

# **Framework of Reference for Reparation and Restitution of the Rights of Child Victims of Commercial Sexual Exploitation with a Gender Perspective**

**TWELFTH REPORT TO THE SECRETARY GENERAL OF THE OAS ON  
THE MEASURES UNDERTAKEN BY MEMBER STATES IN ORDER TO  
PREVENT AND ERADICATE THE COMMERCIAL SEXUAL  
EXPLOITATION OF CHILDREN IN THE AMERICAS**

**2012**

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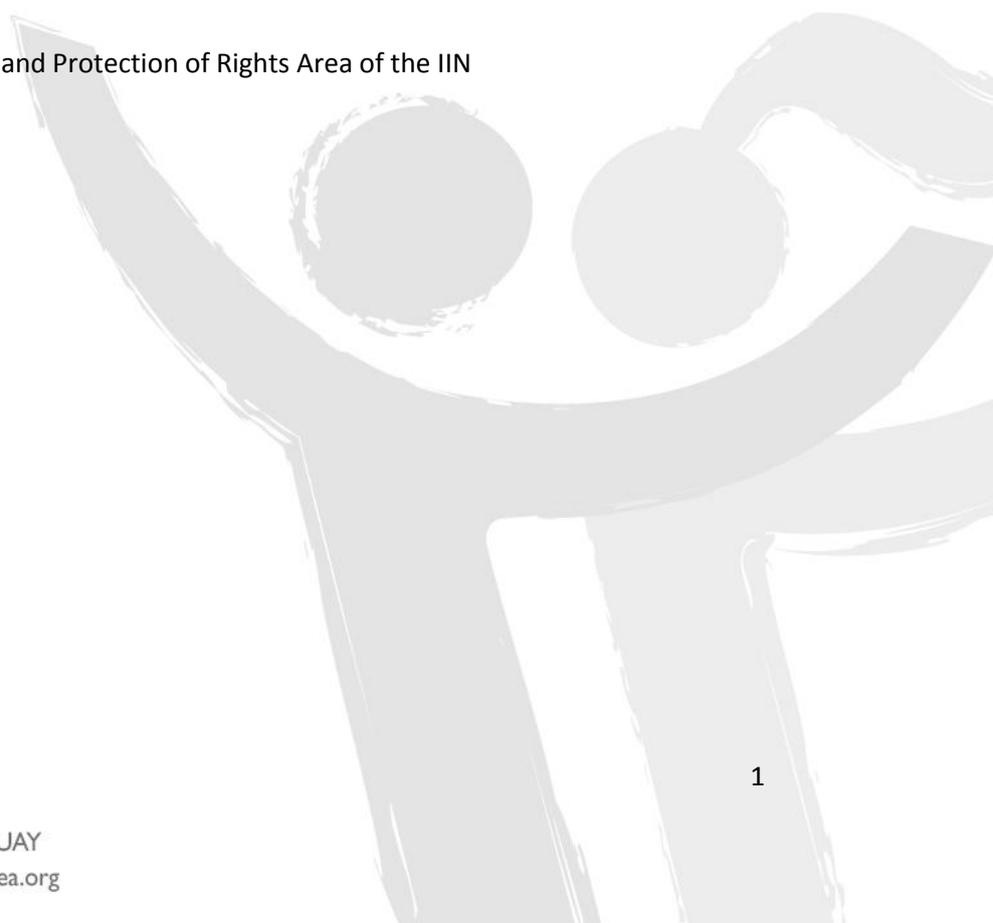
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## LOSSARY OF TERMS AND ACRONYMS

AR- Argentina

BR- Brazil

CH- Chile

Children, Child: Female and Male Children and Adolescents

CRC- Convention on the Rights of the Child

CICEST- Interinstitutional Committee against Commercial Sexual Exploitation and Trafficking in Persons of Honduras

CO- Colombia

Committee- Committee on the Rights of the Child of the United Nations

CONANI- National Council for Childhood and Adolescence of the Dominican Republic

CR- Costa Rica

DR- Dominican Republic

EC- Ecuador

ES- El Salvador

CSE- Commercial Sexual Exploitation

CSEC- Commercial Sexual Exploitation of Children

IIN- Inter-American Children's Institute

ILO- International Labour Organization

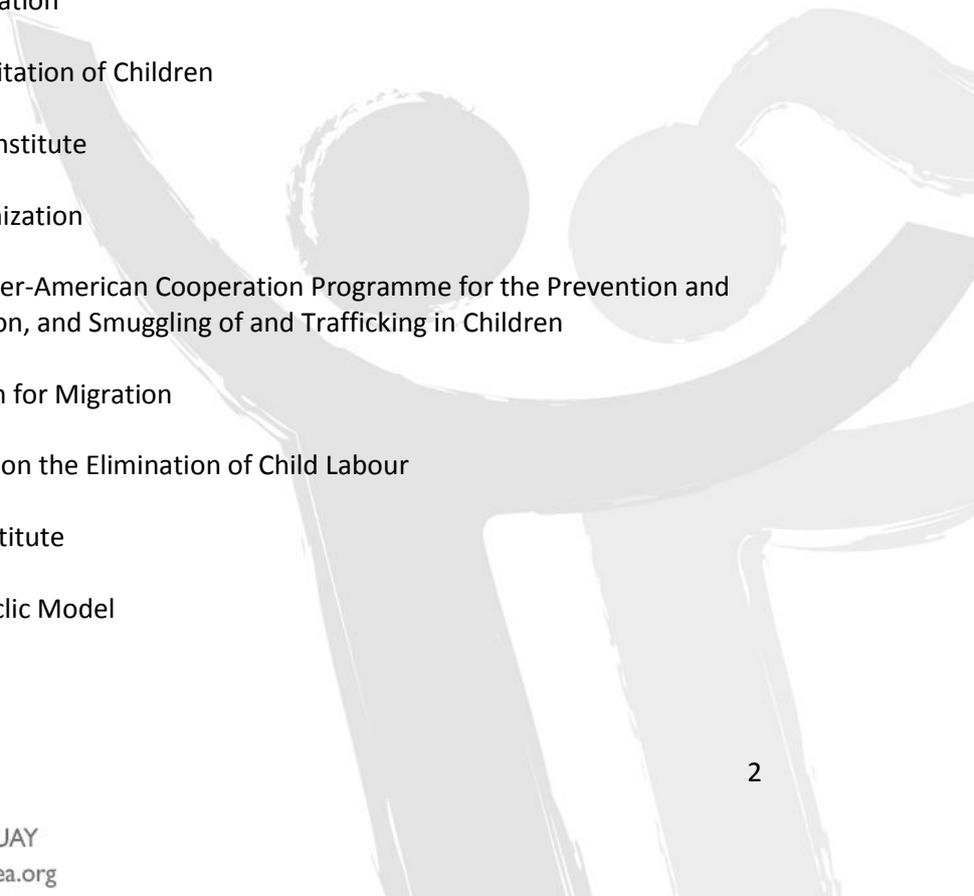
Inter-American Programme- Inter-American Cooperation Programme for the Prevention and Eradication of Sexual Exploitation, and Smuggling of and Trafficking in Children

IOM- International Organization for Migration

IPEC- International Programme on the Elimination of Child Labour

ISNA- Salvadoran Childhood Institute

MCRA- Combined Response Cyclic Model



MIES- Ministry of Economic and Social Inclusion of Ecuador

NGO- Non-governmental organization

OAS- Organization of American States

Optional Protocol- Optional Protocol to the Convention on the Rights of the Child, on the Sale of Children, Child Prostitution and Child Pornography.

PA- Panama

PR- Peru

SE- Sexual Exploitation

TBP- Time-Bound Programme

UY- Uruguay

This paper addresses the commercial sexual exploitation of children and adolescents; when the terms women and men are used, they refer to adults. The occasional generic use of masculine terms is intended to promote brevity and clarity and should by no means be understood to imply discriminatory connotations of any kind.

## TABLE OF CONTENTS

<b>PART 1</b> .....	<b>6</b>
<b>1. BACKGROUND</b> .....	<b>6</b>
<b>2. INTRODUCTION</b> .....	<b>8</b>
<b>2.1. World Congresses</b> .....	<b>10</b>
<b>2.2. The Twelfth Report: Proposals for producing a framework of reference for reparation and restitution of the rights of child victims of commercial sexual exploitation with a gender perspective</b> .....	<b>11</b>
<b>2.2.1. Organization of this Paper</b> .....	<b>12</b>
<b>3. METHODOLOGY</b> .....	<b>13</b>
 <b>PART 2. CSEC IN THE STATES OF THE INTER-AMERICAN SYSTEM. INFORMATION UPDATE</b> .....	 <b>15</b>
<b>1. STATUS REPORT</b> .....	<b>15</b>
<b>2. PROTECTION</b> .....	<b>19</b>
 <b>PART 3. PROPOSALS FOR PRODUCING A FRAMEWORK OF REFERENCE FOR REPARATION AND RESTITUTION OF THE RIGHTS OF CHILD VICTIMS OF COMMERCIAL SEXUAL EXPLOITATION WITH A GENDER PERSPECTIVE</b> .....	 <b>23</b>
<b>1. INTRODUCTION</b> .....	<b>23</b>
<b>2. SECTION 1</b> .....	<b>23</b>
<b>2.1. Commercial Sexual Exploitation of Children and Trafficking in Persons: A Conceptual Framework</b> .....	<b>23</b>
<b>2.2. The contentious coexistence of the irregular situation and comprehensive protection doctrines and its impact on rights restitution programmes</b> .....	<b>25</b>
<b>3. SECTION 2</b> .....	<b>28</b>
<b>3.1. Information Contributed by the States</b> .....	<b>28</b>
<b>3.1.1. The Situation in the States</b> .....	<b>28</b>
<b>A) Inter-institutional and inter-sectoral coordination</b> .....	<b>28</b>
<b>B) National organizations in charge and types of approaches</b> .....	<b>29</b>
<b>3.1.2. Care Projects Executed in each State</b> .....	<b>31</b>
<b>A) The role of the state, execution and types of plans</b> .....	<b>31</b>
<b>B) Services provided through care programmes</b> .....	<b>34</b>
<b>C) Requirements for entry, type of population, forms of exploitation addressed and types of referral for children</b> .....	<b>35</b>

D) Care plan organization.....	36
E) Residential institutionalization, circumstances and time frame.....	38
F) Child participation in care plans.....	39
G) Family participation in care plans.....	40
H) Follow-up, coordination, execution and time frame.....	41
<b>4. SECTION 3 .....</b>	<b>41</b>
<b>4.1. Victim Care Models, Programmes and Projects. Discussion and Methodological Proposals for Intervention with a Gender Perspective.....</b>	<b>41</b>
4.1.1. Costa Rica: Combined Response Cyclic Model.....	42
4.1.2. Chile: Corporación Opción – ESCI Iquique Project.....	43
4.1.3. Paraguay: Luna Nueva NGO: A Journey towards Life.....	45
4.1.4. Chile: Paicabí NGO – Antú Centre, Valparaíso: The Secrets of the Eclipse.....	47
<b>5. SECTION 4 .....</b>	<b>49</b>
<b>5.1. Conclusions and Recommendations: Towards a Proposal for a Restitution of Violated Rights Model .....</b>	<b>49</b>
5.1.1. Focal Points for a Restitution of Rights Model.....	51
<b>CONCLUSIONS AND RECOMMENDATIONS .....</b>	<b>56</b>
<b>BIBLIOGRAPHY .....</b>	<b>58</b>
<b>APPENDICES.....</b>	<b>61</b>
<b>Appendix 1 – Ratification of international treaties related to the commercial sexual exploitation of children and women by OAS member states.....</b>	<b>61</b>
<b>Appendix 2 – Questionnaire 2012 sent to the states .....</b>	<b>64</b>

## PART 1

### 1. BACKGROUND

In compliance with General Assembly resolution AG/RES 1667 (XXIX-O/99) of 7 June 1999, the Inter-American Children's Institute (IIN) submits an annual report to the Secretary General on the measures undertaken by the member states of the Organization of American States (OAS) to combat the commercial sexual exploitation of children (CSEC).

In 2007, the Directing Council of the IIN adopted resolution CD/RES.10 (82-R/07), which created the *Inter-American Programme for the Prevention and Eradication of Sexual Commercial Exploitation, Illegal Trafficking and Trade in Children and Adolescents*. In 2008, the General Assembly of the OAS welcomed this step taken by the Directing Council of the IIN and adopted resolution AG/RES. 2432<sup>1</sup> (XXXVIII-O/08). Since then, the IIN has submitted yearly progress reports on the Inter-American Programme and has received opinions and new mandates from the General Assembly of the OAS: AG/RES. 2486<sup>2</sup> (XXXIX-O/09), AG/RES. 2548<sup>3</sup> (XL-O/10), AG/RES. 2686 (XLI-O/11) and AG/RES. 2686 (XL-O/11).

At the last General Assembly of the OAS, held in Cochabamba, Bolivia, in June 2012, resolution AG/RES. 2707 (XLII-O/12) was adopted, which includes among its considerations that *"the sexual exploitation and smuggling of and trafficking in minors continues to have a considerable impact on our states, and so it is necessary to continue implementing effective policies and strategies to combat those criminal acts;"* and recognizes *"the progress already made by the IIN in fulfilment 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 in pursuit of resolutions adopted by the General Assembly, as well, the Annual Report to the Secretary General on the steps taken to combat commercial sexual exploitation of children (CSEC) in the member states, pursuant to the mandate in AG/RES. 1667 (XXIX-O/99)."*

Finally, it resolves: *"1. To take note of the progress made in consolidating and deepening the three components of the Inter-American Cooperation Program for the Prevention and Eradication of Child Commercial Sexual Exploitation and Illegal Trafficking, hereinafter the Inter-American Program, and to express its satisfaction at the approval of the new IIN Plan of Action for the 2011-2015 period, which includes a proposal for continuing the activities of the Inter-American Program, while extending and developing, in order to improve the protection of children against new forms of sexual exploitation in the Hemisphere. 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, as well as restoration of the rights of victims of this crime."*

In fulfilment of this proposal and in response to concerns regarding the restrictive effect of the term "commercial" in association with sexual exploitation, as well as to the redundancy of the term "illegal" with reference to "traffic", bearing in mind existing international definitions

<sup>1</sup> The official version is available at [Thirty-Eighth Regular Session](#), held in Medellín, Republic of Colombia, in June 2008.

<sup>2</sup> The official version is available at [Thirty-Ninth Regular Session](#), held in San Pedro Sula, Honduras, in June 2009.

<sup>3</sup> The official version is available at [Fortieth Regular Session](#), held in Lima, Peru, in June 2010.

(Inter-American Convention on International Traffic in Minors, Art. 2), at its 87<sup>th</sup> Regular Meeting held in September 2012 in the city of San José, Costa Rica, the Directing Council of the IIN unanimously resolved: *“To rename the [...] Programme [...] created by means of resolution CD/RES. 10 (82-R/07), as the “Inter-American Cooperation Programme for the Prevention and Eradication of Sexual Exploitation, and Smuggling of and Trafficking in Children” (resolution CD/RES 04 (87- R/12).*

The Inter-American Programme is organized in three workstreams:

**Work Area 1: Compilation and systematization of meaningful and updated CSEC-related information, with particular emphasis on regional issues, and placing it at the disposal of states, organizations and other interested parties.**

This work is effected by:

- ***The Inter-American Observatory on the Commercial Sexual Exploitation of Children, [www.annaobserva.org](http://www.annaobserva.org).*** The site was redesigned in 2012 and provided with a structure that allows for greater levels of interaction and makes it more user-friendly.
- ***Network of technical liaison officers appointed by the states.*** The liaison officer network is essential to keep the Observatory updated and dynamic. It provides access to information produced in the states and comprises a core of users that lead to links with their respective states and within them, with the agencies responsible for fighting CSEC.
- ***Working agreements and exchanges with benchmark organizations in this field.*** In order to strengthen the Observatory, connections have been established with international organizations that are well-known for their work in this area and they also contribute material.

**Work Area 2: Production of knowledge and instruments to strengthen the capacity of the states when addressing the sexual exploitation of children.**

This area includes:

- ***The publication of newsletters in Spanish and in English.*** Brief reports with references to further reading if required were circulated. The target of producing and circulating four newsletters in both languages was fulfilled in 2012.
- ***Regional Meetings on the “Prevention, Protection and Restitution of Rights in the face of CSEC: Experiences for Reflection”.*** Sub-regional meetings have been held as from 2010 in: Central America (Costa Rica, 2010), the Caribbean (Jamaica, 2011) and South America (Asunción, 2012).

Each of these meetings resulted in a publication compiling the contributions of the presenters and a final meeting declaration. The publications have been grouped into a series on “Good Practices”.

The 2012 event was organized by Paraguay's National Children's Secretariat (SNNA, in Spanish) and the Inter-American Children's Institute (IIN-OAS). Present were the representatives of the national commissions of the countries of the south of the continent: Argentina, Brazil, Chile, Colombia, Ecuador, Paraguay, Peru and Uruguay. Directors and technical staff of Paraguayan institutions also took part, as well as delegates from international and academic organizations of the region. A novel feature at this Third Meeting was the participation of Paraguayan children's organizations.

**Work Area 3: Increase the capacity of the states to confront CSEC, through technical assistance and training.**

This area includes:

- ***Advice provided to national coordinators on the subject of CSEC.***
- ***Technical assistance for the states in the production of national plans.*** As part of this activity, technical assistance was provided to the states of Paraguay (2011) and Chile (2012).
- ***Semi-distance course on the Commercial Sexual Exploitation of Children.*** This involves a combination of distance training and face-to-face activities organized in coordination with the states taking part in this initiative (about five in each season). Course participants are selected and proposed by the states and the states in turn become involved in the initiative by organizing and evaluating a face-to-face module in which the general ideas addressed in regional terms are reviewed in the light of each country's situation and priorities. At the end of the course and if the course participant has completed both stages successfully, he or she is awarded the relevant certificate, signed by the IIN representative responsible for the course and the participating state. The 2012 edition of the course was carried out between May and September and the participating states were Chile, Ecuador, El Salvador, Peru and Uruguay; 145 officials were certified.

The *Annual Report to the Secretary General of the OAS on action undertaken by member states to combat commercial sexual exploitation of children in the Americas* is included in the activities of Work Area 2 of the Inter-American Programme. At the same time, it is one of the outputs used for the activities of Area 3 (training, advice, technical guidance for the states).

This task is an opportunity to work on a highly significant issue. Every year, a summarized version focusing on thematic contributions is translated and disseminated widely as content arising from the Programme.

## 2. INTRODUCTION

Bearing in mind that in 1969 the American Convention on Human Rights had already stipulated in its Article 19 that *"Every minor child has the right to the measures of protection required by*

his condition as a minor on the part of his family, society, and the state”, the Convention on the Rights of the Child (CRC) was the first international law to recognize specifically in its Article 34 that children have a right to be protected against sexual violence<sup>4</sup>: “States Parties undertake to protect the child from all forms of sexual exploitation and sexual abuse. For these purposes, States Parties shall in particular take all appropriate national, bilateral and multilateral measures to prevent: (a) The inducement or coercion of a child to engage in any unlawful sexual activity; (b) The exploitative use of children in prostitution or other unlawful sexual practices; (c) The exploitative use of children in pornographic performances and materials.”

Similarly, in 2000 the Optional Protocol to the Convention on the Rights of the Child was adopted, on the sale of children, child prostitution and child pornography<sup>5</sup>. The protocol defines the sale and exploitation through prostitution and pornography as:

*“(a) Sale of children means any act or transaction whereby a child is transferred by any person or group of persons to another for remuneration or any other consideration;*

*(b) Child prostitution means the use of a child in sexual activities for remuneration or any other form of consideration;*

*(c) Child pornography means any representation, by whatever means, of a child engaged in real or simulated explicit sexual activities or any representation of the sexual parts of a child for primarily sexual purposes.*

(Art.2)

By ratifying or acceding to the CRC, states undertake to “indicate factors and difficulties, if any, affecting the degree of fulfilment of the obligations under the present Convention. Reports shall also contain sufficient information to provide the Committee with a comprehensive understanding of the implementation of the Convention [...]” (Art. 44, CRC).

To this end, states that ratify or accede to the Optional Protocol must submit, within two years following its entry into force, “a report to the Committee on the Rights of the Child providing comprehensive information on the measures it has taken to implement the provisions of the Protocol” (Art. 12). Subsequently, they will add to the regular report on the CRC additional information regarding the implementation of the Optional Protocol or, if they are signatories, but not parties to the CRC, they should submit their reports every five years.

In order to ensure that the states fulfil their obligations, the Committee on the Rights of the Child of the United Nations<sup>6</sup> periodically reviews the progress achieved by each State Party in fulfilling the obligations undertaken with regard to both treaties.

Similarly, the Committee also receives a shadow report from civil society in every State Party. With both reports on the table, the Committee may and often does request further information by means of a list of questions that the State Party answers prior to a face-to-face meeting between members of the Committee and national delegations.

<sup>4</sup> Also see Articles 19 and 39 of the CRC.

<sup>5</sup> Henceforth, Optional Protocol.

<sup>6</sup> Henceforth, the Committee.

To date, the following OAS member states have submitted their general reports on the provisions of the Optional Protocol: Costa Rica 2007, Guatemala 2007, Chile 2008, United States of America 2008, El Salvador 2010, Ecuador 2010, Argentina 2010, Colombia 2010, Nicaragua 2010, Mexico 2011, Canada 2012, United States of America 2012 (second report). The country reports of the following member states are ready to be addressed in forthcoming sessions: Honduras, Paraguay, Uruguay and Venezuela.

## 2.1. World Congresses

Finally, we should refer to the mobilization of the international community with regard to this issue, which began even before the adoption of the Optional Protocol.

The First World Congress against CSEC was held in 1996 and the foundations were laid for the first action plans against sexual exploitation. Most OAS member states have designed and implemented their plans with varying levels of effectiveness as regards implementation and little evaluation of the real impact of the actions performed. Some states have even made efforts to design local plans in coordination with their national plans, or have adopted a second or even a third consecutive action plan.

Every action plan is adapted to the state's needs or vision of how to organize its public policy against CSEC. The specific lines of action agreed at the First World Congress remain in place and constitute a guide for the design of these plans: 1. Coordination and Cooperation; 2. Prevention; 3. Protection; 4. Recovery and Reintegration; 5. Child Participation.

The First World Congress was followed in 2001, shortly after the adoption of the Optional Protocol, by the Second World Congress held in Yokohama, Japan. Six preparatory meetings were held prior to the Second Congress: in Bangkok (Thailand); in Dhaka (Bangladesh); in Rabat (Morocco); in Montevideo (Uruguay); in Budapest (Hungary) and in Philadelphia (United States). The IIN was responsible for leading the meeting held in Montevideo<sup>7</sup>.

At the Second Congress, the agenda for the Stockholm action plan was reaffirmed. As a result of these congresses, special laws have been enacted to regulate and punish CSEC-related crimes and significant progress has been made in relation to positioning the issue on state agendas.

Finally, the Third World Congress against Child Sexual Exploitation took place in Rio de Janeiro, Brazil, in 2008. As Brazil was the host country, follow-up to the Third Congress has had a greater impact on OAS member states. For example, within Mercosur, the Niñ@Sur working group has embraced the issue as a priority, with a particular focus on executing the project in the border towns of Argentina, Brazil, Uruguay and Paraguay.

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<sup>7</sup> For further information regarding the "Montevideo Commitment" (9 November 2001), adopted at the Inter-American Congress against Sexual Exploitation of Children, please see [http://www.iin.oea.org/declaracion\\_congreso\\_exp\\_sexual\\_ingles.htm](http://www.iin.oea.org/declaracion_congreso_exp_sexual_ingles.htm).

Although the declarations signed at the World Congresses are not legally binding for the states, they are, nonetheless, politically and technically significant, inasmuch as they establish parameters for addressing CSEC-related issues.

## **2.2. The Twelfth Report: Proposals for producing a framework of reference for reparation and restitution of the rights of child victims of commercial sexual exploitation with a gender perspective.**

In recent years, together with economic, social and cultural changes and the emergence of new communication technologies, new forms of child sexual exploitation have also appeared. We should also include among these changes, the greater influence of the rights-based perspective on the way the problem is viewed and on the response provided by the states. The international treaties mentioned above have been adopted over the last 15 years, together with other highly significant complementary agreements<sup>8</sup>:

- Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (17/06/1999)
- Inter-American Convention on International Traffic in Minors (18/03/94)
- Convention on the Elimination of All Forms of Discrimination against Women (18/12/1979)
- Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women (6/10/1999)
- Inter-American Convention on the Prevention, Punishment and Eradication of Violence Against Women, the “Convention of Belém do Pará” (09/06/1994)
- United Nations Convention against Transnational Organized Crime (15/11/2000)
- Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, the “Palermo Protocol” (15/11/2000)
- The Rome Statute (17/07/1998)

The Rio de Janeiro Declaration and Call for Action to Prevent and Stop Sexual Exploitation of Children and Adolescents, a document arising from the Third World Congress held in 2008, shows persisting concern on the part of the international community regarding the difficulties encountered by several countries when attempting to establish an effective and accessible public policy which is sufficiently wide-ranging and aiming at the social reintegration of CSEC victims and the restoration of their violated rights.

Among its concerns, it states:

*Par. 19 - Many States have not taken all feasible measures with the aim of ensuring all appropriate assistance to child victims of sexual exploitation, including their full social reintegration and their full physical and psychological recovery; and assistance is often compromised by a lack of effective coordination among the necessary partners (including law enforcement, immigration, social workers, mental and physical health professionals, housing and education services).*

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<sup>8</sup> The current ratification status of all international treaties related to the commercial sexual exploitation of children, by all OAS member states (to October 2012) is provided as an appendix.

Par. 22 - *Information continues to circulate that is not based on updated knowledge and the wealth of field-based experience in the areas of prevention and protection of children, law enforcement and victim support; and there is insufficient proactive sharing of experiences and lessons learned.*

In view of these considerations, in 2011 the IIN used as the thematic focal point of the Eleventh Report to the Secretary General the region's experiences in repairing harm and restoring rights: their achievements and challenges.

From the information gathered at the time on the basis of secondary information as well as of questionnaires sent to the states, it emerged clearly that there are a number of valuable experiences in the hemisphere, from which lessons can be derived to improve the capacity to implement programmes for the restitution of the rights of SE victims.

Principal weaknesses involved the absence or fragility of forms of connecting these restitution programmes to the rest of the child protection system, including universal policies, as a means of breaking away from the stigmatization circuit.

Other critical issues identified were: frequent failure to study the context and social and community resources available before organizing specific programmes targeting CSEC victims; the importance of ongoing training for operators and access to mental health self-protection opportunities; the importance of strengthening the victims and training them for a social and working life.

Finally, the significance of the gender perspective in these processes also emerged, not as a general point of discourse, but mainstreamed into practice and reflected in an understanding of the different harm and suffering caused by the exploitation experienced by girls and boys and its different social connotations, of the different ways in which exploiters relate to them and of how work is enhanced when teams of carers are composed of both men and women, thus providing an example of mutual respect and complementarity in contrast to the experiences and models surrounding them.

This led to the decision of taking rights restitution as a focal point in the work of the Inter-American Programme for 2012. The issue therefore became the keynote of the work of the Third Regional Meeting held in Asunción and of this Twelfth Report to the Secretary General.

This report constitutes an opportunity to go beyond description and analysis of experiences and advance towards deriving lessons that will make it possible to produce a **framework of reference for reparation and restitution of the rights of child victims of commercial sexual exploitation with a gender perspective.**

### 2.1.1. Organization of this Paper

This report is organized in three parts plus a final chapter containing conclusions. In the first, in addition to the Background and the Introduction, the methodology is described as well as the sources consulted.

The second part contains updated information regarding the developments reported by the states of the Inter-American system, in two specific areas: *Status report*: a diagnosis of the problem, and *Protection*: legal and judicial system changes.

This includes the result of processing the answers from the states to the *2011 Question Protocol* and *Questionnaire 2012*, as well as an analysis of secondary data provided by the states as additional material, and by different organizations.

The third part contains the study entitled *Proposals for producing a framework of reference for reparation and restitution of the rights of child victims of commercial sexual exploitation with a gender perspective*.

Finally, a number of conclusions are drawn and recommendations are made.

### 3. METHODOLOGY

This Twelfth Report maintains the innovation introduced in 2010 with regard to including a thematic chapter with an in-depth analysis of the specific area considered to be a priority.

This format makes it possible to make effective use of the resources invested by both the IIN and the member states in the production of the annual report and leads to knowledge that provides feedback for the practices developed in answer to these problems.

As stated in the introduction to this paper, attempts were made in 2012 to focus on the subject of rights restitution (which had already been addressed in the 2011 report) by drafting a number of “*Guidelines for the Implementation of Rights Restitution Programmes*”. The main input for these was the information contributed by the states and the analysis of their experiences.

In order to obtain this input, member states were sent *Questionnaire 2012*<sup>9</sup> via the representatives to the Directing Council of the IIN. The questionnaire is a semi-open survey designed with the purpose of learning about specific plans/projects/programmes targeting child victims of CSE.

Likewise, the *2011 Question Protocol* was sent out again, in the understanding that it compiles complementary information. The states were asked to update the information they had provided the year before, confirm its validity or respond to the questions, as applicable.

*Questionnaire 2012* was answered by 11 of the 34 active OAS member states: Argentina, Brazil, Chile, Colombia, Costa Rica, Dominican Republic, Ecuador, El Salvador, Panama, Peru and Uruguay. In addition, three of these states answered the *2011 Question Protocol*: Dominican Republic, Panama and Peru, confirming its validity.

Finally, an analysis is included of the secondary information contributed by the states as additional information, as well as by international organizations such as the International Organization for Migration (IOM).

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<sup>9</sup> Attached.

Part 3 contains some specific thoughts related to the methodology used in the study entitled *“Proposals for producing a framework of reference for reparation and restitution of the rights of child victims of commercial sexual exploitation with a gender perspective”*.



## PART 2

### CSEC IN THE STATES OF THE INTER-AMERICAN SYSTEM. INFORMATION UPDATE

This section contains updated information regarding the developments reported by the states of the Inter-American system, in two specific areas of action: *Status report*: a diagnosis of the CSEC problem and compilation of quantitative and qualitative data which will make it possible to measure it, and *Protection*: legal and judicial changes within the system.

#### 1. STATUS REPORT

In the Tenth Report to the Secretary General of the OAS (2010) it was concluded that the states in the region in general have only partial figures for the number of children affected by CSE and that the indicators used were the number of reports (to the police and/or through hotlines), the number of cases that went to court, the number of children in rights reparation programmes and others. However, the production of wide-ranging diagnoses with specific and reliable figures reflecting the true measure of the CSEC problem continued to pose a challenge (IIN, 2010).

In 2012, on the basis of information provided by the states to the IIN's survey and other sources that provide secondary information, it is possible to see progress in the diagnosis of a specific form of rights violation: **human trafficking**.

In February 2012, the International Organization for Migration (IOM) published its report, *IOM 2011 Case Data on Human Trafficking: Global Figures and Trends*<sup>10</sup> in reply to a request for information from the U.S. Department of State's Office to Monitor and Combat Trafficking in Persons, in order to produce a report on trafficking in persons for 2012.

The IOM's report compiles information on cases of trafficking assisted by the organization in 2011, either through direct care for victims as part of a specific project to combat human trafficking, or through its Assisted Voluntary Return & Reintegration programmes, resettlement programmes, family reunification programmes and other humanitarian programmes (IOM, 2012: 3).

Data refer to cases assisted, not individuals. One individual may be provided with care in both the country of origin and the destination country, thus causing two cases to be computed, although the care was provided to a single person. Therefore, the number of persons assisted is slightly lower.

*"IOM has globally provided assistance to individual trafficked persons on 5,498 occasions in 2011. More than half (62%) of these persons related to adults aged 18 and over, whereas around forty per cent of cases (36%) were minors and about two per cent (2%) unknown. Two thirds (62%) of these individuals are female, a little bit more than one third are males (37%), and the sex of the individual is unknown in just one per cent of cases (1%). Individuals have been assisted by IOM after having been trafficked for the purpose of forced labour (53%),*

<sup>10</sup> The IIN contributed a translation into Spanish of this report, which was eventually circulated as an *unofficial translation into Spanish of the original in English*. The full version of this document is available on the Inter-American Programme website, both in Spanish and in English: [www.annaobserva.org](http://www.annaobserva.org)

sexual exploitation (27%), other purposes such as forced marriage and organ trafficking (7%), begging (5%), combined sexual & forced labour (5%), unknown purposes (3%), and for forced labour and other as well as for low level criminal activities (0.1%). In 2011, individuals were mostly trafficked across borders (64%), internally (31%), and both across borders and internally (1%). The type of trafficking was unknown for four per cent (4%) of individuals trafficked in 2011” (IOM, 2012:6).

Notwithstanding the global data given above, it should be pointed out that when data is broken down by region, it is evident that in the Western Hemisphere (as the report defines the countries of the Americas), **trafficking in persons displays different characteristics to trafficking in other regions** (Africa, Central and South Asia, East Asia and the Pacific, Europe, the Middle East).

Below we provide the principal data available for the states of the Inter-American System. We have no information available for Honduras, Panama, Paraguay, Uruguay and Venezuela, either because they did not share their data with IOM headquarters or they did not implement projects to combat trafficking in persons during 2011. There are no data for Bahamas or Canada due to the fact that the IOM has no operational presence in those countries (IOM, 2012:6).

A total of **984 cases assisted** were recorded in 2011, which represents 18% of the cases assisted by the IOM worldwide. The following table shows the number of cases by state.

**Table: Western Hemisphere region**

	Total number of cases assisted (year) 2011
Argentina	32
Bolivia	16
Chile	1
Colombia	23
Costa Rica	4
Dominican Republic	49
Ecuador	1
El Salvador	25
Guatemala	58
Haiti	656
Mexico	6
Nicaragua	18
Peru	5
The Caribbean region	25
The United States of America	65
<b>REGIONAL TOTAL</b>	<b>984</b>

Source: IOM trafficking case data; in IOM, 2012: 14.

With regard to the sex of the victims, there is a predominance of females: women represent 58% (573) of the total cases assisted, as opposed to 42% (411) in the case of men. The same

distribution is observed in all regions, although in this hemisphere, female predominance is lower than in others.

**Table: Regional overview of all cases assisted, by gender**

WESTERN HEMISPHERE	2011
Male	411
Female	573
<b>TOTAL</b>	<b>984</b>

Source: IOM trafficking case data; in IOM, 2012: 17.

In contrast to other regions, where trafficking in persons older than 18 predominates, in the Americas, it is child trafficking that prevails: 81% (798) of cases assisted involved persons younger than 18, while only 19% (183) were older.

**Table: Regional overview of all cases assisted, by age**

WESTERN HEMISPHERE	2011
Under 18	798
18 and over	183
Not known	3
<b>TOTAL</b>	<b>984</b>

Source: IOM trafficking case data; in IOM, 2012: 19.

As regards the type of trafficking, also in contrast to other regions (except the Middle East), domestic trafficking is predominant (in 70% of the cases).

**Table: Regional overview of all cases assisted, by type of trafficking**

WESTERN HEMISPHERE	2011
Internal	687
International:	297
<b>TOTAL</b>	<b>984</b>

Source: IOM trafficking case data; in IOM, 2012: 27.

Trafficking takes place mainly for the purpose of forced labour and sexual exploitation.

**Table: Regional overview of all cases assisted, by exploitation**

WESTERN HEMISPHERE	2011
Sexual Exploitation	99
Forced labour	782
Combined sexual exploitation & forced labour	54
Begging	43
Other	3
Forced labour & Other	2
Not known	1
<b>TOTAL</b>	<b>984</b>

Source: IOM trafficking case data; in IOM, 2012: 24.

Finally, the report gives a list of countries of origin and destination of the victims in the 5,498 cases assisted worldwide. Among Inter-American System countries, **Haiti** tops the list as a country of origin (709 cases), and is also second globally, after Ukraine (835 cases). It is followed by **Guatemala**, **El Salvador** and **Colombia** (48, 35 and 34 cases respectively) (IOM, 2012: 28). With regard to destination, **Haiti** is once again first (658 cases), followed by the United States of America (71 cases), Argentina (51 cases) and Dominican Republic (46 cases) (IOM, 2012: 30).

In addition to the regional overview provided by the IOM study, there is also updated information about the three states that contributed information in answer to the IIN's survey: Honduras, Peru and Dominican Republic.

**Honduras** provided the answers it gave to the Department of State of the United States, for the report mentioned above.

This information makes it possible to perform a qualitative diagnosis of the phenomenon in the country. As reported by Honduras, the groups identified as being at risk of trafficking or forced labour have not varied. The most likely victims of trafficking are still socially vulnerable children (child victims of CSE, street children or children living in extreme poverty), young people (mainly those who are outside the labour and educational system), adult women and migrants (particularly unaccompanied migrants).

In addition, young men – both over and underage – who are socio-economically vulnerable, become involved in drug trafficking activities under duress or threat of violence. In these cases, traffickers are members of gangs that answer to the leaders of international drug cartels.

On the other hand, many Hondurans have been victims of labour exploitation in Guatemala and Mexico on their migration route towards the United States, as well as in the latter country.

As regards quantitative data, although there is no data compilation system that makes it possible to obtain statistics promptly, efforts are being made in this respect and some information has been recorded. For example, in 2011, Tegucigalpa's Special Unit recorded 48 reports on commercial sexual exploitation and trafficking; 162 reports (including those made in previous years) being investigated; 13 cases of commercial sexual exploitation crimes brought to court, which involved 14 individuals prosecuted (6 persons have been imprisoned, there are warrants for the arrest of 4 and 3 were freed) and 16 victims.

**Peru**, for its part, reports that it has a Records and Statistics System for the Crime of Trafficking in Persons and Related Practices (RETA-PNP, for its acronym in Spanish), answering to the Ministry of the Interior.

Between 2004 and 2012, this system has registered 630 cases of trafficking in persons, of which 476 involve sexual exploitation. Likewise, to April 2012, it registered 1,960 victims of trafficking in persons, of whom 763 were underage. Of these, 693 were girls and 70 were boys.

The country does not yet have official figures regarding other forms of child sexual exploitation.

Finally, **Dominican Republic** reports that its National Council for Childhood and Adolescence (CONANI, for its acronym in Spanish) was selected as the institution responsible for administrating the Indicators and Information System for Latin America and the Caribbean to monitor international commitments regarding the prevention and elimination of commercial sexual exploitation of children and adolescents (DevInfoLAC CSE).

At present, this database contains quantitative and qualitative information covering 2001 to 2009, which has made it possible to review and update actions implemented by the states to put a stop to these crimes.

The information analysed confirms that despite the efforts made, child sexual exploitation continues to threaten the rights of children throughout the hemisphere. It is closely linked to trafficking, both domestic and international. The first of these is the prevailing form of trafficking in the Americas and persons under the age of 18 are its principal victims.

## 2. PROTECTION

Under the heading of *Protection* we address the legislative and/or judicial developments (legal reform) that have taken place in the states in order to improve the protection of children from CSE.

**Honduras** made significant legal progress when it adopted its *Trafficking in Persons Act* on 6 July 2012 (a bill submitted by the Interinstitutional Committee against Commercial Sexual Exploitation and Trafficking in Person – CICESCT, in Spanish).

This law defines and punishes all forms of trafficking in persons (previously, only trafficking with sexual purposes was punishable; other forms of trafficking had to be made to conform to other criminal offences, such as human smuggling, deprivation of liberty or economic exploitation).

Some of its principal contributions include penalties of up to 22 years and a half of prison time for traffickers, whatever the form of trafficking; the establishment of standards for the care of victims; the creation of an Immediate Response Team (ERI, in Spanish) to evaluate risk and deploy immediate action for the protection of victims, both as part of criminal proceedings and beyond them.

In response to the *2011 Questions Protocol*, **Peru** reports that it has taken into account the guidelines regarding justice in matters concerning child victims and witnesses of crimes in the design of its *Interinstitutional Route for Comprehensive Care and Protection for Victims of Child Sexual Abuse, Child Sexual Exploitation and Trafficking with the purpose of Child Sexual Exploitation*, as well as its *Guidelines for Intervention in Sexual Exploitation Points*, adopted by Supreme Decree N° 014-2006-MIMDES.

This approach stipulates that the Ministry for Women and Vulnerable Populations, together with the Ministry of Health, should monitor cases from the moment they are reported up to recovery. To this end, they should establish ongoing coordination with legal and social services. For their part, institutions undertaking the judicial process (Women's Emergency Centres and

the Free Legal Advisory Services of the Ministry of Justice and Human Rights) should accompany children during the entire judicial process.

Likewise, the following measures have been taken to prevent secondary victimization in police and judicial headquarters:

- Care services that detect a SEC case should only compile reference data and ask very general questions (preferably of family members or the persons accompanying the child).
- Once the victim has been cared for, the case must be derived to Peru's National Police or the prosecutorial authorities so that the charges can be made.
- The National Police must avoid questioning children directly; they should be referred to the Prosecutor's Office.
- The Prosecutor's Office shall schedule a single interview (according to the Single Interview Guide), which shall be conducted by a psychologist.
- Should the case be handled initially by a health centre, the health worker should care for the child and report the case immediately to the Prosecutor's Office.
- The legal service that undertakes the case should provide support for the victim during the entire judicial process.

Also in response to the *2011 Questions Protocol*, **Dominican Republic** reports that it is in the process of reviewing current legislation, as criminal penalties are not contemplated for some of the activities related to the commercial sexual exploitation of children. The new legislation proposed (about ten new articles) defines these crimes and amends those that are related to human trafficking.

With regard to court proceedings, the country reports that the Judicial Branch has the means to facilitate interviews for the purpose of giving evidence with underage persons who are victims or witnesses in criminal cases. They operate in Interview Centres, according to an anticipated evidence format, with the purpose of providing the judicial administration system with the technical and legal means to obtain informative statements or evidence from children who are victims or witnesses of crimes, safeguarding their rights and integrity in keeping with rights-protection standards and their best interest, and at the same time facilitating the operation of criminal justice. These centres are guided by an Operating Protocol.

The legal grounds for the implementation of these Interview Centres are derived from the Convention on the Rights of the Child, the Protection System and Fundamental Rights of Children Statute (Law N° 136-03) and resolutions 3687-2007 and 116-2010 of the Supreme Court of Justice.

By 2011, the Interview Centre for Vulnerable Persons who are Victims or Witnesses of Crimes was operating in the National District, as well as the San Cristóbal Interview Centre (according to the Gesell Chamber format), and another was being planned for Higuey. For 2012, the installation of seven centres in different judicial districts throughout the country was being planned.

**Uruguay** enacted *Law N° 18,914* on 22 June 2012 (*Money Laundering Act*), which in its Article 5 amends the jurisdiction of Criminal Courts of the First Instance specializing in organized crime (created by *Law N° 18,362*, Art. 414, of 6 October 2008), stipulating that their

intervention in cases of sexual exploitation shall occur when such crimes are committed by an organized crime group:

*“Article 5. Amending number 10, second paragraph of Article 414 of Law Nº 18,362 of 6 October 2008, which will henceforth read as follows:*

*“10) Criminal conduct provided for in Law Nº 17,815 of 6 September 2004, in Articles 77 to 81 of Law Nº 18,250, of 6 January 2008, and any illicit conduct provided for in the Optional Protocol to the Convention on the Rights of the Child, on the Sale of Children, Child Prostitution and Child Pornography, or related to trafficking, smuggling or the sexual exploitation of persons, **when such crimes are committed by an organized criminal group as defined by the provisions of Law Nº 18,362 of 6 October 2008.***

***“An organized criminal group is understood to be a structured group of three or more persons, which is in existence for a certain period and acts in concert with the purpose of committing these crimes, with a view to obtaining, directly or indirectly, a financial benefit, or any other material benefit.”*** (Law Nº 18,362 of 6 October 2008, *Accountability Act.*)

As from the enactment of this law, therefore, reports of sexual exploitation cases should be processed:

- When there is an organized criminal group involved: before Criminal Courts of the First Instance specializing in organized crime throughout the territory (means of proof and *exceptional* protection measures, Art. 4, Law Nº 18,494).
- When there is no organized criminal group involved: before Criminal Courts of the First Instance in Montevideo; before Courts of the First Instance of the Interior in the rest of the country.

The application of this law has been controversial. Confirming whether a criminal group has participated or not is subject to the investigation being carried out, which is in the hands of local actors, among whom a degree of institutional weakness in confronting these types of crimes has been noted.

On the other hand, however, the intervention of Organized Crime Courts was an excessively cumbersome procedure in situations where sexual exploitation occurred with the participation of individuals, generally known to the victims themselves. The profiling of individuals prosecuted under the previous law confirms that these were not persons who could occupy significant positions in organizations devoted to this kind of exploitation.

The changes apparent in the reports received, despite being submitted by a limited number of states, reveal the concern existing in the hemisphere with regard to adjusting legislation to the new forms adopted by the sexual exploitation of children, as well as the inclusion of aspects that become visible after the consolidation of the rights-based perspective.

The new laws and parliamentary initiatives being debated in several states in the region incorporate such elements as domestic trafficking, in response to the reality that trafficking does not always take place across borders. The inequalities existing within countries lead to transfers from areas inhabited by particularly vulnerable populations to industrial and commercial centres or tourist circuits with a market for this type of transaction.

Finally, the new legislation includes regulatory measures for police and judicial procedures in order to prevent the re-victimization of the children affected and incorporates minimum standards for their protection and care.



## PART 3

### PROPOSALS FOR PRODUCING A FRAMEWORK OF REFERENCE FOR REPARATION AND RESTITUTION OF THE RIGHTS OF CHILD VICTIMS OF COMMERCIAL SEXUAL EXPLOITATION WITH A GENDER PERSPECTIVE<sup>11</sup>

#### 1. INTRODUCTION

In the context of the “*Inter-American Programme for the Prevention and Eradication of Commercial Sexual Exploitation, Illegal Smuggling of and Trafficking in Children and Adolescents*”, the Inter-American Children’s Institute has been producing a number of papers in compliance with resolution AG/RES. 2686 (XL-O/11) adopted in the General Assembly of 2011, which states, in paragraph 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.”

This study elaborates on the subject of the restitution of rights, focusing more specifically on reparation and rights restitution for child victims of commercial sexual exploitation, with a gender perspective.

The objective is to generate recommendations for the implementation of rights restitution programmes for child victims of CSE.

In its First Part, this study addresses the effect of the strained coexistence of certain aspects of the irregular situation and comprehensive protection doctrines on rights restitution programmes. In Part 2, systematization is provided of the answers given by the states in the annual questionnaire on reparation and rights restitution actions. In Part 3, we shall review some experiences involving rights restitution models, programmes and projects that incorporate the gender perspective and original resources and methodology in working with child victims. Finally, Part 4 contains conclusions and recommendations to continue making progress towards a proposal for a restitution of violated rights model.

#### 2. SECTION 1

##### 2.1 Commercial Sexual Exploitation of Children and Trafficking in Persons: A Conceptual Framework

At this point, we shall introduce the principal concepts regarding CSEC and human trafficking arising from international bodies and national agencies, as well as some stemming from research and/or academic studies, or from discussions and debates that take place in a number of organizations and movements. As Diógenes stated in 2008, “*Sexual exploitation, as*

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<sup>11</sup> This chapter revisits the study entitled “*Proposals for producing a framework of reference for reparation and restitution of the rights of child victims of commercial sexual exploitation with a gender perspective*”, produced by consulting sociologist Rodolfo Martínez, commissioned by and with the technical assistance of the IIN.

*well as a concept and agreed terminology concerning the violation of children's rights, is almost a dialect to be decoded"* (original in Portuguese).

The First World Congress against Commercial Sexual Exploitation of Children (Stockholm, 1996) adopted a declaration in which commercial sexual exploitation was defined as *"...a fundamental violation of children's rights. It comprises sexual abuse by the adult and remuneration in cash or kind to the child or a third person or persons. The child is treated as a sexual object and as a commercial object. The commercial sexual exploitation of children constitutes a form of coercion and violence against children, and amounts to forced labour and a contemporary form of slavery."*

In 1999, the ILO adopted Convention No. 182 on the Worst Forms of Child Labour, among which are the sale and trafficking of children, the use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic performances. In 2002, the Optional Protocol to the CRC on the sale of children, child prostitution and child pornography entered into force and defined these activities as:

- Sale of children: any act or transaction whereby a child is transferred by any person or group of persons to another for remuneration or any other consideration.
- Child prostitution: the use of a child in sexual activities for remuneration or any other form of consideration.
- Child pornography: any representation, by whatever means, of a child engaged in real or simulated explicit sexual activities or any representation of the sexual parts of a child for primarily sexual purposes.

CSEC has been defined in a number of studies and investigations; among them, one carried out by Chile's Servicio Nacional de Menores [National Service for Minors] (2004) provides this definition (originally in Spanish): *"...any activity in which a person uses the body of a child for sexual and/or financial advantage, on the basis of power relations between them. Both individuals who offer others the opportunity of participating in the use of children (pimps and networks), as well as individuals who make the contact (johns) shall be deemed exploiters, regardless of whether the relationship is occasional, frequent or ongoing. The commercial sexual exploitation of children is an old problem, which is socially accepted, particularly when linked to begging and survival. However, it constitutes a serious violation of children's rights, through which it is attempted to break their wills by means of degradation, physical force or psychological aggression."*

Leal (2002) defined it (originally in Portuguese) as *"[...] sexual violence that takes place in the relations of production and market (consumption, supply and surplus) through the sale of the sexual services of children and adolescents by sex marketing networks, by their parents or other adults, or by means of self-employment. This practice is not only determined by structural violence (background), but also by social and interpersonal violence. It is also a result of the transformations occurring in the values systems exhibited by social relations, especially patriarchy, racism, and social exclusion; the antithesis of the idea of emancipation entailed by economic and cultural freedom and human sexuality."*

In Claramunt's view (2002) (original in Spanish), CSEC is *"the sexual use of minors, in which there is economic advantage for the child or the intermediary. Sexual trade involving children*

can take different shapes, such as sale and smuggling, pornography or offering benefits in money or in kind for performing sexual activities.”

Trafficking in persons<sup>12</sup> was defined in the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (2000)<sup>13</sup>, which supplemented the United Nations Convention against Transnational Organized Crime. In its Article 3, subparagraph a), it states that “*Trafficking in persons’ shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs*”.

And in subparagraph c) of the same article, “*The recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation shall be considered ‘trafficking in persons’ even if this does not involve any of the means set forth in subparagraph (a) of this article*”. In addition, subparagraph d) defines as a “child” any person under the age of eighteen.

The IIN bases its work on this definition as it is the broadest and is agreed upon internationally.

## 2.2 The contentious coexistence of the irregular situation and comprehensive protection doctrines and its impact on rights restitution programmes

A number of authors<sup>14</sup> have pointed to the existence of unresolved tension between the doctrine of the irregular situation and that of comprehensive protection, which is reflected in national legislation for children, in institutional practices and in the conduct of operators. In this line, Pilotti has stated that the importance of legal change as an instrument for social transformation has been overestimated, “*decoupling human rights discourse from the socio-economic and cultural reality in which the injustices that affect children are reflected*” (Pilotti, 2000:7; original in Spanish). Or, as Pinheiro has put it (2007), “*despite this broad acceptance of the CRC, children in almost all States are still waiting for full recognition of respect for their*

<sup>12</sup> In Brazil, the term *tráfico* is used for ‘trafficking’ rather than the term *trata*, which is used in Spanish [*tráfico* in Spanish, is ‘smuggling’].

<sup>13</sup> Internationally, this protocol is known as the Palermo Protocol, for the Italian city where it was signed.

<sup>14</sup> Bellof, M. *Protección integral de los derechos del niño y de la situación irregular. Un modelo para armar y otro para desarmar* (1999); Baratta, A. *La situación de la protección del niño en América Latina* (2000); Pilotti, F. *Globalización y Convención sobre los Derechos del Niño: El contexto del texto*. (2000); Bustelo, E. *Infancia en indefensión* (2005); Jurado Vargas, R. *Estudio de las disposiciones del Código de la Niñez y Adolescencia aplicables a trabajo infantil, explotación sexual comercial infantil y tráfico de niños, niñas y adolescentes*. (2005); Pinheiro, P. *World Report on Violence against Children* (2007); Pedernera, L., Pedrowicz, S. *Estudio de balance regional sobre la implementación de la Convención sobre los Derechos del Niño en América Latina y Caribe. Impactos y retos a 20 años de su aprobación* (2009); Dilacio, G; Giorgi, V., Varela, C. *Las representaciones sociales acerca de la Explotación Sexual Comercial de Niños, Niñas y Adolescentes y su relación con los paradigmas vigentes en el campo de la infancia y la adolescencia* (2012).

*human dignity and physical integrity, and for adequate investment in actions to prevent all forms of violence against them."*

In view of this coexistence of doctrines (irregular situation and comprehensive protection), there is an evident clash between the idea of *autonomy* contained in the comprehensive protection doctrine and that of *protection/control*<sup>15</sup> that is inherent to the doctrine of the irregular situation and is at the core of work carried out with victims, based on its socio-historical construction (Grima, 2012). The condition that underpins this construction arises from a complex web that includes the states' legitimate political interest in protecting the prevailing social order (as expressed in national and international legislation and their proposals for modifications or harmonization), and other social stakeholders striving to defend rights achieved, or to broaden them and/or include new rights, in the context of social processes in which "otherness" develops (Bonatto, 2012), and of a social construction of differences that allows old inequalities to continue and creates new ones that view "the other" as the cause of all evil. These mechanisms lead to holding victims and their surroundings responsible for their situation and ignoring other levels of responsibility that take part in the genesis of exploitation.

We should, therefore, ask ourselves to what extent do the protection/control actions reflected in intervention proposals reproduce these clashes and what are the chances of developing the *effective autonomy of the individuals* who receive these actions, as an effective way of ensuring the enjoyment of their rights; that is, to achieve the *restitution of rights*. This also agrees with Dilacio *et al's* opinion (2012) regarding the paradigm dispute reflected in being between "*exclusion and restitution of rights*".

Among the challenges arising when attempting to overcome the problems of continuity between both doctrines, Dustchavsky (2003, original in Spanish) mentions that there are new ways of building subjectivity that compel institutions to acknowledge the distance and gaps they display between these new subjectivities and the meanings that burdened their practices in the past: "*...interventions with children can no longer focus on duration (that is, something that is maintained, recycled and repeated), but on hosting events, reflecting upon them, including them and registering them in a network of meanings.*" (Galante, 2010).

Care and assistance for CSE victims entail a particularly complex process, as children do not always perceive themselves as being victimized, which hinders and delays the restitution of rights. As some studies have been showing (Arredondo 2010; Diógenes 2008: Opción 2004), for children who are or have been exploited, "*the status of victim does not arise from CSEC, or, for them, from prostitution. However, it does arise as a significant factor regarding the violence they experienced in their infancy. They acknowledge their submissive position with regard to the agents of aggression in their lives, they acknowledge violence in their lives and identify it as*

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<sup>15</sup> The paper summarizing the Eleventh Report said that: "*An analysis of the practices carried out by the states for the care of children exposed to CSEC shows the existence of confrontation between different perspectives. On the one hand is the rights-based approach based on the Convention, according to which children submitted to CSE are victims who should not be made responsible for the situation, and therefore intervention should punish the adults involved, either for benefiting from or hiring "sexual services", but should be protective and repairing for underage persons. This concept coexists and often mingles with another that considers children to engage in deviant behaviour that must be corrected or controlled. Both concepts coexist within institutions and teams working on these issues.*" (page 10)

*such, and perceive it negatively and even use it in argumentational strategies to explain their current lives. In this respect, they do see themselves as victims; not in relation to CSEC, which appears to be a condition determined externally, but as a result of their childhood experiences involving abuse, aggression and neglect, which they do perceive and assess as victimization.” (Arredondo, 2010:318; original in Spanish).*

A new aspect of this problem appears in a study presented by Opción Corporation (2007; original in Spanish) in relation to gender and the differences in the histories and future careers of children who are victims of CSE: *“A further significant aspect to consider in interventions that attempt to make reparation to children is the loss of power and the defencelessness in the specific case of male victims, in view of the fact that feelings of control and power are part of male socialization. Thus, the existence of aggressive and even criminal conduct is usual and they can themselves sometimes become pimps, as observed in the case of some of the children who entered the programme when they were close to the age of majority. This is a crucial point during treatment, as the therapeutic approach not only entails the reparation of the harm caused, but also reduces the chance of evolving from victims to perpetrators. Girls, on the other hand, view their exposure to CSE on the basis of their seemingly autonomous decision-making. This implies a kind of empowerment in the face of others, which is nothing but a way of confronting survival in the illusion of power and control of their own lives. This feature of the girls’ experience makes reparation difficult, as processes must be put in place so that they can acknowledge themselves to be victims of exploitation, assimilating the negative elements of the experience in order to make progress towards a possible change of direction.”*

Finally, against this problematical background involving the effective protection of rights, it should be mentioned that there is still a lack of Ombudsmen for child rights in the region – autonomous means and strategies for protection or accountability with regard to rights. A study performed by Cillero Bruñol (2011) shows that there is prevalence in Latin America of Ombudsmen for the defence of the whole body of human rights, including child rights, whose defence is often undertaken by specialized bodies associated to the Ombudsmen – these are the Ombudsmen for Children. These bodies for the protection of rights are essential, particularly in view of how recently children have evolved from being objects to being rights holders, and also in view of the institutional and legal fragility of effective rights protection in accordance with the comprehensive protection doctrine (Cillero Bruñol, 2004).

There are complex features in all of this, owing to the context of interventions aiming to restore rights. This background involves clashes between the doctrines (protection/control v. autonomy), the multiplicity of institutions and public and private agencies intervening with regard to the same child and/or his or her family at different times and with different purposes, having to deal with previous violations of rights that children may have suffered and working on restoring the rights of children who do not necessarily feel victimized by CSE.

### 3. SECTION 2

#### 3.1. Information Contributed by the States

When the need for this paper to address a proposal for a victims care model with a gender perspective was established, a data-gathering tool was designed in order to question the states about different aspects of the care they provide.

The questionnaire was structured into two blocks. In the first, the intention was to obtain information about the areas in which CSE problems are addressed in the states, as well as about their role and relationship with the organizations that provide direct care to victims. In the second, in-depth questions were asked about the characteristics and special features of the care methods, with a focus on the type of services provided, child and family participation in the intervention process, the characteristics of the population being cared for, the types of exploitation prevailing and finally, the nature of the coordination and referral system.

This tool was remitted to the states' representatives to the Directing Council of the IIN. Answers were received from eleven states: Argentina, Brazil, Chile, Colombia, Costa Rica, Dominican Republic, Ecuador, El Salvador, Panama, Peru and Uruguay.

A comparative analysis of the states' answers reaffirms the need for models or guidelines in order to consolidate the process of restoring rights, in view of the wide range of situations existing in different countries and within them, as well as the differences in the institutionality of restitution and care programmes and policies in the various countries.

##### 3.1.1. The Situation in the States

###### A) Inter-institutional and inter-sectoral coordination

In general terms, there are both national and local interinstitutional and intersectoral coordination opportunities in work involving SE and trafficking in persons in the states that answered the survey. Different areas of state intervention are included, from those related exclusively to children, to security and public health.

With regard to care settings, it was perceived that trafficking in persons and the commercial sexual exploitation of children in prostitution are beginning to be addressed jointly and that other forms of exploitation (sexual tourism and pornography) do not appear to be a priority. There are also victim-care projects and programmes being implemented in different regions and in most of them, the state's role is that of project executor, technical supervisor and funder. Of particular note is Chile's *Observatorio sobre Explotación Sexual Comercial Infante Adolescente* [Observatory for Child and Teenage Commercial Sexual Exploitation], which produces information that has made it possible to learn about developments and outcomes regarding exploited children.

## B) National organizations in charge and types of approaches

In Argentina, caregiving for victims of child exploitation and trafficking in persons, “is provided nationally through the Area for the Prevention of Child Exploitation and Trafficking in Persons of the National Children and Family Secretariat, which answers to the Ministry of Social Development, and provincially, through the Local Application Bodies, according to an Aid Protocol”<sup>16</sup>. A National Protocol for Aid to Victims of Trafficking and Child Sexual Exploitation has existed in Argentina since 2008.

In Brazil, the Human Rights Secretariat of the Presidency of the Republic is the institution responsible for the National Programme to Confront Sexual Violence against Children and Teenagers. Its principal objectives are: “To coordinate actions, projects and services to combat sexual violence against children and adolescents according to the National Plan to Combat Sexual Violence against Children and Adolescents; to seek the integration of the various sectoral policies (health, assistance, public safety, tourism, education, human rights, etc.), the corporate sector and civil society organizations to combat sexual violence against children and adolescents”<sup>17</sup>. In addition, the Ministry of Social Development and the Fight against Hunger leads a Specialized Social Security Centre (CREAS, for its acronym in Portuguese) whose objective is to “Ensure a network of specialized care for cases of sexual violence against children and adolescents”<sup>18</sup>. Finally, both institutions address the issue of child labour by means of the Eradication of Child Labour Programme (PETI, in Portuguese).

In Chile, the *Servicio Nacional de Menores* [National Service for Minors] (SENAME), as the agency that executes special protection policies, provides specialized programmes, services and equipment that contribute to forming a network of social and public services, particularly those that promote the well-being, development and protection of children, through its accredited collaborating agencies (sixteen related to sexual exploitation, throughout the country) implemented by NGOs. It should be noted that according to its concept of the work it does, it is not only the victims who are borne in mind, but also the existence of a “demand” for sex with children. In this regard, understanding the role of johns, pimps and exploitation networks that promote the sexual exploitation of children is considered to be essential in order to make progress in eliminating it, which includes making sure that exploiters are penalized.

In Colombia, “the various institutions that compose the Sistema Nacional de Bienestar Familiar [National Family Welfare System] (SNBF) and provide comprehensive care for the victims of sexual crimes are: Instituto Colombiano de Bienestar Familiar [Colombian Institute of Family Welfare], Office of the Prosecutor General, the National Police Department, the Judicial Police – the Technical Investigations Body (CTI, in Spanish), the National Institute of Forensic Medicine, Legal Status, Family Police Stations, Health Centres (Hospitals – EPS – IPS – ARS, and other health insurance bodies), Educational Institutions, Ministry of Education, Operating Institutions and Contracting Entities”<sup>19</sup>.

<sup>16</sup> Argentina: Answers to questionnaire 2012.

<sup>17</sup> Brazil: Answers to questionnaire 2012.

<sup>18</sup> Ibid.

<sup>19</sup> Colombia: Answers to questionnaire 2012.

In Ecuador, the issue is addressed by the *Instituto de la Niñez y la Familia* [Children and Family Institute] and is based on trafficking in persons. It is this Institute that reaches agreements with institutions that provide care services for victims. Its purpose is to: “Generate and strengthen protection services for children who are victims and at risk from trafficking and commercial sexual exploitation, seeking prevention, rescue, resettlement and restitution of rights, within the focal points of prevention, protection and restitution of rights of the Plan Integral Contra la Trata de Personas [Comprehensive Plan against Trafficking in Persons].”<sup>20</sup>

In El Salvador, the issue is addressed by the *Instituto Salvadoreño para el Desarrollo Integral de la Niñez y la Adolescencia* [Salvadoran Institute for the Comprehensive Development of Children] (ISNA), with an assistance programme for the victims of trafficking with the purpose of commercial sexual exploitation, executed by the Comprehensive Protection of Children System, together with the judiciary, the Prosecutor’s Office and the specialized police. A Trafficking Council is drawing up a public policy to combat trafficking, which will include caregiving for victims.

Costa Rica has a *Comisión Nacional contra la Explotación Sexual Comercial* [National Commission against Commercial Sexual Exploitation], which coordinates institutional work and supervises the inclusion in operational plans of the various institutions with jurisdiction to ensure and restore victims’ enjoyment of rights. During this government’s mandate, a strategic partnership by issues was established and there is joint work being performed on such matters as child labour, trafficking and commercial sexual exploitation, in accordance with the roadmap against child labour and its worst forms, trafficking and commercial sexual exploitation.

In Panama, the *Secretaría Nacional de Niñez, Infancia y Adolescencia* [National Children’s Secretariat] (SENNIAF) is in charge of interinstitutional coordination to care for persons at risk from or victims of CSE. Particularly, “in the area of care, we coordinate and synchronize with government and non-governmental organizations in order to ensure that victims receive comprehensive care,” and at the same time, “we monitor the fulfilment of care appointments provided at different opportunities, in order to ensure that the rights of children are respected and applied”<sup>21</sup>. It should be noted that the state has drawn up a care protocol for underage persons who are victims of commercial sexual exploitation.

Since 2011, Peru has had a *Plan Nacional de Acción contra la Trata de Personas* [National Action Plan against Trafficking in Persons] with three key components: crime prevention, the pursuit of traffickers and protection for victims. The country does not yet have care protocols, although in a questionnaire sent to the IIN in 2011 it is indicated that an “*Intersectoral Route for Comprehensive Care and Protection for Victims of Child Sexual Abuse, Child Sexual Exploitation and Trafficking for the purpose of Child Sexual Exploitation*” has been drafted, with the objective of providing clear and efficient sectoral and intersectoral guidelines for the comprehensive care of children who have been victims of these three problems.

In Dominican Republic, the *Consejo Nacional para la Niñez y la Adolescencia* [National Children’s Council] (CONANI) is the institution responsible for the Residential Care for Children Programme, for children at personal, family and social risk (interim shelters format). “*Interim*

<sup>20</sup> Ecuador: Answers to questionnaire 2012.

<sup>21</sup> Panama: Answers to questionnaire 2012.

shelters are provisional shelters for children who are at personal or social risk, who have been victims of ill-treatment of any kind and who require the help of the state.” The care provided “is therapeutic, personalized, comprehensive, controlled, preventive and family-based”<sup>22</sup>. There are, at present eight interim shelters.

In Uruguay, the *Comité Nacional para la Erradicación de la Explotación Sexual Comercial y No Comercial* [National Committee for the Eradication of Commercial and Non-Commercial Sexual Exploitation] (CONAPESE) is the intersectoral setting in which the two national plans for the eradication of commercial sexual exploitation have been designed. Work has been carried out on them since 2007 and currently, a programme for the care of victims of trafficking with the purpose of child sexual exploitation has been launched and is operating in the Women’s Institute of the Ministry of Social Development. It is being funded by the EU and there are plans to include it as a state project under the aegis of the Children’s Institute.

### 3.1.2. Care Projects Executed in each State

In the second block of *Questionnaire 2012*, questions were asked regarding the characteristics of the care programmes implemented in the countries, with the purpose of learning about the features of the activities being planned.

#### A) The role of the state, execution and types of plans

In all cases, the active presence of the state was observed, undertaking a variety of roles. In Colombia, Dominican Republic, Ecuador and Uruguay, the state only assumes the role of executor, whereas in Panama it is the technical supervisor and in Argentina, Costa Rica and Peru it is both executor and technical supervisor. Finally, in Brazil (depending on the programme), Chile and El Salvador, the state assumes all of the roles.

Care plans are designed both by project teams together with other sectors (academic, state) and by the governing body for children. In the case of Uruguay, there is also an international plan.

The execution of the plans is publicly-run in every case (Argentina, Brazil, Colombia, Costa Rica, Dominican Republic, Ecuador, El Salvador, Panama, Peru and Uruguay), with the exception of Chile, where it is private, with state funds. In general, they are executed both in the capital city and in other parts of the country.

The country plans are comprehensive and incorporate the gender perspective.

In Argentina, comprehensiveness is based on a protocol that addresses different situations and “the main objective of the help provided is the restitution and protection of the rights of persons affected by the crime of trafficking. Care is individual and bears in mind the special features of each case. The protocol calls for providing, at a first stage, shelter, food, clothing, medical, psychological and social care, free identification documents, the voluntary return to their places of origin in the case of individuals older than 18 and chaperoning for the return of underage persons. At a second stage, financial support is offered for training, income-

<sup>22</sup> Dominican Republic: Answers to questionnaire 2012.

generating activities, educational reintegration, etc. On this basis, a work plan is drawn up for each situation.”<sup>23</sup>

In Brazil, the plan is considered to be comprehensive inasmuch as it “seeks the synchronization of social public policies that safeguard the rights of children affected by sexual violence”<sup>24</sup>. In addition, both child victims and their families are engaged in the restitution process.

In Chile, the plan’s comprehensiveness involves “a rights-based approach; this perspective bears in mind the comprehensiveness of children, providing the necessary services, respecting their status as full holders of rights who require appropriate protection in every area of their lives. This also implies supervision of their protective settings – both social and cultural – in order to ensure the full respect for and enjoyment of their rights in areas involving survival and development, protection and well-being, autonomy and participation. It also implies an assessment of the regional and local features that are indispensable in order to learn about their characteristics and understand the different manifestations of commercial sexual exploitation, observing the dynamics it acquires, the contexts in which it occurs, the persons involved and the complexities it is imbued with, with the purpose of generating timely strategies and actions. It is also approached by means of dissemination campaigns, prevention, detection, restitution of rights, support for court proceedings, follow-up, etc.”<sup>25</sup>

In Colombia, “care for children is considered to be comprehensive because actions performed for re-establishing their rights are coordinated and synchronized, with a view to a rational, sequential and synchronized organization, providing the best conditions for access, well-being and quality of the services offered to each individual case”<sup>26</sup>. Comprehensive care is one of the three inalienable and compulsory principles on which the *Modelo de Atención para el Restablecimiento de Derechos* [Care Model to Re-Establish Rights] is based.

Work in Costa Rica is based on its *Modelo Cíclico de Respuestas Articuladas*<sup>27</sup> [Combined Response Cyclic Model] (MCRA), “however, the application of the programme is barely emerging; the change of paradigm from institutional and compartmentalized care to comprehensive state action is not yet established”<sup>28</sup>.

In Ecuador, comprehensiveness arises from the implementation by the *Sistema Nacional Descentralizado de Protección Integral a la Infancia y la Adolescencia* [Decentralized National System for the Comprehensive Protection of Childhood], of means of protecting and safeguarding rights. The *Consejo Nacional de la Niñez y Adolescencia* [National Children’s Council] coordinates with the other agencies.

Plans in El Salvador are comprehensive because they “include all the areas of interest to the victim”<sup>29</sup>, whereas in Peru, comprehensiveness is achieved through a personalized,

<sup>23</sup> Argentina: Answers to questionnaire 2012.

<sup>24</sup> Brazil: Answers to questionnaire 2012.

<sup>25</sup> Chile: Answers to questionnaire 2012.

<sup>26</sup> Colombia: Answers to questionnaire 2012.

<sup>27</sup> Claramunt, C., Explotación sexual comercial. Propuestas de trabajo para una atención integral a las personas menores de edad víctimas [Commercial Sexual Exploitation. Work proposals for comprehensive care for underage victims. Available at: (accessed 10 Sep. 12). [http://white.oit.org.pe/ipecc/documentos/folleto\\_1.pdf](http://white.oit.org.pe/ipecc/documentos/folleto_1.pdf)

<sup>28</sup> Costa Rica: Answers to questionnaire 2012.

<sup>29</sup> El Salvador: Answers to questionnaire 2012.

multidisciplinary and inter-connected care format (psychological, legal, social), through which it is not only the child victim that receives care, but also his or her family and social environment. Similarly, in the Dominican Republic comprehensiveness is reflected in the work of a multidisciplinary team that intervenes in various areas: health, social and family care, psychological care, education, food, recreation and sports.

Finally, comprehensiveness in Panama and Uruguay is achieved by addressing all the violated rights and areas of children who have been exploited.

The gender perspective is mainstreamed into programmes in different ways. In Chile it is done by means of tools that break down information by sexes, *“both in the project’s diagnosis and in previous work experience – if relevant – with a brief analysis of similarities and differences, both of the rights violation situation that affects children and of duration. At the same time, the programmes have an objective or target that steers work with children towards the gender approach throughout the intervention. Similarly, records are kept regarding the differentiated impacts that the strategies used during the experiences generate on the girls and boys cared for. In addition, this approach is included in intervention progress reports, together with a gender analysis based on the work carried out, which makes it possible to arrive at conclusions regarding the relationship between the type of right violated, the seriousness of the damage done and the sex of the persons affected, as well as see evidence of the various changes that took place. In the reparation process as such, including the gender approach implies taking gender differences into account in the meaning shifts related to the harm and abuse resulting from exploitation. This will make it possible to empower the personal resources of all children, overcoming gender stereotypes and the effects of abuse that can hamper their full development”*<sup>30</sup>.

In Colombia, another of the inalienable and compulsory principles of the Care Model to Re-Establish Rights is the differential approach, understood as the acknowledgement of the existence of specific situations and conditions associated with certain characteristics, among which are gender, age, ethnic group, life cycle, etc.

In Peru, projects and programmes for the restitution of rights mainstream the gender approach in their intervention methodologies, *“influencing female adolescent victims to become aware of the fact that it is their right to make decisions regarding their own bodies and that they need not depend on the decisions of third parties or be subordinate only because they are women. The objective is that when they are reintegrated into society they can relate appropriately and equitably with men and women”*<sup>31</sup>.

In Uruguay, the gender approach is mainstreamed because *“theoretical and practical resources include areas that call into question the social construct that assigns pre-established roles to women and CSE victims, and that promote their resilience”*<sup>32</sup>.

Finally, in the Dominican Republic it is considered that the gender approach is incorporated because *“it ensures equality between men and women in the distribution of resources and access to opportunities in economic and social life”*<sup>33</sup>.

<sup>30</sup> Chile: Answers to questionnaire 2012.

<sup>31</sup> Peru: Answers to questionnaire 2012.

<sup>32</sup> Uruguay: Answers to questionnaire 2012.

## B) Services provided through care programmes

Care programmes and/or projects in Argentina, Chile, Colombia and El Salvador **prioritize** social, psychological, legal, health, educational, artistic and labour-related activities. In the remaining states, these activities are also important, with the following exceptions: in Costa Rica and Ecuador, artistic and labour-related activities are not given precedence; in Peru, it is health-related activities that are not prioritized; in Uruguay, educational, artistic and labour-related activities; in Brazil and the Dominican Republic, labour-related activities. In Panama, for its part, only social activities are given priority.

Beyond whatever priority is given to these activities, the following table shows all of the services offered by the countries; by central teams as part of the project or programme, and/or by means of referrals to other public or state institutions or organizations.

	AR	BR <sup>34</sup>	CH	CO	CR	EC	ES	PA	PR	DR	UY
Health: medical check-ups/psychological care/psychiatric/dental/pregnancy/addiction care	X	X	X	X	X	X	X	X	X	X	X
Education: tutorial programmes/school support/enrolment	X	X	X	X	X	X	X	X		X	X
Legal: support during proceedings involving courts/public prosecutor's offices/sponsorship/reports	X	X	X	X	X	X	X		X	X	X
Labour-related: obtaining work/income self-generation/job training	X	X	X	X			X				
Social: family/family reintegration/regularization of documentation/family care support and follow-up	X	X	X	X	X	X	X	X	X	X	X
Artistic and similar: music/ drama/ painting/ dancing/ audiovisual	X	X	X	X			X				
Nutrition	X	X		X			X		X	X	
Housing	X			X			X		X		
Religious or faith-related							X		X		

<sup>33</sup> Dominican Republic: Answers to questionnaire 2012.

<sup>34</sup> Information on the three proposals reported on by Brazil is included.

Care for the children of the individuals being served	X	X	X	X							X
Residential institutionalization	X		X	X	X		X		X	X	X
Other, which?											

### C) Requirements for entry, type of population, forms of exploitation addressed and types of referral for children

The projects list no requirements for the entry of children beyond an age restriction (under 18) and having been (or continuing to be) victims of CSE. In Panama, listing sex and place of residence is also required (in what sense is not specified). In Dominican Republic, sex and age variables are related to the organization of shelter provided for children in residential care (children up to 6, from 6 to 12 and from 13 to 18, in boys-only or girls-only centres, and mixed, but with separate areas).

A deadline for the work undertaken is not established in Argentina, Brazil, Costa Rica, Ecuador and Peru. It is less than six months in Dominican Republic, less than one year in Colombia, between one and two years in Panama and Uruguay and exceeds two years in Chile.

The profiles of victims cared for in the different states is as follows:

	AR	BR <sup>35</sup>	CH	CO	CR	EC	ES	PA	PR	DR	UY
Boys	X	X	X	X		X		X	X	X	
Girls	X	X	X	X		X	X	X	X	X	
Male adolescents	X	X	X	X	X	X			X	X	
Female adolescents	X	X	X	X	X	X	X	X	X	X	X
Transvestites	X	X	X			X					
Transgender persons	X	X	X			X					

<sup>35</sup> Information on the three proposals reported on by Brazil is included.

The types of exploitation that prevail in the care provided in each of the states are:

	AR	BR <sup>36</sup>	CH	CO	CR	EC	ES	PA	PR	DR	UY
Exploitation in prostitution		X	X	X	X	X		X	X	X	X
Exploitation in travel and tourism		X		X	X						
Exploitation in pornography		X	X	X	X						
Trafficking with the purpose of sexual exploitation	X	X	X (domestic)	X	X		X	X	X		X

In all of the states, children enter the care and restitution programmes through referrals from the judicial system or the health, education or social services. In Brazil, Colombia, Ecuador, El Salvador, Costa Rica, Dominican Republic and Uruguay, the programmes also perform their own recruitment, either in the streets or in the services mentioned above.

Children's entry is voluntary and/or compulsory through referrals from the courts or other institutions.

#### D) Care plan organization

Care plans are organized in different ways and are conceptually synchronized from different perspectives.

In Argentina, the care protocol is in two stages: *the first includes mainly board, clothing, social welfare, medical and psychological care, legal guidance, the provision of documentation and decisions regarding voluntary and assisted return. The second stage involves reconstructing individuals' life projects. A reintegration plan is drawn up, or action is coordinated with the appropriate organizations for children or trafficking in the country of origin of the persons who are victims of this crime*<sup>37</sup>.

In Chile, *"an ambulatory format is proposed with a risk management and uncertainty reduction perspective, which leads to increasing levels of control – individually and socially – and increasing levels of self-care and preventive behaviour. This implies that children progressively acknowledge the possibility of self-determination and responsibility with regard to their own lives and the opportunity of personal transformation and the transformation of the social environment in which they live and coexist. From this perspective, intervention is, in principle, a process jointly constructed with children, who begin to recognize their achievement of intermediate objectives, even when – initially – the aim is always to overcome the situations that led to entering the programme; that is, the restitution of rights and social resettlement,*

<sup>36</sup> Ibid.

<sup>37</sup> Argentina: Answers to questionnaire 2012.

thus ensuring the comprehensive protection or rights<sup>38</sup>. There is an intersectoral approach and work is on the ground or in communities in coordination with the various institutional networks. Likewise, intervention is carried out at different and successive times: entry, the design of an individual care plan and follow-up after discharge.

In Colombia, *“the care process is carried out in four phases with actions and targets for the systematic re-establishment of rights, with the participation of the children, their families or closest social network and the members of the community”*.

- a. **Stage 1: Identification, Diagnosis and Shelter**, with the purpose of making a comprehensive analysis of the children’s situation (performed jointly with the multidisciplinary technical team, the children themselves and their families) and aiding their adaptation to their new foster family or institutional environment. Based on this, a comprehensive care plan (PLATIN, in Spanish) is drawn up to guide intervention.
- b. **Stage 2: Intervention and Projection**, in which children live with the foster family or in the institution and the PLATIN-planned activities take place. *“The objective is to design and consolidate their projection as people within the world, within a specific environment, with fully re-established rights and identified duties.”*
- c. **Stage 3: Preparation for Discharge**, during which strategies and actions are implemented with the purpose of preparing children to leave the programme and resettle in their original or adoptive family, or their social support network. Some of these activities are: psychological counselling so that children can strengthen their sense of security and self-confidence, *“to administrate the continuity of children’s links to education, health and training,”* and motivate them to *“continue developing their skills and potential in personal, academic and job-related areas (this for adolescents above the age of 14) once they leave the system”*. In addition, *“develop specific interventions with family members or the social support network, when appropriate, in order to prevent children’s rights from being violated”*. And, *“give guidance regarding intra and interinstitutional services that children can go to in search of protection [or the services they require] and how to gain access to them”*, etc.
- d. **Stage 4: Post-Discharge Follow-Up** is carried out over a period of six months, with the purpose of *“observing the impact and effectiveness of the care process in order to support them in their inclusion within the family, labour, academic and social environment”*<sup>39</sup>.

In Costa Rica, intervention is in three stages: detection, comprehensive care, restitution of rights and follow-up, whereas in Peru, *“when an adolescent victim of CSEC is referred as a result of a decision arising from a protective investigation, she experiences the process as a search for genuine change, which she can achieve on the basis of HER OWN VOLUNTARY DECISION, with our invitation to learn about the programme and begin the process with the COMPREHENSIVE INTERVENTION OF SERVICES/PERSONS who become her supporters/guides in her BIO-PSYCHO-AFFECTIVE AND SPIRITUAL REPARATION PROCESS”*<sup>40</sup>. The plan has four stages: Shelter; Development: new youth; Progress: socio-family and socio-labour resettlement; and the final one, called Follow-up: post-discharge.

<sup>38</sup> Chile: Answers to questionnaire 2012.

<sup>39</sup> Colombia: Answers to questionnaire 2012.

<sup>40</sup> Peru: Answers to questionnaire 2012.

In Ecuador, the Ministry of Economic and Social Inclusion (MIES), as part of its plan against trafficking and other crimes, coordinates its participation with various state institutions. Its principal contributions are based on the *Plan Nacional de Erradicación de Violencia de Género* [National Plan for the Eradication of Gender Violence], in compliance with the mandate of Executive Decree 620, of 10 September 2007, which called for a *national plan for the eradication of gender violence against children and women*. The plan's strategic focal points are:

1. The transformation of socio-cultural patterns.
2. A comprehensive protection system.
3. Access to justice.
4. A registration system.
5. Institutionality.

In El Salvador, intervention is in three stages: 1) CRISIS INTERVENTION. Care covering the first days after admission, which includes adapting to the centre. 2) THERAPY. Victims are already aware of the manifestations of their distress and are provided with psycho-therapy sessions so that they can process and release it. 3) SUPPORT FOR DESIGNING A LIFE PROJECT. Minimal control over trauma enables victims to undertake a life project, which can include vocational training, higher education, travelling abroad, etc.

In the Dominican Republic it is considered that stays in the interim shelters should be as brief as possible, *"and should not exceed six months at the most. This is sufficient time to re-establish impaired rights and/or come up with alternative solutions"*. At the time of leaving, a follow-up and ambulatory care plan is drawn up, which should cover at least three months, *"as a way to stabilize changes and complete the intervention plan"*<sup>41</sup>.

In Uruguay, on the other hand, *"stages are imprecise and are determined in accordance with the protection of rights. Definition of this aspect is under production"*<sup>42</sup>. In Brazil and Panama there are no stipulated phases or stages.

#### **E) Residential institutionalization, circumstances and time frame**

Residential institutionalization of child victims is used in all of the states; when situations exist that jeopardize children's right to life, security and/or well-being; when there is a need for intensive therapy, when the family is involved in exploitation or there is no protective family group, or as a result of a court order.

In Brazil, specifically, the *Centro Especializado da Assistência Social* [Specialized Social Security Centre] includes residential institutionalization as part of the restitution process, which the *Programa Nacional de Enfrentamento da Violência Sexual Contra Crianças e Adolescentes* [National Programme to Confront Sexual Violence against Children] and the *Programa de Erradicação do Trabalho Infantil* [Eradication of Child Labour Programme] do not do.

The time frame for residential institutionalization varies from country to country. In Panama and the Dominican Republic it is less than six months; in Costa Rica and Peru, between six

<sup>41</sup> Dominican Republic: Answers to questionnaire 2012.

<sup>42</sup> Uruguay: Answers to questionnaire 2012.

months and a year, while in Argentina, Brazil, Chile, Ecuador, El Salvador and Uruguay there is no fixed limit.

## F) Child participation in care plans

Children participate<sup>43</sup> in different ways in the project or programme work process. In Argentina, Brazil, Costa Rica and the Dominican Republic, participation occurs during the production of the personal care plan, for which children's opinions are sought. In Brazil, in addition, the National Programme to Confront Sexual Violence against Children implies that, *"children should be involved in the process of designing municipal and state plans to confront sexual violence in any social mobilization process"*<sup>44</sup>.

In Chile, child participation *"is expressed at different levels: the first involves listening to them, respecting their points of view and including them in decisions regarding the activities to be carried out. Participation implies that children should be actively involved and deploy their capabilities and potential. A second participation area involves substantial participation, in which children are included in decisions associated with the exercise of citizenship, as full rights holders contributing to the development of their communities"*<sup>45</sup>.

In Colombia, professional staff hold initial interviews with children during which they *"provide clear and precise information [...] regarding the reasons why they have been taken to the ICBF, what the process entails, what stages it involves and how they can have access to information at any time, thus safeguarding their right to participation and information"*.

Subsequently, *"it is attempted to make participation a routine practice and include it in decision-making on matters that affect them, according to their age and level of evolution, as well as in their links to the social and community environment"*. To this end, the following activities are carried out, among others: *"reach coexistence agreements with the children and follow them up; [...] listen to the children and their families in order to seek explanations for and solutions to the specific circumstances involving violations or coexistence within the modality; [...] hold six-monthly satisfaction surveys in order to evaluate the service; [...] set up a suggestions box and use it appropriately, promoting its use, and analysing and resolving the complaints of children and their families"*<sup>46</sup>.

In El Salvador, the right to opinion and participation is exercised with the children's consent at the start of the therapy stage. If they are not yet ready for it, they are given the time they need. During the stage at which they receive support for their life projects, they are offered guidance regarding possibilities and they decide on the alternatives that interest them. Children participate in recreational activities with the community throughout the process; they are consulted regarding their wish to participate and how to do it. The most significant acknowledgement of the right to participation is that victims preserve the right to decide whether they will remain involved in legal action and therapy. They can express their desire to desist at any time and after discussing it with the work team they can withdraw fully or partially from the process.

<sup>43</sup> Ecuador did not answer this question.

<sup>44</sup> Brazil: Answers to questionnaire 2012.

<sup>45</sup> Chile: Answers to questionnaire 2012.

<sup>46</sup> Colombia: Answers to questionnaire 2012.

In Peru, participation is based on the information that children receive regarding the situation they are in and how it evolves.

### G) Family participation in care plans

Families<sup>47</sup> can also participate in the recovery process, so long as they have not been involved in the exploitation.

In Brazil, they are involved, together with the children, in the design of individual care plans and the activity schedule, and they take part in monthly meetings, parties and evaluations.

In relation to the situation of exploited children, a distinction is made in Chile between types of families: *“families who can acquire appropriate parental skills and the necessary material conditions for family reintegration: in this case, interventions focus on family bonds, with suitable support and follow-up. Families in which family resettlement is difficult, but that contain significant figure(s) who can be supportive and commit to the treatment that children need. In this case, although children may require a protected residential alternative, bonds with their families or with some of their members are strengthened and attempts are made to conduct the repair process in such a way that it facilitates the generation of positive primary networks and encourages – if appropriate – possible family resettlement in the mid or long term. Families with significantly dysfunctional relationships, with no interest in supporting the process of ending the exploitation: in this case, children will require a protected residential alternative with a special emphasis on finding significant support figures who can endure over time and generate resilient skills.”* Family support is also encouraged through on-the-ground work and programme teams encourage an active leading role for families in the intervention process, as a significant support in the interruption and/or reduction of behaviour that infringes upon children’s rights.

In Colombia, *“families become involved in the childcare process on the theory that they are the state’s and society’s social capital and the most favourable setting in which to generate meaningful bonds, encourage socialization and foster the development of individuals. Therefore, it is considered essential to transcend individual care and trigger collaboration and joint responsibility with the family. In investing in the family as a unit, we are investing in the development of persons, communities and the country, and guaranteeing the fulfilment of rights and the effective allocation of resources.”* Intervention is based on the *Modelo Solidario para la Inclusión y la Atención de Familias* [Supportive Model for Inclusion and Family Care], whose purpose is suggested as *“the activation of resources and natural bonds within family systems and networks of affiliation”*<sup>48</sup>.

Meanwhile, in Peru, *“at each methodological stage, families receive the necessary awareness-raising on the subject of CSE; on how the rights of their daughters have been violated and broken, inasmuch as there is a tendency to make the adolescent responsible for her current living conditions. The next step is for families to come to value the re-establishment of the various activities that are part of an adolescent’s experience, so that exploitation is not repeated. Families gain knowledge regarding their formative role in the growth and development of their daughters. Often, they have been instrumental in allowing exploitation of*

<sup>47</sup> Ecuador did not answer this question.

<sup>48</sup> Colombia: Answers to questionnaire 2012.

*their daughters to endure, owing to ignorance, familiarity with CSEC or other social factors, which leads to insecurity, fear and physical and emotional afflictions in their daughters. A further step is taken when families re-engage in their formative roles and acknowledge the deficiencies of their intervention. Despite their shortcomings and problems, families also have capabilities that need to be pointed out. However, it may also be necessary to find alternative means of support when the family group is not suited to family return or reintegration.”<sup>49</sup>*

In Panama and the Dominican Republic, families are involved as from the first contact with the victim, in order to offer guidance in handling these situations and strengthen their bonds.

In Uruguay, *“the will of the individual is borne in mind and depending on the characteristics of the case, the family is also included in the work”<sup>50</sup>*

#### **H) Follow-up, coordination, execution and time frame**

Follow-up of exploited children is performed in all of the countries except Uruguay. In general, it is carried out on a monthly basis, for a period of from six months to a year, except in Panama and Colombia, where it is bimonthly and half-yearly respectively, and in Brazil’s Eradication of Child Labour Programme, in which follow-up is bimonthly and continues for over a year.

In most cases, follow-up is carried out by members of the centre’s technical team. In Ecuador and Panama, it is performed jointly by the project team and another organization, and in Argentina, other organizations external to the care project are in charge of follow-up.

All of the countries perform coordination and referral between public and private institutions in different fields (health, education, employment, housing, food, etc.). In some cases (Argentina, Panama, Dominican Republic and Uruguay), these relationships occur through interinstitutional coordination, on the basis of a protocol or not. In others (Colombia and Ecuador), through committees, boards or established networks, whereas in still others (Brazil, Chile, Costa Rica, El Salvador and Peru) both formats are present.

## **4. SECTION 3**

### **4.1. Victim Care Models, Programmes and Projects. Discussion and Methodological Proposals for Intervention with a Gender Perspective**

The experiences described in this section were selected on the basis of their contributions to two of this report’s fundamental subjects: the gender perspective and the restitution of rights.

The **Combined Response Cyclic Model** (Costa Rica) is a proposal for intervention with a rights-based approach that seeks solutions to the highly complex issue of synchronizing institutional responses so that victims and/or their families can gain access to a platform of services that will contribute to restoring violated rights as a result of CSE.

<sup>49</sup> Peru: Answers to questionnaire 2012.

<sup>50</sup> Uruguay: Answers to questionnaire 2012.

The work of **Corporación Opción** [Option Corporation] (Chile) enables the inclusion of the gender perspective and its importance in improving interventions, from practical aspects such as the mixed composition of care teams to other more complex ones related to a review of the ideologies and cultural guidelines of the team members themselves. It also makes it possible to advance in distinguishing present and future impact and harm that may be expected according to the victim's gender, and the solutions that may be found.

**Luna Nueva** [New Moon], an NGO in Paraguay, has designed a project to improve the physical and psychological health of female children victims of sexual exploitation in the city of Asunción. It develops critically a plan to address mainly girls and female adolescents who are recruited by the teams themselves. The gender perspective is incorporated into a central focal point approach that makes it possible to view ideas and experiences related to the mental and physical health of adolescents and young girls in the process of dissociating them from CSE, with a particular focus on sexuality and maternity.

Finally, **Paicabí** NGO's Antú Centre (Chile) is working on "The Secrets of the Eclipse", which consists mainly in a project with well-defined phases, problem-posing with regard to the "progressive autonomy" principle and a type of intervention that constantly links work in the centre to community resettlement, including supporting and strengthening the family of origin.

#### 4.1.1. Costa Rica: Combined Response Cyclic Model

In 2004 and 2005, Costa Rica implemented the Combined Response Cyclic Model (MCRA, for its acronym in Spanish)<sup>51</sup>, in the context of the project on "Contribution to the prevention and elimination of commercial sexual exploitation of children in the communities of Corredores and Golfito". This project constituted a Time-Bound Programme for the eradication of child labour, funded by ILO-IPEC.

The TBP was composed of four elements:

- **Comprehensive care for child workers and their families:** Through this component, institutional resources were channelled in order to respond to the needs of child workers, with the objective of freeing them from child labour so that they could devote their time to study and recreation.
- **Awareness-raising and social mobilization:** The objective of this component was the awareness-raising of institutions, communities, local organizations, community leaders, churches and other key stakeholders in the cantons of Corredores and Golfito. In addition, community mobilization was promoted in order to detect and support the search for answers to the problem of child workers and their families; this was both community-based and institutional.
- **Productive alternatives:** The objective of the productive alternatives component is to offer productive choices leading to extra income for the families of child workers, so that their children can leave their work and go to school without reducing the family's income.

<sup>51</sup> The School of Psychology of the University of Costa Rica was responsible for the execution of the MCRA component.

- **Prevention and care for the victims of commercial sexual exploitation:** This is the component in which the Cyclic Model was implemented as a novel methodology to prevent and eradicate commercial sexual exploitation in Corredores and Golfito.

The MCRA “is based on the premise that in order to provide a service safeguarding human rights and responding to the many needs and special features of victims, it is necessary to synchronize the care being offered within an interinstitutional platform of coordinated services” (IPEC/ILO, 2004). Effective intervention is required, offering families opportunities for a decent life.

The model’s principles are:

- The identification of the main state and civil society institutions rendering services to underage victims of the different social problems, and their families.
- The identification of programmes and services to satisfy the needs of victims and their families, and their synchronization in a services platform.
- The services platform should be available to victims and their families throughout the intervention, which must respond to their needs, status and special features.

There is no institution within the MCRA that can undertake exclusive responsibility for the execution of an eradication and/or victim care plan. The proposal is for the plan to synchronize and target the joint action of several institutions at different levels (national, departmental/state/provincial, local, community). Leadership of the plan should devolve upon one institution, with the purpose of optimizing resources.

#### 4.1.2. Chile: Corporación Opción – ESCI Iquique Project

Corporación Opción [Option Corporation] has been implementing two projects, in which it has researched and applied the gender approach, in two Chilean cities (Iquique and Santiago) since 2004. The Iquique project is organized in four care stages:

##### Stage 0: Generating demand or motivation for consultation

Children become connected to the project through court orders that refer them as a measure of protection, which implies that many of them attend compulsorily. The first part of the technical team’s work is, therefore, to motivate children to consult, in order to generate and carry out effective interventions, particularly with regard to individual psycho-therapy.

##### Stage 1: Restoring basic needs

Another of the stages of the intervention programme is related to covering such basic needs as food, housing and clothing.

##### Stage 2: Intervention with a focus on emotions

This stage targets the children’s affective processes and mainly attempts to restore bonds with significant attachment figures, generate healthy bonds with meaningful adults and prepare children for a protective adult role.

The sexuality of children is also addressed at this stage, with the purpose of helping them to build healthy bonds with persons of the opposite sex.

### Stage 3: Evaluation

The project has means of following up and evaluating the actions performed. Two main aspects are assessed: intervention plans related to individual treatment that includes therapeutic objectives in different areas of the programme and, in addition, the cases that are cared for are monitored.

The work team is mixed, in order to promote gender identification, inasmuch as the outcomes of a 2004 research study showed this element to be significant and that boys identified more strongly with female reference points and girls with male ones. Work is organized by mixed sub-teams that are jointly responsible for the children who are admitted to care. The purpose of mixing the teams is so that children can review their “positive experiences with adults – both men and women – who are in a position of authority. This is a starting point in bringing children’s lives back to normal, giving them back their capacity to explore, revise and elaborate on their experience through healthy and protective adult role models of both sexes.

In the Santiago project, boys are drawn mainly from the social network, whereas girls are sent by the judiciary. A further significant element involves families and the intergenerational transmission of prostitution as a “trade”. Likewise, in specific interventions with children, it should be noted that although girls benefit from group work, both individual and group therapy sessions are necessary, since they are perceived to be complementary. Individual sessions allow them to express themselves freely, whereas in group activities they can construct meaning.

The explicit recognition of these influences led the technical team to approach the subject with a main focus on reverting dominant gender role models, questioning their stability and clarity. This enables the acceptance of variations in gender meanings, and the construction of a number of alternative meanings based on understanding and incorporating individual specific features and the particular condition of children and their families or significant adults. At the same time, the personal inclinations of the team members themselves are also made explicit and acknowledged.

An atmosphere of ongoing analysis has been fostered in this project, encouraged by the scant sources available with regard to intervention models for CSE in the country, the lack of prior experience in the implementation of a programme in the project’s insertion area and the insufficient information regarding child victims of CSE. Self-care practices have been promoted, organized in a monthly self-care plan.

Some significant conclusions have resulted from this project regarding the termination of CSE: it is strongly determined by the extent of children’s involvement in it, by the presence of a bond of affection with the aggressor, by the level of dependence on drug, alcohol and tobacco consumption, which must be financed by this practice, and by the extent to which the activity affects the livelihood of the child’s family. It is in this type of situation that the gender perspective should be applied, in order to shed light on the fact that, for example, girls tend to have a greater dependence on drugs at an earlier age than boys, that they tend to contribute early to the family income, becoming responsible for and assuming a protective role with regard to their peers and that they frequently develop bonds of affection with their pimps.

#### 4.1.3. Paraguay: Luna Nueva NGO: A Journey towards Life

The theoretical and referential matrix for Luna Nueva's [New Moon] educational and therapeutic approach is the social psychology of Enrique Pichon Rivière, who performed a synthesis of psychological and social theories that rethink human beings as social beings in continuous growth towards humanity. Therefore, female teenagers are not persons who must be understood on the basis of pathology, but must be supported on the basis of their own knowledge and the educational and therapeutic task that is part of that knowledge.

This educational and therapeutic process is performed from the street, the setting in which sexual exploitation occurs, to La Casa (The House), composed of two physical areas that make the task possible; La Casa as a daycare centre and La Casa as a shelter. There is also a productive unit, a mixed job-training area in which income is generated for the future autonomous lives of the girl adolescents. An area for babies is also specifically included.

##### a) Work on the ground: the street and the community

A mixed street team (a man and a woman) carry out ongoing tasks contacting and relating to girl teenagers undergoing sexual exploitation, covering two main areas:

- Traditional prostitution areas: here, the street team's work fulfils two main objectives:
  1. To support a group of female adolescents in contacting and entering the La Casa programme, as a way to carry out a process that will enable them to dissociate themselves from sexual exploitation and visualize a new life project.
  2. To support female adolescents in an educational and critical empowerment process, to improve their living conditions and status, even when they remain on the street, by reducing their social and psychological vulnerability.
- Community work: Neighbourhood work is only just emerging and consists in establishing contacts and links with positive neighbourhood organizations and reference points for the process, and contacts with a group of adolescents.

##### b) La Casa

At La Casa, the growth of girl teenagers is encouraged by helping them to learn solidarity, how to participate in society and develop their critical and reflexive capacity.

- La Casa as a care centre provides, on the one hand, services to satisfy basic needs – food, cleanliness, rest – and on the other, educational and therapeutic services and activities leading towards personal development – care and education in physical and mental health, self-expression and recreational activities, formal and informal education, job training, activities to acquire social skills and coexistence guidelines.
- La Casa as a shelter provides girls who join the programme and have nowhere to go, with a temporary place to live in, once all family and institutional possibilities have been exhausted.

The methodological proposal: A Journey towards Life

This is a theoretical and practical conceptualization of the therapeutic process that female adolescents and Luna Nueva's therapeutic and educational team undergo. It includes different stages:

First encounters: work on the street

The first connection is established by means of the distribution of condoms and some short and informal talks on health-related matters. The purpose of these first contacts is for girls to become familiar with the team and overcome any initial fears. At these first contacts, talks or conversations are steered towards the prevention of sexually transmitted diseases, pregnancy and self-care. Another strategy is to use another girl who is also on the street as a reference, someone whom the others know and with whom the educators have already established a relationship of trust. Generally, the teenagers arrive at La Casa with the street team, or through their companions in the street who know something of La Casa, while others are referred by institutions.

• Starting Point – kunu'ú Time

At this stage, the girls are still living in their communities or on the street and if they fulfil certain requirements, they are invited to advance to the next stage. At this point the team responsible for the teenagers consists of the two street educators, because it was they who formed a bond with the girl, the stage coordinator, the health educator and the self-expression and arts educators.

• Trial Stage – Kunu'ú jerovia

The objective at this stage is to confirm that the teenager wishes to enter La Casa and start her journey. The focus here is the acquisition of lessons for life together with other adolescents and the team. The principal activities involve drama, visual arts, crafts and biodancing. A personal work plan is drawn up, which will be the basis for work during the next stages of the journey; this stage lasts about three months.

• First Landing Stage – Time and Space for Life – Journey 1 – Joayhu teete ñepyrú

This stage entails a genuine entry into the new life project. The objective is for the teenager to make La Casa her own, to strengthen her learning and acquisition of healthy habits and routines, as well as rules and values for coexistence. She must take her voyage on board and discover her own potential. This stage lasts about six months.

• Second Landing Stage – Time and Space for Exploration and Elucidation – Journey 2 – Joayhu teete

The activities proposed are practically the same as at the previous stage, but are undertaken with a more in-depth approach, with greater participation and autonomy. There is greater emphasis on job training. This stage lasts about eight months.

• Third Landing Stage – Time and Space for Projection and Communication –

At this stage, teenagers carry out their life plans and begin to project themselves outside Luna Nueva. They begin to take personal and collective responsibility in keeping with their life projects. The main objective is the manifestation of a new life in the full assumption of reality. This stage is anticipated to last four months and it seeks to consolidate the construction of a life project.

• Fourth Landing Stage – Time and Space for the Expression of Life – Journey 4 – Joayhu tekovesã

At this stage, teenagers have left La Casa, initially with a great deal of support from the stage coordinator, in order to prepare for discharge – to look for work and a place to live in. Later, they receive support and follow-up in their independent lives. This stage lasts about twelve months.

**4.1.4. Chile: Paicabí NGO – Antú Centre, Valparaíso: The Secrets of the Eclipse**

Paicabí is a Chilean NGO that has implemented several projects to care for children undergoing sexual exploitation in the city of Valparaíso.

Some of the criteria steering these projects are:

- A rights-based approach on the basis of the CRC as a guide for interventions.
- Children as rights holders; in contrast with the adult-centred approach.
- The principle of progressive autonomy.
- The gender perspective as a significant dimension in intervention and repair of psychological damage and social integration of children who are victims of exploitation.
- Dynamic, jointly constructed, multidisciplinary and comprehensive intervention design.
- Bonds of affection with significant figures, peers or adults are relevant in the rehabilitation of children.
- Inclusion of children's life history in an attempt to make rehabilitation interventions context-related and ecosystemic.
- Strengthening families of origin to provide affection and protection and, if need be, including the participation of foster families or a process in support of the teenager's independent life.
- Empowering the social integration of children into socio-community settings that will facilitate their participation in social interaction so that they can be considered to be full rights holders.

Intervention is in three stages that can cover up to two years.

I. DETECTION – DIAGNOSIS STAGE:

Which in turn contains sub-stages:

**Detection:** the objective is to get to know groups of peers involved in CSE or who are direct victims of it, by means of the team's progressive approach to the regular circuits of children in the field. There are also attempts to follow and reconnect with children who have abandoned residential care and returned to the streets, thus interrupting the assistance they were receiving.

**Approach/shelter:** a first approach is attempted as well as the generation of bonds with the children, fostering a close and trusting relationship with the centre's team. Attempts are also made to identify individuals who can become protective adults in order to work on the protection and security of children.

**Diagnosis:** the objective is to compile and analyse the various aspects related to the emergency and/or the continuing CSE situation: the type and magnitude of the damage. Steps are taken to provide children with basic security.

**Feedback and agreements:**

At this sub-stage, significant information is delivered with regard to the diagnosis and the proposals of the children and their adult carers are included.

II. INDIVIDUAL-FAMILY-COMMUNITY INTERVENTION STAGE:

This stage includes the following sub-stages:

**Designing an Individual Treatment Plan (ITP):** this entails drawing up a specific and comprehensive intervention plan including specific strategies.

**Treatment:** the various agreed strategies are implemented and work is carried out mainly on repairing psychological and social harm in order to achieve social resettlement in a safe and protective context. Efforts are made to interrupt exploitation, overcome emotional and social damage and include children's families in order to establish protective and caring bonds. Work is also done to incorporate or reinsert children in education, labour and healthcare systems.

All of the above can be conceptualized at three levels:

**Basic Level:** this implies that work is steered towards the identification of significant aspects, that the individuals involved become aware of and visualize alternatives or lines of action, which can be applied to the objectives and purposes of every area of intervention.

**Secondary Level:** this implies that the individuals involved take concrete action in terms of mobilization, involving modifications to the initial situation affecting them. Included in this process are the networks of social support that the family relies on, which is applicable to the objectives and purposes of every area of intervention.

**Third Level:** this entails generating and/or strengthening resources related to the resolution of the problem by promoting the active participation of individuals involved; applicable to the objectives and purposes of every area of intervention.

III. DISCHARGE STAGE – FOLLOW-UP:

The objective of this stage is "the evaluation of achievements through intervention in each specific area, as well as the preparation of children and their families for the conclusion of the process and dissociation with the centre. At this stage it is particularly important to establish the continuity or modification of the protective measures chosen for the children residing in the protection homes and the foster family system, in order to ensure that revictimization does not occur."

VI. FOLLOW-UP STAGE:

The objective of this stage is to ensure that the successes or strengths achieved during the intervention are maintained over time, as well as the evolution of the family group and the protection and safety of the children.

## 5. SECTION 4

### 5.1. Conclusions and Recommendations: Towards a Proposal for a Restitution of Violated Rights Model

As stated in the conclusions of the Eleventh Report, there are many different projects and experiences involving work with child victims that include “*a wide and plentiful range of working models and strategies*”, which are brought into question when actually attempting to achieve the effective restitution of rights, as the situation is made more complex by “*a certain lack of fragility regarding institutional referral and counter-referral networks*”.

Based on an analysis of the information, a process of restitution of rights is established, which generally includes three periods: CARE is the process of providing assistance to the child or adolescent whose rights have been infringed, and also to his or her family and immediate circle, using appropriate methods and techniques for fulfilling their health, mental, legal and social needs, among others. PROTECTION offers the children safety; this process must ensure that the abuse of rights is not repeated and that adequate conditions for restitution exist. PUNISHMENT is the process which determines the consequences (imprisonment, fines, suspension from public duties) for the perpetrators of an abuse of rights (offender).

It was also stated that “*Complete fulfilment of these three processes produces restitution of rights. This includes at least four aspects: the exploitative situation must stop immediately and permanently; the infringed set of rights must be restored, the child must be reintegrated into the community and the relevant social settings (social and emotional networks must be repaired or new ones created); traumatic experiences and consequences must be healed and dignity must be restored (destigmatization).*”

From the answers to *Questionnaire 2012* it explicitly emerges that progress has been made regarding the consolidation of intervention in CSEC, but as a new feature we should add that work in this area is beginning to be carried out jointly or *on the basis of* trafficking in persons with the purpose of commercial sexual exploitation.

This shift of CSEC towards trafficking may be significant inasmuch as it can assimilate the resources available for children to others that are available for adult women or the victims of other forms of exploitation. However, a conspicuous difference must be noted with regard to the source of these issues: international legislation that addresses the problem of CSEC is human rights legislation, whereas legislation on trafficking belongs to the field of criminal law. It is likely, therefore, that the emphasis that countries place on these issues when they need to deal with them is different. It should be borne in mind that in international trafficking cases, the protection of victims does not always continue after the court proceedings are over. Protective legislation is often in operation mainly during these proceedings; that is, when the victim is an essential part of the process and must provide information. However, there are seldom policies in place to aid victims in the countries of destination, or that allow them to settle there; they must usually return to their countries of origin in circumstances that are unfavourable to their interests or that place their lives, or that of their families, at risk.

Dottridge (2007) has observed that *transfer* is a confusing element arising from the link between trafficking and CSEC: in some cases, reference is made to children who are recruited

for sexual exploitation and in others, only to those who are transferred from one place to another within a country, or between countries, which means that care and prevention strategies, as well as the emphasis, in these two different types of cases should be different.

In addition, Negreiros and Lana Seabra (2011) state that international legislation on trafficking in persons seeks to overcome the causes that give rise to the trafficking cycle, but that the effectiveness of its provisions depends as much on the states' actions and commitment as on the way in which citizens perceive the physical, social, psychological and economic harm that trafficking causes in its victims and on the importance of *"regarding victims as people who are holders of rights, who deserve to be respected and protected in the countries of origin and destination"*. Evidence shows that the depersonalization that victims undergo even has an effect on the forces of law and order, on judicial systems and on social and legal operators, with the outcome that they are viewed as offenders rather than victims.

This seems to point to a trend that has not yet been subjected to much problem-posing: approaches in CSEC situations lean strongly towards police and judicial mediation and withdrawal from or suspending exploitation is a measure that prevails over other caregiving actions that appear to suffer from limited resources and opportunities. One example of this is the small number of projects that are based on recruiting victimized children in CSE situations, as compared to projects that work mainly on the basis of referrals from the judicial system.

The efforts of the states appear to be devoted, on the one hand, to consolidating and launching services and programmes to care for and treat the effects of exploitation, and on the other, to forming multi-sectoral bodies (committees, commissions, boards) to address the issue. In relation to this, the MCRA experience, according to the terms on which it is implemented in Costa Rica, shows the importance of opening and/or consolidating caregiving areas *in conjunction with* other areas that target social mobilization and awareness-raising, the comprehensive care of children and their families and productive alternatives.

One of the principal issues addressed in this study is the mainstreaming of the gender perspective<sup>52</sup> and the possibility of including<sup>53</sup> it in restitution processes. On the basis of our review of the literature and the answers received, it may be said that the gender perspective appears to be problematized and used operationally in caregiving projects. The most important signs of the use of this perspective are to be found in the formation of mixed care teams, in understanding the different effects of exploitation on girls and on boys and above all, in visualizing how exploitation can lead to criminal careers (the passage from victim to offender), particularly in the case of boy victims. In this respect, work that aims at generating a life project for children that can break away from the poverty-despair-backsliding and proclivity to violence cycle appears to be increasingly important (Gutiérrez Sanin et al, 2005).

Another of this paper's conclusions points to the problem of the outcomes of care and restitution when children do not consider themselves to be victims of exploitation, but of other previous violations of rights, and the fact of having lived their lives in deprivation and

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<sup>52</sup> The concept of gender refers to the historical and social construction of characteristics attributed to women and men on the basis of their biological differences, conditioning their access to material and symbolic resources, and their participation in decision-making and power. (Economic Commission for Latin America and the Caribbean, ECLAC, undated.)

<sup>53</sup> This is the process of evaluating the consequences, for both women and men, or girls and boys, of any action planned, including legislation, policies or programmes in any area and at all levels. (ILO; 2003).

violence. This seems to indicate that the efforts of restitution should also be steered directly towards the prevention and eradication of these other situations prior to exploitation.

This reaffirms the importance of working in coordination with different organizations and institutions and, above all, of the sustainability of this work, so that it can support and underpin children and their families in their process of change and crisis. Evidence of the careers of child victims shows that exploitation is in some cases a kind of “final stretch” in a series of rights violations that they have suffered. In addition, the subjectivities constructed during exploitation seem to dispose women to continue to be involved in sexual trade in their adulthood<sup>54</sup>, and men to contribute to the exploitation of other persons, including children. Thus, the challenge of intervention in restitution includes a component of future prevention of the exploitation of other children.

Proposing a model for the restitution of rights implies putting the commitments of the states at the fore, as well as their responsibility with regard to offering special protection to children who are suffering from exploitation and the violation of rights and generating actions and policies that safeguard the enjoyment of their rights from birth. In view of the matters presented and analysed in this report, a restitution model should arise from national plans for promoting and ensuring the exercise of rights, as well as for confronting CSEC. It should be based on the use of the gender perspective and be supported in its operations by a broad network of institutions and organizations in order to ensure coverage and access to social policies for children and their families for a length of time not necessarily linked to the fact that the children who were victimized have reached their majority.

### 5.1.1. Focal Points for a Restitution of Rights Model

Some key points arise from the studies carried out by the IIN in 2011 and 2012 based on the analysis of different experiences involving the restitution of rights of child victims of CSEC that are taking place in the region, which can constitute baselines for the design of an intervention model.

In this respect, some premises should be reaffirmed:

1. Child victims of CSEC have a history of violated rights from the earliest days of their lives. Therefore, the objectives of the intervention should not be restricted to returning them to conditions prior to exploitation, but should include working on the full enjoyment of their rights.
2. This reaffirms the need for comprehensive interventions. It is not only necessary to repair the various effects of exploitation, but also to work on previous and concurrent violations.
3. Comprehensiveness comprises two elements. On the one hand, measures to recuperate the different areas of children’s affective, cognitive and social lives, including their health, in its physical, psychological and bonding aspects. In this respect, as observed in several of the experiences we analysed, intervention should

<sup>54</sup> GESCNA. Construyendo miradas: Rutas de atrapamiento en la Explotación Sexual Comercial de Niños, Niñas y Adolescentes [GCSEC. Building Views: Entrapment Routes in the Commercial Sexual Exploitation of Children]. Unpublished, 2011.

begin with a diagnosis that includes the extent of fulfilment or violation of all their rights, in order to implement a battery of measures leading to restitution. On the other hand, comprehensiveness should be included in the different stages and components of the restitution process: halting exploitation, with the requisite measures of protection; re-establishing all rights; restoring dignity and strengthening victims; social and legal penalties for offenders, and prevention. That is, steps should be taken with children and their environment in order to prevent exploitation from recurring. In this last phase, it is particularly important to provide follow-up and access to universal policies.

4. We should bear in mind that the ultimate purpose of intervention is that children should integrate socially, exercising their rights at levels of autonomy appropriate to the extent of their development. This calls for a balance between interventions based on specific programmes that aim to restore the rights of child victims of CSE and universal policies. Retaining children in settings that tend to perpetuate their status as victims should be avoided; they should be enabled to gain access to services that cater to the whole of the population. At the same time, it should be acknowledged that when gaining access to such services they should initially be provided with support in order to ensure genuine integration.

In this respect, the contribution of the MCRA is very clear: “In order to provide a service that safeguards human rights and responds to the victims’ many needs and special features, it is necessary to synchronize the caregiving services provided within an interinstitutional platform that offers coordinated services” (IPEC/ILO, 2004). Effective intervention should offer families opportunities for a decent life and this cannot be planned in stigmatized institutional settings that protect children, but inhibit autonomous evolution.

5. A significant aspect that should be borne in mind is the contribution of the gender perspective in approaching CSEC. This makes it possible to make visible the specific effects of exploitation on males and on females, the connotations of induced homosexual behaviour in the context of exploitation and the different forms of stigmatization, as well as the opportunities and barriers to the social integration of each. Including men and women working together in teams makes it possible to re-establish children’s bonds with adult men and women, which tend to have been damaged as a result of their experiences. Seeing men and women working together in an atmosphere of companionship and respect introduces different relationship patterns from those they have witnessed in their daily lives, in which gender violence prevails.
6. Finally, we should like to return to the importance of synchronizing plans and programmes for the restitution of the rights of CSEC victims with the whole of the protection system operating in the country, state or territory.

It is on the basis of these premises that we shall attempt to systematize the basic focal points that a programme for the restitution of the rights of child victims of CSE should contain.

It is based on the coordination of **three levels of intervention and services** to generate opportunities for the full enjoyment of rights:

## I. Internal Actions of the Specialized Programme

- These actions target children and their significant adult figures, according to the special features of each situation.
- Their purpose is to restore rights, repair the damage caused by the experiences undergone (not limited to SE, and including previous experiences) and enable social integration with access to universal policies.
- Beyond the differences detected among the experiences we analysed, it is possible to identify four general steps:
  1. Recruitment – admission. This includes an evaluation of the children’s entire situation in relation to their rights and the hazards and strengths of their environment, in order to design an intervention plan. At this stage, agreements are reached with the children and the role of adults in the process is determined. One of the key objectives of this stage is to generate demand, promote awareness of the damage and seek the active involvement of the victim in the project, incorporating activities to recruit children performed by the teams themselves. These are in addition to children received as a result of referrals from the judicial or protection systems. It is during this stage that the risks to which children are exposed should be assessed, as well as the steps that should be taken to safeguard their lives and physical integrity, and to ensure that they have food, clothing and shelter. The administration of residential resources should be careful and measured in order to avoid hindering the acquisition of autonomy and social integration skills.
  2. Programme Inclusion. The most intensive work on the different dimensions of restitution is carried out at this stage. Interaction between children, specialists and peers is strongest at this time. Participation and the sense of belonging are important as they encourage children’s assimilation of the process. Individual and group activities are carried out, which can be grouped in different areas:
    - a) Health care covering all of its aspects. Particularly, the issues prevailing in this population: STDs, addictions, mental health, dental care.
    - b) Cognitive and affective restructuring. Improving self-esteem, processing feelings of guilt and debasement, understanding the exploited victim situation. Identification of strengths and skills. Here we include support during court proceedings and working on their affective consequences.
    - c) Repairing bonds. Re-establishing the capacity to form relationships with peers and with adult men and women. The development of social skills.
    - d) Educational support. Returning to the education system requires support, levelling up, and encouragement in the face of difficulties. This makes it necessary to develop the appropriate habits for school work.
    - e) Job skills. Promoting the acquisition of skills that can open up opportunities to enter the world of work.

- f) Most of the experiences successfully include art and self-expression, which can be included as cross-cutting activities to encourage participation and strengthen children's social skills.
3. Evaluation – Discharge. At this stage, the extent to which the first goals of the intervention have been achieved is assessed: the level of children's strengthening, their level of integration (educational, job-related, social) – to which end coordination with non-specialized and universal services must previously be effected – and the characteristics of their life projects (are they realistic and consistent; do they have clear targets).
4. Follow-Up. In several of the programmes analysed, this is not done. However, we should assume that children discharged from the programmes are vulnerable. They generally return or remain in environments where the threat of sexual exploitation or other threats are still present. Their condition as victims (or former victims) places them in a vulnerable situation to undergo renewed violations of rights. In this respect, follow-up for considerable periods (one or two years) leads to more sustainable achievements and makes it possible to intervene in time when new risks appear.

## II. Interinstitutionally Synchronized Action

This focuses on interinstitutional communication.

If the objective is full and autonomous social insertion, coordination between specialized programmes and the body of services planned for the protection of the rights of the general population is a key component of the model.

The programme and the persons politically and technically responsible for it should handle a variety of resources to enable the enjoyment of rights and also make it possible to overcome the stigmatization of individuals who have been the victims of these criminal activities. The children served should be reconnected to basic services after work has been done to make their access as equitable as possible.

Again we agree with the MCRA when it states that, "there is no single institution that can assume exclusive responsibility for the execution of a plan for eradication and/or care for victims. The plan should be synchronized and steered towards the joint action of several institutions at different levels (national, departmental/state-wide/provincial, local, community-based). Leadership of the plan should devolve upon a single institution, with the purpose of optimizing resources."

## III. Action in the Community and the Environment

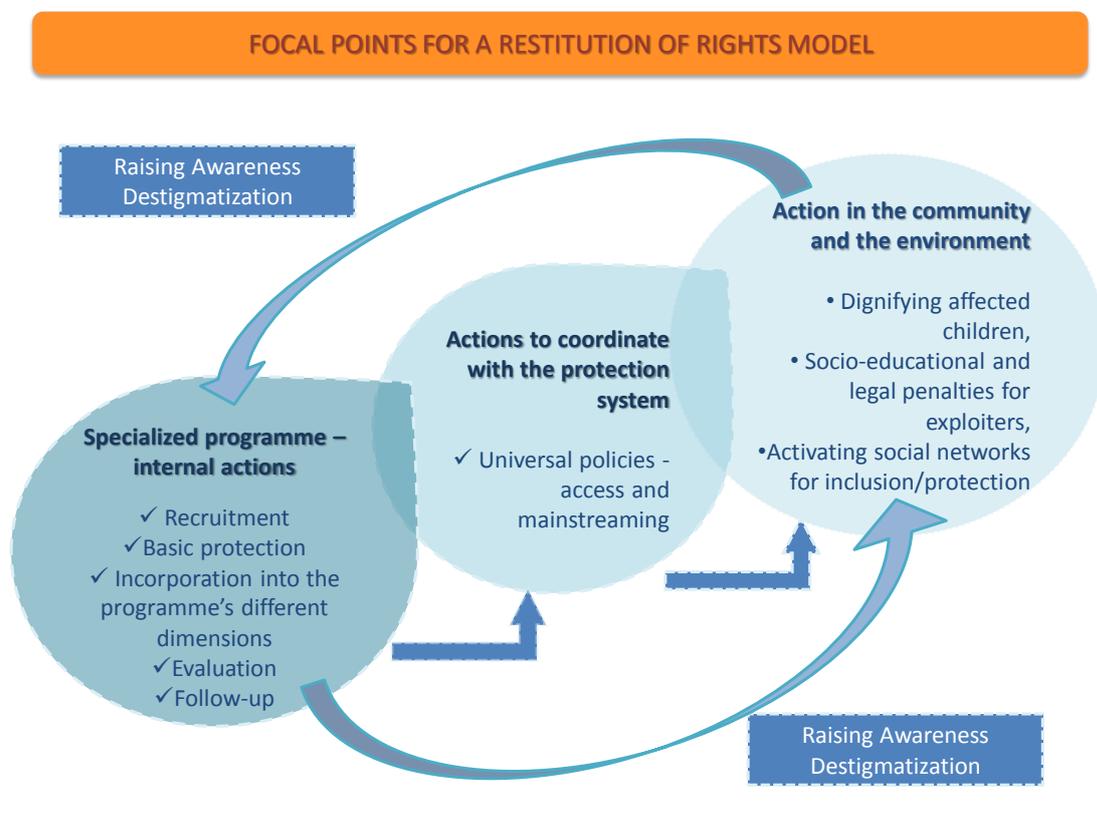
In addition to work with affected persons and their immediate circle, the restitution of rights process includes other steps to be taken with regard to their environment. This can be grouped into three general objectives:

1. Restoring dignity and recognizing potential. The social imaginary that perceives these children to be "an irreparably damaged social asset" must be dismantled. This perception leads to feelings of pity and compassion, but deny the possibility of overcoming the situation through social inclusion in other areas. It is essential to

transform such attitudes in order to minimize the risk of recapture by networks of exploiters.

2. Legal and social penalties for exploiters. Legal penalties for those who profit from sexual trade as well as for those who pay to obtain access to children transcend legal implications. They become symbolic and cultural acts in which a legitimate authority clearly defines the position of offender and victim. This breaks away from the image of “benefactor” or “generator of opportunities” that intermediaries are often given. It also ends the tendency to absolve “customers” from responsibility. Penalties contradict the idea of impunity and power often used to intimidate victims. In addition to legal penalties, actions should also take place to strengthen the social penalties for these activities.
3. Protection networks. A large measure of the success of a model for the restitution of rights is related to awareness-raising and mobilizing the community in defence of its children. To this end, it is important for the population to undertake to protect all children and that it should refrain from justifying the exploitation of those it considers to be “prone to these situations”. There is a wealth of experience in the continent in relation to the active involvement of communities, both by providing opportunities to former victims and by observing, warning and reporting events that may be linked to CSEC.

Therefore, the model we propose includes specific actions to address the specific situations of victims, but is not limited to them. It attempts to avoid what operators term “ghettofication”. It is an open model, synchronized with the protection system in each state and based on fostering the activation and responsibility of community resources.



## CONCLUSIONS AND RECOMMENDATIONS

Despite the efforts which have been made, there is a great deal of evidence to suggest that CSEC continues to constitute a concrete threat to the rights of children throughout the hemisphere.

This age-old rights-violating activity adopts new forms in order to adjust to changes in social life, communications and the increasing movement of people. Modalities such as sexual exploitation through the Internet or its presence in travel and tourism demonstrate the need to carry out an ongoing review of regulatory frameworks, means of international cooperation and ways to protect children from these crimes.

The eradication of these expressions of violence is inextricably linked to the process of democratic strengthening and consolidation in the region.

Despite some progress, male/female and adult/child relations continue, to a large extent, to resist the process of democratization in daily life. There are deeply-rooted cultural factors linked to sexuality, gender roles and intergenerational relations, which favour sexual violence and tend to naturalize exploitative relationships.

In this context, a positive factor is that the issue of the sexual exploitation of children is increasingly present on the public agenda. This is apparent in the multiplication of parliamentary initiatives and enacted legislation, as well as in the search for strategies to eradicate it and to strengthen the means of interinstitutional cooperation.

An analysis of progress achieved by the states in the region shows that there is increasing awareness of the links between phenomena such as abuse, trafficking and sexual exploitation and that they are part of the same sequence and answer to similar rights-violating rationales.

Legislation has made progress regarding the inclusion of trafficking as a crime, not only internationally, but also within countries. Moreover, the criminalization of persons who pay for the sexual services of children has gradually been incorporated into legal frameworks. There have been initiatives to establish comprehensive regulations that include punishment for crimes, the protection and restitution of the rights of victims, and social policies to address these problems in their different aspects.

At the same time, recently adopted laws reflect a concern to prevent revictimization by establishing minimum standards for the protection and handling of persons affected.

A further aspect which should be noted is the increase in bilateral and multilateral international cooperation. Of particular significance are the contributions of organizations such as UNICEF, IOM and IIN-OAS in training human resources and in providing technical assistance for the drafting of national plans in several countries.

With regard to programmes for the restitution of rights, proposals, actions and attitudes that respond to different paradigms continue to coexist. Considering children to be individuals whose rights have been violated, who must be protected and whose rights must be restored,

coexists with the perception that children associated with these practices engage in deviant behaviour and must be controlled or rehabilitated.

To this is added the persistence of discriminatory conduct that increases the vulnerability of the most unprotected children and at the same time perpetuates exploitative relationships and reinforces their status as victims.

However, there are a significant number of rights restitution experiences in the region, which constitute valuable lessons. Among these are:

- The importance of coordinating targeted programmes with universal policies, in order to strengthen and incorporate the children affected.
- Actively involving children in the proposal and encouraging their participation in different aspects of the programmes.
- The importance of a non-discriminatory social and community context that considers these children to be rights-holders who must be protected. Organizations of adolescents play a significant role in this social web.
- The gender perspective is shown to be a principle that cross-cuts interventions and enables understanding of suffering and the social meanings that the sexual exploitation experience implies for males and females, including the importance of having both men and women in work teams.
- The coordination of action between the state and civil society, with different forms of funding and state supervision.
- The significance of conceiving intervention on the basis of “protection routes” that include successive steps in a process in which every institution develops relevant and timely interventions in keeping with their responsibilities and on the basis of a common strategy representing a regulatory core.

All of the above confirms the need to continue producing knowledge derived from practice and which will provide feedback to these practices, increasing their effectiveness and coordination from a rights-based perspective.

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## APPENDICES

### Appendix 1 – Ratification of international treaties related to the commercial sexual exploitation of children and women by OAS member states.

	Convention on the Rights of the Child 20/11/1989	Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography 25/5/2000	Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour 17/6/1999	Inter-American Convention on International Traffic in Minors 18/3/94	Convention on the Elimination of All Forms of Discrimination against Women 18/12/1979	Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women 6/10/1999	Inter-American Convention on the Prevention, Punishment and Eradication of Violence Against Women, "Convention of Belém do Pará" 9/6/1994	United Nations Convention against Transnational Organized Crime 15/11/2000	Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, the "Palermo Protocol" 15/11//2000	The Rome Statute 17/7/1998
<b>1. Antigua and Barbuda</b>	05/10/1993	30/04/2002	16/09/2002	-	01/08/1989	05/06/2006	12/08/1998	24/07/2002	17/02/2010	18/06/2001
<b>2. Argentina</b>	04/12/1990	25/09/2003	05/02/2001	13/12/1999	15/07/1985	20/03/2007	09/04/1996	19/11/2002	19/11/2002	08/02/2001
<b>3. Bahamas</b>	20/02/1991	-	14/06/2001	-	06/10/1993	-	03/05/1995	26/09/2008	26/09/2008	-
<b>4. Barbados</b>	09/10/1990	-	23/10/2000	-	16/10/1980	-	08/02/1995	*	*	10/12/2002
<b>5. Belize</b>	02/05/1990	01/12/2003	06/03/2000	11/06/1997	16/05/1990	09/12/2002	25/11/1996	26/09/2003	26/09/2003	05/04/2000
<b>6. Bolivia</b>	26/06/1990	03/06/2003	06/06/2003	31/10/2003	08/06/1990	27/09/2000	26/10/1994	10/10/2005	18/05/2006	27/06/2002
<b>7. Brazil</b>	24/09/1990	27/01/2004	02/02/2000	03/07/1997	01/02/1984	28/06/2002	16/11/1995	29/01/2004	29/01/2004	20/06/2002

<b>8. Canada</b>	13/12/1991	14/09/2005	06/06/2000	-	10/12/1981	18/10/2002	-	13/05/2002	13/05/2002	07/07/2002
<b>9. Chile</b>	13/08/1990	06/02/2003	17/07/2000	-	07/12/1989	*	24/10/1996	29/11/2004	29/11/2004	-
<b>10. Colombia</b>	28/01/1991	11/11/2003	28/01/2005	12/06/2000	19/01/1982	23/01/2007	03/10/1996	04/08/2004	04/08/2004	05/08/2002
<b>11. Costa Rica</b>	21/08/1991	09/04/2002	10/09/2001	22/05/2002	04/04/1986	20/09/2001	05/07/1995	24/07/2003	09/09/2003	07/06/2001
<b>12. Dominica</b>	13/03/1991	20/09/2002	04/01/2001	-	15/09/1980	-	30/06/1995	-	-	12/02/2001
<b>13. Dominican Republic</b>	11/06/1991	06/12/2006	15/11/2000	15/11/2011	02/09/1982	10/08/2001	10/01/1996	26/10/2006	05/02/2008	12/05/2005
<b>14. Ecuador</b>	23/03/1990	30/01/2004	19/09/2000	20/05/2002	09/11/1981	05/02/2002	30/06/1995	17/09/2002	17/09/2002	05/02/2002
<b>15. El Salvador</b>	10/07/1990	17/05/2004	12/10/2000	17/10/2005	19/08/1981	*	13/11/1995	18/03/2004	18/03/2004	-
<b>16. Grenada</b>	05/11/1990	06/02/2012	14/05/2003	-	30/08/1990	-	29/11/2000	21/05/2004	21/05/2004	19/05/2011
<b>17. Guatemala</b>	06/06/1990	09/05/2002	11/10/2001	-	12/08/1982	09/05/2002	04/01/1995	25/09/2003	01/04/2004	-
<b>18. Guyana</b>	14/01/1991	30/07/2010	15/01/2001	-	17/07/1980	-	08/01/1996	14/09/2004	14/09/2004	24/09/2004
<b>19. Haiti</b>	08/06/1995	*	19/07/2007	-	20/07/1981	-	07/04/1997	19/04/2011	19/04/2011	-
<b>20. Honduras</b>	10/08/1990	08/05/2002	25/10/2001	23/10/08	03/03/1983	-	04/07/1995	02/12/2003	01/04/2008	01/07/2002
<b>21. Jamaica</b>	14/05/1991	26/08/2012	13/10/2003	-	19/10/1984	-	11/11/2005	29/09/2003	29/09/2003	-
<b>22. Mexico</b>	21/09/1990	15/03/2002	30/06/2000	*	23/03/1981	15/03/2002	19/06/1998	04/03/2003	04/03/2003	28/10/2005
<b>23. Nicaragua</b>	05/10/1990	02/12/2004	06/11/2000	07/10/2005	27/10/1981	-	06/10/1995	09/09/2002	12/10/2004	-
<b>24. Panama</b>	12/12/1990	09/02/2001	31/10/2000	18/01/2000	29/10/1981	09/05/2001	26/04/1995	18/08/2004	18/08/2004	21/03/2002
<b>25. Paraguay</b>	25/09/1990	18/08/2003	07/03/2001	28/11/1997	06/04/1987	14/05/2001	29/09/1995	22/09/2004	22/09/2004	14/05/2001

26. Peru	04/09/1990	08/05/2002	10/01/2002	20/04/2004	13/09/1982	09/04/2001	02/04/1996	23/01/2002	23/01/2002	10/11/2001
27. Saint Kitts and Nevis	24/07/1990	-	12/10/2000	-	25/04/1985	20/01/2006	17/03/1995	21/05/2004	21/05/2004	22/08/2006
28. Saint Lucia	16/06/1993	*	06/12/2000	-	08/10/1982	-	08/03/1995	*	-	18/08/2010
29. Saint Vincent and the Grenadines	26/10/1993	15/09/2005	04/12/2001	-	04/08/1981	-	23/05/1996	29/10/2010	29/10/2010	03/12/2002
30. Suriname	01/03/1993	18/05/2012	12/04/2006	-	01/03/1993	-	19/02/2002	25/05/2007	25/05/2007	15/07/2008
31. Trinidad and Tobago	05/12/1991	-	23/04/2003	-	12/01/1990	-	04/01/1996	06/11/2007	06/11/2007	06/04/1999
32. United States of America	*	23/12/2002	02/12/1999	-	*	-	-	03/11/2005	03/11/2005	-
33. Uruguay	20/11/1990	03/07/2003	03/08/2001	28/10/1998	09/10/1981	26/07/2001	04/01/1996	04/03/2005	04/03/2005	28/06/2002
34. Venezuela	13/09/1990	08/05/2002	26/10/2005	*	02/05/1983	13/05/2002	16/01/1995	13/05/2002	13/05/2002	07/06/2000

(-) States that have neither signed nor ratified the Treaty indicated in the heading.

(\*) Signed without ratification, adoption or accession.

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**Appendix 2 – Questionnaire 2012 sent to the states**

**QUESTIONNAIRE**

*The objective of this questionnaire is an in-depth analysis of the projects/programmes existing in the states for the care of child victims of CSE and the restitution of their rights.*

*Unless otherwise stated, all the relevant choices should be filled in.*

**1st Block**

***This section includes questions that will make it possible to learn about the state’s general status with regard to projects/programmes for the restitution of rights.***

- 1. Does your country have interinstitutional coordination opportunities that address SE/trafficking in persons?**

Yes	
No	
In process	

- 2. These opportunities are**

National	
Provincial/statewide/departmental	

- 3. Does your country have projects/programmes that specialize in the restitution of the rights of children who are victims of SE?**

Yes	
No	
In process	

- 4. List and describe briefly the project(s)/programme(s) available (name, principal objectives, institutions responsible)**

## 2nd Block

*In this section there are specific questions on projects/programmes for the restitution of rights. Please answer for each of the projects/programmes listed in question 4<sup>55</sup>.*

### Characteristics of the project/programme

**5. The state's role in the project/programme for the restitution of the rights of child victims of SE is that of**

Executor	
Technical supervisor	
Financial supervisor	
None	

**6. The plan is designed by**

Only the team responsible for the programme/plan	
Only the academic sector	
Only the governing body for children	
An international plan is used	
A collaboration between the programme team and other sectors (academic, state, etc.)	

**7. The plan is supervised by**

The state/specific government sector for childhood	
The state/non-specific government sector for childhood	
There is no supervision	

<sup>55</sup> Copying and pasting the answer box as many times as necessary is advised, depending on the number of projects or programmes.

**8. The project/programme implementation is**

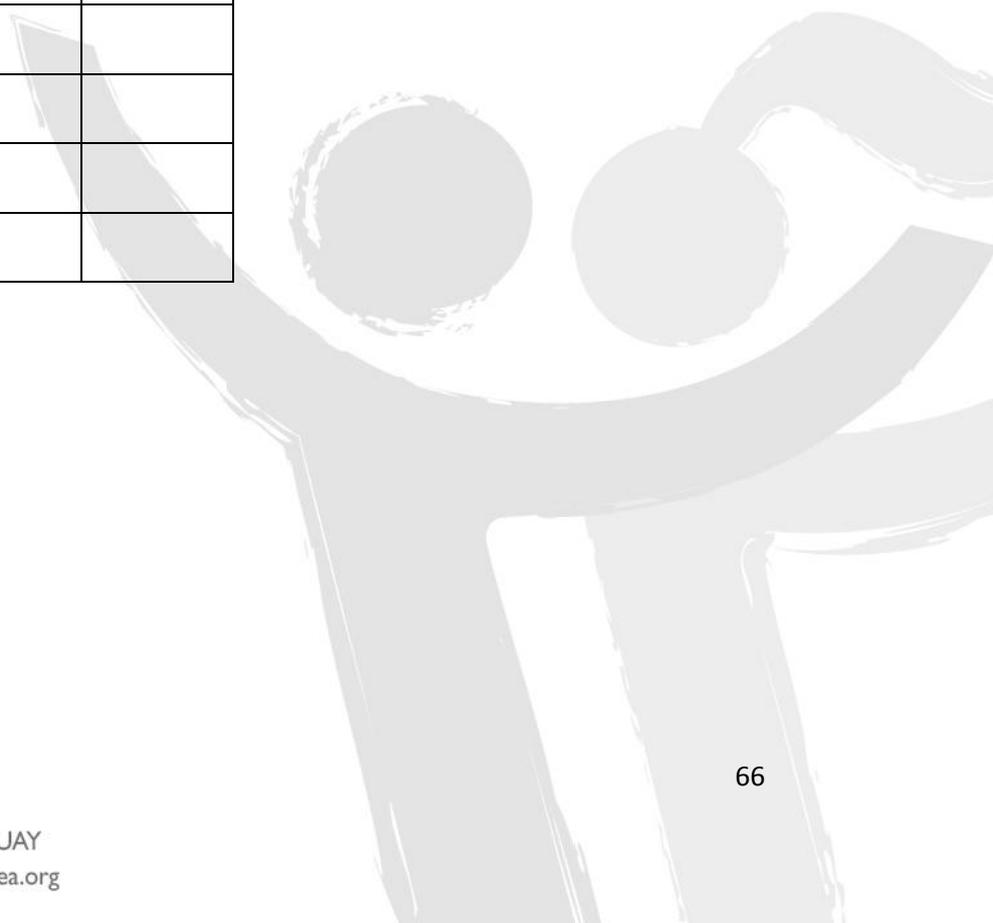
Public, state	
Non-state public, with state funding	
Non-state public, with external funding	
Private	

**9. Where is the project/programme implemented?**

The country's capital city	
Outside the capital city	

**10. What types of activities are given priority in the project/programme?**

Social	
Legal	
Psychological	
Health-related	
Educational	
Artistic	
Labour-related	
Others. Which?	
None	



**11. What types of services are offered in the context of the restitution of rights project/programme?**

Health: medical check-ups/ psychological <sup>56</sup> care/ psychiatric care/ dental care/ pregnancy / addictions	
Education: tutorial programmes/school support/enrolment	
Legal: support during proceedings involving courts / prosecutors' offices /sponsorship / accusations	
Labour-related: obtaining work/income self-generation/job training	
Social: family/family reintegration/regularization of documentation/family care support and follow-up	
Artistic or art-related: music /drama / painting /dance /audiovisual activities	
Nutrition	
Housing	
Religious or faith-related	
Care for the children of the individuals being served	
Residential institutionalization	
Other, which?	

<sup>56</sup> Including activities targeting self-esteem.

**12. What type of services are coordinated /referred? With/to which institution(s)?**

SERVICES	x	INSTITUTION/S
Health: medical check-ups/ psychological care/ psychiatric care/ dental care/ pregnancy / addictions		
Education: tutorial programmes/school support/enrolment		
Legal: support during proceedings involving courts / prosecutors' offices /sponsorship / accusations		
Labour-related: obtaining work/income self-generation/job training		
Social: family/family reintegration/regularization of documentation/family care support and follow-up		
Artistic or art-related: music /drama / painting /dance /audiovisual activities		
Nutrition		
Housing		
Religious or faith-related		
Care for the children of the individuals being served		
Residential institutionalization		
Other, which?		

**13. Does the restitution project/programme have access requirements that the target group must fulfil? Please specify**

Age	
Sex	
Sexual orientation	
Other, which?	

**14. What is the time frame assigned to working with each child?**

Under 6 months	
Less than one year	
Between 1 and 2 years	
Over 2 years	
No specific time frame	

**15. Does the restitution project/programme have phases/stages through which children must pass in order to be “discharged”? Please list them with a brief description and explain the criteria used to determine passage from one to another.**

**16. Does the project/programme contemplate the residential institutionalization of children as part of the restitution process? In what circumstances?**

		CIRCUMSTANCES
Yes		
No		

**17. Does residential institutionalization have a time frame?**

Under 6 months	
Between 6 and 12 months	
Over 12 months	
No time frame	

**18. Does the project/programme include a reference point/tutor or team of reference points/tutors? Please specify their sex/es.**

Yes	
No	

**19. What distinguishes the activities of the reference point(s)/tutor(s)?**

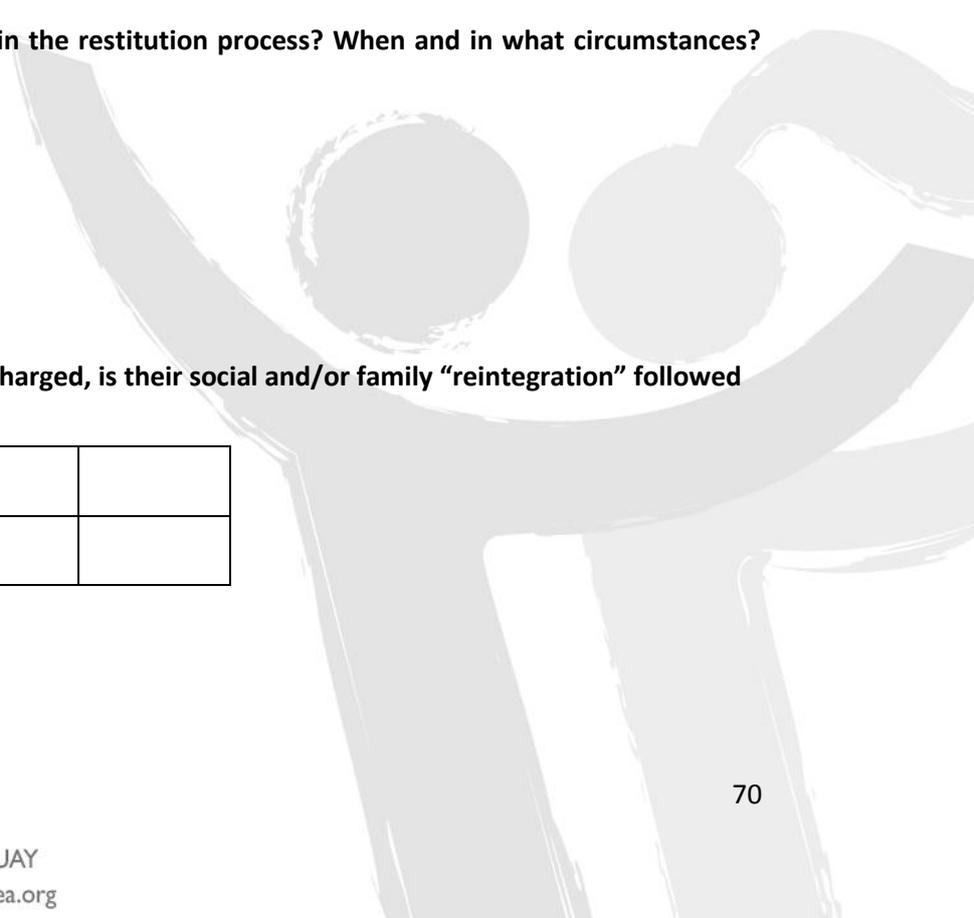
Therapeutic	
Socio-educational	
Voluntary	
Technical (hired professionals)	
Other	

**20. How do children participate in the restitution process?**

**21. Is the family involved in the restitution process? When and in what circumstances? How?**

**22. When children are discharged, is their social and/or family “reintegration” followed up?**

Yes	
No	



**Who is in charge of it?**

The project/programme team	
A team from another organization	
A joint effort	

**How frequently does it take place?**

Weekly	
Monthly	
Bimonthly	
Every 6 months	
Other, which?	

**For how long?**

For less than 6 months	
Between 6 and 12 months	
For over one year	

**23. Do you consider that the restitution project/programme is comprehensive? Why?**

**24. Do you consider that the restitution project/programme includes the gender approach? Why?**

**Characteristics of the organization responsible for the project/programme**

**25. The organization responsible for the project/programme is**

State-owned with state funding	
State-owned with state/external funding	
Non-state with state funding	
Non-state with external funding	
Secular	
Denominational	

**26. Integration of the work team (please specify number and sex)**

	Number	Sex
Social worker		
Psychologist		
Educator		
Teacher		
Lawyer		
Artist		
Others: which?		

**Characteristics of the population being served**

**27. What is the prevailing type of exploitation among the population being served?**

Exploitation in prostitution	
Exploitation in travel and tourism	
Exploitation in pornography	
Trafficking with the purpose of SE	

**28. The restitution project/programme includes**

Boys	
Girls	
Male adolescents	
Female adolescents	
Transvestites	
Transgender persons	

**29. How do children reach the programme/project?**

Referrals from the judicial system	
Referrals from healthcare /education /social services	
Recruitment in the streets	
Recruitment from health /education /social services	

**30. Do they arrive willingly or compulsorily?**

Of their own free will	
Compulsorily	
Both	

**Interinstitutional coordination and cooperation**

**31. How are relations with other institutions synchronized? Please specify.**

Interinstitutional coordination with/without protocols	
Committees /boards /interinstitutional networks	

**CONTACT PERSON:**

\_\_\_\_\_ (First and Last Names)  
\_\_\_\_\_ (Institution)  
\_\_\_\_\_ (Position)  
\_\_\_\_\_ (E-mail)  
\_\_\_\_\_ (Telephone and Fax)

***Thank you!***

