

PREVENTION AND ERADICATION OF COMMERCIAL SEXUAL EXPLOITATION
AND SMUGGLING OF AND TRAFFICKING IN MINORS

(Adopted at the fourth plenary session, held on June 7, 2011)

THE GENERAL ASSEMBLY,

BEARING IN MIND:

Resolutions AG/RES. 1948 (XXXIII-O/03), “Fighting the Crime of Trafficking in Persons, Especially Women, Adolescents and Children”; AG/RES. 2240 (XXXVI-O/06), “Combating the Commercial Sexual Exploitation and Smuggling of and Trafficking in Children in the Hemisphere”; AG/RES. 2348 (XXXVII-O/07), “Hemispheric Cooperation Efforts to Combat Trafficking in Persons and Second Meeting of National Authorities on Trafficking in Persons”; AG/RES. 2432 (XXXVIII-O/08), AG/RES. 2486 (XXXIX-O/09), AG/RES. 2548 (XL-O/10), “Prevention and Eradication of Commercial Sexual Exploitation and Smuggling of and Trafficking in Minors,” and all other General Assembly resolutions on the subject of trafficking in persons;

The Rio de Janeiro Declaration and Call for Action to Prevent and Stop Sexual Exploitation of Children and Adolescents, which arose from the Third World Congress against Sexual Exploitation of Children and Adolescents, held in Rio de Janeiro, Brazil, from November 25 to 28, 2008;

The outcomes of the XX Pan American Child Congress, held in Lima, Peru, from September 23 to 25, 2009, as well as of the First Pan American Forum of Children and Adolescents in the framework of the “Program to Promote and Defend the Human Rights of Children and Adolescents,” particularly as regards promoting the participation of children and adolescents as part of the strategy of capacity building to counter the commercial sexual exploitation of children and adolescents (CSEC) and other forms of sexual violence; and

The Twelfth United Nations Congress on Crime Prevention and Criminal Justice, held in Salvador, Brazil, from April 12 to 19, 2010;

CONSIDERING:

That, in the Charter of the Organization of American States the member states reaffirm that the education of peoples should be directed toward justice, freedom, and peace, and promote the strengthening of the civic conscience of the American peoples, as one of the bases for the effective exercise of democracy and for the observance of the rights and duties of man;

The importance of all children having access to education, and the importance of programs that promote enrollment and the retention of the student population in the school system and prevent them from dropping out, and of programs that support children who would otherwise be marginalized, discriminated against, and without access to school programs, including indigenous and other minority children, children with disabilities, working children, and children affected by conflict and other humanitarian emergencies;

That resolution AG/RES. 2240 (XXXVI-O/06), “Combating the Commercial Sexual Exploitation and Smuggling of and Trafficking in Children in the Hemisphere,” specifically includes the Inter-American Children’s Institute (IIN) and other entities of the Organization of

American States (OAS) in the request that work on this subject be coordinated with the Department of Public Security of the General Secretariat;

That the aforementioned resolution takes into account the conclusions and recommendations of the First Meeting of National Authorities on Trafficking in Persons, held on Isla Margarita, Bolivarian Republic of Venezuela, from March 14 to 17, 2006, which recall “the governments’ commitment to improve their capacity to identify, investigate, prosecute, and punish those responsible for trafficking in persons, especially in women and children, and to provide due assistance and protection to the victims”; and

That resolution AG/RES. 2348 (XXXVII-O/07), “Hemispheric Cooperation Efforts to Combat Trafficking in Persons and the Second Meeting of National Authorities on Trafficking in Persons,” states that “poverty, inequity, and social exclusion in the Hemisphere are factors that make people, especially women and children, more vulnerable to becoming victims of traffickers, who often belong to organized criminal groups operating at both domestic and transnational levels”;

TAKING INTO ACCOUNT the conclusions and recommendations of the Second Meeting of National Authorities on Trafficking in Persons, co-sponsored by the governments of the Argentine Republic and the Eastern Republic of Uruguay and held in Buenos Aires, Argentina, from March 25 to 27, 2009, which underscored the need to call attention to the negative action of so-called clients or users of trafficking for sexual exploitation; and the Eighth Meeting of Ministers of Justice or Other Ministers or Attorneys General of the Americas, held on February 26, 2010, in Brasilia, Brazil, the final document of which encourages member states to consider, within the framework of their respective national legislation, sanctions or other measures for so-called clients, consumers, or users of trafficking for sexual exploitation and other forms of exploitation of persons;

WELCOMING the adoption of AG/RES. 2551 (XL-O/10), “Work Plan against Trafficking in Persons in the Western Hemisphere,” which includes suggested activities to be undertaken by member states to prevent child trafficking and provide protection and care for child victims;

BEARING IN MIND that the IIN adopted in Cartagena de Indias, Colombia, the Action Plan 2007-2011, which gives particular attention to its task of helping to strengthen the capacity of states to protect the rights of minors from different threats, including CSEC;

RECALLING the resolutions adopted by the Directing Council of the IIN on the prevention and eradication of child commercial sexual exploitation and the smuggling of and trafficking in minors, particularly resolution CD/RES. 10 (82-R/07), adopted at the 82nd Regular Meeting, held on July 26 and 27, 2007, in Cartagena de Indias, Colombia, which established the Inter-American Cooperation Program for the Prevention and Eradication of Child Commercial Sexual Exploitation and Illegal Trafficking, entrusted the Director General of the IIN with developing a joint work proposal within the framework of that initiative, and supported the creation of an observatory in this area;

RECOGNIZING the progress already made in the IIN in fulfillment of its mandates in the framework of the implementation of the Action Plan 2007-2011, which has been reported on in the Institute’s annual reports to the General Assembly and to the Permanent Council; that for several years the OAS General Secretariat has been implementing programs to combat trafficking in persons and that it has staff devoted to this task; and

BEARING IN MIND that, to date, the IIN has been implementing an Inter-American Cooperation Program for the Prevention and Eradication of Child Commercial Sexual Exploitation and Illegal Trafficking, which involves three areas of work: Area 1. Gathering and

updating information about the topic of CSEC in the region and making it available to the states parties; Area 2. Creating information and knowledge on the topic of the CSEC to help the states parties in the design and implementation of their policies and actions intended to deal with this problem; and Area 3. Human resource training and specialized technical assistance for the states parties,

RESOLVES:

1. To take note of the progress made in implementing the three components of the Inter-American Cooperation Program for the Prevention and Eradication of Child Commercial Sexual Exploitation and Illegal Trafficking; and to urge the Inter-American Children's Institute (IIN) to continue to implement and reinforce that program, in keeping with the schedule established therein.

2. To invite the IIN to consider updating the aforementioned program with a view to including prevention and eradication of all forms of sexual exploitation of minors.

3. To instruct the Secretary General to continue coordinating the implementation of this program directly with the IIN, the Secretariat for Multidimensional Security, and, where appropriate, the Executive Secretariat for Integral Development (SEDI), especially by promoting the implementation of a coordinated information system that includes technical data on which to base joint decision-making, and, furthermore, to receive support and advice from other competent organs and agencies of the Organization of American States (OAS).

4. To promote and strengthen horizontal cooperation in harmonizing legislation, methodology, projects, programs, and good practices.

5. To promote and strengthen technical cooperation and exchanges of information on methods, projects, programs, and good practices.

6. To request the IIN to work jointly with the Secretariat for Multidimensional Security to develop and implement the measures contained in the Work Plan against Trafficking in Persons in the Western Hemisphere, relying on the support and advisory services of other bodies of the inter-American system and international agencies.

7. To acknowledge the work carried out by the IIN to modernize the Observatory on Commercial Sexual Exploitation and Other Forms of Violence against Children and Adolescents included in Work Area 1 of the Inter-American Program, including the publication of a virtual newsletter titled *ANNAobserva*, which enables states to receive periodic updated news in this area. Similarly, as part of Work Area 3 of the program, the new approaches adopted by the IIN, in coordination with several states, for the development of trained human resources and the strengthening of institutional technical capacity, specifically in this area, are recognized and appreciated, and the IIN is urged to continue to develop these approaches.

8. To take note that, as part of the strategies for generating information and exchanging experiences, on August 23 and 24, 2010, the First Regional Meeting on "The Prevention, Protection, and Restitution of Rights in the Face of the Commercial Sexual Exploitation of Children (CSEC): Experiences for Reflection," was held in San José, Costa Rica, with the assistance and support of the National Children's Trust (PANI), which resulted in the bilingual publication *Best Practices for the Prevention, Protection, and Restitution of Rights in the Face of Commercial Sexual Exploitation of Children (CSEC)*.

9. To promote regional and hemispheric meetings for sharing good practices in the areas of comprehensive assistance, prevention, and legislation.

10. To applaud the continuation and updating of the website *Our Voice in Colors*, which is intended to encourage the participation of children and adolescents in matters of public policy that concern them, in accordance with the recommendations of the Third World Congress against the Sexual Exploitation of Children and Adolescents. This website is a novel tool within the framework of the OAS, which for the first time opens up an exclusive and permanent forum for the participation of children.

11. To take note of the IIN's cooperative ties with the national commissions against sexual exploitation of the different member states of the inter-American system, with technical liaisons to date in 20 of the 33 active OAS member states, and to urge the IIN to continue strengthening that relationship and broaden it to include technical relationships with all OAS member states.

12. To request the IIN to continue to provide advice to member states, when requested, to support their efforts to adopt or amend their domestic legislation, regulations, and procedures to combat commercial sexual exploitation and smuggling of and trafficking in minors, including legislation on travel authorizations and migration control, as well as in training and technical assistance to national committees and to other entities that seek to prevent and eradicate this crime, protect victims, and enforce the law.

13. To express its concern at the new manifestations of CSEC, in particular the use of new technologies, and to welcome, in this regard, the findings of the thematic discussion at the Twentieth Session of the Commission on Crime Prevention and Criminal Justice, held in Vienna, Austria, from April 11 to 15, 2011, the main theme of which was "Protecting Children in a Digital Age: The Misuse of Technology in the Abuse and Exploitation of Children"; and the contribution made by the IIN in its Tenth Report to the Secretary General, which contains a rigorous study on the topic and offers recommendations for the member states. That study is a part of Work Area 2 of the Inter-American Program, dealing with the creation of information and knowledge.

14. To urge member states, permanent observers, international financial institutions, regional and subregional organizations, and civil society organizations to contribute to financing this program and to the Specific Fund of the Inter-American Observatory on Commercial Sexual Exploitation and Other Forms of Violence against Children and Adolescents.

15. To urge member states that have not yet done so to consider signing and ratifying, ratifying, or acceding to, as the case may be, the international instruments relating to the fight against commercial sexual exploitation and smuggling of and trafficking in minors, including the United Nations Convention against Transnational Organized Crime (Palermo Convention), adopted in 2000, the Protocol thereto to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, adopted in 2000, and the Protocol against the Smuggling of Migrants by Land, Sea and Air, adopted in 2000; the Convention on the Rights of the Child, adopted in 1989, and the Optional Protocol thereto on the sale of children, child prostitution and child pornography, adopted in 2000; the Convention on the Civil Aspects of International Child Abduction, adopted in 1980; the Inter-American Convention on International Traffic in Minors, adopted in 1994; and the Inter-American Convention on the International Return of Children, adopted in 1989; and to urge the states parties to take the necessary measures to fulfill in due course their obligations under these instruments.

16. To promote among member states the adoption and implementation of protocols for the repatriation, under safe conditions, of minors who are victims of trafficking, defining the procedures to be followed by governments as guarantors of the best interest of children, based on principles enshrined in domestic and applicable international law.

17. To urge member states to establish and, where appropriate, strengthen, programs for comprehensive and inter-disciplinary care for child and adolescent victims of commercial sexual exploitation and trafficking, in particular those who have contracted HIV/AIDS, and children involved in smuggling, as well as measures to be considered to ensure full respect for their rights.

18. To request the IIN to report to the General Assembly at its forty-second regular session on the implementation of this resolution. Execution of the activities envisaged in this resolution will be subject to the availability of financial resources in the program-budget of the Organization and other resources.