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**Use and application of United Nations standards and
norms in crime prevention and criminal justice****Effective crime prevention and criminal justice responses to
combat sexual exploitation of children****Report of the Executive Director***Summary*

The present report is based on information received from Member States on issues raised in resolution 16/2, "Effective crime prevention and criminal justice responses to combat sexual exploitation of children", adopted by the Commission on Crime Prevention and Criminal Justice at its sixteenth session. These issues are (a) crime prevention responses; (b) the legal definition of "child"; (c) criminalization, prosecution and punishment of sexual exploitation of children; (d) combating recidivism by promoting appropriate forms of treatment; (e) prosecution of offences committed in other countries; (f) mutual legal assistance and extradition; (g) humanitarian crises; (h) awareness-raising; (i) technical assistance; (j) protection and support of victims; (k) cooperation in investigations and information campaigns; (l) coordination, collaboration and support among governmental and non-governmental organizations; (m) the private sector; and (n) information and communications technology and Internet service providers. The report also provides an overview of the preliminary activities undertaken or planned by the United Nations Office on Drugs and Crime to assist countries in combating the sexual exploitation of children and includes recommendations for the consideration of the Commission.

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I. Introduction

1. In its resolution 16/2, entitled “Effective crime prevention and criminal justice responses to combat sexual exploitation of children”, the Commission on Crime Prevention and Criminal Justice requested the Executive Director of the United Nations Office on Drugs and Crime (UNODC) to report to it at its eighteenth session on the implementation of the resolution. In June 2008, a note verbale was sent to all Member States requesting them to submit information to UNODC on efforts to implement the resolution. At the time of the drafting of the present report, 31 Member States had responded.¹

2. The present report analyses the replies received from Governments on their efforts to implement resolution 16/2 and illustrates the main activities of the United Nations Office on Drugs and Crime in this area.

II. Measures undertaken by Member States

A. Crime prevention responses

3. In connection with the development of crime prevention responses to the sexual exploitation of children, several countries indicated that they had adopted national legislation in conformity with the Convention on the Rights of the Child² (which has been ratified by 193 States) and the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography³ (which has been ratified by 129 States).

B. Legal definition of “child”

4. Several Member States reported that, for the purposes of child sexual exploitation offences, their national legislation defines “child” as a person under 18 years of age (Austria, Bulgaria, Burundi, Canada, El Salvador, Latvia, Mexico, Mauritius, Philippines, Thailand, Trinidad and Tobago, Ukraine). Some countries (Costa Rica, Germany, Hungary) reported that their national legislation differentiated between different categories of minors, such as children and adolescents, or infants, children and juveniles, with different age thresholds being used.

¹ Algeria, Argentina, Austria, Bahrain, Bulgaria, Burundi, Canada, Colombia, Costa Rica, El Salvador, Estonia, Germany (on behalf of the European Union), Greece, Hungary, Latvia, Lebanon, Lichtenstein, Mauritius, Mexico, Morocco, the Netherlands, Nicaragua, Nigeria, Philippines, Qatar, San Marino, the Syrian Arab Republic, Thailand, Trinidad and Tobago, Tunisia and Ukraine.

² United Nations, *Treaty Series*, vol. 1577, No. 27531.

³ *Ibid.*, vol. 2171, No. 27531.

C. Criminalization, prosecution and punishment of sexual exploitation of children

5. Many States reported on the various provisions in their national legislation that criminalized different forms of the sexual exploitation of children.

6. Algeria reported that it had criminalized pornography, the incitation of debauchery of persons under 19 years of age, attacks on the honour of a minor under 16 years of age or an unmarried person, rape of a minor under 16 years old and incest. The Austrian penal code criminalized trafficking in persons, sexual abuse of a person under 14 or 16 years of age, child pornography and the prostitution of minors. Austria also stated that it had criminalized offences relating to the exploitation of aliens. Bahrain reported that it imposed heavy penalties for attacks on the honour or rape of children.

7. Bulgaria reported that its penal code specifically criminalized sexual violence against persons under 14 years of age and persons over 14 years if force or threats were used. Further, Bulgaria had criminalized a variety of offences relating to the exploitation of children, including debauchery, rape, prostitution, abduction, pornography, trafficking in human beings and forced marriage or cohabitation. Canada reported that children were protected under laws on general criminal offences, including sexual assault, assault, unlawful confinement, kidnapping and human trafficking, and laws on specific offences relating to child pornography that carry new, more severe, penalties.

8. Colombia reported that it had adopted comprehensive legislation relating to the offence of trafficking in persons. Costa Rica reported that it had recently made a series of legal reforms designed to strengthen the fight against the sexual exploitation of minors. The criminal code of El Salvador criminalized sexual harassment, corruption of minors, prostitution, pornography and the use of persons under 18 years of age in pornography.

9. Germany reported that it had criminalized sexual abuse of children, rape, promotion of sexual acts of minors, sexual abuse of juveniles (recently amended to include persons up to 18 years of age), child pornography and trafficking in humans for sexual exploitation. Under German criminal law, sexual contact with persons under 14 years of age (children) was always punishable, but sexual contact with persons under 16 or 18 years of age (juveniles) was punishable only under certain circumstances. Germany further reported that it had recently introduced new legislation against the dissemination, acquisition or possession of writings of a child-pornographic nature.

10. Greece reported that it had criminalized offences relating to child pornography, prostitution and trafficking in human beings. Hungary reported that its criminal code contained provisions relating to sexual assault, including abuse of a minor and sexual abuse of children, acts relating to prostitution, child pornography, kidnapping and trafficking in human beings.

11. Latvia reported that its criminal law criminalized a variety of relevant crimes, including human trafficking, rape, sexual violence, prostitution-related offences, the sending of a person for sexual exploitation and child pornography. Lebanon had criminalized sexual intercourse with or other inappropriate acts against the modesty

or decency of a child who is not over 15 years of age. Liechtenstein reported that its criminal code contained several particular provisions relating to violence against children, including sexual abuse of children under 14 or of children under 16 through exploitation.

12. Mauritius reported that it had criminalized the maltreatment of a child, child trafficking, abandonment of a child, abduction of a child, child pornography and sexual offences involving children, including prostitution. It also reported that it had criminalized the sexual abuse of children, whether the child was a willing or unwilling participant. Mexico reported that crimes relating to the sexual exploitation of children could be established without proof of the means of commission when the victim was under 18 years of age. San Marino reported that its penal code imposed aggravated sentences for the offences of the exploitation or prostitution of minors and child pornography. Further, the sentence for the offences of sexual slavery and trafficking in persons was increased if the victim was under 18 years of age.

13. The Netherlands reported that, in accordance with its national legislation, sexual contact with a child under the age of 12 was an offence in all cases. Sexual contact with children aged 12 to 16 was an offence, except when it could be regarded as voluntary sexual contact that was considered typical for people of that age. The age limit was 18 for sexual contact in specific circumstances, such as abuse of a relationship of authority, deception, sex within a relationship of dependence or sexual exploitation for the purpose of prostitution. This distinction also applied to other types of sexual services and child pornography.

14. The Philippines had criminalized child abuse and exploitation and discrimination against children. Qatar had criminalized offences relating to the incitation to perform debauchery or immoral acts and sexual exploitation. San Marino reported that it had adopted a number of provisions designed to prevent the sexual exploitation of minors, including the offences of sexual acts against minors, abusive sexual acts, corruption of minors, exploiting the prostitution of minors, child pornography, the organization of sexual tourism involving minors, sexual slavery and trafficking in persons.

15. Thailand had criminalized the use of children in a pornographic manner and the dissemination of information on a child with the intention of damaging the interests of the child. Trinidad and Tobago reported that it had newly criminalized several sexual offences relating to the exploitation of children, including prostitution, trafficking and sexual grooming of children and child pornography.

16. Tunisia reported that its domestic legislation had criminalized most types of sexual abuse to which children were exposed and that its legislation imposed a heavier sentence for the offence of sexual harassment when the victim was a child. Ukraine reported that its penal code contained over 40 provisions relating to offences committed against minors, including human trafficking and the forcing of children into prostitution. It also reported that the age of the victim was considered to be an aggravating circumstance for these offences.

17. Some States also reported that legislation was currently pending in their countries that would serve to implement provisions of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, supplementing the United Nations

Convention against Transnational Organized Crime⁴ (Algeria) or that had been introduced directly in response to the issue of the sexual exploitation of children (Burundi, Latvia). Several States indicated that the lack of consent of children was presumed in relation to sexual violence offences (Bahrain) or that the offence in question could be established without requiring proof of violence or threats (Bulgaria, Latvia). In addition, many States reported that their national penal legislation imposed more severe sentences for certain offences when the victim was a child. Several States also reported having legislated that the period of prescription for certain crimes against a minor did not start to run until after the victim had become an adult.

D. Combating recidivism by promoting appropriate forms of treatment

18. Several States reported on legal measures that had been adopted in order to provide medical treatment or follow-up for those who had committed offences of sexual exploitation of children.

19. Austria reported that a convicted person on probation might receive medical treatment or psychotherapy. Further, a draft bill regarding the creation of a database and judicial parole supervision for offenders was currently before the parliament. Bulgaria reported that its domestic legislation provided for increased sentences for an offender who had committed the crime after previous convictions. Canada reported that a person convicted of serious violent and sexual offences would be designated a dangerous offender which would allow the courts to impose longer sentences or “long-term offender community supervision orders”. Germany reported that it had several measures designed to combat recidivism, including the placement of the offender in a socio-therapeutic institution, the imposition of a period of supervision of the offender’s conduct in addition to a prison term, probation and, in the case of dangerous offenders, their placement in preventive detention.

20. El Salvador and Hungary reported that they did not have any specific programmes to treat or track perpetrators of sexual exploitation offences. Hungary noted that it had commenced a pilot project for a treatment programme for sexual offenders, while Latvia reported that its criminal law allowed for the imposition of police supervision in addition to imprisonment. Further, the State Probation Service could provide assistance and social behaviour correction to persons released from imprisonment. Liechtenstein reported that perpetrators of sexual abuse and sexual exploitation would be subjected to a psychiatric examination, which would lead to the granting of probation assistance and/or therapeutic treatment to the offender, or the offender’s institutionalization.

21. Trinidad and Tobago reported that its criminal law provided for both the punishment and the rehabilitation of offenders in order to prevent recidivism.

⁴ Ibid., vol. 2237, No. 39574.

E. Prosecution of offences committed in other countries

22. Many States referred to their domestic legislation and/or bilateral and multilateral extradition treaties that would allow for the extradition of a person to be prosecuted for sexual exploitation crimes committed in other States (Algeria, Austria, El Salvador, Hungary, Mauritius, Qatar, Tunisia).

23. Several States reported on provisions in their national legislation that allowed for the domestic prosecution of offences committed abroad under certain circumstances. Austria stated that Austrian citizens could be prosecuted for a number of sexual exploitation offences relating to minors committed abroad. Canada reported that its criminal code had been amended to allow Canadian courts to prosecute citizens or permanent residents who engaged in child sex tourism and that efforts had been made to increase awareness of this provision.

24. Germany reported that its criminal law allowed for jurisdiction over crimes committed abroad when the offender was German, when the victim was German or when the extradition of a person was not possible from Germany. These jurisdictional bases applied for a number of sexual abuse offences, regardless of whether the acts were criminal in the location in which they occurred. Liechtenstein reported that its criminal code criminalized offences such as trafficking, slavery, sexual abuse of minors and pornography if the act was committed abroad.

25. The Netherlands reported that every year a few dozen citizens of the Netherlands who had committed criminal offences abroad were convicted. They were afforded legal aid through the Ministry of Foreign Affairs of the Netherlands.

F. Mutual legal assistance and extradition

26. Many States referred to their domestic legislation as well as existing bilateral and multilateral extradition and mutual legal assistance treaties that allowed them to effectively and expeditiously handle requests relating to child sexual exploitation offences (Algeria, Austria, Germany, Hungary, Liechtenstein, Mauritius, Thailand, Tunisia). Algeria called attention to the provisions on extradition and mutual legal assistance in the United Nations Convention against Transnational Organized Crime.⁵

27. A number of States referred to measures to counter trafficking in persons with special emphasis on minors, that reflected the implementation of the Trafficking in Persons Protocol (Colombia, Greece, Mexico, Philippines), as well as the Protocol against the Smuggling of Migrants by Land, Sea and Air supplement, the United Nations Convention against Transnational Organized Crime⁶ (Mexico). A number of countries reported that they were currently drafting legislation on the protection of children (Algeria, Costa Rica), or on anti-trafficking measures with provisions relevant to trafficking in children (Algeria).

⁵ Ibid., vol. 2225, No. 39574.

⁶ Ibid., vol. 2241, No. 39574.

G. Humanitarian crises

28. El Salvador reported that during humanitarian crises, the authorities followed the international standards of care provided to victims of disasters, which included keeping the members of one family together and the provision of adequate security by police and army. These measures were aimed inter alia, at preventing crime, including commercial sexual exploitation. Germany reported that various aid organizations that provided relief after natural disasters or in crisis regions had or were developing guidelines to protect children from sexual violence.

H. Awareness-raising

29. Argentina reported that a group of technical experts had designed a questionnaire that was used in surveys in various districts of Buenos Aires with the aim of raising public awareness regarding the commercial sexual exploitation of children and human trafficking. Austria indicated that special training for judges and prosecutors was organized annually on the topic of sexual abuse of children and domestic violence against children and women.

30. In Canada, a practical assessment tool had been designed, which identified the means to gather a clear picture of crime and victimization in a given city and specified key populations and issues that should be examined, including the various child and youth populations that were particularly vulnerable to exploitation. In addition, federal funding had been allocated to strengthen activities to combat the sexual exploitation and trafficking of children.

31. Costa Rica replied that it planned to carry out studies to explore aspects of the commercial sexual exploitation of children and adolescents and that it provided support to minors who had been victims of commercial sexual exploitation and mediation for families in which children were vulnerable to commercial sexual exploitation. An institutional framework with welfare services had also been created to ensure that such families had access to the benefits offered.

32. In El Salvador, the Government had introduced the National Plan for the Eradication of Commercial Sexual Exploitation of Children and Adolescents, which included training and advocacy for criminal justice officials from the Judicial Training School. Further, a network of psychologists from the Ministry of Education had implemented preventive programmes in schools.

33. Germany reported that various national entities provided specially tailored courses for judges, public prosecutors, police officers, social workers, health-care professionals and education professionals on the subjects of sexual violence and sexual abuse and exploitation of children and young people. Training courses were run on how to deal with child victims as witnesses. The German Agency for Technical Cooperation (GTZ) had also supported the training in Guatemala of officers from the police, migration and justice authorities on the subjects of victim protection and criminal prosecution of commercial sexual exploitation of children. Radio broadcasting had also been used to raise public awareness of sexually motivated violence against children and young people in rural areas of Cambodia. Another project offered counselling and therapy to men who were aware that they were at risk of committing sexual offences against children.

34. Hungary reported on training programmes for probation officers, professionals of the Victim Support Service, prosecutors, lawyers, judges and police officers, which included elements to raise awareness of the problem of sexual exploitation of children. Further, there were both national and European initiatives to raise awareness of sexual exploitation of children, especially among the potential victims themselves and people working with children. One specific initiative reported upon was a puppet film depicting a sexual molestation story, from the very first symptoms to the proposals for adequate solutions. The motion picture was presented to children in the presence of a professional, preferably along with teachers and parents.

35. Latvia indicated that more than 500 policemen had been trained in the field of child rights protection. That training addressed violence against children, including also sexual violence, and how to identify it during work with children. There were also lectures for judges on sexual exploitation of children. Parents and children were also reached through various means of communication. For children, there were handouts, competitions, polls and interactive communication in schools. To reach parents, posters were distributed and information was spread with the support of national and local mass media. A child helpline provided free psychological help and support for children in crisis, as well as a medium for reporting violations of children's rights. The reports were immediately forwarded to state inspectors for the protection of children's rights or to other responsible authorities, including the police.

36. Liechtenstein reported that it was continuously undertaking initiatives to raise awareness with regard to violence against children and the sexual abuse and exploitation of children. These initiatives involved medical professionals, public health practitioners, social workers, educators, court officials (including judges), police officers and personnel dealing with juvenile offenders.

37. Mexico reported that it had adopted the National Plan of Action to Prevent, Combat and Eradicate Commercial Sexual Exploitation of Children.

38. Nigeria indicated that a special training scheme had been set up to develop strategies on and promote awareness of sexual exploitation and violence against children, and effective means to bring offenders to justice. The Philippines, in encouraging awareness of child sexual exploitation and abuse in society, carried out advocacy efforts in support of relevant policies and programmes. Thailand also conducted training, including on child sexual exploitation, for prosecutors nationwide.

I. Technical assistance

39. Canada reported on a national programme dedicated to recovering missing, abducted, kidnapped and smuggled children. The programme involved a partnership among a number of federal departments. In cooperation with provincial and territorial counterparts, United States agencies and law enforcement agencies in over 40 countries, those organizations exchanged information and assisted each other in finding missing children and reuniting them with their parents or legal guardians. The Government's National Crime Prevention Centre had also contributed to the prevention of sexual exploitation of children in several respects.

40. In Germany, technical assistance for police authorities had been intensified in order to promote and improve police investigations on the Internet and ensure swift and efficient prosecution. Qatar reported along similar lines. Tunisia indicated that it had a wealth of experience in the field of child support and protecting children from all types of exploitation and maltreatment, particularly sexual, which could be disseminated for the benefit of other States, particularly in the framework of South-South cooperation.

J. Protection and support of victims

41. Austria indicated that victims of sexual crimes had the right to psychosocial and legal assistance free of charge. Care was also taken to avoid possible encounters between the witness and the accused or other participants in the proceedings. Bahrain reported, as did Bulgaria along similar lines, the availability of assistance, support and services in a family environment; of accommodation in a family of relatives, close friends, another receiving family or in a specialized institution (in cases where violence took place at home); and of police protection.

42. In Canada, the responsibility for responding to the needs and concerns of victims of crime was shared by the federal, provincial and territorial governments, and all had programmes and services in place to support child victims of crime. In Germany the criminal procedure law contained a range of regulations to protect victims and witnesses and attached particular importance to the protection of child victims of sexual offences. Evidence could be given by child and juvenile victims in criminal proceedings separately from the defendant by means of a video link. Children who had been victims of sexual offences were always entitled to a lawyer free of charge.

43. Hungary reported, as did Latvia along similar lines, that the State would ensure the social rehabilitation of children who had suffered from violence (emotional, sexual or physical) with medical treatment and reintegration taking place in an environment favourable to the health, self-esteem and honour of a child, carefully guarding the child's secrets. Liechtenstein reported that it had recently adopted a Victims' Assistance Act, which ensured adequate protection and support for victims of child sexual exploitation, while Qatar helped victims to recover from the medical and social effects.

44. Thailand reported on measures to protect child witnesses during an investigation, including the provision that the inquiry official should interview the child in secrecy in a special room, separated from other adults. A public prosecutor, psychologist or social worker, and another person whose presence the child requested (usually a parent) also attended the interview, which was recorded on video and audio tape to be used as evidence. The child was afforded similar protection in court, where testimony was transmitted to the trial room through a video link. In Trinidad and Tobago, courts also made arrangements to safeguard children who might otherwise remain in the custody of persons accused of sexual offences against them. The court could order such arrangements to be in place both during and after the investigation and trial processes.

K. Cooperation in investigations and information campaigns

45. Austria indicated that it was in a position to assist in the investigation of offences by executing requests for mutual legal assistance. Canada indicated that various forums ensured federal, provincial and territorial collaboration. Canada's programme dedicated to recovering missing, abducted, kidnapped and smuggled children involved a partnership among a number of federal departments, in cooperation with provincial and territorial counterparts, United States agencies and law enforcement agencies in over 40 countries. A plan of action identified ways that Canadians could improve the lives of children in Canada and around the world and specifically set out strategies to address the sexual exploitation of children, including in the form of child pornography, child prostitution and child sex tourism. The plan supported the funding of research on sexual exploitation of children in Canada and also promoted improved prevention strategies. A further goal was to promote awareness domestically of the illegal nature of child sexual exploitation and to support international efforts aimed at addressing this problem, specifically targeting developing countries and areas of armed conflict or civil unrest.

46. El Salvador replied that, in cases of child pornography and other cyberspace crimes, the International Criminal Police Organization (INTERPOL) provided assistance, as El Salvador did not have a specialized unit to investigate such crimes. Germany reported that the German missions in relevant countries were in contact with German tour operators and the competent authorities and non-governmental organizations (NGOs) of the host countries, for the purpose of eliminating the networks directed at the tourist market that engaged in commercial sexual exploitation of minors. The missions supported German law enforcement authorities in carrying out investigations concerning sexual abuse of children and young people abroad. Liaison police officers were often stationed in the countries or regions where children and young people were increasingly becoming victims of sexual exploitation by tourists, and they provided training to the local law enforcement authorities. Owing to their direct access to local police authorities, the assistance of these officers often ensured that material evidence and witness testimony could be secured for proceedings in Germany.

47. In Hungary any request for mutual legal assistance was handled as expeditiously as possible, and the Government was also involved in the programme "Building a Europe for and with children", initiated by the Council of Europe in 2006 to raise awareness of the problem of violence against children, including child sexual exploitation at the European level. Latvia reported on various information campaigns and projects aimed at informing society about the issues of violence against children, including sexual violence. In Mexico, if users of child pornography and other cyberspace crimes were involved, the information was received at the INTERPOL bureau in Mexico and sent to the cybercrime facility of the Federal Police Force, where the relevant investigation was conducted.

48. Tunisia reported that it had signed several bilateral and multilateral treaties on judicial cooperation and extradition of criminals, which formed an appropriate framework for the consolidation of coordination between Tunisia and other States to combat the sexual exploitation of children. Ukraine indicated that an agreement had been put in place for exchanging information about transborder movements of persons predisposed to commit lewd acts with children. A methodology would be

developed to teach children how to protect themselves against sexual encroachment. Also, children were encouraged to become involved in efforts to prevent the commercial sexual exploitation of children. For example, the youth sections of various voluntary organizations were very active at schools, summer camps and children's holiday centres, organizing street activities and collecting signatures.

L. Coordination, collaboration and support among governmental and non-governmental organizations

49. Bulgaria reported on the Government's measures to strengthen cooperation between the governmental and non-governmental sectors, while Burundi indicated that it favoured the action of national and international NGOs and civil society in the protection of children against sexual exploitation and sexual violence. El Salvador also collaborated with international NGOs on the prevention of and protection against commercial sexual exploitation of children and adolescents. Qatar also indicated cooperation along such lines.

50. Mexico reported that it promoted the implementation of action plans involving joint efforts, undertaken through local coordination bodies or committees, for preventing and combating child commercial sexual exploitation. Nigeria reported that the Nigerian Children's Parliament had been established, by which children were trained to play active roles in national policy decision-making that affected children. Also, the National Plan for Children (2008-2014) included a training scheme, in collaboration with NGOs, to promote awareness about sexual exploitation against children and develop more effective means to bring offenders to justice.

M. Private sector

51. Canada had enhanced a victims' fund which provided grants and contributions to provinces, territories and NGOs providing services to victims of crime and training on how best to deal with child witnesses. The Government of Costa Rica had set up a number of national instruments and entities to assume responsibility for punishing behaviour and acts that affected the rights of children who were victims of abuse, including commercial sexual exploitation. In Germany, a code of conduct had been agreed between the Association for the Protection of Children From Sexual Exploitation and partners in the travel industry, while Greece highlighted the participation of the private sector, in particular radio and television stations.

52. Hungary indicated that it had established an early warning system for professionals working in the field of childcare and child protection whose duty it was to report to the competent authorities whenever they suspected any crime committed against a minor. The government organizations are determined to involve the widest range of competent members of the private and business sectors to join and enlarge the existing early warning system.

53. Latvia indicated that a number of reports had been received on the irresponsibility of parents signing contracts for the involvement of their children in modelling agencies. Awareness-raising activities on this topic had been carried out through the mass media. An amendment to the law also provided stronger regulation

of the activities of modelling agencies, and modelling schools, including the provision that persons, convicted of violent or sexual crimes could not organize or participate in the organization of such activities. It was also forbidden to involve a child in beauty contests or other similar events whose sole aim was to evaluate the child's outer appearance.

54. The Philippines reported on sustained advocacy and network-building in the private sector by the Council for the Welfare of Children, in view of its vital role in ensuring a safe environment for children, which was particularly essential in cyberspace. Qatar indicated that security departments worked with all the relevant agencies in the State and society, including the business sector and financial institutions, to tackle crimes, including criminal incidents involving child sexual exploitation. Thailand reported that government agencies and NGOs worked closely for the protection of child victims and effective prosecution of those who committed child sexual exploitation.

N. Information and communications technology and Internet service providers

55. Austria reported that the production, import, transport and export of personal computers for the purpose of providing access to pornographic material involving minors, as well as acquiring and possessing such material, constituted an offence. Also, the dissemination or reception of such material via the Internet or other media, such as mobile phones, constituted an offence. Legislation gave Internet service providers the right to notify the public prosecutor or police of suspected child exploitation. The criminal code of Liechtenstein also prohibited the production, import and distribution of child pornography.

56. Canada reported that it had added a new offence prohibiting the use of a computer system (e.g., the Internet) to communicate with a child for the purpose of facilitating the commission of a sexual offence against a child. This enabled a court sentencing an offender for this offence, or other prescribed sexual offences against a child, to prohibit the offender from using a computer system for the purpose of communicating with a child. Further, the Royal Canadian Mounted Police had established the National Child Exploitation Coordination Centre, which served as Canada's coordination centre for national and international tips relating to the sexual exploitation of children on the Internet. Law enforcement had been provided with better tools and resources to investigate Internet-based child sexual exploitation, including the Child Exploitation Tracking System, a software package developed and donated by Microsoft Canada in partnership with the Toronto Police Service and the Royal Canadian Mounted Police, which police across the country were able to access. The Tracking System facilitated law enforcement's online investigations of child pornography and sexual exploitation. Investigators and border services tracked sex offenders travelling through Canadian border points and child sex offenders who were deported from the United States of America, the United Kingdom of Great Britain and Northern Ireland and Australia to Canada. This information was added to the Tracking System database to enable the identification of repeat or high-risk offenders. In 2004, Canada launched the National Strategy for the Protection of Children from Sexual Exploitation on the Internet, and also promoted better public education and reporting, to build stronger

partnerships among governments, industry and other stakeholders, to expand Canada's national tip line for reporting suspected cases of sexual exploitation of children on the Internet, which operated 24 hours a day, seven days a week, and to promote education and awareness about the issue.

57. El Salvador had adopted procedures for monitoring and censoring media, including radio and television programmes. Furthermore, special cyber operations to identify child pornography sites and users, for their possible arrest, also existed, including those addressing pornography in general and high-tech crime. Achievements included developing a proposed reform of the Telecommunications Act, to establish that companies could save and keep track of Internet service providers that delivered pornographic material. Estonia reported that the United Nations Special Rapporteur on the sale of children, child prostitution and child pornography had concluded that Estonia was taking steps to protect its children from prostitution, pornography and exploitation. She had welcomed Estonia's efforts – in legislation, education and prevention programmes, law enforcement, and social and health-care support – to reduce the exploitation of children.

58. Germany reported that in order to take more effective action against the increasing dissemination of child pornography via media such as the Internet, the criminal provisions against child pornography had been revised so that, for example, exchanging child pornography through closed Internet user groups could be punished with imprisonment, and that if the offence was committed for commercial gain or by an organized crime group the punishment could be more severe. The purchase and possession of child-pornography written materials or films, was also now punished severely. Advice and training were provided on telemedia content, and also information on developments and problems in Internet services that were relevant to youth protection. Further, Internet and other communications providers were increasingly developing measures to better protect children from harmful content and sexual violence transmitted via such new media. A complaints agency was open to all. The complaints were followed up and, if necessary, forwarded to the law enforcement authorities. Mobile phone providers had committed themselves to improving and implementing youth media protection by adopting a code of conduct. The police authorities had, to date, been cooperating with Internet providers or multimedia service providers mainly on a voluntary basis in cases requiring the blocking of Internet sites or the removal of child pornography content from websites. The issue of whether the existing legal bases regarding blocking orders for the Internet were sufficient was currently being examined.

59. Hungary noted that the prevention and elimination of the use of mass media and information technology required the effective cooperation of various actors. Therefore, the Government of Hungary, together with crime prevention experts of the National Police, the ombudsman, professional and civil organizations for child protection and the association of Internet service providers, was exploring joint actions to prevent and combat Internet use that promoted or carried out the crime of sexual exploitation of children. Preliminary steps were also being taken by the Government regarding the draft legislation on information technology security. Further, the Unit against High Technology Crime of the National Bureau of Investigation was in regular contact with Internet service providers, thus facilitating quick responses to requests.

60. Latvia reported that amendments had been made to the Protection of the Rights of the Child Law that envisaged prohibiting children to be present in public places where there was access to the Internet during school hours and after 11 p.m. Further, the municipality had the right to define extra restrictions on Internet service provision for children. Latvia had also carried out a number of informative activities to help children recognize the dangers of the Internet. The materials were disseminated with the help of media and responsible Internet content providers, including to schools and child protection institutions. Further, a new section of the criminal law was intended to criminalize the intentional proposal of an adult to meet a child who had not reached the age of 16 for the purpose of committing any sexual offence against him or her. Also, to improve safety on the Internet, the “Net-safe” project was being implemented to enable users to report illegal or harmful content on the Internet and initiate the removal of such content. Amendments to the law on electronic communications had also been made, which stated that it was the duty of a merchant of electronic communications to inform the customer about the possibility of installing a free filter that restricted the availability of material propagating cruel behaviour, violence and pornography that could endanger the mental growth of children. Also, a merchant who provided a public electronic communications network or service should ensure the retention of data against accidental or unlawful destruction or modification, and the transfer of such data to investigation institutions on the basis of a request.

61. Mexico reported that the Cybercrime and Child Offences Unit of the Federal Crime Prevention Police was responsible for taking preventive and investigative action to identify, trace and neutralize organizations or individuals committing cybercrime using computer systems or equipment as well as unlawful acts against children, both within the national territory and abroad when Mexico was affected. In addition, child protection and security issues were covered by informative workshops whose aim was to raise awareness and provide guidance for children, teachers and parents. Subjects covered included the prevention of cybercrime, child maltreatment, drug dealing and child sexual abuse, and the prevention of child commercial sexual exploitation.

62. The Philippines indicated that a policy paper had been developed regarding cyber pornography and cyber prostitution, which proposed to amend a national act to address the need to combat sexual exploitation of children through the Internet. In Qatar, combating computer crime and the use of the Internet for immoral purposes, including child sexual exploitation, was within the jurisdiction of the relevant security agency. The Syrian Arab Republic reported that in training institutes and schools class time was allocated to raising awareness regarding the dangers of Internet use for children and what they could be exposed to if it was misused or used without guidance.

63. In Thailand, the Computer Crime Act prohibited the import to a computer system of any pornographic data that was publicly accessible. It specifically intended to criminalize all actions to upload or disseminate pornographic information, including child pornography, through the Internet. In an effort to prevent the use of information technology to facilitate and commit child sexual exploitation, the Government of Trinidad and Tobago treated such activity as illegal and punishable.

64. Tunisia reported that, under law, Internet service providers were required to notify the authorities of cases of child sexual exploitation. Ukraine reported that it was considering a draft law that would bring certain articles of the Penal Code into line with international standards as regards combating sexual exploitation, including the sexual exploitation of children, and criminal activities involving the use of information and telecommunications technology. Also, a discussion on the safety of children on the Internet was organized in 2008 to increase knowledge and promote joint efforts on the part of representatives of the business world, voluntary organizations and governmental agencies to increase the safety of children on the Internet. Further, a department was established to investigate the activities of criminal groups and individuals engaged in the generation, sale and dissemination of pornographic material with the help of computers. Agencies, with the help of specialists, were also monitoring the Internet to identify pornographic material being used by persons who disseminated and sold child pornography via the Internet. Frequent police raids were made to locate people engaged in producing and disseminating pornographic material.

III. Activities of the United Nations Office on Drugs and Crime

65. The Commission on Crime Prevention and Criminal Justice, in its resolution 16/2, requested UNODC to explore ways and means, within its mandate and subject to extrabudgetary resources, taking into account work done on this issue by other agencies and bodies of the United Nations system, by which it could contribute to effective crime prevention and criminal justice responses to combating the sexual exploitation of children.

66. UNODC supports Member States in the fight against trafficking in persons through technical assistance projects and activities and carries out activities to counter one element of the crime, which is trafficking in children for sexual exploitation. Furthermore, the Office has developed a model law, accompanied by a set of commentaries, on justice in matters involving child victims and witnesses of crime.

67. The comprehensive programme of UNODC to tackle cybercrime, currently in preparation, will include the specific objective of targeting the misuse of information and communications technology, in particular the Internet, for child abuse and exploitation in developing countries. The Office aims to: (a) support Member States in the strengthening of their legislation to prosecute offences of this nature and build the capacity of their law enforcement authorities to act effectively in investigations; and (b) develop and/or adapt, together with key involved experts and institutions, education and training materials for children, teachers and parents on the safe use and dangers of the Internet, promote the establishment of cyber tip lines, and carry out other awareness-raising activities.

IV. Conclusions and recommendations

68. The replies received indicate that most of the reporting States have adopted national legislation in conformity with international instruments governing the rights of the child, as well as various measures to promote the investigation and

prosecution of relevant offences, international judicial cooperation, awareness-raising, protection of child victims and witnesses and collaboration with civil society.

69. In relation to the use of information and communications technology in child sexual exploitation, attention is drawn to the fact that the use of such technology for child sexual abuse and exploitation is a relatively new phenomenon and few countries indicated that adequate or specific legislative and other measures were in place. It should be pointed out, moreover, that an increasingly large proportion of child sexual abuse websites are of a commercial nature, generating significant proceeds for organized criminal groups. States should therefore ensure the coverage of those offences under the Organized Crime Convention, with domestic legislation adequately criminalizing such offences and sanctions that reflect their gravity and meet the serious-crime threshold.

70. Replies also emphasized the importance of fostering the best possible cooperation among law enforcement authorities to investigate complex forms of cybercrime, including in particular online child sexual abuse, as well as between law enforcement authorities and Internet service providers.

71. In this regard, the Commission may wish to consider providing guidance to Member States on what is required in terms of legislation, conditions for successful national and international law enforcement and promotion of the involvement of the private sector, in particular Internet service providers, in the prevention and detection of sexual exploitation of children.

72. The Commission may moreover and more generally wish to consider the advisability of calling for the development of model strategies and measures towards the effective prevention of and adequate criminal justice responses to combat sexual exploitation of children.

73. Further, Member States and other donors are invited to provide adequate contributions to enable UNODC to fulfil the mandate entrusted to it by the Commission in resolution 16/2.
