



Global Monitoring

status of action against commercial sexual exploitation of children

TAIWAN



2nd EDITION

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GLOSSARY OF TERMS AND ACRONYMS

- **CRC**- Convention on the Rights of the Child
- **CSEC**- commercial sexual exploitation of children
- **ECPAT**- End Child Prostitution, Child Pornography and Trafficking of Children for Sexual Purposes
- **IMF**- International Monetary Fund
- **INHOPE** - The International Association of Internet Hotlines
- **IT**- Internet technology
- **MoE**- Ministry of Education
- **NCC**- National Communications Commission
- **NIA**- National Immigration Agency
- **NPA**- National Plan of Action
- **NT\$**- New Taiwan Dollar (national currency of Taiwan)
- **OPSC**- Optional Protocol on the sale of children, child prostitution and child pornography
- **NGO**- non-governmental organisation
- **PRC**- People's Republic of China
- **ROC**- Republic of China
- **UN**- United Nations
- **USD**- United States Dollar
- **YATT**- Youth Act Together in Taiwan

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 2nd 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 2nd 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 2nd 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 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.



TAIWAN

INTRODUCTION

Over the last 70 years, Taiwan has been through a period of rapid economic growth and industrialisation, resulting in the creation of a strong economy. In its 2008 report, the International Monetary Fund (IMF) classified Taiwan as an advanced economy¹.

The end of World War II also marked the beginning of Taiwan's current political uncertainty. After the surrender of Japan at the end of the second Sino-Japanese war, Taiwan, (which was occupied by Japan) fell under the control of the Republic of China (ROC). In 1949 the Government of the ROC was defeated by communist forces, which established the People's Republic of China (PRC) on the Chinese mainland. The defeated ROC Government was relocated to Taiwan. From 1949 to 1987, the ROC Government imposed martial law, new political parties were banned, the press was censored and the freedoms of speech, publication, assembly and association were restricted. It was only after this period, that

Taiwan began its transition to democracy².

In 1971, the United Nations recognised the PRC Government as the sole and legitimate Government of China. Consequently, Taiwan, governed by the ROC, lost its seat at the UN and became diplomatically isolated³. Only 23 countries currently have diplomatic relations with Taiwan (known as the ROC)⁴. However, Taiwan develops informal ties with most countries⁵.

It follows therefore that Taiwan is not a party to the *Convention on the Rights of the Child (CRC)*, its Optional Protocol on the sale of children, child prostitution and child pornography (OPSC) or any other international or regional convention addressing the commercial sexual exploitation of children (CSEC). Furthermore, limited diplomatic relations affects its ability to directly cooperate internationally on issues such as trafficking of children.

Child prostitution

Although it is known that child prostitution exists in Taiwan, reliable statistics on the extent of the problem are unavailable. In 2009, it was revealed that 20 personnel, including high ranking officers from Taiwan's armed forces, were involved in purchasing sexual services from underage girls. The scandal was exposed during a joint

operation between the police and military police against vice activities in Kaoshiong in July 2009. The enforcement team busted two prostitution rings supplying underage girls and seized their customer contact lists. In another operation in Kaoshiong last July, police also found three 16-year-old girls involved in providing sex services over

the Internet. From the girls' contact lists, police discovered the names of more than 20 personnel from the army, navy and air force. Following an investigation, the officers involved were asked to leave the army⁶.

Whilst sexual exploitation affects both boys and girls, in 2008, NGOs reported an increase in the number of boys involved in prostitution in Taiwan, primarily discovered during police investigations of online social networking sites suspected of operating as prostitution rings⁷. The Taiwanese Government stated that, according to the annual *Child and Juvenile Sex Trade Prevention Work Report* published by the Ministry of Interior's Child Welfare Bureau, between 2004 and 2008, the number of

boys caught and suspected of involvement in commercial sex acts peaked in 2006 (with a total of 277 boys identified), and has since been in decline (in 2008 there were 73 boys identified who were involved in prostitution). One possible reason for this significant drop in numbers of cases of boys allegedly involved in commercial sex is that the police were using "phishing" (disguising themselves as potential buyers and asking the teenagers if they would like to have sex for money); this approach to investigation was later prohibited⁸. It has also been argued that social workers who later talked to those boys found that some of them made sex offers online simply out of curiosity and fun, and had no intention of actually engaging in sex⁹.

Trafficking of Children

Due to its economic prosperity, Taiwan is a destination country for adults trafficked for labour and sexual exploitation. In terms of sexual exploitation, women and girls are known to be trafficked from China and southeast Asian countries, such as Indonesia and Vietnam, through false marriages with Taiwanese men and employment offers¹⁰.

To a far lesser extent, Taiwan is also said to be a source country for trafficking in women for sexual exploitation to Japan, Australia, the UK and the US, as well as a transit country for Chinese citizens seeking to enter the US,

where some of them may become victims of forced prostitution¹¹.

Human trafficking in Taiwan may be organised by criminal gangs, such as the so-called 'snake' groups, or by individuals seeking to exploit children for money. From April 2008 to January 2009, 234 individuals were convicted of trafficking-related offenses¹². In 2009, only four cases of trafficking, involving 43 alleged offenders, were prosecuted under the anti-trafficking law (2009)¹³.

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 3.¹⁴

In the 2010 report, Taiwan was placed in Tier 1¹⁵.

Child pornography / child abuse images

Research on the extent of child pornography in Taiwan appears to be very limited. However, available information on internet use by Taiwanese children and adolescents demonstrates that their exposure to inappropriate materials is very common. Online bullying is also an alarming, emerging issue. It has been reported that 24% of children have used insulting or threatening

language via the Internet.¹

From 2008 to 2010, the Internet Hotline of ECPAT Taiwan received a total of 1,220 reports concerning child pornography. ECPAT Taiwan's data shows a decline in the number of child pornography, from 529 in 2008, to 367 in 2009 and 324 in 2010¹⁶.

Statistics from 2008 to 2010¹⁷:

Total Number of Cases Involved Child Victims (details are as below)	2008	2009	2010
		600	404
•Child Pornography	529	367	324
•Child Erotica	65	34	174
•Child Nudism	6	0	1
•Child Sex tourism	0	1	0
•Child Grooming Activities	0	2	1
•Child trafficking	0	0	0

Most of the child pornography content/websites were hosted in foreign countries. In addition to the images exposing victims' genitals or depicting explicit sexual activity, many child pornography reports received were related to closed forums. These child pornography forums are in simplified Chinese characters and are sophisticatedly operated. Members of these forums cannot access child pornography material unless they pay to become a private member or accumulate their credit points to a certain level. In these forums, child pornography content is classified based on victims' gender and race, as well as the type of content, such as articles, videos, images, etc.

In 2010, ECPAT Taiwan discovered a new form of child pornography which are open videos streaming websites containing child

pornography videos. These video streaming websites are also in simplified Chinese characters and hosted in foreign countries. Whilst many child victims depicted appear to be Western or Asian, some children could be of Chinese facial characteristics.

During 2009, a US pornography website was known to be selling illegal DVDs containing child pornography to Taiwanese nationals. The ECPAT Taiwan hotline received a report regarding this website that was referred for further investigation to the relevant body in the US, as well as to the appropriate Taiwanese law enforcement division. In December 2009, five suspects were arrested and more than 70 DVDs with child sexual abuse content were discovered. The five suspects are now being prosecuted in Taiwan¹⁸.

Taiwanese nationals have been known to engage in sexual activities with minors when travelling abroad, particularly in southeast Asian countries. According to research by Child Wise (ECPAT Australia), conducted in Cambodia in 2006, the largest number of child sex tourists in Cambodia were from Asian countries, such as Japan, Korea, China (including Hong Kong), and Taiwan¹⁹. It was

further reported that wealthy Taiwanese and Chinese men were attracted to buying sex in Cambodia because the prices were lower²⁰. Research published in 2007 also indicated that Taiwanese men have been known to target virgins for sexual exploitation in Cambodia²¹, the Philippines, Thailand and Vietnam²².

NATIONAL PLAN OF ACTION

The *National Plan of Action to Prevent Sexual Exploitation of Children in Taiwan* was created as a joint effort by Taiwanese NGOs and various government departments in 2000. Although the plan has still not been officially adopted by the Government of Taiwan, the plan is supposedly used to guide programming on combating CSEC. The NPA is divided into five sections covering prevention, protection, recovery and reintegration, child participation and regional and international cooperation²³.

Taiwan's NPA addresses child sex tourism, sexual transactions with children and child pornography, however it appears that trafficking is dealt with in a separate action plan (discussed below). Although it was created almost a decade ago, in many respects, the NPA is in compliance with the requirements of the *Rio Declaration and Call to Action*. For example, the prevention section emphasises the need to reduce the vulnerability of children through education and awareness raising amongst those who are most at risk; the enforcement section including the private sector (such as hotels and the IT industry) in the fight against CSEC; and there is express recognition of the need for child participation in anti-CSEC activities.

It has now been 10 years since the National Plan for Action was developed although as stated it has never been officially approved by the government. The response of the government is that Taiwan already has a special law 'Child and Youth Sexual Transaction Prevention Act' (1995) to deal with the CSEC, and the law is more comprehensive and effective in combating CSEC crimes and thus overrides the need for a National Plan of Action²⁴.

In relation to human trafficking, Taiwan adopted the *Prevention Plan for Human Trafficking* for the 2006 to 2008 period. This plan envisaged a range of activities for addressing human trafficking, including child sex trafficking, and mobilised financial resources to all ministries to ensure its effective implementation. This comprehensive strategy has incorporated into the *Prevent Trafficking in Persons Implementation Plan* for the 2008 to 2010 period. A total budget of NT\$490 million (equivalent to approximately USD17 million) has been allocated for the realisation of this plan's activities, including for improving the public's awareness and understanding of trafficking, enhancing victims' protection and ensuring effective investigations and prosecutions²⁵.

The *Youth Policy White Paper Guidelines* published in 2005 included a number of policies and programs addressing various youth issues, including CSEC (such as to enhance the investigation on CSEC crimes and to increase the counselling services for the child and youth to prevent CSEC). Since 2006, an annual progress report and a new action plan have been presented to the Executive Yuan Youth Affairs Advancement Committee (now transferred into the Division of Youth Affairs Promotion Projects, Commission

for Social Welfare Advancement, Executive Yuan)²⁶. Revision meetings and conferences have also been organised, with the participation of government ministries and young people, to discuss and make proposals for improving this strategy and the latest updated version was made in 2008. However, since the committee transferred to the Division of Youth Affairs Promotion Projects, Commission for Social Welfare Advancement there has been no further youth involvement²⁷.

COORDINATION AND COOPERATION

Coordination and cooperation are crucial for an efficient and effective fight against CSEC. In accordance with the *Stockholm Declaration and Call to Action* and the *Rio Declaration and Call to Action*, close interaction and

cooperation between government and non-government sectors is necessary to effectively plan, implement and evaluate measures to combat CSEC.

Local and national levels

Existing legal and policy frameworks in Taiwan emphasise the importance of establishing multi-agency collaboration in addressing human and child trafficking. With the approval of the *Prevention Plan for Human Trafficking* in 2006, a permanent Executive Yuan Inter-Ministry Human Trafficking Prevention Coordinated Meeting was created to ensure the plan's implementation. Government departments, NGOs and other actors involved in human trafficking prevention can use these meetings (held every three months) to coordinate and communicate with each other.

In addition, the Coastal Guard Administration has established an emergency coordination and communication mechanism with the prosecutors' offices, law enforcement agencies, social and labour departments of

county and city governments and NGOs in order to bolster the overall effectiveness of investigations in trafficking cases²⁸.

A consistent, multi-stakeholder approach at the national and local levels is also provided for by Article 4 of the *Human Trafficking Prevention and Control Law* enacted in 2009²⁹ and under the *Child and Youth Sexual Transaction Prevention Act*.

In relation to child pornography, Taiwanese civil society organisations continue to actively cooperate with one another. ECPAT Taiwan, for example, collaborates directly with the 9th Investigation Brigade (Cyber-Crime Suppression Division) of the Criminal Investigation Bureau of Taiwan to combat child pornography online.

In Taiwan, there are different inter-ministry taskforces set up which have specific agencies identified to be in charge according to different issues. For example, the Child Welfare Bureau is responsible for CSEC issues, whilst the National Communications Commission (NCC) is responsible for the child online safety, and the NIA for the trafficking. Examples also exist of good cooperation between government agencies and/or NGOs:

- ECPAT Taiwan's hotline WEB547 has funding and support coming from

the Child Welfare Bureau, and also has good cooperation with the Ministry of Education and National Police Agency.

- Some services such as accommodation, treatment, and case management and follow up for the victims are contracted out to NGOs. The model is that the NGO provides the professional services and the government provides the funding.

Nevertheless, due to sectionalism, the government agencies can sometimes lack cross communication and lateral cooperation³⁰.

Data collection

Taiwan lacks a centralised information system to collect data on the different manifestations of CSEC. However, initial efforts to enhance data collection in this area have been undertaken. In January 2007, in an effort to address this and to present an accurate picture of Taiwan's efforts to fight human trafficking, executive departments established a mechanism that allows them to analyze individual human trafficking cases according to the charges. This database disaggregates information on the basis of age, gender and type of exploitation so to provide specific data on child sex trafficking³¹.

Additionally, the *Child Welfare Bureau publishes an annual Child and Juvenile Sex*

Trade Prevention Work Report, which presents data on crimes that violate the *Child and Youth Sexual Transaction Prevention Act*. The report includes information on the child victims involved, disaggregated by gender, age, ethnicity/nationality. The government agencies related to dealing with the CSEC, such as Ministry of Education (MoE), the National Police Agency, the Ministry of Justice, etc. have to annually report the relevant data to the Child Welfare Bureau, which is responsible to compile and edit all information and publish the Work Report in the middle of the next year. The information is quite complete and the mechanism is effective³².

Regional and international level

At the international level, effective cooperation is required between countries and international organisations, including regional organisations, to ensure a concerted and coordinated approach is taken in eliminating CSEC.

Although not focused specifically on child trafficking, the Government of Taiwan has promoted a number of initiatives to foster international cooperation against human trafficking. The National Immigration Agency, under the Ministry of Interior, holds international conferences/workshops

annually: an International Workshop on the Prevention of Trafficking in Persons in August 2008, and an International Conference on Prevention of Trafficking in Persons in October 2008. Several experts were invited to give talks on the practical and legal issues related to trafficking in persons, including representatives from foreign governments and national and international NGOs³³. The NIA also held the International Conference on Strategies for Combating Human Trafficking in both 2009 and 2010, and the 2009 International Workshop on Prevention of Trafficking in Persons on 27-29 July 2009. This workshop aimed to foster the establishment of international cooperation channels, and to reach consensus with NGOs, so as to enhance the effectiveness of anti-trafficking activities³⁴. Despite these initiatives, the Taiwanese government authorities report that their efforts to combat trafficking abroad are hampered by a lack of formal diplomatic relations with source country governments, and an inability to join relevant international organisations³⁵.

In terms of international cooperation at the NGO level, ECPAT Taiwan joined INHOPE (The International Association

of Internet Hotlines) in 2004 and works closely with more than 40 hotline members around the world to combat online child pornography. ECPAT Taiwan has held international conferences on child online safety since 2006. These annual events are usually attended by government representatives and experts from different countries, and address child online safety strategies, including legislation, research, investigation and advocacy experience³⁶. In June 2009, ECPAT Taiwan also organised an international conference against sexual exploitation of children in Taiwan as a follow-up to the 2008 World Congress III against Sexual Exploitation of Children and Adolescents. The conference was supported by a number of key Taiwan government agencies, including the Child Welfare Bureau, the National Immigration Agency, the Ministry of Education, the Ministry of Foreign Affairs, the National Communications Commission and the Taipei District Public Prosecutor's Office.

The Garden of Hope Foundation has also cooperated with the Ministry of Foreign Affairs to establish a shelter in Cambodia (the source country) for the victims of trafficking³⁷.

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, as well as the root causes of CSEC.

As part of an ongoing campaign to combat child sex trafficking, Taiwanese authorities reportedly display public service announcements in cinemas, on television

and in online chat rooms. Furthermore, the Ministry of Transportation and Communications, in cooperation with NGOs, has produced pamphlets and other materials in Mandarin, Japanese and English to raise awareness about the child sexual exploitation³⁸. Taiwan's total expenditure for training and awareness raising about human trafficking prevention was said to be over USD 900,000 in 2008³⁹.

To counteract internet dating, the Child

Welfare Bureau has, for three years running, subsidised NGOs to implement education campaigns in online chat rooms, reminding users that the act of posting sexual offers online is an offense punishable by law⁴⁰.

Education on the commercial sexual exploitation of children and trafficking is said to be ongoing in Taiwan. Education initiatives are reportedly conducted for front-line personnel, such as teachers, social workers, medical practitioners and law enforcement, as well as for students in schools⁴¹.

The Taiwanese Government has held multiple training seminars and workshops on human trafficking for law enforcement officials, prosecutors, judges, social work and medical personnel and NGOs. In 2009, over 4,500 Taiwan officials, academics, and civil society stakeholders received anti-trafficking training⁴².

At schools, the Ministry of Education has included human trafficking in the national curriculum⁴³.

Additionally, in 2007, the Tourism Bureau, a division of the Ministry of Transportation and Communications, provided training to a total 1,880 mid and low level workers in the hotel industry at 15 locations. Experts were invited to give talks on trafficking in persons, provisions of the *Child and Youth Sexual Transaction Prevention Act* and related regulations. Industry trainees were also asked to read the training materials online and complete online tests of the subject matter. The 2008 training was said to be aimed at high-level managers in the hotel industry⁴⁴. Between January 2004 and June 2008, a reported 7,541 tour guides and 8,603 tour leaders also received this kind of training⁴⁵.

In 2009, nationwide awareness raising campaigns on child sex tourism were conducted by The Child Welfare Bureau which also provided travel agencies with 50,000 baggage tags with information on how to report child sex tourism⁴⁶.

In 2008, the Tourism Bureau commissioned ECPAT Taiwan to produce postcards and materials for display on bedside table for



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.

In August 2009, ECPAT Taiwan and The Body Shop held a campaign launch event in Taipei. Attending the launch were three, female, city councillors from the Taipei metro city district and a legislator, along with well-known celebrities, including famous singers, models and basketball stars, who expressed their concerns

about child sex trafficking. In Taiwan, customers who buy the 'Soft Hands Kind Heart Hand Cream' will also receive a cell phone strap made by girls living in an ECPAT Taiwan Shelter.

During the first phase of the campaign, ECPAT Taiwan has received funds from sales of the 'Soft Hand Kind Heart Hand Cream' which are being used to provide specialised care and reintegration services for child victims. Specifically, they go toward improving shelter services and the development of vocational skills of child victims undertaking the rehabilitation process.

distributing to the tourists and hotels to raise awareness on human trafficking and to make it clear to tourists that it is a crime to have sex with children. However, the resources put into such CSEC prevention initiatives are small, and the awareness raising with tourists is not enough⁴⁷.

Measures to deter human trafficking (including child trafficking) have been adopted. With respect to border monitoring, secondary interviews at airports and seaports may be conducted and passport inspections and surveillance of alien smuggling have reportedly been enhanced⁴⁸. Furthermore, in an effort to curb sex trafficking of women and girls through fraudulent marriages, in 2009 Taiwan authorities banned for-profit marriage broker agencies⁴⁹.

ECPAT Taiwan continues to run Web 547, an online reporting channel and database of illegal and harmful materials found on the Internet. Web547 cooperates with the 9th Investigation Brigade of the Criminal Investigation Bureau of Taiwan for the child pornography case in Taiwan and also works closely with INHOPE hotline members.

Finally, the Child Welfare Bureau has reportedly commissioned NGOs to collect domestic and foreign regulations on the child sexual exploitation, and information on such cases. The collected materials are to be used as research and campaign materials to raise public awareness of the issues surrounding the child sexual exploitation, and to warn off adults and children from getting involved in the sex trade industry⁵⁰.

Advocate in Taiwan for an on-line Age Identification System

In 2007, ECPAT Taiwan urged the government and internet industry to come up with and apply an efficient age identification system in order to prevent children from accessing adult pornography or inappropriate websites. Although the Taiwan government has promoted "Citizen Digital Certificate*" to encourage people to use various government online services since 2003, few were using the Citizen Digital Certificate and the internet industry was not actively applying the Citizen Digital Certificate during 2008-2010.

However, in 2008, Yahoo Taiwan applied the Citizen Digital Certificate to their online auction service. In addition, the Industrial Development Bureau (the department which is responsible for computer and game software rating), is discussing the possibility of applying Citizen Digital Certificate to implement computer and game software rating and other online game protection mechanisms. In light of these developments in the usage of "Citizen Digital Certificate" and the similar function it provides of age identification, ECPAT Taiwan is advocating the use of Citizen Digital Certificate to promote child online safety⁵¹.

*The citizen digital certificate is issued by the Interior Ministry Certificate Authority, which issues the public key certificates of authentication for nationals who are above 18 years of age.

PROTECTION

Because of its special political status, Taiwan cannot ratify international legal instruments such as the *CRC* and the *OPSC*, nor can it adopt international declarations such as the *Rio Declaration and Call for Action*.

Nevertheless, the standards set forth in international conventions and declarations provide a good basis for evaluating the country's laws to protect children from commercial sexual exploitation.

Legislation

The principal Taiwanese law that deals with the commercial sexual exploitation of children is the *Child and Youth Sexual Transaction Prevention Act* (1995). This Law addresses sexual transactions with children, child pornography and contains

some provisions on trafficking in children for sexual purposes. It also provides for assistance to and rehabilitation of child victims of CSEC. Human trafficking is dealt with in more detail in the recently enacted *Human Trafficking Prevention and Control Act*.

CHILD PROSTITUTION

Taiwanese law prohibits child prostitution and contains stringent penalties for those who engage in or facilitate child prostitution.

Article 22 of the *Child and Youth Sexual Transaction Prevention Act*, prohibits engaging in sexual transactions with children under 16 years of age. The article 22-1 states that "if a person has a sexual transaction with a child or teenager under the age of 16, he or she shall be punished in accordance with the provision of the Criminal Code", which refers to the article 227 of the Criminal Code. §227-1: for having sex with children under 14 years old, the penalty is 3-10 years imprisonment; §227-3: for having sex with children from 14 to 16 years old, the penalty is up to 7 years imprisonment.

Article 24 of the act provides that those who coerce a child to engage in sexual transactions shall be sentenced to imprisonment for at least seven years, and may be imposed a fine of up to NT\$10,000,000 (equivalent to approximately USD350,000). Those who commit the offense with intent to profit shall

be sentenced to imprisonment for at least 10 years and to a fine up to NT\$10,000,000 (equivalent to approximately USD350,000). Under Article 23, those who cause children to engage in sexual transactions shall be sentenced to imprisonment for one to seven years and to a fine of up to NT\$3,000,000 (equivalent to approximately USD105,000). Those who commit the offense with intent to profit shall be sentenced to imprisonment for three to seven years and to a fine of up to NT\$5,000,000 (equivalent to approximately USD175,000). The law provides equal punishment for those who attempt to commit these crimes⁵².

The *Child and Youth Sexual Transaction Prevention Act* contains several other provisions that apply more broadly. For example, publishing or broadcasting advertisements to facilitate sexual transactions is a crime subject to one to seven years' imprisonment and a fine⁵³. Publishers who print such advertisements may also be sanctioned by the competent authority and fined⁵⁴.

Furthermore, the *Criminal Code* makes illegal a variety of activities related to sexual transactions, and provides additional penalties for “add-on” violations. Prohibited acts include seducing and facilitating children under 16 years of age to perform “obscene” or sexual acts, or profiting from doing so;⁵⁵ attempting to profit or attempting to “co-seduce”⁵⁶ or seduce⁵⁷ a person under 20 years of age to leave their families or legal guardians for the purposes of performing

obscene or sexual acts; transporting the victims of these crimes outside Taiwan;⁵⁸ or receiving and hiding the victims of these crimes⁵⁹.

Regarding the problem of child prostitution facilitated through internet chat rooms, in 2007, Taiwan’s largest web portal immediately shut down its chat room service after it had been found to have extensive offers of sexual services involving minors⁶⁰.

TRAFFICKING OF CHILDREN FOR SEXUAL PURPOSES

With the recent introduction of the *Human Trafficking Prevention and Control Act* 2009, Taiwanese authorities have made efforts to harmonise domestic legislation with international standards on the protection of children from trafficking. However, it is problematic that several laws addressing the issue of trafficking overlap. These laws should be consolidated in order to afford the best protection to child victims, and to ensure that the most stringent sentences are imposed on offenders.

Article 2-1(2) of the *Human Trafficking Prevention and Control Act* defines trafficking in children as follows: “to recruit, trade, take into bondage, transport, deliver, receive, harbor, hide, broker, or accommodate anyone under 18 years of age for the purpose of subjecting him/her to sex transaction, forced labor or the harvest of his/her organ, or to subject people under 18 years of age to sexual transactions, labor exploitation or underpayment, or organ harvesting”. Based on this Article, as long as the subject is under 18 years old, no matter by which means or the subject’s consent, it is an offence of human trafficking.

The only provision contained in the *Human Trafficking Prevention and Control Act* relevant to protecting children from CSEC punishes those who “use such means as

debt bondage or another’s person inability, ignorance, or helplessness, to force him/her into sexual transactions.” The penalty for violating this provision is imprisonment for six months to five years, and a fine of up to NT\$3,000,000. Any attempt to commit such a crime is also punishable (Article 31).

As to penalties applicable to those involved in child trafficking for sexual purposes, they are stipulated within the provisions of the *Child and Youth Sexual Transaction Prevention Act*⁶¹.

Trafficking in children is more stringently prohibited and punished under other Taiwanese laws, including the 1995 Act. Although the word “trafficking” is not explicitly mentioned or defined, Article 31 stipulates that: “with intent to commit the act listed in Article 23 to Article 25, Article 26 of second half of the first paragraph, or Article 27, and *move the victims into and out of Taiwan area* shall be in accordance with each article’s sentence and enhanced by up to one half more than the base term of punishment. Those who attempt to commit any of the offenses listed in the preceding paragraph shall be penalized.

In addition, the Taiwanese *Criminal Code* contains several relevant provisions on slavery and human trafficking. The crime

of enslaving others may be punished with one to seven years' imprisonment, and the attempt to do so is also punishable⁶². Trafficking human beings may be punished with at least five years' imprisonment and/or a fine of up to NT\$500,000 (equivalent to approximately USD17,500) and any person who traffics a person for sexual or obscene acts may be punished with at least seven years' imprisonment and/or a fine of up to NT\$500,000 (equivalent to approximately USD17,500)⁶³. Punishment is increased by one-half for violators who rape, threaten or use other methods to coerce a person to be trafficked. The Criminal Code further punishes those who commit acts in furtherance of this crime: attempts to commit the crime are punishable; persons who mediate or receive or hide

victims may be punished with one to seven years' imprisonment and/or a fine of up to NT\$300,000 (equivalent to approximately USD10,500); and habitual offenders may be punished with 10 years' to life imprisonment and/or fined up to NT\$700,000 (equivalent to approximately USD24,500). Additionally, any government employee who harbours a violator of this law may be subjected to the same punishment as the violator, increased by one-half⁶⁴.

There are also a number of provisions in other laws that relate to trafficking and could be used to prosecute traffickers, including the *National Security Act*, the *Act on the People's Relationship between Taiwan and Mainland Area*, the *Organized Crime Prevention Act* and the *Immigration Act*.

CHILD PORNOGRAPHY

Compared to international standards, Taiwanese laws on child pornography are not quite as extensive. For example, it is unclear whether simulated child abuse images are covered by the Taiwanese law.

According to Article 27 of the *Child and Youth Sexual Transaction Prevention Act* child pornography covers pictures, video tapes, films, discs, electronic materials or any other products in relation to sexual activity or obscene acts involving a person under the age of 18. In contrast to the definition contained in the OPSC, it is not clear whether this definition would include simulated images or audio materials. Although there is no clear definition of the word obscene in the article 27, the Grand Justice has an interpretation of the definition of 'obscene'. Obscene publications are those publications that, by objective standards, can stimulate or satisfy a prurient interest, generate among common people a feeling of shame or distaste, thereby offending their sense of sexual morality, and undermining societal cultural ethics (such as rape, sadism and masochism, incest,

CHILD ABUSE IMAGES

bestiality, etc.)⁶⁵.

Under Article 27, producing child pornography is illegal in Taiwan and is punishable by six months to five years' imprisonment, and a fine of up to NT\$500,000 (equivalent to approximately USD17,500). Where child pornography is produced for profit, the penalty is increased to imprisonment for one to seven years and a fine of not more than NT\$5,000,000 (equivalent to approximately USD175,000)⁶⁶. The law also punishes those who coerce or procure children into involvement in the production of child pornography⁶⁷.

The distribution of materials containing child pornography is also illegal and, according to Article 28 of the *Child and Youth Sexual Transaction Prevention Act*, is punishable by up to three years' imprisonment and/or a fine of up to NT\$5,000,000 (equivalent to approximately USD175,000).

In July 2007, Article 28 of the Child and

Youth Sexual Transaction Prevention Act was amended to punish anyone who possesses child and youth pornographic pictures, films, videotapes, discs, magnetic records and other goods without justifiable causes with the first offence shall be sentenced to two to ten hours rehabilitation under the local county (city) authorities. A second offence shall be subject to a fine of NTD 20 000 to 200 000 (USD 660-6600)⁶⁸. The 2007 amendment also introduced an obligation for internet service suppliers and telecommunications operators to report to the local competent authority, any children under 18 years of age that engage in, or might engage in, a sexual transaction (Article 9)⁶⁹.

Taiwanese legislation also provides that materials containing child pornography can be confiscated by law enforcement authorities, regardless of whether they belong to an offender⁷⁰.

Other best practices that Taiwan ought to adopt include introducing laws to punish those who knowingly access and view child pornography and criminalising grooming of children. This issue is closely connected to child pornography as abusers often use child pornographic images to desensitise or blackmail the children they are ‘grooming’.

EXTRATERRITORIAL LEGISLATION WITH REGARD TO CHILD SEX TOURISM RELATED OFFENSES

As Taiwanese nationals have been known to sexually abuse children when travelling abroad⁷¹, it is important that those that escape prosecution in the countries where they commit offenses by returning to Taiwan are prosecuted under Taiwan’s penal legislation or extradited by Taiwan authorities to the requesting countries. Therefore, Taiwan has adopted extraterritorial legislation.

Article 22 of the Act, which regulates the commercial sexual exploitation of children in Taiwan, provides for extraterritorial effect to all of its provisions. This means that if Taiwanese citizens violate provisions of the 1995 Act outside of Taiwan, for example if they sexually abuse children in a foreign country, they are punishable under this provision. The *Child and Youth Sexual Transaction Prevention Act’s extraterritoriality provision* does not require that offenses be criminalised in the country where they are committed (double criminality principle), which is very positive. The violation of the 1995 Act is a criminal offense and according to the territorial effect, the law applies to the offenses committed by foreigners residing in Taiwan.

With regard to the enforcement of the extraterritorial scope of the 1995 Act, according to the US Department of State’s Trafficking in Persons Report from 2010, there were no prosecutions of Taiwanese citizens in Taiwan for sexual crimes against children committed abroad in 2009⁷². Similarly, it appears that there were no Taiwanese citizens prosecuted under local laws of other countries for child sex offences.

Seven countries have bilateral extradition treaties signed with Taiwan, they are: Swaziland, South Africa, Costa Rica, Paraguay, Dominica, Dominican Republic, and Malawi. No specific crimes (such as sex crimes against children) are mentioned in the treaties. A Mutual Legal Assistance Treaty has been signed with the United States of America. To date, there are no cases where foreign child sex offenders were extradited by Taiwanese authorities.

Taiwan’s legal framework also imposes legal obligations on private companies in the tourism industry that are aimed at preventing child sex tourism. Under the *Statute for the Development of Tourism*, any tourist enterprise that “violates good morals” or “tarnishes national dignity”, faces a fine of NT\$30,000-

150,000, and for serious offences, business operations may be suspended and registration certificates may be invalidated⁷³. The Taiwanese Government has indicated that tourism enterprises that arrange child sex tourism activities will face punishment under this law⁷⁴. In addition, the law

provides for punishment of the employees of tourist enterprises that are involved in the offences described above. Such individuals face personal fines of between NT\$10,000 (equivalent to approximately USD350) and 50,000 (equivalent to approximately USD1,750)⁷⁵.

Support service for children

Strategies for the recovery and reintegration of victims of CSEC ought to contain immediate and long-term policies. Immediate assistance could include medical and psychological care and the provision of shelter and legal assistance. Longer term assistance could include reintegration into school, return to family (presuming they are not offenders) and financial assistance. With regard to child victims of trafficking for sexual purposes, it is also important to have procedures in place for repatriation, or other special assistance for non-nationals.

19 State-commissioned shelters for victims of trafficking are operating in Taiwan. These shelters, run by NGOs are providing victims with services, such as medical, financial, and legal assistance and psychological counselling⁷⁶.

The helpline, “0800-000-919”, was established specifically for child victims of commercial sexual exploitation, while the helpline “113” provides support to both children and women victims of violence and sexual abuse⁷⁷. Assistance can also be accessed by foreign residents in Taiwan through a multi-language helpline, “1955”, established in 2009⁷⁸. However, due to the lack of promotion of the 0800-000-919 helpline, it is not widely known by most people who would therefore usually call 110 (the emergency number in Taiwan) or 113 instead.

Medical treatment is also provided. Under the Taiwanese National Health Insurance system, a range of health services are fully available for child trafficking victims, and related expenses are entirely covered by the State⁷⁹.

Article 17 of *The Human Trafficking Prevention and Control Act* stipulates that suspected human trafficking victims are eligible to all protective procedures for trafficking victims, including psychological counselling and therapy⁸⁰. The provision of these types of services extends to child victims of trafficking and sexual exploitation, and is assessed to be freely available and comprehensive enough to cover their special support needs. In 2009, The National Immigration Agency allocated a budget of equivalent to approximately USD1.5 million for trafficking victims assistance services⁸¹.

Problems have been highlighted in relation to trafficking victim identification procedures in Taiwan. Despite efforts made by governmental agencies to identify victims of trafficking, it has been reported that several trafficking victims were not identified and were held in immigration detention facilities instead of being held in specialised shelters providing them with services adapted to their needs⁸². In February 2009, the Ministry of Justice amended victim identification principles to simplify and standardise trafficking indicators across agencies, and to provide law enforcement officials⁸³ with

a reference guide for questioning victims. These guidelines encourage multiple victim identification assessments by both field officers and detention centre officials.

Nevertheless, no foreign child victim of trafficking has been identified in Taiwan since 2007⁸⁴.

Training law enforcement personnel

It is reported that Women and Child Protection Units have been established in every county in Taiwan. These units aim to assist in detecting sexual crimes against children and women.

With regard to child sensitive procedures, the *Human Trafficking Prevention and Control Act* provides that a trafficking victim may give evidence and respond to questioning by

using telecommunications or other methods that allow separation from the accused⁸⁵. Additionally, the 1995 Act provides that child victims of CSEC may be accompanied by a social worker when giving evidence, and that they will be protected against having to testify on more than one occasion⁸⁶. The procedures in the Child and Youth Sexual Transaction Prevention Act (1995) are perceived to be effectively implemented⁸⁷.

CHILD AND YOUTH PARTICIPATION

The Taiwanese Government has made efforts to enhance youth participation in public affairs, especially through the National Youth Commission⁸⁸. However, there are no specific initiatives promoted in this framework that revolve around CSEC.

Children and young people were involved in the “2008 Symposium on the Results of the Youth Policy White Paper Guidelines”. Sponsored by the National Youth Commission, the Ministry of the Interior, the Ministry of Education and the Department of Health, with the participation of government leaders, scholars and youth representatives, the symposium addressed topics related to youth development, participation, health and protection. Youth representatives attending this meeting called on the Government to give greater priority to formulating policies and laws to prevent online crime against young people, especially

in light of the widespread involvement of Taiwanese children in sexual assault through Internet dating⁸⁹.

In terms of child participation at the NGO level, ECPAT Taiwan has established a volunteer group, Youth Act Together in Taiwan (YATT) which gets a small subsidy from the NYC for school activities (starting from 2010, the NYC is cooperating with ECPAT Taiwan to send interns to ECPAT International). One of the key outcomes of YATT is that it helps inform youth about the commercial sexual exploitation of children by means of telling stories about child’s rights to children (under 12 years old) and screening films in schools to raise awareness among their peers. They organise and assist with many activities, including summer youth camps to mobilise the wider population of children and to educate them about human rights and issues affecting youth, including

CSEC. ECPAT Taiwan, in cooperation with Child Welfare Bureau, has also provided internet safety commercial films, such as the “Don’t let the Mouse Blind Your Eyes”, to remind the general public about the potential risks of internet chatting⁹⁰. ECPAT Taiwan also organise an annual Child Film Festival to raise awareness about children’s rights and

child protection, which tours cities around Taiwan⁹¹. The YATT also participates in the ECPAT-TBS campaign to inform their peers about the child sex trafficking and to collect signatures and in 2010, YATT visited the ECPAT International and ECPAT Foundation in Thailand.



STOP Sex Trafficking of Children & Young People Campaign

An important advocacy component of The Body Shop and ECPAT’s ‘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 children to protection from sex trafficking and all other 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’ actions to combat child trafficking, specifically with regard to 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.

Based on a global assessment of the progress cards, Taiwan is among the 9% of territories reviewed which have made notable efforts to stop sex trafficking of children and young people. Taiwan has allocated significant resources and has undertaken a number of successful interventions to address child trafficking for sexual exploitation. Apart from implementing effective prevention measures (including education and awareness raising campaigns on this topic), the Government has made important steps to improve the legal framework and ensure the provision of comprehensive support services to child victims.

Taiwan: summary of progress card *			
Goal 1: community-based prevention programmes			
Prevention	Collaboration	Awareness raising	Teacher training
Green	Green	Green	Yellow
Goal 2: legal framework			
Optional Protocol	Trafficking Protocol	National legislation	Special police units
N/A	N/A	Yellow	Yellow
Goal 3: specialised services for child victims			
Helpline	Shelters	Medical services	Psychological counselling
Green	Green	Green	Green

Green = significant action taken by state; Yellow = partial action taken by state; Red = inadequate level of state action; Star = work undertaken by NGOs

* The Taiwan Progress Card is available at www.ecpat.net



PRIORITY ACTIONS REQUIRED

National Plan of Action and policies on children and CSEC

- Taiwan must update, adopt and implement its National Plan of Action against Commercial Sexual Exploitation of Children. Whilst it is commendable that Taiwan has good legislation in the form of the 'Child and Youth Sexual Transaction Prevention Act' (1995), a NPA acts as an operational plan for the implementation of strategies, allocation of resources, and the monitoring and coordination of the principles and articles of the approved national legislation.

Coordination and cooperation

- Stronger partnerships between government agencies will have foster more effective cross communication and lateral cooperation resulting in more coordinated action against commercial sexual exploitation of children.
- Taiwan must take steps to support research, and implement prevention initiatives, in countries of origin with regard to sex trafficking and exploitation of children in tourism by collaborating with governments in the region on ensuring safe migration and promoting effective measures to address the push factors behind sex trafficking.

Prevention

- In line with the *Rio Declaration and Call to Action*, Taiwan must strengthen deterrence measures by creating and implementing an effective sex offender registration system.
- The Government should support an in-depth study on the scale of internal child trafficking in Taiwan and the potential involvement of indigenous children.

Protection

- Taiwan must take steps to harmonise its laws on the trafficking of children for sexual purposes with one another in order to ensure that children are afforded the highest standard of protection, in line with the standards contained in the *Trafficking Protocol*.

- ✎ In line with the OPSC, Taiwan must amend the definition of child pornography contained in the *Child and Youth Sexual Transaction Prevention Act* to expressly include simulated child abuse images.
- ✎ In line with best practice, Taiwan must take steps to criminalise ‘grooming’ of children, as well as the intentional viewing and accessing of child pornography / child abuse images.
- ✎ The rate of solved criminal cases related to child pornography needs to be raised. In addition, Taiwan police need to make more effort on child victim identification and actively find child victims
- ✎ Taiwan must put more resources into the investigation and prosecution of nationals who commit child sex offences abroad.
- ✎ Because trafficked children do not always access assistance due to a failure to be identified as victims, the Government should consider supporting outreach services that can help make contact with children by offering a non-threatening opportunity for them to connect with agencies providing assistance and protection;

Participation

- ✎ The Government’s commitment to child and youth participation must be cemented through the development of a strategic framework, such as the “Child and Youth Participation Framework or Policy Directive”, in order to provide child friendly structures and a mechanism for sustained participation of young people in the policies and programmes affecting them in Taiwan.

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

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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