims without a signed request from the federal law enforcement system.<sup>81</sup> While this law was recently revised, there is not yet a record to ensure its full implementation,<sup>82</sup> which can create delays in the delivery of services to international child trafficking victims (*see also*, section on Support Services).<sup>83</sup>

More coordination is also needed in data collection and monitoring of actions to address CSEC, as such data is a prerequisite for good policy frameworks that effectively allocate resources and fill gaps. The US is currently hampered by a lack of coordinating body for data collection. Although the *National Strategy for Child Exploitation Prevention and Interdiction* provides for the creation of a national database to support investigations, the United States still lacks a government-wide system for ongoing collection of data, which hinders its ability to obtain reliable estimates of the number of children victimised by all forms of sexual exploitation.

## The Human Trafficking Reporting System

To improve anti-trafficking responses, the Bureau of Justice Statistics is conducting a project through Northeastern University and the Urban Institute to create and maintain a web-based reporting system for human trafficking cases. The primary users are the human trafficking task forces funded by the DOJ through the Bureau of Justice Assistance. The project, called the Human Trafficking Reporting System (HTRS), is now online and receiving data. The data captured by the HTRS will be used to support the department's reporting requirements under the *Trafficking Victims Protection Reauthorization Act (TVPRA)* of 2005. The data will provide a detailed look at the characteristics of human trafficking cases identified by the task forces, including, when available, characteristics of offenders and victims and the circumstances surrounding each case. The database provides information on sex trafficking cases and makes a distinction between adult and child victims.<sup>84</sup>



There exist some examples of successful cooperation between government agencies and civil society organisations. The Innocence Lost National Initiative (ILNI) is a collaborative effort among the FBI, DOJ, Child Exploitation and Obscenity Section (CEOS), and the National Center for Missing and Exploited Children (NCMEC), a non-profit organisation. It was established with the aim of addressing the growing problem of domestic sex trafficking of children. The initiative includes 38 task forces and working groups throughout the United States, including federal, state and local law enforcement agencies working in tandem with US Attorneys Offices. Additionally, it brings state and federal law enforcement agencies, prosecutors, and social service providers from throughout the country to NCMEC for joint training opportunities. As of November 2010, the ILNI has resulted in 625 convictions at the state and federal level, and the location and recovery of over 1,200 children.<sup>85</sup>

In 2006, the DOJ also initiated Project Safe Childhood (PSC) to combat the proliferation of child sexual exploitation through the Internet and other ICTs. It was implemented through a partnership involving several actors, namely the US Attorneys Offices, the Child Exploitation and Obscenity Section (CEOS) of the DOJ Criminal Division, Internet Crimes Against Children (ICAC) task forces, the FBI, US Postal Inspection Service, Immigration and Customs Enforcement (ICE), the US Marshals Service, civil society organisations such as NCMEC, and state and local law enforcement officials. The PSC has made an important contribution to victim identification and raising awareness of child pornography and online sexual exploitation.<sup>86</sup>

Initiatives to increase collaboration between the Government and NGOs have also been undertaken. For example, the DOJ's Office for Victims of Crime (OVC) is collaborating with NGOs by funding three Demonstration Projects focused on providing services to domestic children victimised by commercial sexual exploitation. Each programme received \$800,000 for three years and will help identify promising practises in the delivery of support services to child victims of sexual exploitation. Since 2009, the DOJ has also supported the Improving Community Response to the Commercial Sexual Exploitation of Children programme in the cities of Oakland, California; Portland, Oregon; and Miami, Florida. This programme focuses on developing a comprehensive, community-based approach to the domestic sexual exploitation of children. Its main goal is to enable participating communities to improve their capacity to recognise exploited and at-risk youth; effectively investigate and prosecute cases against adults who exploit children and youth; and provide appropriate services to child victims.<sup>87</sup>

There have also been efforts to foster collaboration between government agencies and the private sector, such as the Online Safety and Technology Working Group, which was established in 2009 to promote child safety on the Internet.<sup>88</sup> The working group, which includes private sector and government representatives and child and family advocacy leaders, aims to assess industry efforts and make recommendations to strengthen child protection online.<sup>89</sup> The working group published a report in June 2010 that outlines a number of measures to better protect children from online risks, including child pornography.<sup>90</sup>

## Regional and international level

The United States regularly engages in bilateral and multilateral efforts to combat and prevent CSEC in its different manifestations. *The National Strategy for Child Exploitation Prevention and Interdiction*, approved in 2010, provides an overview of state and federal agencies' actions to enhance international coordination. The main government institutions in this regard are the DOJ, Department of Homeland Security, the US Agency for International Development (USAID) and the Department of State.<sup>91</sup> In the multilateral context, the US Government has engaged with the United Nations, the Group of Eight (G8), and the Organization for Security and Cooperation in Europe to introduce and support resolutions, host side events focused on combating CSEC, and produce a best practises document on effective law enforcement measures to address child sex tourism.<sup>92</sup> The United States has also actively participated in cooperative efforts at the regional level, focusing especially on human and child trafficking.

The Wanted Child Sex Offender Initiative was launched in 2010 by G8 member states in partnership with Interpol. Under this initiative, G8 member state governments have a platform to share information on child sex offenders in order to facilitate their identification and arrest. The US Marshals Service is leading the US participation in the initiative through the National Sex Offender Targeting Center (NSOTC).<sup>93</sup>

Several initiatives have focused on enhancing collaboration for the effective investigation and prosecution of child abuse images. An example is the Virtual Global Taskforce (VGT) to fight online child abuse, created in 2003 in partnership with Interpol. VGT brings together police forces from seven countries, including Australia, Canada, Italy, UK, USA, United Arab Emirates and New Zealand. Its aims include identifying, locating and helping child victims and children at risk.<sup>94</sup>

The Innocent Images International Task Force is another international collaborative effort initiated by the United States that successfully brings together law enforcement from around the world to combat online child exploitation. It became operational in 2004 and includes law enforcement officers

from 20 countries, as well as Europol. As of 2010, nearly 50 international officers have travelled to the United States to collaborate with special agents of the FBI at the Innocent Images Unit. The task force allows for the real-time transfer of information to and from the FBI and between task force members and their countries.<sup>95</sup> The FBI has also initiated programmes to help law enforcement agencies in other regions such as Southeast Asia, where specific law enforcement trainings have been given along with computer resources to facilitate cybercrime investigation against children. The FBI, with its legal attaches in these countries, works closely with NGOs as well to obtain intelligence from the field and trace offenders.

## Operation Joint Hammer

In 2009, authorities in Australia discovered a pornographic video online showing a young victim who was determined to be Dutch with a Flemish accent. Authorities in Belgium were contacted, and the Belgian police identified and arrested the offender who provided information about the video's producer, an Italian national running a pornographic website. When Italian police arrested the producer, they retrieved 50,000 emails that had been sent to the porn site, which were then routed by Europol to the 28 countries from which they originated. More than 11,000 of these came from the United States. The FBI's Innocent Images Operations Unit examined the US emails and assisted in the investigation, which eventually resulted in the rescue of 14 girls, some as young as 3 years old, who were being sexually abused by pornographers. Approximately 170 people were arrested and seven major child pornography rings were dismantled.<sup>96</sup>

The United States has greatly contributed to enhancing international cooperation against trafficking in persons, including child trafficking. For example, the US Department of State's Office to Monitor and Combat Trafficking in Persons (G/TIP) has actively engaged with foreign governments and civil society to fight human trafficking around the world, in over 60 countries, and has built global awareness of this crime through the annual *Trafficking in Persons Report*. The 2010 and 2011 reports covered 175 countries and included assessments of governments' efforts to combat demand, including punishment of countries' citizens for engaging in child sexual exploitation overseas. G/TIP has also raised awareness on child sex tourism through funding public awareness and deterrence campaigns; supporting research; engaging the travel and tourism sector; compiling informational resources; and facilitating educational film releases on the topic.<sup>97</sup> However, the U.S. government has not raised awareness among Americans who are leaving the country that child sex tourism is a crime no matter where it is committed. Though the government funds public awareness campaigns in other countries, there are no such efforts within the US, leaving a major gap.

US cooperation with foreign law enforcement officials on child sex tourism exists, but challenges such as differing legislation and insufficient political will remain. One significant initiative is the International Center for Missing and Exploited Children (ICMEC), which focuses on exchanging and sharing global resources to locate missing children and prevent child sexual exploitation. The programme encourages the development of centres around the world modelled on the NCMC to provide training to individuals who work to address child sexual exploitation. In addition, the programme offers international conferences aimed at awareness raising and strengthening international collaboration.<sup>98</sup>

At the regional level, the United States has promoted collaboration particularly against trafficking in persons. For example, in 2007, the US Department of State chaired the Regional Conference on Migration (RCM), an organisation comprised of Central and North American immigration and policy officials, and in this framework organised a ministerial meeting in New Orleans focusing on human trafficking.<sup>99</sup> As part of this meeting, the United States worked in conjunction with other member countries to

develop and adopt the *Regional Guidelines for Special Protection in Cases of the Repatriation of Child Victims of Trafficking*.<sup>100</sup> The United States is also currently working with other member states of the Organization for

American States (OAS) to develop a regional plan of action on trafficking in persons, which will include actions to assist and protect children.<sup>101</sup>

## PREVENTION

The effective prevention of CSEC requires multi-faceted strategies and policies that simultaneously address the different elements of the problem. These strategies should target both vulnerable children and those who engage in sexual activities with children, while also addressing the root causes of CSEC, such as poverty and lack of education.

Long term prevention strategies include improving the status of children who are most vulnerable to CSEC, by implementing policies to reduce poverty and social inequality and improving access to education, health and social services. Effective short to medium term strategies include awareness-raising campaigns and education and training initiatives for the general public,

vulnerable groups and government officials. The resources, expertise and influence of the private sector, specifically the tourism and IT industries, should also be engaged in prevention measures, particularly in awareness-raising activities. Furthermore, efforts should be made to reduce demand and change social norms by directing information, education and outreach programmes to those engaging in CSEC, such as customers of child prostitution. Unfortunately, the USA continues to show insufficient attention to prevention, primarily relying on the threat of a well-developed law enforcement regime to act as a deterrent to CSEC offences. There is so far little attention to the underlying social forces that contribute to continuing demand.<sup>102</sup>

### Awareness raising

Very few Federal Government initiatives have been initiated specifically to raise awareness about CSEC in the United States. On the other hand, there have been several campaigns launched by local governments and civil society organisations to inform and increase consciousness of different target groups. An increasing number of sensitisation initiatives have revolved around reducing the demand for sex with children and educating young people in schools, juvenile detention facilities and other community-based settings. However, most of these campaigns focused on particular cities or states and were not sustained in the long term.

On a national level, limited campaigns aimed at promoting Internet safety and raising awareness about trafficking have been promoted. One such program is the

FBI's Safe Online Street Internet Challenge (S.O.S.), launched nationally in 2009. S.O.S. is an internet safety programme to help students understand the dangers associated

with the Internet, email, chat rooms and social networking sites.<sup>1</sup> The programme addresses topics such as seduction, child pornography, solicitation, exploitation, obscenity and online predators, by having students take web-based quizzes and review specific sites aimed at promoting online safety. Since its launch, approximately 60,000 students have participated in the programme throughout the United States.<sup>103</sup>

As part of the OnGuardOnline.gov initiative, implemented by the Federal Trade Commission in collaboration with other government agencies, a publication entitled *Net Cetera: Chatting With Kids About Being Online* was developed to increase public awareness and provide education on strategies to promote the safe use of the Internet by children.<sup>104</sup> The booklet deals with several issues, including social networking, cyber bullying and pornography and, as of May 2010, more than 3 million copies were distributed throughout schools and other institutions.<sup>105</sup> Similarly, the Department of Education has prepared a *Human Trafficking Fact Sheet* that is distributed in schools and has also created a comprehensive website with accessible resources on the topic.<sup>106</sup>

In 2009, the Department of Homeland Security (DHS) and Department of Health and Human Services (DHHS) launched the “Blue Campaign”, a public awareness initiative designed to educate the public about the causes and consequences of human trafficking. The campaign included online resources, public service announcements, as well as informational materials, such as wallet size cards in 16 different languages and pamphlets identifying key signals for recognising trafficking victims. While the campaign is not focused specifically on combating trafficking of children, it does include regular training for law enforcement on issues surrounding child sex tourism.<sup>107</sup>

The DHHS also operates a national

public awareness campaign against human trafficking, entitled “Rescue and Restore Victims of Human Trafficking”, which includes educational materials on child trafficking, particularly of foreign children.<sup>108</sup> As part of this programme, the DHHS funds the National Human Trafficking Resource Center, which operates a national hotline and provides national training and technical assistance to government and civil society organisations to identify and assist victims. The hotline is open 24 hours per day, seven days a week and is equipped to handle calls in 170 different languages. Currently the hotline averages between 400 and 500 calls per month.<sup>109</sup>

However, awareness raising in the area of child pornography continues to be insufficient. Improved efforts must be made to educate the public that those who view child pornography are more inclined to sexually molest or exploit children and that the creation of non-virtual forms of child pornography always involves the sexual abuse of a child. More research should also be done to understand the impact of the cultural sexual objectification of children and the legal pornography industry in feeding demand for child pornography<sup>110</sup> in order to support these efforts.

In addition to these national initiatives, significant efforts to raise awareness about CSEC have also been pursued at the city and state level. One prominent example is the “Dear John” campaign, implemented in 2006 in the city of Atlanta by the Atlanta Women’s Agenda, the office of the mayor and a consortium of law enforcement and community outreach leaders. The campaign used large-scale public service announcements and posters placed strategically around the city to educate citizens and galvanise the public to help fight CSEC.<sup>111</sup> In New York City, the Girls Educational Mentoring Service (GEMS), through its Youth Outreach Team, holds an annual “New York State

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<sup>1</sup> More information on S.O.S. can be found at its website: <https://sos.fbi.gov/>.

End Commercial Sexual Exploitation of Children Day.” The fifth such day was held in June 2010 in Central Park and helped to educate participants on CSEC and domestic trafficking.<sup>112</sup> However, the Atlanta initiative has been discontinued and the New York events are too small to have a major impact. Awareness raising campaigns still fail to address the problem of American teenagers being integrated into the adult

prostitution market, creating a major gap in understanding of the depth of the problem of CSEC in the United States. Furthermore, awareness raising campaigns continue to be isolated and small, failing to reach a broad audience and provide a consistent, coherent message. A coordinated, systematic awareness raising strategy is imperative for a country as large and diverse as the USA.<sup>113</sup>

### CyberTipline: Internet reporting hotline run by NCMEC

CyberTipline is the national hotline mandated by the Congress to collect information on child abuse images, online enticement of children for sexual acts, child prostitution, sex tourism involving children, child sexual molestation, unsolicited obscene material sent to children and other misleading images on the Internet. The hotline serves as a repository where the public can report the occurrence of these incidents online. Reports are then analysed by specialists and forwarded to law enforcement agencies for investigation. In coordination with Internet service providers and law enforcement identified illegal materials are removed.<sup>114</sup>

### Raising awareness efforts to reduce demand

A multi-stakeholder process to reduce demand for commercial sex, which involved the Departments of State and Defense, led to 60 private security companies signing an *International Code of Conduct for Private Security Service Providers*, whereby members commit not to engage in human trafficking, sexual exploitation or prostitution. Similar codes of conduct apply to USAID and Department of Defense contractors and military officials.<sup>115</sup>

A number of civil society organisations and foundations have recently engaged in awareness-raising campaigns to reduce the demand for sex with children. For example, Shared Hope International has created The Defenders USA, a coalition of men working to end the demand for pornography and prostitution of children by educating and equipping men to speak out and stand against the commercial sex industry in all forms.<sup>116</sup> As part of this initiative, Shared Hope International has promoted sensitisation activities targeting truck drivers and organised protests along known trafficking routes.<sup>117</sup> In 2010, The Demi and Ashton Foundation (DNA) launched the “Real men don’t buy girls” campaign that aimed to raise awareness about the problem of child sex trafficking and to prevent the demand for child sexual exploitation and child pornography by presenting positive male role models.<sup>118</sup>

Several civil society organisations throughout the country have developed curricula aimed at educating young people about CSEC by using a peer-to-peer approach. In New York City, the GEMS Youth Outreach Team has conducted peer-led outreach workshops in

residential and detention facilities designed to raise awareness about the realities of the commercial sex industry for girls and young women at risk. The programme uses a youth-friendly curriculum to facilitate open and honest discussion about CSEC and



domestic violence and other societal factors contributing to its prevalence.<sup>119</sup>

“My Life My Choice” (MLMC) is another curriculum designed to educate girls at risk of commercial sexual exploitation in Massachusetts. MLMC is a ten week, youth-friendly curriculum, co-written and directly informed by survivors, that builds awareness of recruitment tactics by pimps, provides information on sexual health and improves self-esteem. Since 2002, MLMC has reached over 700 girls in a variety of locations, including group homes, juvenile detention facilities, child protective services offices, schools and other community-based settings.<sup>120</sup>

Though there is widespread knowledge that understandings of gender are an important contributing feature to the sexual

exploitation of children, this broad social problem is notoriously difficult to address. One innovative programme, the Chicago Alliance Against Sexual Exploitation (CAASE), has implemented the first curriculum in the country that specifically addresses the constructs of masculinity and how pressures to “be a man” can influence one’s decision to patronise the sex trade. CAASE targets school age boys, recognising that they are often exposed to a culture where women in prostitution are stigmatised and the harm perpetrated against them trivialised, while at the same time glorifying the sex trade as an acceptable service for men to purchase. CAASE teaches young men about the realities of prostitution and gives them a safe space to investigate how social and cultural stereotypes may induce them to purchase sex services.<sup>121</sup>

## Combating ‘pimp culture’

A related factor that may contribute to the demand for CSEC in the US is the “pimp culture” prominent in some media. In hip-hop songs, men are often portrayed as pimps, while engaging women and girls in prostitution is normalised. Partially because of the use of the word ‘pimp’ to glorify men in music videos and popular culture, many girls grow up thinking of a pimp as someone who is glorified, rich, and sexy rather than someone to view with caution.<sup>122</sup>

Experts believe that sexualised, negative portrayals of young women in popular music create a culture in which violence and sexual exploitation of young women becomes somehow acceptable, and ultimately enables sex trafficking. In June 2010, the anti-trafficking movement scored a victory against ‘pimp culture’ when a national chain store and music seller, Best Buy, stopped selling Die, an album by hip-hop artist Necro. Best Buy made the decision after reviewing lyrics to “Human Traffic King,” a song on the album with a violent and pornographic message promoting human trafficking and extreme sexual violence against women and girls.<sup>123</sup>

The US capital, Washington, D.C., has organised “Tell Your Friend,” a four-week educational workshop series in public high schools. It is designed to reduce the risks of commercial sexual exploitation of teen girls. Each workshop is designed to facilitate discussion with teens on their perceptions of healthy and unhealthy dating relationships, commercial sexual exploitation and human trafficking. It is based on the real life

experiences of teen survivors of commercial sexual exploitation. The programme has also partnered with the George Washington University Education Department to build a community of trained and supported teachers and community-based organisations who can identify and assist D.C. teens at risk of commercial sexual exploitation.<sup>124</sup>

Awareness raising has also been conducted

by former victims of CSEC. One NGO's outreach programme provides opportunities for survivors of sexual exploitation to visit schools and detention centres to raise awareness. The staff of the NGO who host this programme also educate and train law enforcement and legal professionals on indicators of exploitation and intervention strategies.<sup>125</sup>

In 2007, the US Senate passed a resolution declaring the 11th of January National Human Trafficking Awareness Day. As part of 2012's activities, ECPAT USA launched a 21-minute documentary video about the commercial sexual exploitation of children in the United States. "What I've Been Through is Not Who I Am" was developed to educate policy makers that young people coerced into prostitution should not be arrested, but

instead offered protection and support. The film follows the story of Katrina, a young woman who was recruited into prostitution as a teenager. In her own words, Katrina recounts years of abuse and exploitation at the hands of her pimp, and describes being arrested a number of times, only to be released right back to that pimp. She finally accepted an offer to receive services and support, and with that help she eventually escaped the life and is today a peer mentor working to help other young women and girls. Interviews with law enforcement agents, experts on child exploitation and experts on child protection are also included in the film. Their testimonies underscore the need to overturn the current flawed system of channeling these victims into the criminal justice system, and instead offering them support.<sup>126</sup>

## Vulnerability reduction

Outreach work is currently being conducted throughout the United States. One such example is the Runaway Outreach Program, which is part of Child Protective Services in Los Angeles County. The programme works in the field with youth living on the streets and aims at deterring youth from street life by providing assistance, locating placement settings and providing reunification services where possible for runaway teens. Similar outreach programmes provide children who are living on the streets with psychosocial and medical care and information on their programmes. One such programme located in Los Angeles services 40 to 60 children per day.<sup>127</sup>

Whilst efforts are being placed on helping children to leave the streets, the obstacle of adequate living arrangements remains a challenge. According to the Children's Bureau, increasing attention must be

allocated to foster care and adoption systems that are overburdened and lack appropriate funding for their in-home services. Without such aid, many children who are removed from their biological homes are at increasing risk of fleeing their placement settings.<sup>128</sup>

Many children who become victims of commercial sexual exploitation have suffered from absent, negligent or abusive parenting. A survey of adult prostitutes at an Atlanta jail, for example, revealed that nearly half had been sexually molested as children. According to this research, tailored measures should be developed to address this specific factor underlying CSEC, including planned and evaluated child abuse prevention programs, better treatment of victims and more attention focused on abusive households.<sup>129</sup>



## Training and education initiatives for government officials on CSEC

The United States has engaged in several capacity-building activities to raise awareness of government officials about CSEC. However, training and education is not provided systematically to all relevant stakeholders involved in prevention, prosecution and victim assistance.

### The National Project Safe Childhood Conference

The 2008 National Project Safe Childhood (PSC) Conference, sponsored by the Department of Justice (DOJ), was held in September 2008 in Columbus, Ohio. Over 120 national and international instructors presented at the conference on topics including: best practises for working with child victims of sexual abuse and exploitation; new community awareness campaigns; emerging technology to improve child exploitation investigations; winning prosecutorial strategies; and offender characteristics and modus operandi. Over 1,400 people, including 455 attendees from federal agencies, attended the conference, which included lectures as well as hands-on computer lab workshops for prosecutors, law enforcement, community educators, advocates and child welfare professionals.<sup>130</sup>

The DOJ also sponsors a programme called the CSEC Initiative, which supports training and education for government officials. The initiative assists law enforcement, court officials, human service personnel and state and municipal decision makers through training and technical programmes, as well as research and evaluation initiatives designed to combat the sexual exploitation of juveniles. Examples include a multi-site training and technical assistance programme designed to assist in aligning investigative, prosecutorial and victim services in five US cities that took place from 2006-08. Another example is the Improving Community Response to the Commercial Sexual Exploitation of Children project, focused on developing an effective community response to child victims of exploitation in three communities through capacity building (see section on Coordination at national and local level for more details).<sup>131</sup>

Other training and education initiatives for government officials include the DHHS

Rescue and Restore programme, which created a series of toolkits for health care providers, law enforcement and social service organisations to assist them in identifying and assisting victims of trafficking.<sup>132</sup> The toolkits include posters, brochures, pocket cards, model power point presentations, appropriate screening questions and tips for understanding the mindset of, and communicating with, trafficking victims.<sup>133</sup> However, while these toolkits are useful in explaining how to interact with individuals who have been identified as trafficking victims, they do not include information specific to communicating with children. Child-friendly interview techniques should be incorporated into the toolkits to ensure that child victims are not re-traumatised during identification and examination.

The Department of the Navy (DON) Crime Reduction Program has also instigated a campaign to prevent child abuse and exploitation. Launched in 2009, in collaboration with DON partners such

as Fleet and Family Support Center and Marine Corps Community Services, the campaign aims to increase education and awareness among Navy personnel on these subjects through a number of outreach events

held aboard Navy installations, including information booths, distribution of child identification kits and presentations by guest speakers.<sup>134</sup>

## Private sector involvement

Initiatives undertaken by the private sector have multiplied in recent years, especially to combat the global child pornography market and strengthen online child safety. The Online Safety and Technology Working Group has, however, noted that cooperation between the industry and public institutions should be further strengthened to increase the impact in schools and local communities.<sup>135</sup> Furthermore, it is essential to encourage the involvement of smaller service providers to ensure that they comply with the legal obligation to report child pornography.<sup>136</sup>

### The Financial Coalition against Child Pornography

As the variety of available payment methods for securing child pornography have increased substantially, in the last decade procurement grew increasingly easier. However, as a result of the effort of the financial coalition to fight the sale of child abuse images through online payment channels such as credit cards, offenders face increasing scrutiny from law enforcement agencies.<sup>137</sup>

Denying criminals the use of legitimate international financial systems and disrupting the economics of the child pornography business is a powerful tool in prevention and protection efforts. In recognition of this, in 2006, 34 prominent financial institutions and Internet industry leaders joined with the National Center for Missing and Exploited Children (NCMEC) and its sister organisation, the International Centre for Missing and Exploited Children (ICMEC), and launched the Financial Coalition against Child Pornography (FCACP). Its goal is to eradicate the commercial viability of child pornography by following the flow of funds and shutting down the payment accounts used by these illegal enterprises.<sup>138</sup>

To assist in this process the NCMEC expanded its CyberTipline to accommodate input from financial companies and established a clearinghouse to facilitate the sharing of information among coalition companies and law enforcement. The new CyberTipline III works closely with law enforcement agencies to track and confirm illegal sites that sell child abuse materials and identify merchants who misuse their Merchant Identification numbers.<sup>139</sup>

As this goal is supported by all the financial partners, including credit card companies, intelligence is shared between the partners so that the offending merchants can not move from one service to another. Currently, FCACP members represent more than 90% of the US payments industry. Recently, in 2007, they leveraged this collective experience and developed and published the *Internet Merchant Acquisition and Monitoring Best Practices for Prevention and Detection of Commercial Child Pornography*, a guide for financial institutions committed to fighting CSEC.<sup>140</sup>

At the invitation of ECPAT International, they also presented a white paper on their work on merchant best practises at the World Congress III against Sexual Exploitation of Children and Adolescents. Following the successful establishment of the FCACP in North America and recognising the global need for such initiative, a similar extension was established for the East Asia Pacific region, based in Singapore.

Both Microsoft and America Online (AOL) use their technology to block children from accessing pornographic material and to identify child predators.<sup>141</sup> AOL has developed filtering technologies to identify and block child abuse images, which was presented at the preparatory meeting for the World Congress III in Winnipeg, Canada.

Microsoft has engaged in a number of initiatives to counteract the production and circulation of child pornography. For example, in 2009, the company donated its PhotoDNA technology to NCMEC to help trace and remove child abuse images from the Internet. The technology was created by Microsoft Research and helps calculate the distinct characteristics of a digital image to match it to other copies of that same image.<sup>142</sup> Similarly, Microsoft and NCMEC have joined to train law enforcement officials globally on the detection and reporting of child pornography. Estimates of trained law enforcement officers are approximately 1,300 and include officers from 89 countries.<sup>143</sup>

Microsoft, Canadian police, and international law enforcement officers also developed the Child Exploitation Tracking System (CETS), a software tool that helps law enforcement officials collaborate and share information with other police services. CETS was created to increase the effectiveness of investigators and teams by providing them with software to store, search, share and analyse large volumes of evidence and match cases across police agencies.<sup>144</sup>

NCMEC also collaborates with leading financial institutions and credit card companies to combat child pornography by reducing the anonymity of Internet charges through the prevention of electronic billing and disguised charges, reducing the purchasing of child pornography. While these coalitions continue to progress, Internet companies and social networking sites remain reluctant to share information with authorities.<sup>145</sup>

Some US tour companies have joined the fight against CSEC by signing *The Code of Conduct to Protect Children from Sexual Exploitation in Travel and Tourism (The Code)*. The current US signatories to *The Code* are Carlson Companies, Global Exchange Reality Tours, Delta Air Lines, the Millennium Hotel in St. Louis, Missouri, Hilton Hotels (for a pilot project in Seattle, Washington and Washington, DC), Wyndham Hotels and Nix Conference and Meeting Management. ECPAT-USA work closely with the Code of Conduct Secretariat to develop training and monitoring procedures.<sup>146</sup>

ECPAT USA has been active in the prevention of child sex tourism. In addition to promoting *The Code* in destination countries of US child sex tourists, the Protect Children in Tourism Project was initiated in several countries. In Brazil, ECPAT USA works in cooperation with ECPAT Brazil to reduce vulnerability of local children to sexual exploitation. Trainings regarding the issue were also conducted for local law enforcement, tourist agencies, hotels, and other service providers. In Belize, ECPAT USA worked with Belize Travel Industry Association to introduce the Code in the country. To date, about 50 private companies signed *The Code*. In Mexico, the Protect Children in Tourism Project was launched in Cancun with the aim to create protective environment for children from sex tourists and train American consular agents about child sex tourism and their roles in dealing with cases involving American sex offenders. As a result of this project, several private companies and associations in the tourism industry signed *The Code*, as well as raised awareness among other professional groups working in tourism.<sup>147</sup>

## Business Leader's Award to Fight Human Trafficking

In December 2010, *The Code* member Carlson Companies received the End Trafficking Now!-UN Global Compact first ever "Business Leader's Award to Fight Human Trafficking." Carlson was the first major North American company to sign *The Code* in 2004 and has been actively engaged in awareness raising about child protection policies in the US travel and tourism industry. Presently, it is strongly advocating for the expanded implementation of *The Code* in the United States and globally.<sup>148</sup>



## STOP Sex Trafficking of Children & Young People Campaign

Conducted in partnership between The Body Shop and ECPAT, this three-year campaign, launched in 2009, seeks to provide immediate relief to child victims with funds raised and to create long-term changes through engaging the public in awareness raising and lobbying decision makers to strengthen concerted action against child trafficking for sexual purposes.

ECPAT-USA and The Body Shop have worked together since the beginning of the campaign in 2009 to raise awareness of the public on the issue of child sex trafficking and raise funds to support anti-child trafficking initiatives through the sales of the 'Soft Hands, Kind Heart' hand cream sold at The Body Shop stores. Funding from the campaign in the United States supports ECPAT USA's implementation of the following activities:

- advocate for Safe Harbour legislation in the United States to protect child victims of sexual exploitation so that they can no longer be arrested, but are provided protection instead. Spurred by the ECPAT USA-led coalition, this year three States passed this safe harbour law: Minnesota, Vermont and Connecticut;
- provide direct medical services for youth who have been trafficked for sexual exploitation and provide training to care professionals in working with child victims;
- work with MAIS, an ECPAT member in the Dominican Republic, to support the monitoring of at-risk children in Haiti from being trafficked.

## Deterrence measures to reduce demand for sex with children

Efforts to understand social norms and behaviours that fuel the demand for commercial sex have increased, especially with a view to better inform programmes targeting sex offenders. The United States has also promoted several deterrence measures at both the federal and state levels. The major offenders management initiatives implemented to date include offender registration, community

notification, mandatory background checks and residency restrictions. However, research conducted in 2009 revealed that little evidence exists to prove the effectiveness of these practises in preventing sexual abuse and exploitation of children.<sup>149</sup>

Prostitution Research and Education (PRE) led a research study analysing the behavioural and cognitive patterns and belief systems of men who patronise the sex trade, and the findings of this study are currently being used by international organisations in their work on demand deterrence. The Chicago Alliance Against Sexual Exploitation (CAASE), which participated in the study, now consults

with cities throughout the United States on effective ways to address sex trade demand and has published a report on the best practises in demand deterrence nationwide.<sup>150</sup> Though this effort was not focused on CSEC, the significant number of teenagers pulled into adult sex industries means that the results of this study may have some relevance for analysis of CSEC issues.

## Deterring child travelling sex offenders

In an effort to dissuade tourists from purchasing sex services with children during their travels abroad, World Vision, in cooperation with the US Government, implemented a targeted media campaign. This initiative involved the dissemination of deterrence messages through a number of tools, such as billboards and street signs overseas and airline in-flight magazines and videos. The main campaign locations included US airports, hotels and the Internet.<sup>151</sup> However, the initiative has now ended, and it is unclear whether it will be continued in the future.

The United States also participates in the G8 Wanted Child Sex Offender Initiative that publishes details of wanted child sex offenders from all G8 countries on one easily searchable webpage. The key aims and objectives of the initiative are to: identify and apprehend wanted child sex offenders; raise public awareness of the problem of missing and travelling sex offenders; act as a deterrent to child sex offenders seeking to travel abroad to escape detection or commit further offences; and promote international cooperation between global law enforcement agencies and to exchange good practises.<sup>152</sup>

In addition to national initiatives, state and local jurisdictions across the United States have also implemented policies curb the demand for the sex trade. Some cities, like Chicago, include shaming techniques such as public naming of men arrested for solicitation of prostitution.<sup>153</sup>

The NGO, Coach for America, has also initiated a programme designed to reduce the demand for commercial sex. Recognising that coaches often play a key role in helping shape the behaviours and attitudes of young men, Coach for America collaborated with CAASE to create five short lesson plans that coaches can use throughout the season to address issues of human trafficking and sexual exploitation.<sup>154</sup>

Additionally, the Adam Walsh Child Protection and Safety Act, passed in 2006, created a national registry of sex offenders categorised into one of three tiers depending on the severity of the convicted offence(s) and requiring each individual on the list to update his or her whereabouts every three, six or twelve months. This law is intended to protect children from sexual exploitation and violent crime, to prevent child abuse and child pornography, and to promote Internet safety.<sup>155</sup>

## Research on CSEC

In 2009, the US Department of Justice (DOJ), Child Exploitation and Obscenity Section (CEOS) helped organise an international symposium through the G8 titled “Global Symposium for Examining the Relationship Between Online and Offline Offenses and Preventing the Sexual Exploitation of Children.” The symposium brought together researchers and other experts from around the world who have worked with child pornography offenders and victims. The symposium was designed to share research and individual findings and develop consensus on the risks to children and society posed by child pornography offenders and also to identify gaps in research and knowledge.<sup>156</sup>

A notable point of consensus was that there is sufficient evidence of a relationship between possession of child pornography and the commission of contact offences against children to make it a cause of acute concern, and that the greater availability of child sexual exploitation materials has stimulated the demand and production of even more extreme, sadistic, and violent images of children and infants.<sup>157</sup>

The findings and gaps in research were incorporated into a report written by CEOS, entitled *Report to LEPSG on the ‘Global Symposium for Examining the Relationship Between Online and Offline Offenses and Preventing the Sexual Exploitation of Children.’* On 30 May 2009, the G8 Ministers of Justice and Home Affairs issued a declaration titled *The Risk to Children Posed by Child Pornography Offenders*, which specifically recognises the findings made by the experts at the symposium as noted in the report written by CEOS.<sup>158</sup> Other recent research on CSEC includes *Teen Pathways Into and Out of Commercial Sexual Exploitation*, a 2008 study funded by the DOJ and co-investigated with the University of Massachusetts Lowell. The study examines the pathways runaway and homeless teens in the United States take to enter into, and exit, situations of commercial sexual exploitation. The report is based on the real life narratives of approximately 70 teens aged 14 to 19 in Washington, D.C., and Boston, Massachusetts.<sup>159</sup>

## PROTECTION

### Children’s rights instruments related to CSEC

Comprehensive and effective legislation is essential to protect children from CSEC. Specific laws must be developed, implemented and/or strengthened to combat the various manifestations of CSEC, such as grooming or viewing and accessing child pornography online, and to comply with

changes in the international legal framework. In addition to enacting legislation that is compliant with international standards and obligations, national laws must be effectively enforced. Policies and procedures to protect child victims and/or witnesses are also essential.

International instruments		
Human rights bodies related to child rights	Comments	
Charter –based bodies		
Working Group of the Universal Periodic Review – Human Rights Council	2010	
Special Rapporteur on the sale of children, child prostitution and child pornography	1996, 2010	
Special Rapporteur on trafficking in persons, especially in women and children	No visit so far.	
Treaty-based bodies		
Committee on the Rights of the Child	The United States signed the <i>Convention on the Rights of the Child (CRC)</i> in 1995, but has failed to ratify it. In 2009 however, Susan Rice, US Permanent Representative to the United Nations, stated that the Obama Administration is committed to the objectives of CRC and will make review of the CRC a priority. <sup>160</sup>	
Children’s rights instruments	Date of ratification	Date of submitted reports
Convention on the Rights of the Child – 1989	The United States has not yet ratified the CRC	
Optional Protocol on the sale of children, child prostitution and child pornography – 2000	2002	Initial Report submitted in 2007; periodic report submitted January 2010
ILO Convention on the Worst Forms of Child Labour - 1999 (No. 182)	1999	Last report received 2010 <sup>161</sup>
UN Convention against Transnational Organized Crime – 2000	November 3, 2005	Last report received 2008 <sup>162</sup>
UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children – 2000 (supplementing the UN Convention against Transnational Organized Crime)	2005	Last report received 2008 <sup>163</sup>
Regional instruments		
Central and North America: Regional Guidelines for Special Protection in Cases of the Repatriation of Child Victims of Trafficking	2007	

The United States signed the *Convention on the Rights of the Child (CRC)* in 1995, but it is one of only two countries – the other being Somalia – that has failed to ratify it.<sup>164</sup> Despite its failure to ratify the

CRC, the United States ratified the CRC’s *Optional Protocol on the sale of children, child prostitution, and child pornography (Optional Protocol)* in 2002, albeit with extensive reservations.<sup>165</sup>



## Legislation

The United States has a dual system of laws. The federal laws that apply to all 50 states and the District of Columbia include the US Constitution, the decisions of the United States Supreme Court, and the laws enacted by Congress as reflected in the *United States Code (US Code)* and federal regulations. The legislative authority of the federal government is limited by the US Constitution and US Supreme Court decisions to the domains of foreign treaties,

national defence and interstate and foreign commerce. Each of the 50 states enacts legislation in areas not designated within the authority of the Federal government, e.g., family law: divorce, child custody, child protection, etc. Given the enormous body of legislation available, this report is limited to the federal laws applicable to child prostitution, child pornography, child sex tourism and trafficking in children for sexual purposes.

United States law provides a comprehensive framework to combat CSEC. Five main laws address this issue in the United States:

- *The Trafficking Victims Protection Act (TVPA)* of 2000, reauthorized in 2003 and 2005 and 2008;
- *The Mann Act*, particularly sections 2421, 2422, 2423 and 2427, prohibiting the exploitation of children in prostitution;
- *The Prosecutorial Remedies and Other Tools to end the Exploitation of Children Today Act of 2003 (PROTECT Act)*, particularly sections 105 (Penalties against sex tourism), 323 (CyberTipline) and 202 (Statute of Limitations);
- *The Children's Internet Protection Act*;
- *The Adam Walsh Child Protection and Safety Act*.

## Prostitution of children

Because of the constitutional limitations of federal lawmaking authority, child prostitution is primarily addressed by legislation at the state level; however, federal law does apply when child prostitution involves interstate or foreign transactions.

The Mann Act, now amended and codified within Part 1, Title 18 of the US Code § 2421-2423, outlaws the transportation of any individual in national or international commerce with the intent of engaging in prostitution or other sexual acts which could result in a criminal offence. Cases that fall under the Mann Act are investigated by the Federal Bureau of Investigation, and the necessary United States Attorneys are

informed; however, the Child Exploitation and Obscenity Section of the Criminal Division within the Department of Justice is responsible for supervision of the Act. Sections 2421 to 2423 set out a number of offences involving the transportation of individuals for prostitution or sexual activity, with section 2423 specifically addressing the transportation of minors. Individuals charged under the Mann Act will be fined and sentenced anywhere from 10 years to life imprisonment, contingent upon the gravity of their offence.<sup>166</sup> Additionally Section 202 of the PROTECT Act assures that there will be no statute of limitations for child abduction and sexual abuse of a child, amending section 3283 of Title 18 of



the United States Code to absolve all such exemptions from prosecutions.<sup>167</sup>

The *Trafficking Victims Protection Act (TVPA)* makes it illegal to recruit, entice, obtain, provide, transport or harbour a person, or to benefit from such activities knowing that the person will be caused to engage in commercial sex acts where the person is under 18 or where force, fraud or coercion exists.<sup>168</sup> The law defines 'commercial sex act' as any sexual act for which something of value is given or received.<sup>169</sup> This definition of child prostitution is generally in line with the definition in the *Optional Protocol*.

The TVPA was renewed and amended in 2003, 2005 and 2008. A notable amendment was to extend assistance to victims of domestic trafficking.<sup>170</sup> The 2005 *Trafficking Victims Protection Reauthorization Act (TVPRA)* created the term "juvenile subjected to trafficking" to identify US citizens, or US permanent residents who had been subjected to sex trafficking and who were under the age of 18. In response to the needs of these victims, TVPRA 2005 developed a pilot project to establish residential treatment facilities for juvenile victims of domestic trafficking.<sup>171</sup> In 2008, the TVPRA further authorised the development of a programme to extend protection and assistance to these victims.<sup>172</sup> However, so far these projects have apparently received no funding and thus have not been implemented.

During her 2010 visit, the UN Special Rapporteur on the sale of children, child prostitution and child pornography (Najat Maalla M'jid) noted prostitution and related acts such as "pandering,<sup>173</sup> enticing persons into prostitution,<sup>174</sup> engaging in and soliciting for prostitution,<sup>175</sup>

knowingly advancing or profiting from prostitution (pimping),<sup>176</sup> keeping a place of prostitution,<sup>177</sup> and placing a person in the house of prostitution<sup>178</sup>" are largely criminalised throughout the states.<sup>179</sup>

However, unfortunately many states also treat children engaged in prostitution as criminals rather than victims. Although the TVPA provides that all children involved in commercial sex acts are entitled to protection, services and restitution, nearly every state, with the exception of New York, Connecticut, Vermont, Minnesota, Texas,<sup>11</sup> Illinois and Washington, allows children to be prosecuted for prostitution.

In defence of this policy, some local law enforcement officers argue that it is better to arrest prostituted children and keep them in custody until their families can be found or they can be provided with services, rather than release them back to the streets where their pimps are waiting for them. Most service providers, however, protest this approach as further stigmatising victimised children and argue that the disconnect between national and state/local laws regarding child prostitution is a serious impediment to safeguarding the rights of sexually exploited children.<sup>180</sup> Rather than arresting children or releasing them back into vulnerability on the streets, children should be housed in temporary care facilities that support their recovery and reintegration pending return to their families or assignment to foster care.

To protect child victims from facing such prosecution, ECPAT USA, in collaboration with local partners, has initiated the Law Project to promote the enactment of Safe Harbor legislation that would exempt child victims from legal liability for their own exploitation.<sup>181</sup>

<sup>11</sup> In 2010 the Texas Supreme Court ruled that children who cannot legally consent to sex cannot be prosecuted for prostitution, In the Matter of B.W., No. 08-1044, Accessed 16 February 2012 from: [http://d2o6nd3dubbyr6.cloudfront.net/media/documents/In\\_the\\_Matter\\_of\\_B.W..pdf](http://d2o6nd3dubbyr6.cloudfront.net/media/documents/In_the_Matter_of_B.W..pdf). In Texas, children under 14 can never consent to sex and children 14-17 can only consent in the case of marriage or a partner within three years of their age, See, Diane Jennings, Texas Supreme Court rules underage kids can't be prosecuted for prostitution, Dallas Morning News, 1 July 2010. Accessed 16 February 2012 from: <http://crimeblog.dallasnews.com/archives/2010/07/texas-supreme-court-rules-unde.html>. However, the practical effect of this ruling has not been tested yet.

## Child pornography

The United States is one of the world's largest producers, distributors and consumers of child pornography. According to the British-based Internet Watch Foundation, in 2010, 42% of all known child abuse Internet domains were housed in the United States.<sup>182</sup>

Title 18 of the *US Code*<sup>183</sup> defines child pornography as a visual depiction of any kind, including a drawing, cartoon, sculpture, or painting, that depicts a minor [under 18 years of age] engaging in sexually explicit conduct, and is obscene.<sup>184</sup> It is not a required element of the offence that the minor depicted actually exist, meaning simulated images of a minor are prohibited. This definition differs somewhat from the definition of child pornography in the *Optional Protocol on the sale of children, child prostitution and child pornography (Optional Protocol)* in that it includes a requirement that the image be deemed "obscene," which is not an element of the Optional Protocol definition. The requirement of obscenity is vague and open to a range of interpretations, limiting the capacity of the US to achieve a comprehensive, consistent child pornography regime.<sup>185</sup> In addition, the definition limits child pornography to visual depictions; therefore, audio and written depictions of a child engaging in sexually explicit activity are not prohibited under US federal law.<sup>186</sup>

In the United States, production, advertisement, distribution, receipt, and possession of child pornography are all criminal offences according to title 18 of the *US Code*,<sup>187</sup> which exceeds the requirements of the *Optional Protocol* by criminalising mere possession of child pornography as well as knowingly accessing with intent to view child

pornography.<sup>188</sup> Additionally, enticement, employment, coercion, or inducement of any minor to engage in sexually explicit conduct for the purpose of producing any visual depiction of that conduct is also illegal. The federal law relating to production and advertisement of child pornography provides for a range of penalties, including fines and sentences ranging from a mandatory minimum of 15 years to life imprisonment; and the law prohibiting selling or buying of children for the purpose of producing child pornography has a mandatory minimum penalty of 30 years imprisonment and a maximum penalty of life imprisonment.<sup>189</sup>

According to the federal government, each state has enacted laws addressing child pornography. The precise scope of these statutes varies from state to state; however, they all prohibit the visual depiction by any means of a child engaging in sexually explicit conduct. While the exact wording of each state's statutes may differ, all state statutes address the following three areas: (1) production: employment or use of a minor to engage in or assist in any sexually explicit conduct for the purpose of producing a depiction of that conduct; (2) trafficking: distributing, transmitting or selling child pornography; and (3) procurement: inducing or persuading a minor to be the subject of child pornography.<sup>190</sup>

## Virtual Child Pornography

While virtual child pornography is illegal in many countries, the US attempt at prohibition was declared unconstitutional by the 2002 Supreme Court decision *Ashcroft v. Free Speech Coalition*.<sup>191</sup> In that case the Court stated that the law as written was overly broad in that it also banned legitimate speech and therefore was in violation of the Constitution's freedom of speech guarantees. In order to address the Court's concerns and bring US law in compliance with international standards, in 2003 Congress passed the *PROTECT Act*, which prohibits some types of virtual child pornography, specifically prohibiting obscene virtual child pornography. In 2008, the Supreme Court again reviewed the constitutionality of banning virtual child pornography in the case *United States v. Williams*.<sup>192</sup> In that case the Court upheld the *PROTECT Act*, including its prohibition of "pandering" (offering or requesting to transfer, sell, deliver, or trade the items) child pornography, even if the person charged does not in fact possess child pornography with which to trade. The Supreme Court reasoned that the Constitution does not protect offers to provide, or requests to obtain, child pornography, and that banning speech that introduces such material into the child-pornography distribution network was not a threat to legitimate speech.

The *PROTECT Act* of 2003 prohibits the production of material portraying children involved in sexually explicit conduct and criminalises extraterritorial production of such material for subsequent distribution in the United States.<sup>193</sup>

As part of the fight against child pornography, US federal law also requires producers of sexually explicit material to abide by certain name and age verification record-keeping and labelling requirements. Producers are required by law to examine official identification documents containing performers' names and dates of birth, and record and retain such information. By keeping such records, law enforcement is better able to establish the identity of every performer in a depiction of sexually explicit conduct and thus ensure that no performer is a minor. Violations of the record keeping requirements are criminal offences punishable by imprisonment of up to ten years. Because of these requirements, producers are less likely to exploit children and to create child pornography through

carelessness, recklessness, or deliberate indifference.<sup>194</sup>

In an effort to extend victim protection, images of child pornography confiscated by government officials must remain in the custody of the government during criminal proceedings. Support is offered to victims through a restitution system detailed in title 18 of the *US Code*.

In order to further deter the accidental or intentional viewing of obscene images online, the Children's Internet Protection Act of 2000 requires all schools and libraries receiving funds for Internet access or connections to filter and/or block access to images that may be obscene, contain child pornography, or be considered harmful to minors. As part of the incorporation process, the institution must hold at least one public meeting to discuss the proposal and subsequently create and implement procedures to monitor the activities of minors online.<sup>195</sup>

## Trafficking in children for sexual purposes

According to the US Department of State's *Trafficking in Persons Report 2011*, the US Government fully complies with minimum standards for the elimination of trafficking by continuing its efforts to identify an increased number of trafficking victims and ensure that they receive access to essential protective services.<sup>196</sup> However, the following challenges remain:

- a lack of comprehensive data on human trafficking that includes information from federal, state and local levels;
- law enforcement continues to be weak at identifying child sex trafficking victims or adequately recognising victims reluctant to receive protective services, which is complicated by false identification documents or uncooperative victims;
- no federal funding that supports state level child welfare agencies' anti-child trafficking efforts;
- state and local law enforcement and government departments have not incorporated the new policies on anti-human trafficking into their existing operations. They do not have mechanisms or guidelines to identify child victims or respond to the issue specifically; and
- not all child victims of trafficking are able to access protection and services.<sup>197</sup>

US law defines sex trafficking as “the recruitment, harbouring, transportation, provision, or obtaining of a person for the purpose of a commercial sex act.”<sup>198</sup> This definition is close to the definition in the Trafficking Protocol, with the exception of the word “obtaining,” which replaces the word “receipt” used in the Trafficking Protocol. Under the US definition, any child who is sexually exploited commercially is a victim of trafficking, regardless of whether the child has been moved from one place to another for the purposes of their exploitation. The fact that the US definition does not require movement of the victim to be considered trafficking sets it apart from most other countries, and may create barriers to a successful prevention and protection regime targeting the unique elements involved in moving persons for the purpose of exploitation.

State and federal laws, including the *Trafficking Victims Protection Act (TVPA)*, severely punish the sex trafficking of children. There is a mandatory minimum of 15 years' imprisonment and a maximum

penalty of life imprisonment for child sex trafficking if the victim is under 14 years of age, and a mandatory minimum of 10 years' imprisonment and a maximum of 40 years' imprisonment if the victim is between 14 and 18 years.

To address low rates of identifying victims and perpetrators, in 2010 new legislation was introduced designed both to further prosecute those who sexually exploit underage girls as well as provide aid for victims of child sex trafficking. The *Domestic Minor Sex Trafficking Deterrence and Victims Support Act of 2010* aims to create a six-state pilot programme to help law enforcement crackdown on pimps and traffickers and create shelters, provide treatment, counselling and legal aid for the underage girls that are forced into sexual slavery. The Senate and the House failed to pass compatible versions of the bill, but it was reintroduced in 2011 and referred to the Judiciary Committee on March 16th, 2011.<sup>199</sup> Though there appears to be no progress, advocates continue to push for its passage.

Additional legislation concerning the role of the US Marshal Service in the investigation of sex offenders and missing children and their authorization to issue subpoenas in such investigations has been proposed through the Strengthening Investigations of Sex Offenders and Missing Children

Act of 2011<sup>200</sup> and the Finding Fugitive Sex Offenders Act of 2011<sup>201</sup> respectively. Both were placed on the Senate Legislative Calendar under general orders on December 1, 2011. However, some advocates in the US are pessimistic about the bills' chance of passing.

## Child sex tourism

To address sexual exploitation of children in travel and tourism, the *Prosecutorial Remedies and Other Tools to End the Exploitation of Children Today Act of 2003 (PROTECT Act)*, specifically section 105 which amends section 2423 of title 18 of the US Code, makes it illegal for US citizens or residents to travel abroad and engage in sexual activity with a child under 18. The law punishes mere attempts to commit the crime and there is no need for proof of travel with intent to engage in an illicit sex act with a child. Tour operators assisting in child sex tourism can also be held liable. US citizens or residents who commit these crimes can be prosecuted and convicted abroad, but in the event they are not brought to justice in the country where they commit the offence, the act establishes extraterritorial jurisdiction for these crimes and offenders in the United States face up to 30 years in prison. For

those offenders with prior convictions sexually abusing children, a life sentence is mandated.<sup>202</sup>

In 2006, the PROTECT Act was challenged as unconstitutional, but the Ninth Circuit Court of Appeals, in *United States v. Clark*, ruled that extraterritoriality is legally based upon the nationality principle that allows a country to apply its statutes to extraterritorial acts of its own nationals. The decision also determined that Congress has the power to regulate a commercial sex act with a child.<sup>203</sup>

According to the Immigration and Customs Enforcement (ICE) report entitled *Operation Predator: Targeting Child Exploitation and Sexual Crimes*, between 2003, when the law was enacted, and 2008, 67 arrests were made by ICE agents, which resulted in 47 convictions.<sup>204</sup>

## Combating child sex tourism to Cambodia

In 2009, ICE and DOJ initiated "Operation Twisted Traveler" aiming to identify and prosecute sex tourists travelling to Cambodia to engage in illicit sex with children. According to the FBI, the operation involved training the Cambodia police in all aspects of child sex tourism investigations, ranging from search and seizure procedures to surveillance techniques. Since its initiation in August 2009, ICE has apprehended several Americans following their removal from Cambodia on sex tourism charges.<sup>205</sup>

The *International Megan's Law of 2010* was approved by the US House of Representatives in July 2010 but unfortunately appears to have died in the Senate. The bill requires registered sex offenders to notify appropriate jurisdictions of their intent to travel not later than 30 days before their departure from or arrival in the United States, and imposes a fine and/or prison term of up to 10 years for failure to report such travel. It also requires diplomatic or consular missions in each foreign country to establish and maintain a countrywide, non public, sex offender registry for sex offenders from the United States who temporarily or permanently reside in the country (also see section on Deterrence Measures).<sup>206</sup> The expanded legal protections contemplated by this bill would be a significant enhancement of American efforts to work with officials in foreign countries to protect children from travelling American sex offenders, and US Congress should therefore pass this legislation as soon as possible.

## Child protection units

There are many agencies and departments in place within the Federal Government to investigate and prosecute crimes against children, as well as to provide services to child victims. However, coordination among these various entities is minimal, often leading to a piecemeal approach to combating the problem of CSEC and making it difficult to ensure the protection of all children across the country.<sup>207</sup>

The FBI coordinates several investigative initiatives against child sexual exploitation. Apart from the Innocent Images National Initiative Unit (IINIU), which focuses on technology-facilitated crimes against children sometimes involving investigators from other countries, the FBI has recently opened a new facility dedicated exclusively to the forensic analysis of digital evidence in the most significant child exploitation cases nationwide. Furthermore, in collaboration with the DOJ's Child Exploitation and Obscenity Section (CEOS) and NCMEC, the FBI operates the Endangered Child Alert Program (ECAP) to trace child pornography perpetrators. As of April 2010, this programme has led to the recovery of over 31 victims of child sexual abuse. As part of the Operation Rescue Me initiative, the FBI, CEOS, and NCMEC also work to identify child victims in series of child pornography images who have not already been rescued. As of April 2010, this partnership has led to the identification of seven child victims.<sup>208</sup>

The ICE unit allocates a great deal of attention to the issue of international and trans-border child exploitation. It collaborates with federal, state and local law enforcement to identify and arrest those involved in child exploitation. In 2003, Operation Predator, a division dedicated to the identification, investigation and potential deportation of child predators, was launched. Since its creation, over 18,000 sexual predators have been arrested.<sup>209</sup>

ICE is the largest investigative branch of the Department of Homeland Security. Apart from conducting law enforcement initiatives against human trafficking, ICE, through its Cyber Crimes Center (C3) Child Exploitation Section (CES), investigates the production and distribution of images of child abuse, as well as individuals who travel abroad to engage in sex with minors.<sup>210</sup> Currently, ICE has attaché offices in more than 60 offices in 44 countries.<sup>211</sup> In addition to liaising with host country governments, industries and law enforcement to ensure

investigation and prosecution of travelling child sex offenders, the ICE attaché conduct training and outreach to educate foreign government counterparts on the dangers of child exploitation in their countries.<sup>212</sup>

The Internet Crimes Against Children (ICAC) Task Force programme, under the Office of Juvenile Justice and Delinquency Prevention (OJJDP), also plays a key role in counteracting child pornography and online

sexual exploitation of children. Through a network of 61 coordinated task forces, representing over 2,000 federal, state and local law enforcement and prosecutorial agencies, the programme contributes to proactive forensic investigations and criminal prosecutions. Since its launch in 1998, ICAC Task Forces have reviewed more than 180,000 complaints of alleged child sexual victimisation resulting in the arrest of more than 16,500 individuals.<sup>213</sup>

## Training law enforcement personnel

The US Government has high quality training resources and facilities for law enforcement and some good examples of effective training. However, comprehensive nationwide training is a challenge due to the fact that there are over 19,000 police forces in the United States, ranging from the New York Police Department, with 40,000 officers, to small town police forces. Additionally, there have been minimal training opportunities for family and juvenile court judges and attorneys representing child welfare agencies and children. Thus, there is very limited knowledge among attorneys and judges about CSEC or the protection afforded by the *Trafficking Victims Protection Act (TVPA)*.<sup>214</sup>

Though the US reports a substantial number of law enforcement trainings on trafficking and exploitation issues, it is unclear how many of these have a direct focus on children. There is also no reported effort to monitor or evaluate the impact of these training sessions.<sup>215</sup> Furthermore, there is a conspicuous lack of child-specific training for front-line officers with close interaction with child trafficking victims. The officers charged with screening children crossing the border between the US and Mexico come from the Department of Homeland Security's Customs and Border Protection unit, whose primary responsibility is protecting the US from foreign threats. These officers receive little training or tools for working with trafficked children or child-friendly interview techniques. As a result, children are typically deported back to Mexico immediately rather than properly evaluated and supported as required by the TVPA.<sup>216</sup>

The National Center for Missing and Exploited Children (NCMEC) offers courses several times a year to train prosecutors, judges and law enforcement in investigating and preventing child sexual exploitation.<sup>217</sup> In addition, as part of the Innocence Lost Initiative, NCMEC has provided training to law enforcement officers, social workers and prosecutors on "Protecting Victims of Child Prostitution."<sup>218</sup> Additionally, NCMEC, in partnership with Microsoft and Interpol, conducts "Computer Facilitated Crimes against Children" training seminars for law enforcement personnel who investigate Internet-related child exploitation cases.<sup>219</sup> As of July 2010, a total of 3,219 law enforcement officers from 113 countries had participated in 36 of these trainings worldwide.<sup>220</sup>



## Web-based training on human trafficking

In 2010, the Federal Law Enforcement Training Center, under the Department of Homeland Security (DHS), developed an interactive computer/web-based training for federal, state, local and tribal law enforcement officers to increase awareness of indicators of human trafficking. As part of this initiative, four video training scenarios were developed, one of which addresses trafficking of minors who are sexually exploited.<sup>221</sup>

The US Government has focused on anti-human trafficking trainings to strengthen efforts to identify victims of trafficking, conduct investigations, prosecute offenders and assist victims. This has included:

- National training provided to over 700 task force members, law enforcement, government and non-government partners;
- Department of Justice task forces trained over 24,278 members of law enforcement and related officials;
- FBI trained over 1,000 new recruits and 960 state and local law enforcement officials;
- DHS trained 72 US Immigration and Customs Enforcement agents, updated mandatory trainings for more than 40,000 Customs and Border Protection officials and launched an on-line training to reach an additional 14,000 federal, state and local officials.<sup>222</sup>

## Support services for children

While the United States has passed sound laws and established appropriate policies that serve the best interests of the child, there remains a wide gap between laws, policies and practise, including poor support services for both international and domestic child victims of sexual exploitation. These inconsistencies and practises leave children with inadequate assistance and protection.<sup>223</sup>

In addition to punishing offenders, the *TVPA* also affords protection to trafficking victims and makes certain benefits and services available to them. Persons identified as trafficking victims and potential witnesses in legal proceedings are eligible for a “continued presence” designation that allows them to remain in the country and sometimes work temporarily and access social services through a certification letter from the Office for Refugee Resettlement. However, this designation does not confer any official immigration status and a child with this designation who leaves the country can be denied reentry as well as being required to

inform law enforcement if they move to another state within the USA.

A second form of assistance is available for victims who assist in the prosecution of their traffickers. The ‘T visa’ allows them to remain in the United States for four years (with possible extensions), obtain work authorization during this period, acquire a certification letter to access federal and state public benefits, the option to apply for lawful permanent residency after three years (and later citizenship), and options for some family members to join them in the United States.<sup>224</sup> Additionally, child victims



of human trafficking may be eligible for a quicker path to residency by obtaining 'Special Immigrant Juvenile Status' (SIJS), which is available to certain abused, abandoned and neglected non-citizen children who are declared dependents of a state juvenile court. Unlike with the T visa, to obtain SIJS, child victims are not required to assist in the prosecution of offenders.<sup>225</sup> Once it has been determined that reunification with one or both of the immigrant's parents is not viable due to abuse, neglect or abandonment, or a similar basis has been found under state law, the Department of Health and Human Services (DHHS) helps child victims become eligible to receive benefits and services so they may rebuild their lives safely in the United States.<sup>226</sup>

International victims of human trafficking are eligible for the Unaccompanied Refugee Minor (URM) Program funded by the Federal Government. Children identified and determined eligible for trafficking benefits are placed in foster care, group homes or independent living arrangements appropriate to the youth's development needs. Services available through these programmes include: financial support for housing, food, clothing and medical care; intensive case management by a social worker; independent living skills training; education and English language training; job skills training; family tracing; and legal assistance.<sup>227</sup>

However, while these services are beneficial to victims, a lack of adequate understanding of trafficking on the part of overburdened state and local service delivery systems and limited coordination among agencies often makes them difficult to access. Specifically, MOUs between agencies require a 'letter of eligibility' from law enforcement before the child can receive assistance. Unfortunately, to obtain a letter, the child is forced to relate their experience in an interview before they are emotionally ready and thus long delays

can result before the letter is issued (see also section on Coordination and Cooperation at national and local level).<sup>228</sup> In addition, several service providers have also reported that, in some cases, foreign trafficked children are deported as a result of the inability of law enforcers and other actors to identify them as trafficking victims.<sup>229</sup>

Despite the availability of services, however, child victims of trafficking have accessed services at a very low rate. This is consistent with the low rate of official victim identification. Although the US Government estimates that thousands of children are trafficked to the United States each year since the passage of the *TVPA*, fewer than 200 international child victims of trafficking have been identified. Discrepancies between potential and identified victims have been documented as a major problem in several sources.<sup>230</sup> Therefore, prioritising trafficking cases and continued training are required to increase the number of victims identified so that they can access appropriate services crucial for their recovery.<sup>231</sup>

One of the main shortcomings in the protection of child victims lies in their continued subjection to criminal liability in most jurisdictions. Several sources have pointed out that state law enforcement officers are often unaware that sexually exploited children should be treated as victims of sexual exploitation rather than juvenile delinquents. Compounding the problem is the fact that the mandate for states' Child Protective Services (CPS) restricts their scope to assisting only children who are being abused in the home setting.<sup>232</sup> Therefore, if a child is picked up by the police for prostitution, and no parent or legal guardian is facilitating the prostitution, CPS is not able to assist and the child invariably enters the criminal justice system.<sup>233</sup>

Safe residential facilities for child victims

remain insufficient. Children victimised by sexual exploitation are often accommodated in group homes, but they do not provide the necessary rehabilitation and education services. These group homes place them with juveniles arrested for drugs, assault, theft or other categories of delinquent behaviour or for status offenders.<sup>III</sup> Sexually exploited girls often hide their involvement in prostitution to avoid stigma, even abuse, from the other girls or staff. Mental health services are largely geared to juvenile inmates in what they describe as “severe

crisis,” such as attempting suicide, while the trauma and pain of many girl victims of prostitution unable or unwilling to express their trauma openly, are ignored as non-crises.<sup>234</sup> There are, however, some locally run programmes and shelters geared towards child victims of sexual exploitation that do offer direct services to victims. These services include court advocacy, psychological and trauma care, vocational programmes, case management and other needs of child victims.<sup>235</sup>

The United States has suffered from a serious lack of specialised shelter homes for CSEC victims. According to US Congresswoman Carolyn Maloney, fewer than 50 beds are available to address the needs of the 100,000 children victimised by sexual exploitation.<sup>236</sup> In response to this gap, the *Domestic Minor Sex Trafficking Deterrence and Victims Support Act of 2010* (see Protection, Trafficking in Children section above) would create a comprehensive, victim-centred approach to addressing the sex trafficking of minors by providing \$50 million over three years to provide shelter and care for victims, including specialised counselling, case management, legal services and outreach and education programmes in order to keep victims from returning to the street.<sup>237</sup> However, as mentioned above, the bill appears to be stalled with no signs of progress. The US should work toward passage of this bill as quickly as possible.

San Francisco’s juvenile probation department is a rare example of an innovative approach to supporting child victims. The First Offender Prostitution Program (FOPP), established in 1995 by the founder of the NGO Standing Against Global Exploitation (SAGE), provides varied services to girls in detention, ranging from crisis counselling and therapy to victim advocacy and health education. It is supported by a stream of city agencies, with community organisations selected to be programme partners on the basis of their good track records.<sup>238</sup> SAGE, through collaboration with the San Francisco District Attorney’s Office and the Police Department, also provides an optional educational program on the risks and effects of prostitution for first offenders in lieu of prosecution.<sup>239</sup> Though these initiatives represent positive developments, they focus primarily on girl and women victims with no provision for the specific needs of boy victims of CSEC, creating an urgent need for the expansion of such services for boys.

<sup>III</sup> “an offense which would not be a misdemeanor or felony if committed by an adult including, but not limited to, incorrigibility or beyond the control of the parents, truancy, running away, playing or loitering in a billiard room, playing a pinball machine, or gaining admission to a theater by false identification.” S.C. Code Ann. § 20-7-6605(8) (Supp.1996).

A continuously reoccurring limitation to care and assistance is the fact that many child victims of sexual exploitation do not view themselves as victims and, as a result, these youth often return to the streets after leaving shelters. In response, some districts where there are safe houses supervise the children through a juvenile probation officer to ensure they are unable to return to an exploitative environment.<sup>240</sup>

With regard to child-friendly justice approaches, the US has adopted child-sensitive procedures during the investigation and prosecution of CSEC incidents, beginning as soon as the first report of abuse. US funded Child Advocacy Centers are specifically equipped to serve as locations for investigating crimes against children. One-way mirrors ensure that the child is only interviewed once during the investigation phase, observed by the prosecutors, attorneys, and law enforcement officials, rather than repeating the story numerous times. These centers also provide access to legal support for the child and his/her family as well as mental and physical healthcare along with other social services as deemed necessary.<sup>241</sup> However, these centers are aimed at assisting children abused by friends or family members; child victims of commercial sexual exploitation are rarely brought to these centers.<sup>242</sup>

The US criminal justice system requires

children to testify in court, except in those cases where the accused has pled guilty. In order to minimise the risk of trauma associated with testifying in cases of sexual victimisation, most states and the Federal Government have passed reforms providing special protection for child victims. These allow for access to 'support persons' or 'guardians *ad litem*' and certain exemptions from the laws surrounding hearsay evidence - thereby permitting out-of-court statements by children to be admitted as evidence. Additionally, states often consent to the use of closed-circuit television testimony so that the child is not forced to be in the presence of the offender.<sup>243</sup> Video testimony from Child Advocacy Centers is currently admissible evidence in certain states.<sup>244</sup> However, the USA's reliance on the adversarial system is a barrier to child-friendly justice procedures. In the adversarial system, defence counsel may try to accuse the child of lying, or insist that the child is exaggerating in order to defend their client. There is no requirement for defence lawyers to have any specific training or qualification before embarking upon the cross-examination of even very young children. While it is important for the accused to have a fair trial, such a process may be very traumatising, especially for victims that have long hesitated to openly discuss the abuse they have suffered or openly accuse perpetrators.<sup>245</sup>

## CHILD AND YOUTH PARTICIPATION

Although children have been actively involved in a number of initiatives to prevent CSEC and assist survivors, child and youth participation remains limited to individual projects and has not yet become a key component of efforts to address these crimes.

The federal Office of Juvenile Justice and Delinquency Prevention (OJJDP) has supported a number of initiatives that encourage youth participation in addressing sexual exploitation of children. One example is the Commercial Sexual Exploitation of Children Community Intervention Project, in which OJJDP funded a multisite training and technical assistance programme in five pilot sites to assist communities in aligning investigative, prosecutorial and victim service resources. As part of the programme, youth and CSEC survivors were actively involved in developing strategies to combat CSEC.<sup>246</sup>

Another programme promoting youth involvement is ECPAT USA's Youth Committee Project, which works with teens from New York City schools between the ages of 14 and 18 who are interested in learning about issues related to combating CSEC. The Youth Committee Project provides participants with an overview about children's rights, child sexual exploitation, child trafficking and child sex tourism and helps them develop and implement projects to teach other youth and the general public about these issues. The project works in conjunction with interns from the Columbia University School of Social Work and

other universities, who lead the participants through exercises that help them better understand the root causes and complexities of sexual exploitation and trafficking, and develop activities to help combat the problem. Through the programme, participants have conducted outreach and awareness projects that included: designing and painting murals for public display; conducting a survey of their peers' knowledge of children's rights; and outreach and awareness raising.<sup>247</sup>

The Kristi House CSEC intervention programme, recently named Project GOLD, began in January 2008 with the primary goal of identifying and empowering victims of commercial sexual exploitation and intervening in the lives of at-risk girls before they become victims. The programme consists of a highly interactive 21-week curriculum that provides intensive awareness raising around socio-political issues that directly contribute to CSEC, such as media perceptions of gender and race and domestic violence. The final workshops focus on empowering the girls to use their own voices to speak about their life experiences and to educate and mentor their peers.<sup>248</sup>



## STOP Sex Trafficking of Children & Young People Campaign

An important advocacy component of The Body Shop and ECPAT 'Stop Sex Trafficking of Children and Young People Campaign' is the country progress card system, which ECPAT and The Body Shop have created to assess the progress of state action on specific commitments and promises to uphold the rights of the child to protection from sex trafficking and all forms of commercial sexual exploitation. In line with the *2008 Rio de Janeiro Declaration and Call for Action to Prevent and Stop Sexual Exploitation of Children* from the World Congress III against Sexual Exploitation of Children and Adolescents, this innovative tool provides readers with information on states' action to combat child trafficking, specifically towards the three goals of the campaign:

1. Community-based prevention programmes to stop child trafficking are reaching at-risk populations;
2. International legal standards for protecting children from trafficking have been incorporated into the national legal framework; and
3. Specialised government services for child victims of trafficking are integrated into national policies.

USA : Summary of Progress Card <sup>IV</sup>			
Goal 1: community-based prevention programmes			
Prevention	Collaboration	Awareness raising	Teacher training
Goal 2: legal framework			
Optional Protocol	Trafficking Protocol	National legislation	Special police units
Goal 3: specialised services for child victims			
Helpline	Shelters	Medical services	Psychological counselling

Green = significant action taken by state;  
Red = inadequate level of state action;

Yellow = partial action taken by state;  
Star = work undertaken by NGOs

Based on a global assessment of the Progress Cards, the United States is among the 26% of countries reviewed that have taken limited measures to stop sex trafficking of children and young people. The United States has made important efforts to develop a comprehensive policy framework and has enacted legislation to combat child trafficking in the country. However, the implementation of these measures has been hampered due to limited efforts in reducing children's victimisation and poor coordination among federal agencies and between states.

<sup>IV</sup> The USA Country Progress Card is available at [www.ecpat.net](http://www.ecpat.net)



## PRIORITY ACTIONS REQUIRED



### National plan of action

- Expand the scope, and provide measurable goals and objectives in the *National Strategy for Child Exploitation Prevention and Interdiction*. Allocate resources for its prompt implementation and ensure its regular monitoring and evaluation.

### Coordination and cooperation

- Develop and implement a Government-wide system for ongoing data collection and monitoring to achieve reliable estimates of the number of child victims for all offences listed in the OPSC. This should include: a) full collaboration among federal agencies and with and within states; b) disaggregation by race, age, sex, ethnicity, region and nationality, and showing the evolving prevalence rates; and c) liaison with hospitals, youth agencies, runaway and homeless shelters, detention centres and all institutions that could be in a position to identify child victims.
- Enhance coordination among the various government agencies responsible for investigating and prosecuting CSEC offences, especially to improve the capacity of state and local government officials and law enforcement to be able to respond and efficiently protect all child victims.
- Continue to pursue international and regional cooperation through the exchange of information related to child sex trafficking.
- Establish action plans at the Foreign affairs administration on how to respond to cases of suspected child sex tourism.

## Prevention

- Develop model curricula on commercial sexual exploitation of children and distribute to school systems throughout the U.S. Such curricula should address the methods pimps use to control victims (such as negative pop culture images), awareness raising of warning signs and healthy relationships. Improve the ability of prosecutors, teachers, social workers and other individuals working with children to recognise cases of CSEC, including training sessions on how to address such situations.
- Adopt a proactive prevention programme focused on the demand side of child sexual exploitation that goes beyond paedophiles to include pimps and the much broader group of men who are the 'customers' of sexually exploited youth.
- Support research examining the link between child pornography and sexual abuse of a child. Where evidence supports such a link, raise awareness among the public, judges and law enforcement personnel to take it more seriously.
- Raise awareness with local elected officials, such as mayors and governors, to increase attention to CSEC issues at this level.
- Implement 'Clean Feed', which allows participating internet providers (ISPs) to block access to child pornographic content.
- Establish a standardised and centralised information system to increase the speed and efficiency of the detection of child victims and the prosecution of sex offenders.
- Encourage and support the trucking, tourism, travel and hotel sectors in adopting professional codes of conduct, for example the *Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism*. Encourage industries to implement greater oversight of their employees with respect to CSEC issues.
- Undertake a national awareness raising campaign aimed at Americans travelling abroad that sexual exploitation of children is a crime everywhere.

## Protection

- Take prompt actions to ratify the *Convention on the Rights of the Child* as one of the main instruments for creating a protective environment for all children and as a demonstration of political will and commitment to children worldwide.
- Revive the International Megan's Bill and encourage its speedy passage in the Senate.
- Ensure that state and federal laws are harmonised in order to afford protection to all children up to the age of 18, regardless of the age of consent. State and federal laws on child pornography must be strengthened within the framework of the US Constitution.
- Exert more pressure on the states to ensure their laws fully protect children, while also treating them as victims rather than offenders. Methods of influencing states might include model legislation, creating financial incentives for states to change their laws, and providing leadership at conferences and training session.
- Work more closely with NGOs on developing and implementing strategies to increase the number of identified child victims and continue to build the capacity of state and local officials and law enforcement that may come in contact with potential child victims.



- Strengthen training throughout the entire system for immigration and law enforcement officers, judges, attorneys, social workers, teachers, healthcare workers and others who may come in contact with trafficked or sexually exploited children, to help them better identify, understand, protect and provide services for child victims. Trainings should emphasise that children trafficked from Mexico and other countries should not be deported and that US citizen children are treated as victims of sexual exploitation and not arrested or detained with delinquents under state anti-prostitution laws.
- Broaden partnerships and improve coordination with NGOs already working with children at risk and victims of trafficking and prostitution, especially children in the foster care system, runaway and homeless youth, the juvenile justice system and those already involved with the child welfare system
- Augment the number of local programmes that provide multidisciplinary care to child victims of commercial sexual exploitation. Ensure that local resources are accessible and non-discriminatory. Develop ways, including use of additional investigative tools, to prosecute pimps and customers, without relying on victim testimony. Use closed-circuit television and/or video testimony more often when possible.
- Establish special gender-sensitive units and children's desks within police forces, involving professionals like healthcare, social workers and teachers when appropriate, to address sexual crimes against children.

## Recovery and reintegration

- Ensure that foreign child victims of trafficking are not deported, but rather granted the necessary services aimed at their physical and psychological recovery.
- Analyse and remove barriers to improve services for all child victims of trafficking and prostitution, both within the United States and internationally. Special focus must be put on shelters and housing. When a victim's age is uncertain, the young person in question should be treated as a possible child victim until there is a contrary determination.
- Increase access to support services for boy victims and ensure that service providers are trained in a gender-sensitive approach that accounts for the unique needs of boy victims.
- Improve coordination among law enforcement, immigration, social workers, mental and physical health professionals, housing and education services to ensure appropriate assistance to child victims of sexual exploitation, including their full social reintegration and their full physical and psychological recovery.
- Improve financial accounting methods for federally-allocated resources for prevention and prosecution of CSEC and for services to protect and rehabilitate children who are victims or at high risk of victimisation. The United States should provide dedicated federal funding streams similar to those now established for foreign victims of trafficking, for sexually exploited US citizen children. Increased resources for effective services for victims, especially physical shelter, should be included.
- Develop or enhance accessibility of existing telephone or web-based help lines to encourage children to report sexual exploitation and seek referral to appropriate services.

- Support adequately resourced child and youth advisory committees, community-based programmes, and peer-to-peer initiatives that address issues surrounding CSEC.
- Include children and youth in dialogue regarding social norms and practices that make them vulnerable to sexual exploitation and, when appropriate, involve them in the planning, implementation and monitoring of programmes designed to address CSEC.
- Promote and support programmes that help children gain a deeper knowledge of their own rights to be free from sexual exploitation and the options available to them to address abuse so that they are empowered, with the partnership of adults, to end sexual exploitation.

# ANNEX

## The Rio de Janeiro Declaration and Call for Action to Prevent and Stop Sexual Exploitation of Children and Adolescents\*

*Note: This is a condensed version. The full Rio Declaration and Call to Action also contains: Preamble; A. Review of progress and outstanding challenges; and B. Declaration.*

### C. Call for Action

We call on all States, with the support of international organizations and civil society, including NGOs, the private sector, adolescents and young people to establish and implement robust frameworks for the protection of children and adolescents from all forms of sexual exploitation, and we call upon them to:

#### I - International and Regional Instruments

- (1) Continue working towards ratification of relevant international instruments, including as appropriate the United Nations Convention on the Rights of the Child and the Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography, ILO Convention 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, and the Convention on the Elimination of All Forms of Discrimination against Women.
- (2) Continue working towards ratification of relevant regional instruments, including as appropriate the African Charter on the Rights and Welfare of the Child, the ASEAN Charter,

the Inter-American Conventions on International Traffic in Minors and on the Prevention, Punishment and Eradication of Violence against Women, the SAARC Convention on Preventing and Combating Trafficking in Women and Children for Prostitution, and the Council of Europe Conventions on Action against Trafficking in Human Beings, on Cybercrime and on the Protection of Children against Sexual Exploitation and Sexual Abuse, conventions which can be ratified by States that are non-members of the Council of Europe.

- (3) State Parties should take all necessary measures to implement the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography, taking into due accounts the conclusions and the recommendations of the Committee on the Rights of the Child in the context of its review of State Parties' reports. All countries are encouraged to use this as an important reference.

#### II – Forms of Sexual Exploitation and its New Scenarios

*Child pornography/child abuse images*

- (4) Criminalize the intentional production, distribution, receipt and possession of child pornography, including virtual

\* The Rio de Janeiro Declaration and Call for Action to Prevent and Stop Sexual Exploitation of Children and Adolescents (2008), full text available at: [http://www.ecpat.net/WorldCongressIII/PDF/Outcome/WCIII\\_Outcome\\_Document\\_Final.pdf](http://www.ecpat.net/WorldCongressIII/PDF/Outcome/WCIII_Outcome_Document_Final.pdf)

images and the sexually exploitative representation of children, as well as the intentional consumption, access and viewing of such materials where there has been no physical contact with a child; legal liability should be extended to entities such as corporations and companies in case the responsibility for or involvement in the production and/or dissemination of materials.

- (5) Undertake specific and targeted actions to prevent and stop child pornography and the use of the Internet and new technologies for the grooming of children into online and off-line abuse and for the production and dissemination of child pornography and other materials. Victim identification, support and care by specialized staff should be made a high priority.
- (6) Conduct educational and awareness-raising campaigns focusing on children, parents, teachers, youth organizations and others working with and for children with a view to improve their understanding of the risks of sexually exploitative use of the Internet, mobile telephones and other new technologies, including information for children on how to protect themselves, how to get help and to report incidences of child pornography and online sexual exploitation.
- (7) Take the necessary legislative measures to require Internet service providers, mobile phone companies, search engines and other relevant actors to report and remove child pornography websites and child sexual abuse images, and develop indicators to monitor results and enhance efforts.
- (8) Call upon Internet service providers, mobile phone companies, Internet cafes and other relevant actors to develop and

implement voluntary Codes of Conduct and other corporate social responsibility mechanisms together with the development of legal tools for enabling the adoption of child protection measures in these businesses.

- (9) Call upon financial institutions to undertake actions to trace and stop the flow of financial transactions undertaken through their services which facilitate access to child pornography.
- (10) Set up a common list of websites, under the auspices of Interpol, containing sexual abuse images, based on uniform standards, whose access will be blocked; the list has to be continuously updated, exchanged on international level, and be used by the provider to perform the access blocking.
- (11) Undertake research and development, in the realm of the private sector, of robust technologies to identify images taken with electronic digital devices and trace and retract them to help identify the perpetrators.
- (12) Promote public/private partnerships to enhance the research and development of robust technologies to investigate and to trace the victims with a view to immediately stop their exploitation and provide them with all the necessary support for full recovery.
- (13) Make technologies easily available, affordable and usable for parents and other caregivers, including to assist with the use of filters to block inappropriate and harmful images of children.

*Sexual exploitation of children and adolescents in prostitution*

- (14) Address the demand that leads to children being prostituted by making

the purchase of sex or any form of transaction to obtain sexual services from a child a criminal transaction under criminal law, even when the adult is unaware of the child's age.

- (15) Provide specialized and appropriate health care for children who have been exploited in prostitution, and support child centered local models of recovery, social work systems, realistic economic alternatives and cooperation among programmes for holistic response.

*Sexual exploitation of children and adolescents in travel and tourism.*

- (16) Encourage and support the tourism, travel and hotel sectors in adopting professional Codes of Conduct, for example by joining and implementing the Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism; encourage the use of businesses that put in place appropriate child protection-focused corporate social responsibility strategies; and/or provide other incentives for those participating.
- (17) Ensure that all stakeholders pay specific attention to unregulated tourism to prevent domestic and international travellers from sexually exploiting children and adolescents.
- (18) Cooperate in the establishment of an international travel notification system, such as the Interpol 'green notice' system, in accordance with applicable law and human rights standards.
- (19) Ensure investigation and, where sufficient evidence exists, that appropriate charges are brought and vigorously pursued against the State's nationals who are reported or alleged to have sexually exploited a child in a foreign country.

- (20) Prohibit the production and dissemination of material advertising the sexual exploitation of children in tourism; and alert travellers to criminal sanctions that will apply in cases of sexual exploitation of children.

- (21) Monitor new and emerging tourist destinations and establish proactive measures to work with private sector partners involved in the development of tourism services on measures to prevent the sexual exploitation of children and adolescents, including the use of socially and environmentally responsible strategies that promote equitable development.

*Trafficking and the sexual exploitation of children and adolescents*

- (22) Mobilize communities, including children and adolescents with a view to engaging them in dialogue on and a critical review of social norms and practices and economic and social conditions that make children vulnerable to trafficking, and establish procedures that involve them in developing strategies and programmes where they participate, where appropriate, in the planning, implementation and monitoring of such programmes.
- (23) Pilot and adapt or replicate successful models of community-based prevention and rehabilitation and reintegration programmes for child victims of trafficking.
- (24) Establish policies and programmes that address not only cross-border but also internal trafficking of children and that include, among other elements, a standard operating procedure for the safe repatriation and return of children based on the child's view and on a careful assessment of the needs and risks to the child of returning to her/his place of origin to ensure that the best interests of the child are taken into account.

(25) Continue strengthening cross-border and internal cooperation of law enforcement officials, for example by establishing coordinating units with a mandate to issue clear guidelines for child centered investigation of cases of trafficking of children and for treating trafficked children not as criminals but as victims in need of protection.

(26) Take legislative and other measures to ensure that a guardian is appointed without delay for every unaccompanied trafficked child, that an effective system of registration and documentation of all trafficked children is established, and that every trafficked child is provided with not only short-term protection but also with the necessary economic and psycho-social support for full and long-lasting recovery and social reintegration (in line with the UNICEF

*Guidelines on the Protection of Child Victims of Trafficking and UNHCR Guidelines on Formal Determination of the Best Interests of the Child).*

(27) Undertake and/or support, with the involvement of civil society and children, the regular evaluation of programmes and policies to prevent and stop the trafficking of children and of legislation that may have a conducive impact on trafficking, for example laws on marriage, free education, adoption and migration, birth registration, accordance of citizenship, refugee or other status.

### **III – Legal Frameworks and Enforcement of the Law**

(28) Define, prohibit and criminalize, in accordance with existing international human rights standards, all acts of sexual exploitation of children and adolescents in their jurisdiction, irrespective of any set age of consent or marriage or cultural practice, even when the adult is unaware of the child's age.

(29) Establish effective extraterritorial jurisdiction, abolishing the requirement of double criminality for offences of sexual exploitation of children and adolescents, and facilitate mutual legal assistance, in order to achieve effective prosecution of perpetrators and appropriate sanctions. Make all acts of sexual exploitation of children and adolescents an extraditable offence in existing or newly established extradition treaties.

(30) Designate a lead law enforcement agency, where appropriate to national circumstances, to proactively enforce extraterritorial laws related to sexual exploitation of children and adolescents.

(31) Ensure that child victims of sexual exploitation are not criminalized or punished for their acts directly related to their exploitation, but are given the status of victim in law and are treated accordingly.

(32) Establish special gender sensitive units/ children's desks within police forces, involving when appropriate other professionals like health care and social workers and teachers, to address sexual crimes against children, and provide specialized training to judicial and law enforcement personnel.

(33) Address corruption in law enforcement and the judiciary, as well as other authorities with a duty of care to children, recognizing corruption as a major obstacle to effective law enforcement and protection for children.

(34) Establish and implement international, regional and national legal mechanisms and programmes for addressing sex offender behaviour and preventing recidivism, including through risk assessment and offender management programmes, the provision of voluntary extended and comprehensive rehabilitation services (in addition to but not in lieu of criminal sanctions

as appropriate), safe reintegration of convicted offenders and the collection and sharing of good practices and establish where appropriate sex offenders registers.

#### **IV – Integrated Cross-Sectoral Policies and National Plans of Action General**

- (35) Develop and implement comprehensive National Plans of Action on the sexual exploitation of children and adolescents, or include these in existing relevant planning frameworks, such as National Development Plans and ensure that these Plans are based in a cross-sectoral approach which brings all stakeholders together in a coherent and comprehensive framework for action. These Plans should incorporate gender-sensitive strategies, social protection measures and operational plans, with adequate monitoring and evaluation targeted resources and designated responsible actors, including civil society organizations for implementation of initiatives to prevent and stop the sexual exploitation of children and adolescents and provide support for child victims of sexual exploitation.
- (36) Promote and support multi-sectoral policies and programmes, including community-based programmes, within the framework of a comprehensive national child protection system to address phenomena that contribute to the sexual exploitation of children and adolescents including, for example, discrimination (including on the basis of sex), harmful traditional practices, child marriage and social norms that condone sexual exploitation.
- (37) Promote and fund meaningful child and youth participation at all levels in the design, monitoring and evaluation of policies and programmes, in campaigns and through peer-to-peer youth programmes, aimed at raising

awareness and preventing the sexual exploitation and trafficking of children and adolescents.

- (38) Initiate and support the collection and sharing of reliable information and cross-border cooperation, and contribute to databases on victims and perpetrators, to enhance assistance to children and address the demand for sex with children, in accordance with applicable laws.

#### *Prevention*

- (39) Ensure that all children born on their territory are registered immediately and for free after their birth and pay special attention to not yet registered children and children at risk and in marginalized situations.
- (40) Strengthen the role of educational institutions and staff to detect, denounce and help address sexual abuse and exploitation of children in all forms and sources.
- (41) Emphasize prevention of sexual exploitation of children and adolescents, through e.g. awareness raising and educational campaigns, support for parents and eradication of poverty while reinforcing or establishing multi-sectoral referral mechanisms to provide comprehensive support and services to children who have been victimized in sexual exploitation.
- (42) Support children to gain deeper knowledge of their own rights to be free from sexual exploitation, and the options available to help them to address abuse, so that they are empowered, with the partnership of adults, to end sexual exploitation.
- (43) Engage children in meaningful and critical examination of changing contemporary values and norms and their potential to increase vulnerability



to sexual exploitation; and promote education to enhance children's understanding of these issues in relation to sexual exploitation.

- (44) Undertake research on contemporary patterns of socialization of boys and men across different contexts to identify factors that promote and strengthen boys' and men's respect for the rights of girls and women and engage them in action initiatives that inhibit and discourage them from engaging in sexual exploitation of children and adolescents.

#### *Protection of the child*

- (45) Increase efforts to address the sexual exploitation of children and adolescents through the development of comprehensive and integrated national child protection systems, including the necessary budget allocations and based on identifications of settings where children are most at risk that aim to protect children from all forms of violence and abuse.
- (46) Establish by 2013 an effective and accessible system for reporting, follow up and support for child victims of suspected or actual incidents of sexual exploitation, for example by instituting mandatory reporting for people in positions of responsibility for the welfare of children.
- (47) Develop or enhance accessibility of existing telephone or web-based help lines, in particular for children in care and justice institutions, to encourage children and require care givers to confidentially report sexual exploitation and seek referral to appropriate services, and ensure that the operators of such reporting mechanisms are adequately trained and supervised.
- (48) Strengthen existing national child protection services or establish new

ones in order to provide all child victims of sexual exploitation, girls and boys, without discrimination, with the necessary economic and psycho-social support for their full physical and psychological recovery and social reintegration, and when appropriate, family reunification and interventions that support and strengthen families to mitigate the risk of further exploitation; such services to be provided by well trained multi-disciplinary teams of professionals.

- (49) Ensure that these services are accessible, appropriately resourced, comprehensive, child- and gender-sensitive, and reach all children without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, colour, sex (or orientation), and social origin and including children with disabilities, from ethnic minorities, indigenous or Aboriginal children, refugee or asylum-seeking and children in domestic service or living on the streets and children displaced by conflict or emergency situations.
- (50) Develop programs that provide children of sex workers and children living in brothels with support and protection.
- (51) Promote and defend the privacy of the child victims and child perpetrators of sexual exploitation, taking into account relevant national laws and procedures, to protect their identity in investigatory or court proceedings or from disclosure by the media and ensure that these proceedings are child friendly and allow the child to participate in a meaningful way in the process of bringing the perpetrator to justice.
- (52) Ensure that children and adolescents exhibiting acts of sexual violence harmful to others receive appropriate care and attention as a first option through gender-sensitive and child-focused measures and programmes that balance their best interest with

due regard for the safety of others, and ensure compliance with the principle that depriving children of liberty should be pursued only as a measure of last resort, and ensure that those responsible for the care of such children are equipped with relevant and culturally appropriate training and skills.

## **V – International Cooperation**

- (53) Take all necessary steps to strengthen international cooperation by multilateral, regional and bilateral arrangements for the prevention, detection, investigation, prosecution and punishment of those responsible for acts of sexual exploitation of children and adolescents; and for the assistance of child victims in their physical and psychological recovery, social reintegration and, as appropriate, repatriation.
- (54) Establish and/or improve by 2013 concrete mechanisms and/or processes to facilitate coordination at national, regional and international levels for enhanced cooperation among government ministries, funding bodies, UN agencies, NGOs, the private sector, workers' and employers' organizations, the media, children's organizations and other representatives of civil society with a view to enabling and supporting concrete action to prevent and stop the sexual exploitation of children and adolescents.
- (55) Strengthen and improve the effectiveness of existing regional mechanisms for exchange, coordination and monitoring of progress on child protection including against sexual exploitation in order to review progress and strengthen follow-up on the implementation of the recommendations made.
- (56) Provide, when in a position to do so, financial, technical and other assistance through existing multilateral, regional, bilateral and other programmes for addressing the sexual exploitation of children and adolescents; and explore the potential of a fund for child and youth initiatives in this area.
- (57) Develop, where appropriate with the support of UN agencies, NGOs, civil society organizations and the private sector, workers' and employers' organizations, policies and programmes to promote and support corporate social responsibility of enterprises operating inter alia in tourism, travel, transport and financial services, and of communication, media, Internet services, advertising and entertainment sectors; so that child-rights focused policies, standards and codes of conduct are implemented throughout the supply chain and include an independent monitoring mechanism.
- (58) Support and contribute to the Interpol international child abuse images database and nominate a responsible national focal point person or unit to collect and update promptly national data on sexual exploitation of children and adolescents, and systematically share this information with Interpol in order to support cross-border (international) law enforcement action and strengthen its effectiveness, and adopt multilateral agreements especially for police investigation work.
- (59) Undertake national and international coordinated measures to curb and stop the involvement of organized crime

in commercial sexual exploitation of children and bring persons and/or legal entities responsible for this form of organized crime to justice.

## **VI – Social Responsibility Initiatives**

We encourage the private sector, employers' and workers' organizations, to proactively engage in all efforts to prevent and stop the sexual exploitation of children and adolescents, and to use their knowhow, human and financial resources, networks, structures and leveraging power to:

- (60) Integrate child protection, including the prevention of sexual exploitation of children, into new or existing corporate social responsibility policies of enterprises operating inter alia in tourism, travel, transport, agriculture and financial services, and of communication, media, Internet services, advertising and entertainment sectors, and ensure appropriate implementation of such policies and widespread public awareness.
- (61) Incorporate the prevention and protection of children from sexual exploitation in human resources policies, such as Codes of Conduct and other corporate social responsibility mechanisms throughout the supply chain.
- (62) Join efforts with Governments, UN agencies, national and international NGOs, and other stakeholders to prevent the production and dissemination of child pornography, including virtual images and the sexually exploitative representation of children, and stop the use of the Internet and

new technologies for the grooming of children into online and off-line abuse; undertake actions to trace and stop the flow of financial transactions for sexual exploitation of children through the services of financial institutions; support efforts to address the demand for sexual exploitation of children in prostitution and the strengthening of services for children victims and their families, including the establishment of accessible telephone or web-based help lines; and provide support for educational and awareness-raising campaigns targeting children, parents, teachers, youth organizations and others working with and for children, on the risks of sexual exploitation of children, sexually exploitative use of the Internet, mobile phones and other new technologies as well as on protective measures.

## **VII – Monitoring**

- (63) Establish by 2013 independent children's rights institutions such as children's ombudspersons or equivalents or focal points on children's rights in existing human rights institutions or general ombudsperson offices, highlighting the importance for States Parties to the Convention on the Rights of the Child of General Comment No 2 of the Committee on the Rights of the Child; these bodies should play a key role in the independent monitoring of actions taken for the prevention of sexual exploitation of children and adolescents, protection of children from such exploitation and the restoration of the rights of sexually exploited children, in advocating for effective legal frameworks and enforcement and

in ensuring, where necessary, that child victims have effective remedies and redress, including the possibility of filing complaints before these institutions.

We encourage the Committee on the Rights of the Child to:

- (64) Persevere with reviewing progress of States Parties' fulfilment of their obligations to uphold the right of children to protection from sexual exploitation and pay special attention to the recommendations in the Rio Call for Action in its examination of reports under the Convention on the Rights of the Child and its Optional Protocols.
- (65) Adopt as a matter of priority a General Comment on the right of the child to protection from sexual exploitation, trafficking for sexual purposes, and the abduction and sale of children, including detailed guidance to States on the development, implementation and enforcement of national legislation and policies in this regard.
- (66) Continue to work with the Office of the High Commissioner for Human Rights in protecting child rights, and raising awareness of relevant international and regional human rights mechanisms.

We encourage other United Nations human rights treaty bodies, special procedures of the Human Rights Council and special representatives of the United Nations Secretary-General, as well as regional human rights mechanisms, to:

- (67) Pay particular attention to combating the sexual exploitation of children and adolescents, within their respective mandates and during their examination of State Parties' reports, country visits, in their thematic work and/or other activities.

We urge the Human Rights Council to:

- (68) Ensure that the Universal Periodic Review process includes rigorous examination of States' fulfilment of their obligations to children, including preventing and stopping the sexual exploitation of children and adolescents and to respectfully the rights of child victims of such exploitation.

We urge the yet-to-be-appointed Special Representative of the Secretary-General on Violence against Children, the Special Representative of the Secretary-General for Children and Armed Conflict, the Special Rapporteur on the Sale of Children, Child Prostitution and Child Pornography and the Special Rapporteur on Trafficking in Persons, especially in Women and Children, together with other appropriate mandate holders and in collaboration with the Committee on the Rights of the Child, to:

- (69) Work together to avoid duplication and to maximise their impact in preventing and stopping the sexual exploitation of children and adolescents and, through their work, map experiences in the area of prevention and response to sexual exploitation of children and assess their effectiveness.

We encourage UN agencies, NGOs and human rights institutions to:

- (70) Support and provide information on the extent of and responses to sexual exploitation of children and adolescents to these bodies.
- (71) Work with the media to enhance their role in education and empowerment, and in protecting children from sexual exploitation, and to mitigate the harmful potential of the media, including

through the sexualization of children in advertising.

We call on international financial institutions such as the World Bank and the International Monetary Fund to:

- (72) Review their current macro-economic and poverty reduction strategies with a view to counteracting any negative social impact on children and their families, including loan conditionality which essentially limits social services and access to rights and minimizing the risk for children to sexual exploitation.

We call on religious communities to:

- (73) Reject, in the light of their consensus about the inherent dignity of every person, including children, all forms of violence against children including sexual exploitation of children and adolescents and establish, in that regard, multi-religious cooperation and partnership with other key stakeholders such as governments, children's organizations, UN agencies, NGOs, media and the private sector using their moral authority, social influence and leadership to guide communities in ending sexual exploitation of children and adolescents.

## C. Call for Action

- (1) We commit ourselves to the most effective follow-up to this Call for Action:

- At the national level, inter alia, by biennial public reporting on the measures taken for the implementation of the Rio Declaration and Call for Action and promoting/initiating discussions on the progress made and the remaining challenges to named responsible mechanisms for monitoring implementation while also integrating such requirements into State reporting to the Committee on the Rights of the Child.
- At the international level, by encouraging and supporting coordinated actions by the relevant human rights treaty bodies, special procedures of the Human Rights Council and Special Representatives of the Secretary-General of the United Nations with a view to maintaining awareness of the Rio Declaration and Call for Action and promoting its implementation.

- (2) Encourage the private sector to join the United Nations Global Compact and communicate their implementation progress with regard to addressing the sexual exploitation of children and adolescents and supporting the realization of this platform for coordinated corporate efforts and sharing of best practices.

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