

Note Nº 4/14

Twenty-Five Years after the Adoption of the Convention on the Rights of the Child

An overview of National Plans against the sexual exploitation of children, on the basis of the information provided by member States of the Inter-American System.

In our Note 3/14 we shared **an overview of National Plans against the sexual exploitation of children, on the basis of the comments made by the Committee on the Rights of the Child.**

On that occasion we discussed the importance of coordinating strategies to confront SEC in National Plans, a recommendation which has been gaining strength in all three World Congresses against SEC: Stockholm (1996), Yokohama (2001) and Rio de Janeiro (2008).

As you know, one of the activities that the IIN undertakes as part of the Inter-American Programme is *to submit an annual report to the Secretary General of the OAS on the actions undertaken by the member states to combat sexual commercial exploitation of children in the Americas*. For the IIN, these reports constitute background documents, inasmuch as they provide an account of developments in the region, pinpoint challenges and make recommendations to the States so that they can improve their response to SEC.

In 2014, the Annual Report to the Secretary General focuses on follow-up to the Rio Commitment (2008), emerged from the Third World Congress, and how it is reflected in **National Plans implemented by the States in the region.**

The information which served as a basis for our work was provided by the States through a form sent to the Principal Representatives to the Directing Council of the IIN and/or to the technical liaison officers who constitute the network that serves as a link between the Inter-American Programme and National Commissions. This form was sent to thirty States in the Inter-American System and answers were received from fourteen: **Argentina, Brazil, Canada, Chile, Costa Rica, Ecuador, El Salvador, Jamaica, Mexico, Nicaragua, Panama, Paraguay, Peru and Uruguay**. This form requested information about the characteristics of the countries' plans, their implementation and

currency. Also, with a view to compiling the opinions of operators, we requested the technical reference liaisons to conduct a SWOT analysis of strengths, weaknesses, risks and opportunities in the production and implementation of the latest plan adopted. Finally, this information was complemented by an analysis of the documents that contain the national plans.

The Fourteenth Report to the Secretary General, which will be available shortly from the programme website (www.annaoberva.org) contains a more detailed analysis of this information. In this Note we shall share a summary of the reflections conducted on the basis of the information provided by the States and the recommendations arising from them.

To begin it is important to emphasize the diversity of situations regarding CSEC approach on public policy of the States of the region. While the links between SEC and other connected issues, such as trafficking, labour exploitation and other forms of violence, can enable intervention strategies based on joint efforts, they can also reduce the visibility of SEC and neglect certain very specific aspects of this problem.

Progress and challenges in coordination

Data received confirm the fact that SEC has gained a position on political and social agendas. This will result in increasing the numbers of State and civil society stakeholders who take part in confronting the issue. This is reflected in their participation in the production of National Plans and in the development of some of the actions included in them. Perhaps the prevention and population awareness-raising campaigns are the best example of this.

We should, nonetheless, be aware that there are still challenges to be faced. Some of these are:

- ✓ The different stakeholders should be effectively aligned with a conception of SEC and the individuals involved in it which consistent with the rights-based approach. Namely: the children affected are victims and the State's intervention must in all cases provide reparation and restore rights; punishment should be limited exclusively to exploiters, be they "clients" or intermediaries.

The concept of SEC based on the rights perspective, which has been consolidated in the States' legal frameworks, has not always been equally well assimilated in the intervention protocols of the various agencies and, even more seriously, in the attitudes of the operators who come into contact with

the victims. Therefore, the challenge involves transcending the discursive level of documents in order to incorporate the new perspective into operators' thoughts and actions, deconstructing social representations that are incompatible with the rights-based perspective.

- ✓ The existence of multi-stakeholder National Commissions is a consolidated development in the region. Nonetheless, with certain exceptions, these Commissions lack the geographic representativity that would reflect inter-agency features. This is a weakness to be addressed, inasmuch as national guidelines must be adapted and made operational in very different local contexts.
- ✓ Making the issue a priority on the agendas and intervention protocols of different State agencies. In many cases, these actions continue to be viewed as marginal in relation to the mission of some of the institutions that participate in the Plans.
- ✓ The allocation of resources. National Commissions often lack their own budgets and their actions are funded by the contributions of the various institutions. As a result, they depend on the priorities that these institutions may establish. Added to this, unforeseen events which demand investments often arise in institutional management, and this jeopardizes the contributions that these institutions make to the National Plans.

These two final aspects are related to one of the recommendations that the Committee has reiterated to States and that we highlight in the previous Note: sufficient financial and human resources should be ensured in order to safeguard the actions linked to the Protocol and strengthen social welfare agencies.

Legal frameworks and socio-cultural contexts

In recent years, the concept of SEC developed on the basis of the rights perspective has increasingly been incorporated into legal frameworks. This has led to significant progress, such as the broad definition of "sex acts" in the description of offences, punishment for individuals who pay for or reward sexual activities with underage persons, and the inclusion in some cases of legal provisions that address publicizing tourist destinations with links to the sex trade.

However, these developments encounter certain obstacles related to the cultural tendency to silence, justify or tolerate the buying and selling of sex with children. This has an impact both on reporting and on judicial decisions themselves.

In addition, there are certain inconsistencies between the concept of children as holders of rights as expressed in the body of law and judicial proceedings that do not contemplate the distinctive features of children and their evolutionary stages. Proceedings such as repeated interrogations, confrontations and investigations that invade their privacy are still used in many countries, leading to recantation and the enabling of impunity.

Prevention and restoring rights

Prevention is a line of activity which is given high priority in National Plans.

There is wide experience in the region of good quality campaigns and communication products that aim to raise the awareness of the population and have an impact on the behaviour of the stakeholders most closely associated with this area.

On some occasions there have been proposals, and some have even been performed, of regional campaigns conducted across several States in coordination, focusing particularly on border areas and bearing multilingualism in mind. Examples of this are experiences in Central America and the tri-border area between Argentina, Brazil and Paraguay. These experiences show a path to be explored further.

However, these campaigns tend to lack continuity. In addition, in no case have any impact assessments been conducted, which makes it impossible to derive lessons in order to design new experiences.

Regarding strategies to restore rights, these have been examined in depth in the reports submitted by IIN in 2011 and 2012. On this occasion, we identify some aspects that are still a matter of concern:

- ✓ The rich accumulation of experiences has not given rise to sharing opportunities and horizontal cooperation that would make it possible to transfer lessons learned.
- ✓ There are no impact or process assessments.
- ✓ A matter that should be addressed is synchronization between specific interventions with children affected by SEC and universal policies that enable their integration.
- ✓ Destigmatization and the cognitive remodelling of society's representations of these children is a fundamental element in enabling genuine integration and minimizing the risk of falling back into the networks of exploiters.

Finally, we should stress the fact that both prevention and restoration require the ongoing training of human resources. In this respect, we agree with the Committee on the Rights of the Child when it recommends the continued and strengthened systematic training of all specialist groups involved in these issues. This includes staff responsible for law enforcement, judges, lawyers, military personnel, immigration and customs officials, accredited adoption agencies, social workers, health workers, religious and community leaders, civil society organizations.

It is important for operators to work upon attitudinal aspects that will allow them to establish relationships with this population as adults who are respectful of the different life stories that these children have experienced. This includes, among other things, working on gender models and the relationship between male and female elements.

The voice of children

Acknowledging children as active agents, who think and have the right to be heard on the subjects that affect their lives, is still one of the aspects of the Convention which is least incorporated in State policy. This is particularly significant in subjects -such as SEC- which are associated with the “hard core” of culture, including sexuality, gender roles, power relations and the behavior of adults; matters from which children tend to be excluded. This silence increases vulnerability and deprives children of the elements they need in order to understand the situations they experience in their surroundings and protect themselves from threats.

In this respect, there are some instances of discussion and analysis of these subjects in youth organizations; tips on how to be alert to Internet risks are transmitted and there is participation in prevention campaigns.

However, the States in which youth organizations have taken part in the production of Plans and/or their implementation are few.

Therefore, we consider that participation should be strengthened, and that the attitude of viewing children as real or potential victims must be overcome, in order to empower them as active social agents with resources with which to face the threats in their surroundings.

The importance of monitoring and systematic evaluation

The study confirms another of the issues that the Committee on the Rights of the Child has repeatedly noted: research and monitoring systems that make it possible to follow the evolution of this phenomenon identify risk groups, prevailing modalities and geographic areas, are practically non-existent in the region. Such information would contribute to more specific design, adjusted to the features and localization of every State. Therefore, although monitoring and recording “low visibility” events involve methodological challenges, owing to their crime-related features, it is necessary to work upon them, and making progress in this regard can no longer be postponed.

Furthermore, there are no systematic evaluations of the Plans (with one exception), and within them, it is not foreseen assessment of activities such as prevention campaigns or the operation of rights-restoring services.

In the IIN’s experience, the notion that policies should be evaluated in order to draw lessons and adjust plans accordingly has gained strength in the region in recent years. However, there are still cases where Plans are replaced or expire without being systematically assessed.

In conclusion, we wish to reaffirm IIN-OAS’s commitment to continue working from the *Inter-American Programme for the Prevention and Eradication of Sexual Exploitation, Smuggling of and Trafficking in Children* and together with the States in the region, to eradicate this and all forms of exploitation which violate the rights of children in the Americas and the Caribbean.