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**RIGHTS OF THE CHILD****Report of the Special Rapporteur on the sale of children, child prostitution  
and child pornography, Juan Miguel Petit****Summary**

This report is submitted in accordance with Commission on Human Rights resolution 2005/44. The resolution calls upon all States, inter alia, to take the necessary measures to eliminate the sale of children, child prostitution and child pornography by adopting a holistic approach and addressing the contributing factors, including, underdevelopment, poverty economic disparities, inequitable socio-economic structures, dysfunctioning families, lack of education, urban-rural migration, gender discrimination, irresponsible adult sexual behaviour, harmful traditional practices, armed conflicts and trafficking in children.

Noting that little attention has been given so far to the demand factor in the commercial sexual exploitation of children, and convinced of the importance of studying and understanding its dynamics in order to develop proper and efficient legal and political policies, the Special Rapporteur has decided to devote his annual report to this issue.

The report is based on information received from Governments, international organizations, non-governmental organizations and individuals in response to a questionnaire sent jointly with the Special Rapporteur on trafficking in persons, especially women and children. It reflects the responses received from 28 countries, from several intergovernmental organizations and from various non-governmental organizations and individuals.

This report does not pretend to give a comprehensive analysis of the different forms demand can take, but rather highlights the divergent understandings of what may constitute demand, gives an overview of the main factors which tend to create or increase demand for commercial sexual exploitation, and outlines experiences conducted both by the State and civil society to reduce demand.

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## I. ACTIVITIES OF THE SPECIAL RAPPORTEUR

1. The present report is submitted in accordance with Commission resolution 2005/44.
2. During 2005, the Special Rapporteur carried out two field missions, one to Albania, immediately followed by a mission to Greece. The aim of these missions was to acquire a better understanding of the transnational elements of phenomena like child trafficking and migration flows of unaccompanied children. The reports on the visits are submitted as addenda to this report (E/CN.4/2005/78/Add.1 and E/CN.4/2005/78/Add.2, respectively).
3. In 2004, the Special Rapporteur sent requests for invitations to the Governments of India and Thailand. This year, consultations with relevant partners of the mandate were held in Geneva to determine other countries that might possibly be visited in 2006. Since his appointment, the Special Rapporteur has visited South Africa, France, Brazil, Paraguay and Romania.
4. The Special Rapporteur attended the Latin American Regional Consultation for the United Nations study on violence against children which was held in Buenos Aires from 30 May to 1 June 2005.
5. On 14 April 2005, the Special Rapporteur took part in the Child Pornography Forum: Assessing the Global Agenda, which was held in Lyon, France, at the initiative of the International Centre for Missing and Exploited Children. The Forum's goals were to explore the current state of and possible emerging trends in child pornography, and to assess the progress made on the Plan of Action adopted at the Child Pornography Forum held in Dublin in 2002.
6. The Special Rapporteur was invited by the Government of Chile to participate in various activities organized at the State level on 21 and 22 July 2005 on the subject of child and adolescent prostitution and pornography, sex tourism and trafficking of children for sexual exploitation. The Special Rapporteur was invited to share his expertise with public and private authorities on the implementation of international standards to combat child sexual exploitation. He also addressed a seminar on the issue of the right of child victims of sexual exploitation to receive full compensation.
7. The Special Rapporteur addressed the United States-European Union Summit on Missing and Exploited Children, which took place from 25 to 27 October 2005 in Buonas, Switzerland. The Summit, which was organized by the International Centre for Missing and Exploited Children, was attended by representatives of 22 countries who adopted a 17-point action plan.
8. The action plan recommends, inter alia, that the United States and European countries work together to eradicate the commercial viability of child pornography by January 2008 by mobilizing banking and financial industry leaders; collaborating in developing a uniform system for the reporting of child pornography by Internet Service Providers; advocating the criminalization of the possession of child pornography in all countries; expanding efforts to identify children used in child pornography; promoting expanded research to provide greater awareness and understanding of the true scope of the problem of missing and exploited children; evaluating and implementing a database of known, convicted paedophiles and other sexual predators against children in the United States and Europe; developing joint technology to track

child traffickers; implementing joint training for law enforcement and other professionals to ensure the highest level of expertise and sophistication in working missing and exploited child cases.

## **II. MAIN DEVELOPMENTS IN RELATION TO THE MANDATE**

### **A. Positive developments during the year**

9. The Special Rapporteur is pleased that 10 more countries, namely Angola, Armenia, Benin, Eritrea, Canada, Georgia, India, Japan, the Netherlands and Saint Vincent and the Grenadines, ratified the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography in 2005, bringing the number of States parties to this instrument to 99. The Special Rapporteur strongly encourages the States that have not yet done so to sign and ratify the two Optional Protocols to the Convention.

10. At the regional level, 2005 was marked by the adoption by the Council of Europe on 3 May of the Convention on Action against Trafficking in Human Beings. Many provisions of the Convention relate to children, among them article 6 which calls on States that adopt measures to discourage the demand that fosters all forms of exploitation of persons, especially women and children.

11. In July 2005, a multilateral agreement to combat child trafficking in West Africa was signed by Benin, the Gambia, Burkina Faso, Côte d'Ivoire, Ghana, Guinea, Mali, Niger and Togo.

12. At the national level, in August 2005, Sierra Leone passed an Anti-Human Trafficking Act and in November, Paraguay adopted a law criminalizing the production, distribution and possession of child pornography.

13. Initiatives taken over the year to fight child sex tourism also deserve to be highlighted. In March, Japanese travel agents and industry groups signed the International Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism. By signing the Code, travel agents are required to implement six measures including training personnel in countries that are travel destinations and putting a clause in contracts with local agents forbidding sexual exploitation of children. In May, the Ministry of Tourism of France launched a charter against sexual exploitation of children in tourism, which was signed by 17 companies from the tourism sector. In August, actors in the tourism industry in Kenya launched a campaign to stop sexual exploitation of children for commercial purposes. The group, comprising hoteliers, tour operators, non-governmental organizations and government departments, developed a code of conduct and designed materials in English, German, Italian and Kiswahili for tourists and stickers for hotels and taxi drivers. The association of South-East Asian Nations also embarked this year on a campaign against child sex tourism.

### **B. Follow-up to the previous report of the Special Rapporteur**

14. Last year the Special Rapporteur focused his main report (E/CN.4/2005/78) on the issue of child pornography on the Internet. On follow-up to that report, the Special Rapporteur publicly expressed his support for the make-IT-safe campaign launched by the organization

End Child Prostitution, Child Pornography and Trafficking of Children for Sexual Purposes (ECPAT) in April. The campaign, which brings together children's groups in 67 countries, aims at increasing protection for children online by getting the IT industry and Governments to take responsibility for making online and interactive technologies safe for children and young people.

15. On 27 May 2005, the Special Rapporteur reacted to an article published in *The Economist* which reported on "e-gold" and other online methods of payment that do not involve a bank. In his response, which was published by the newspaper, the Special Rapporteur stressed the need to ensure that online payments can always be traced to their source if one does not want the virtual marketplace to degenerate into a red-light district for consumers of child pornography. The Special Rapporteur insisted that both States and the private sector have to take responsibility and address the problem; otherwise, law enforcement agencies will find it hard to fight an exploitative online trade in which only the faces and preadolescent bodies of the child victims can be seen, while the perpetrators conceal themselves in the anonymity of the World Wide Web.

16. By letter dated 20 July 2005 sent jointly with the Special Rapporteur on trafficking in persons, especially women and children, to the President of the World Summit on the Information Society (WSIS), the Special Rapporteur expressed his disappointment at the absence in the agenda of the Tunis phase of the WSIS of any reflection on the links between the increased availability of modern information and communication technologies and the expansion and commercialization of the sexual exploitation of children. The Special Rapporteurs expressed concern that if responsible Governments and the information technology industry itself did not address these problems through global solutions that would balance all applicable human rights, including the right to freedom of expression, they would give other Governments a pretext for pursuing ulterior motives and further limiting access to information and communication technologies. They recommended that a round table composed of Governments and private sector and civil society representatives be organized in this regard.

### **III. DEMAND FOR SEXUAL SERVICES DERIVING FROM EXPLOITATION**

17. Since the first World Congress Against the Commercial Sexual Exploitation of Children, held in Stockholm in 1996, different stakeholders have been calling for action to diminish and eradicate the demand for such exploitation. The Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, which sets out the frame of reference for the mandate, underscores the need to raise public awareness in order to reduce consumer demand for the sale of children, child prostitution and child pornography while strengthening global partnership among all actors and improving law enforcement at the national level.

18. Similarly, the Yokohama Global Commitment of 2001, adopted at the second World Congress, called for the promotion of more effective implementation/enforcement of policies, laws and gender-sensitive programmes to prevent and address the phenomenon of sexual exploitation of children, including action against demand for sexual exploitation of children and prosecution of those who exploit children. States, by ratifying the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, assume the binding legal

obligation to “adopt or strengthen legislative or other measures, such as educational, social or cultural measures, including through bilateral and multilateral cooperation, to discourage the demand that fosters all forms of exploitation of persons, especially women and children, that leads to trafficking”.<sup>1</sup>

19. Despite this long history of shared commitments, there is still no shared understanding of what constitutes demand for exploitation, and how best to address it. In its latest major report on forced labour, the International Labour Organization (ILO) stated that “[r]igorous work on the demand aspects of human trafficking ... is still badly lacking”.<sup>2</sup>

20. Firmly convinced that we will never end the child sex trade if we do not address more rigorously the issue of demand for exploitative commercial sexual services, the Special Rapporteur has decided to devote his annual report to this crucial issue. As stated by the Executive Director of UNICEF,<sup>3</sup> “We must not shy away from confronting exploiters and the sexual attitudes that allow them to abuse children.”

21. The Special Rapporteur on trafficking in persons, especially women and children, has decided to address the same issue in her annual report from the perspective and within the scope of her mandate. For this reason, efforts were combined in a study, on which both reports are based. A questionnaire was jointly developed by both mandate holders and sent to all Member States and to intergovernmental and non-governmental organizations working on issues related to trafficking and/or exploitation on 26 July 2005. Member States were requested to respond by 31 October 2005.

22. As of 20 December 2005, the following 32 Member States had responded to the questionnaire: Angola, Azerbaijan, Belarus, Benin, Bulgaria, Canada, Chile, Czech Republic, El Salvador, Estonia, Finland, Germany, Honduras, Israel, Japan, Kazakhstan, Lebanon, Lithuania, Mexico, Netherlands, Nicaragua, Oman, Portugal, Republic of Korea, Romania, Slovenia, Spain, Switzerland, Turkey, United States of America, Venezuela and Yemen. Unfortunately, the responses from Lithuania and Oman were received too late to be translated and reflected in the report.

23. Field offices of the International Organisation for Migration in Albania, Azerbaijan, Belarus, Finland, Greece, Haiti, Portugal, Sierra Leone, Sri Lanka, Turkey and Viet Nam and UNICEF field offices in Indonesia, the Philippines and Sri Lanka also replied to the Special Rapporteurs.

24. As to NGOs and individuals, information was received from: Central Union for Child Welfare, Finland; Casa Alianza, Honduras; Raices, Chile; Prostitution Research and Education, United States of America; Diane Post; SOS Sexisme; Anne-Marie Trouxe; Missing Persons’ Families Support Centre, Lithuania; Task Force on Human Trafficking, Israel; International Centre for Missing and Exploited Children and National Center for Missing and Exploited Children, United States of America; Coalition Against Trafficking in Women, United States of America; Justice for Widows and Orphans Project, Zambia; Franciscans International, Switzerland; Franciscans International, Madagascar; Coalition Against Trafficking in Women, Europe; UNANIMA International, United States of America; Family, Child, Youth Association, Hungary; Belgian Child Rights NGO Coalitions, Belgium; Centro Amar, Peru; Bonded Labour

in the Netherlands, Netherlands; Human Rights Advocates, United States of America; Sr. Pietrina Raccuglia; World Education, Cambodia; Comisión Justicia y Paz, Bolivia; Equality Now, United States of America; ECPAT International, Thailand; Machon Toda`a and Isha L`Isha-Haifa Feminist Center, Israel; European Women`s Lobby, Brussels; Save the Children, Denmark; Afesip International, Laos; World Association for Orphans (WAO) Afrique; and Annamaria Castelfranchi Galleani, Italy.

25. The Special Rapporteur would like to warmly thank all those who responded to the questionnaire. Only a selection of the wealth of experiences and initiatives on which information was received is outlined in this report.

### A. Mapping demand

26. Based on the information received, the report will identify and analyse commonalities and divergences in approaching the issue of demand.

#### 1. Services deriving from sexual exploitation

27. The questionnaire asked Governments and other recipients to identify the forms of sexually exploitative services that are linked to trafficking in persons (e.g. forced prostitution) in their country.

28. From the perspective of my mandate, it was encouraging to note that respondents shared a common understanding that prostitution and other sexual services involving children constituted exploitation. Many respondents specifically identified 18 years as a threshold age, below which prostitution is considered exploitative regardless of the consent of the child.

29. At the same time, the answers revealed divergences in understanding the sexual exploitation of adults. A number of Government and other respondents distinguished between voluntary and forced sexual services. This group of respondents identified forced prostitution, including prostitution involving trafficked persons, as a form of sexual exploitative service in their country. **Germany**, for instance, noted that prostitution and other forms of offering or buying sexual services were legal in Germany. Only if force, fraud, coercion or deception was used or exploitative surroundings characterized prostitution, would prostitution be therefore considered sexual exploitation.

30. **The Netherlands** indicated that the general policies of lifting the ban on keeping brothels since 2001 were based on the general idea that a clear separation should be made between the legal prostitution sector on the one hand and illegal activities, including sexual exploitation, on the other hand.

31. Other respondents considered all forms of prostitution to be sexually exploitative services. The **United States of America**, while identifying prostitution involving adult victims compelled to engage in prostitution by force, fraud, and coercion as a sexually exploitative service, also reported that it had adopted a strong position against legalized prostitution based on evidence that prostitution was inherently harmful and dehumanizing and fuelled trafficking in persons - a form of modern slavery. Some other States also made references to related services such as striptease shows or massage parlours as forms of sexually exploitative services.

## 2. Clients of sexually exploitative services

32. Only some States were in a position to provide estimates as to how many people in their country solicited services that derive from sexual exploitation and how many nationals of their countries solicited such services abroad.

33. One survey, carried out in the **Czech Republic** in 2004, found that there were 2 million contacts between prostitutes and customers every year but the total number of customers could not be inferred from this. The same survey found that 40 per cent of the customers of prostitutes in the Czech Republic were foreigners. Another survey carried out in 2003 by two sociologists found that 14 per cent of men surveyed had had intercourse with a prostitute.

34. In **Estonia**, according to research conducted by the Estonian Open Society Institute and the Department of Gender Equality, 23 per cent of buyers of sexually exploitative services (understood as prostitution) were from Estonia, 45 per cent from Finland, 13 per cent from elsewhere in Europe, 10 per cent from the Russian Federation and 9 per cent from elsewhere. The research did not provide an estimate of the total number of buyers of sexually exploitative services.

35. **Germany, Switzerland, Finland** and the **United States of America** stated that they were aware of their nationals' involvement in sex tourism abroad. For the period 2000-2003, the Federal Police Office in **Germany** received information about 21 persons of German nationality who were suspected of abusing young people or children abroad. Two non-governmental organizations based in the United States provided numerous details and examples of successful prosecution of child-sex tourists in that country.

36. A number of Governments also provided figures on cases involving commercial sexual exploitation of children, but again very little information was provided on the client-exploiters. **Chile** noted that some studies had been undertaken to estimate the prevalence of sexual exploitation of children. In 2003, the Ministry of Labour and National Service and the International Labour Organization conducted a study on the commercial sexual exploitation of children and adolescents in Chile. According to the study, clients of child prostitution ranged between 18 and 75 years, with the age range of 45-55 years being the most frequent, and belonged to different social classes and nationalities.

37. There is still not enough empirical research on clients of sexual services and their attitudes towards exploitative behaviour. The research that has been done suggests that there are different segments of clients. It should also be noted that the range of sexual exploiters is much broader than the person having sex with children and includes notably pimps, procurers, the industry and sometimes the parents themselves.

38. Demand for the sexual exploitation of children comes overwhelmingly from males, although information from non-governmental sources in Europe pointed out that women are starting to request sexually exploitative services. This tallies with research in other parts of the world finding that boys are also commercially sexually exploited and that a small percentage of women purchase sex from boys in formal and informal prostitution.



39. It is commonly recognized that the majority of men who purchase sex from child prostitutes are probably “situational offenders” who do not have a distinct preference for children but may use a situation or opportunity to sexually exploit an accessible child. In some cases, an adolescent child might also match the client’s ideals of physical attraction, particularly in societies that strongly emphasize youth and make the conquest of young women a symbol of masculinity and status.

40. The smaller group comprises clients with a focused sexual interest in pre-adolescent and even younger children (paedophilia). Others specifically seek to have sexual intercourse with younger children, thinking that this will protect them from having sexually transmitted diseases or on the basis of myths that sex with a young child or a virgin could cure HIV/AIDS, ensure success in business or improve potency. Others believe that they are doing the children an economic favour by paying for sex with them.

41. Research such as that presented by ECPAT to the first World Congress in Stockholm revealed that those who sexually exploited children within local prostitution and sex tourism included sex tourists, travelling businessmen, expatriates, aid workers, local exploiters, the military and peacekeepers, seamen and truckers, migrant labourers and employers of domestic workers. However, the local clientele should not be forgotten as actual or potential abusers of children for sexual purposes.

## **B. Factors that cause or increase demand for sexually exploitative services**

42. When asked about the factors that cause or create demand for sexually exploitative services, respondents pointed out a number of factors that can be grouped into five main different categories.

### **1. Culture of impunity**

43. Respondents, including some member States, highlighted that a culture of social and legal impunity for exploiters encouraged the demand for sexually exploitative services such as child prostitution. The problem generally does not seem to result from a lack of legal provisions criminalizing sexual exploitation, but rather from an implementation gap. Respondents pointed to a lack of effective law enforcement measures, difficulties in reporting crimes to the authorities and ensuring their effective investigation. Some respondents also stressed that not enough technical and human resources were dedicated to combating sexual exploitation. Non-governmental organizations operating in a range of countries also explained that corruption and the complicity of police and officials in cases of trafficking exacerbated the problem of impunity. In addition, a number of respondents noted a failure to adequately protect and assist victims in the criminal process, causing victims to refuse to testify.

### **2. Client demand for prostitution**

44. A number of respondents also take the view that demand for sexual exploitation and men’s demand for prostitution in general are inextricably linked. Generally speaking, two arguments were advanced.

45. Some respondents take the view that prostitution reduced women to bought objects and was inherently degrading. These respondents asserted that prostitution was never a free choice, but that women and girls were either coerced by other persons or by compelling circumstances such as poverty, discrimination or childhood trauma into the sex industry.

46. Other respondents generally accept a distinction between voluntary and forced prostitution, but take the position that the legalization of prostitution increased demand for all forms of prostitution, whether voluntary or forced.

47. The **United States of America** stated in its response that it believes that “prostitution and related activities - including pimping and patronizing or maintaining brothels - fuel the growth of trafficking for purposes of sexual exploitation by providing a façade behind which traffickers for sexual exploitation operate. Where prostitution is legalized or tolerated, there is greater demand for human trafficking victims and nearly always an increase in the number of women and children trafficked into commercial sex slavery”.

48. Other respondents challenge this view. One NGO noted in its submission that there were no indications that the legalization of prostitution in the **Netherlands** had led to more cases of trafficking into prostitution, nor that it had ameliorated the situation.

### 3. Demand for cheap prostitution and migration

49. **Canada** noted that a globalized, free market economy had increased the demand for cheap labour and services, including sexual services. Other respondents stressed the linkages between demand for commercial sexual exploitation, economic divides between countries and irregular migration. These are important observations underlining that commercial sexual exploitation has to be understood in the wider context of restrictive migration policies coupled with a demand for cheap labour.

50. Research indicates that price is an important consideration for many sex buyers. Certain groups prone to prostitute use are more likely, for instance, to buy sex in settings where commercial sex is cheaper.<sup>4</sup> This demand for cheap prostitution creates a lucrative market for traffickers who satisfy the demand for cheap prostitution with forced prostitution, which they derive from a manipulation of migration flows.

51. Some authors have suggested that it was important to widen the focus away from clients' demand for prostitution to the traffickers' and employers' demand for profits through the forced labour of victims. According to June Kane, traffickers might create a “derived demand” for trafficking by their desire to profit by exploiting an opportunity.<sup>5</sup> So for instance, in a situation where clients of prostitutes do not have a specific preference for children, traffickers can still generate a “pull”, equated with demand, by trafficking migrant children and providing them to clients. They can make profits from the children's vulnerability and inability to negotiate or challenge the situation.

52. A UNICEF Innocenti Centre study on trafficking of women and children in Africa has also highlighted the central place that traffickers occupy between supply and demand. On the one hand, traffickers increase the supply of trafficked persons through recruitment using

deception or coercion. On the other hand, they boost demand by providing easy access to a steady supply of trafficked persons.<sup>6</sup> There is actually a three-way relationship between users, traffickers and victims rather than a simple demand-supply relationship between users and victims of trafficking. Traffickers act to supply users and as a source of demand for victims. This would also apply to employers and other third-party beneficiaries, who may gain from exploitation of trafficking and forced prostitution.

53. An ILO study estimated that the total global profits made from forced commercial sexual exploitation as a result of trafficking amounted to US\$ 27.8 billion.<sup>7</sup> While these high profits have been highlighted as a factor behind increasing involvement of organized crime in this area,<sup>8</sup> the high returns and relatively low risk of detection fuel the growth of “amateurs”, informal networks or other more organized syndicates’ involvement in the trafficking in persons.<sup>9</sup>

54. Over the last decades, migration has been increasingly feminized and women and girls now constitute roughly one half of all migrants. At the same time, however, women and girls still primarily find economic opportunities in unregulated sectors such as domestic work, care for the elderly or the sex industry and have less access to information on organized migration opportunities. As a result, they often have to rely on irregular migration opportunities, are deprived of effective labour protection and are more vulnerable to being trafficked or otherwise coerced into forced labour situations, including forced prostitution.

#### **4. Discriminatory attitudes and client prejudices**

55. Both States and non-governmental organizations highlight that discriminatory attitudes on the basis of race, ethnicity, colour, social status or gender contribute to demand for sexual exploitation by defining a person as “exploitable” in the eyes of some. Discriminatory attitudes make victims, especially girl child victims of commercial sexual exploitation, invisible. One Latin American NGO notes, for example, that the *machista* culture favours the prejudice that underage girls who are prostituting themselves in the street “know what they get themselves into”.

56. ECPAT International recently published a study on the demand for commercial sex with children,<sup>10</sup> based on interviews with a cross-section of the population in four regions of Peru (Cusco, Huancayo, Iquitos and Lima). The research results exemplify problems that exist in all parts of the world.

57. The research shows that, despite laws criminalizing the commercial sexual exploitation of children, the problem is widely tolerated and perpetrators of such crimes enjoy virtual immunity. Some of the reasons for such tolerance of child sexual exploitation include the perception that girl victims of child prostitution are from marginalized families and that it is their families that had put them in situations of vulnerability. Blame tends to be placed on both the families and the girls themselves.

58. Concepts that demarcate between “good” and “bad” women (“Madonnas” and “whores”) equip those who buy commercial sex from children with a further justification for their conduct. Because they “agree” to sell their sexuality as a commodity, women and girls in prostitution are usually considered to have surrendered their right to belong to society and to be protected within

its social frameworks. Likewise, the sexual use of a person in prostitution has not traditionally been viewed in the same light as the sexual abuse of an “innocent” child. For most clients, a child’s status as a prostitute overrides her/his status as a child.

59. Ethnicity is also used to demarcate those who merit protection. In this regard, it was found that certain groups in Peru, particularly indigenous girl children from the interior jungle regions of the country, are perceived by non-indigenous populations to be more sexualized and to reach sexual maturity at a younger age. They were described as being “hotter” and therefore more desirable as sexual partners.

60. Research shows that child sex exploiters often choose to exploit a child whose racial, ethnic or class identity is “other” than their own. Such differences often allow exploiters to define “Others” as “natural” prostitutes, based on socially constructed conceptions of these groups.

### **5. Armed conflict and political instability**

61. The questionnaire asked specifically about possible links between military deployment and the demand for sexually exploitative services. Several respondents confirmed that the influx of international aid workers, military personnel, peacekeepers and employees of international organizations in a situation of armed conflict or political instability often brought about a demand for services deriving from sexual exploitation. Respondents have pointed out numerous situations in which patronization of brothels and sex clubs by military personnel, including peacekeeping forces, contributed not only to a demand for prostitution but also a demand for trafficked women; many of the prostitutes were trafficked into prostitution by force, coercion, threat or deception. In some cases, expatriate military or civilian personnel have become directly involved because they could count on legal or factual immunity in the country of deployment.

62. Especially in times of armed conflict or severe political instability, military demand for prostitution is often met through trafficking and coercion, because the rule of law is weak or non-existent, social structures have been debilitated and women and children are particularly vulnerable.

63. It is now also recognized that systematic and organized violence against women, including trafficking and forced prostitution, is used as a strategy of armed conflict aiming at humiliating the adversary and/or reaffirming discriminatory structures. Often, armed conflict leaders who hold primary responsibility for such crimes against humanity, accede to key positions within the post-conflict government structures and patterns of systematic exploitation of women and girls are perpetuated.

64. Individual soldiers are often not sufficiently sensitized to avoid engaging in exploitative behaviour. Military training often focuses on building up an invulnerable masculinity and the mental ability to “dehumanize” the adversary, whereas recruits are not sufficiently educated about non-harmful strategies to deal with aggression off the battlefield and the negatives of sexual exploitation. A lack of understanding of the culture and population in the duty station can also contribute to indifference towards the sexual exploitation of locals.

### C. Strategies to reduce or eradicate demand

65. The questionnaire posed the question of which strategies countries pursued to eradicate or reduce demand for sexually exploitative services. In their answers, respondents focused on microlevel strategies aiming at influencing the conduct of clients and the population as a whole through sanctions and awareness-raising. There was less of an emphasis on strategies to address overarching economic factors.

#### 1. Criminal and other sanctions

66. The questionnaire enquired as to whether and how clients who solicited sexually exploitative services were penalized and which non-criminal sanctions they would face. The questionnaire also asked respondents whether criminalizing, tolerating, legalizing, or regulating prostitution had any effect on demand for sexually exploitative services or trafficking.

##### (a) Sanctions against clients of child prostitution

67. Article 34 of the Convention on the Rights of the Child requires States to take all appropriate national, bilateral and multilateral measures to prevent the exploitative use of children in prostitution or other unlawful sexual practices. The Optional Protocol to the Convention on the sale of children, child pornography and child prostitution further specifies that States parties to the Optional Protocol must ensure that offering, obtaining, procuring or providing a child for child prostitution is fully covered under its criminal or penal law, whether such offences are committed domestically or transnationally or on an individual or organized basis. The penal law of some States already reflects these norms and considers any solicitation of prostitution involving persons younger than 18 years to be an act of exploitation on the part of the client, regardless of the victim's consent. Other States still appear to link norms against child prostitution with the general age of sexual consent.

68. Since 2005, **Honduras** has penalized the "client exploiter", defined as a person paying for sex with a person younger than 18 years. Before the legal reform clients had not been sanctioned, except in cases involving minors 14 years and younger, which were and are qualified and punished as cases of rape.

69. **Chile** modified its Penal Code in 2004, increasing penalties for crimes involving the exploitation of children and raising the age for sexual consent from 12 to 14. In addition, it introduced a new crime that makes obtaining sexual services from a minor in exchange for money or other benefits a crime. Before the amendments, persons who solicited prostitution from adolescent children had not been penalized.

70. Sexual abuse of a child under 16 years of age for compensation is punishable in **Germany** with imprisonment up to 5 years or a fine. Sexual abuse of a child under 14 years of age or an adolescent under 16 years of age is punishable with imprisonment up to 10 and 5 years, respectively.

71. Child prostitution, acting as an intermediary for child prostitution or soliciting another person to have intercourse with a child for remuneration are criminal offences in **Japan**, punishable with maximum imprisonment of five years and a fine.

72. Selling or buying children for sexual exploitation is an offence under federal law in the **United States of America** and is punishable with imprisonment of 30 years to life imprisonment. Other federal offences include using the mail or other forms of interstate communications such as the telephone or Internet to entice a child (under 18 years of age) to engage in prostitution or other unlawful activities and travelling across state lines or into the United States for the purpose of engaging in any sexual conduct (including commercial sexual acts) with a child (under 18 years of age).

73. The Criminal Code of **Canada** makes it an offence to sexually interfere with a child under 14 years of age or to invite, counsel or incite the child to touch another person for a sexual purpose. It is also an offence to engage in sexual activities with a child between the ages of 14 to 17 years, if there is a relationship of trust, authority or dependency between the child and the perpetrator. Communicating with a child by using a computer or other means for the purpose of committing prohibited sexual activity are also offences which are punishable with maximum imprisonment of five years.

74. Sexual intercourse with a child (less than 14 years of age) is punishable in **Estonia** with imprisonment up to three years.

75. Child prostitution is an offence in **Angola**. Sexual relations with a child under the age of 12 years is considered rape and sexual relations with a child between the ages of 12 and 15 years may be considered sexual abuse.

76. Corruption of minors is an offence in **Benin, El Salvador** (punishable with 6 to 12 years' imprisonment) and **Spain**.

77. A number of member States have also put in place measures to temporarily bar persons convicted of child sexual exploitation from work in education, law enforcement or other fields in which they have regular contact with children while holding a position of authority.

78. **Azerbaijan, Estonia, Germany and Japan** reported that their criminal codes could be applied extraterritorially in case their nationals commit acts of sexual exploitation in other countries. According to non-governmental sources, the same principle also applies in **Belgium** and **New Zealand**, if nationals from these countries exploit children abroad. **Canada, Mexico** and the **United States of America** also reported that they had adopted specific legislation to combat child sex tourism. Information received also indicates that **Sri Lanka** has created a special police unit, which takes action based on complaints or information received by the National Childcare Protection Authority.

79. **Honduras** has criminalized drawing tourists through the promotion or establishment of advertising programmes or campaigns of any type, making use of whatever media, to project the country at the national or international level as a tourist destination accessible for sexual activities with persons of either sex. The crime is punishable by 8-12 years of prison and an additional fine.

80. It should also be noted that more than 30 countries have adopted laws against their citizens having sex with minors abroad.

**(b) Sanctions against clients of exploitative sexual services involving adults**

81. Regarding sanctions aimed at clients of sexual services deriving from the sexual exploitation of adults, member States took very different approaches.

82. Prostitution per se is not a crime in **Canada** and the federal Government has long recognized that prostitution is a complex multifaceted social issue. The Minister of Justice has reiterated his desire to see all levels of government work together to protect sex-trade workers from exploitation and abuse. A subcommittee has been tasked with a review of Canada's solicitation laws and has travelled across Canada meeting with various witnesses, including sex-trade workers, community organizations and groups and the police. A report of its findings was to be presented in fall 2005.

83. **Germany** criminalizes clients or buyers of adult sexual services who force sexual acts through violence or other means of coercion. Germany has stated that "since 1 January 2002 the act on regulating the legal relationships of prostitutes (Act on Prostitution) is in force. This act ended the stigmatization of prostitution as being immoral and thus made it clear that payments for sexual services are legal and can be claimed by legal action. Legalization also opened the social security system for prostitutes. The Act is being evaluated at the moment by independent researchers and the research report will be published in 2006".

84. The general policies of the Government of the **Netherlands** do not target demand for services as such (with the exception of services involving underage prostitutes) but focus rather on control of the supply by regularization of general services and stiff prosecutorial policies in case of sexual exploitation.

85. **Israel** has stated that convictions of major offenders and other efforts by the police to crack down on trafficking have led to a decrease in trafficking in persons and are deterring traffickers from bringing women to Israel for the purpose of prostitution. Prostitution and solicitation of sexual services are not illegal in **Israel**.

86. Prostitution is not a criminal offence in **Switzerland** and the tolerance of prostitution as a legal profession is based on the conviction that this is the best way to protect prostitutes from abuse.

87. **Kazakhstan** distinguishes between voluntary prostitution, which is not criminalized, and trafficking using force or deception, which was criminalized in 2000.

88. **Venezuela** has noted that prostitution is not penalized within the country, and that only certain health controls are applied. The Government considers it to be uncertain whether the prohibition, legalization or regulation of prostitution would affect or impact trafficking in persons. The Directorate General of Crime Prevention plans to undertake an empirical study to gather more information on trafficking in persons.

89. Other States criminalize all clients of adult prostitution. In this regard, we received interesting information on the situation in **Sweden**. In 1999, Sweden adopted the Law on the Prohibition of the Purchase of Sexual Services, which is based on the premise that prostitution

is a problem of gender equality and a form of violence against women. The law provides that “any person who, for payment, obtains a casual sexual relationship is penalized” with fines or imprisonment of six months. The attempt to solicit prostitution is also penalized. These norms only apply to the solicitation of adult prostitution, while the purchase of sexual relations with minors continues to be regulated under the Swedish Penal Code.

90. **Finland** is considering criminalizing the purchase of sexual services and the Ministry of Justice was planning a government bill on the issue before the end of 2005. **Finland** also stated that existing administrative provisions to expel aliens who are working in Finland as prostitutes has diminished the supply of prostitutes very effectively and, according to the police, there are no signs that prostitution has been driven underground in those areas.

91. In **Estonia**, the Minister for Social Affairs has taken a position in favour of criminalizing the buying of sexual services.

92. Demanding or soliciting the prostitution of others is also an offence in **El Salvador**, punishable with four to eight years’ imprisonment.

93. The **Republic of Korea** has also adopted an approach focusing on the penalization of all prostitution clients. The Act on the Punishment of Procuring Prostitution and Associated Acts, which was adopted in 2004, provides that “a person who purchases any person for prostitution” shall be subject to a maximum imprisonment of one year or a fine. The Government is of the view that the Act has reduced demand for sexually exploitative services and boosted society’s perception that prostitution is a serious crime. The Government stated that the new legislation “helped bring about changes in men’s perception of prostitution as an act of violence against women and a matter of human rights violation. Since these Acts have taken effect, the indictment rate of prostitution-related crimes has jumped from 46.7 to 61.5 per cent while the custody rate has increased from 5.55 to 6.3 per cent. Tougher punishment has in turn resulted in a substantial decrease in the number of brothels (about a 36 per cent decrease from pre-enactment days) and in the number of men who purchase sex (about 86.7 per cent were reported to have used sexual services less frequently)”. The prostitutes themselves undergo rehabilitation measures and the Government has noted an increase in the number of successful cases of rehabilitation of prostitutes, who have started businesses or found employment, since the enactment of the Act. The Republic of Korea has also set up a “clean card system” in public companies and some private businesses, which prohibits the use of the company card to make payments for expenses deriving from entertainment venues.

94. Some States, including **Lebanon** and **Yemen**, criminalize all forms of prostitution and penalize procurers, clients and the women in prostitution.

95. Some special situations may also call for special measures. These include the deployment of military and other expatriate personnel in situations of armed conflict or severe political instability. The enormous differences in income and power between locals and expatriates, the absence of the rule of law and debilitated social control structures have proved to be fertile ground for trafficking, forced prostitution and child prostitution in these situations and a strong case can be made for zero-tolerance policy regarding the solicitation of prostitution by expatriates. A number of actors have apparently adopted such policies. The United Nations



Department of Peacekeeping Operations policy on human trafficking prohibits the purchase of sexual services by United Nations peacekeeping personnel and also bans the patronage of venues where sexual exploitation and prostitution are present. A list of pubs and buildings that are out of bounds for soldiers of the NATO-led peacekeeping force in Kosovo (KFOR) has also been drawn up and is regularly updated. Patronizing a prostitute is also a charge in the Uniform Code of Military Justice of the **United States of America**.

96. While it is crucial that these policies be consistently enforced, States contributing soldiers and civilian personnel must also create legal and institutional structures to ensure that their own nationals are prosecuted at home for acts of exploitation committed abroad if the receiving country is unable or unwilling to effectively prosecute.

## 2. Awareness-raising and education

97. The Special Rapporteur received a great deal of information on initiatives to raise awareness and to educate both potential clients of sexually exploitative services and third persons. Those quoted in the report are intended to be a representative sample to illustrate the different range of actions that are being taken.

98. It is positive to note that all responding member States provided information on campaigns against the sexual exploitation of adults and/or children, which were directed at the population at large.

99. **Angola** organized public sensitization campaigns against *catorzinha*, the practice of families selling, bartering or arranging for their young daughters to be the “virgin mistresses” of wealthy men. The Government indicates that these campaigns had a positive outcome.

100. **Canada** has described various education and awareness initiatives; these include the preparation of public education materials and an anti-trafficking poster in 14 languages (soon to be made available in an additional 15 languages), the launching of a website for children, teenagers and youth professionals with resources to promote safe use of the Internet and another human trafficking website with information on federal as well as regional initiatives to protect children.

101. In **Chile**, a campaign was carried out encouraging the population to report cases of commercial sexual exploitation of children. Teachers and others who have close contact with children are also being educated about how to detect and responsibly report such cases.

102. **El Salvador** has been carrying out various public campaigns against sexual exploitation of children by distributing posters, information kits and other materials and carrying out campaigns on the radio and urban buses. The Government has also launched “education for life”, a gender-sensitive education model for schools and a “promotion of values” programme directed at teenagers.

103. In **Finland**, the Government considers education to be an enduring way of reducing demand for sexually exploitative services. Health education, including sexual health, is being taught to all pupils in all primary and secondary schools to promote healthy sexuality, and to learn to value oneself and respect others.

104. **Kazakhstan** has undertaken several campaigns together with the International Organization for Migration to inform the general public about the problem of trafficking.
105. In **Nicaragua**, the National Coalition Against Child and Adolescent Trafficking has developed materials which have been disseminated in various schools as part of the Ministry of Education's Education for Life programme.
106. **Lebanon** has initiated public awareness campaigns through television programmes and other media about the enormous profits that exploiters make as compared with the tiny amounts being paid to the person being exploited.
107. However, only a few reported projects appeared to be targeted more directly at clients of sexual exploitation or intermediaries facilitating such exploitation.
108. The Government of **Germany** is supporting a project implemented by ECPAT Germany on the prevention and suppression of child abuse by sex tourists. The Code of Conduct is a voluntary agreement entered into by tour operators and project partners which requires participants to inform clients about the commercial sexual exploitation of children and to sensitize and train persons employed in the tourism industry on the sexual abuse of children. The German Government has also supported other efforts to sensitize travellers about the sexual exploitation of children in the tourism sector. These include support for a website set up by Terre des Hommes ([www.child-hood.com](http://www.child-hood.com)), which provides travellers and the travel industry with information about the sexual exploitation of children. The Government has also supported the production of an in-flight video by Terre des Hommes, which aims at raising awareness about child abuse in tourism. A preventive campaign called "look-act-help" was also launched last year. Evaluation of communication projects such as the in-flight video and website indicates that they have been effective in raising awareness, creating more demand for information, and potentially changing the attitudes of travellers to strengthen their willingness to take action when confronted with these violations.
109. A public relations campaign was also implemented by Terre des Hommes in 1999 and 2000 in Germany. Posters, brochures, media and advertisements in magazines that contained offers from prostitutes as well as a telephone hotline were used to inform clients that trafficking is a human rights violation, giving them indicators by which to recognize a potential trafficking victim and to encourage them to show solidarity with women affected by trafficking. The evaluation of the project concluded that clients could be reached by a campaign of this nature but it remained unclear whether the clients could be motivated to engage in the hoped-for behaviour (reporting cases to the authorities or consulting expert advice) rather than staging dangerous or unwanted rescue operations.
110. **Switzerland** is supporting an Organization for Security and Cooperation in Europe (OSCE) project that aims at raising the awareness of the national tourism industry about the trafficking and sexual exploitation of children. Signatories are required to comply with preventive norms for the protection of children. Other efforts are also being made to cooperate with multinational companies and a study has been drafted to identify ways in which the private sector and authorities can cooperate to combat trafficking of women and children.

111. Alliances have been formed in various locations in **Mexico** with private businesses, municipalities, taxi drivers and others to encourage increased reporting of commercial sexual exploitation of children. In **El Salvador**, the Ministry of Tourism is also attempting to involve private businesses in its efforts to prevent commercial sexual exploitation of children.

112. The **United States of America** cited two examples for reducing demand for prostitution at the local level, drawn from the University of Rhode Island's best practices report.<sup>11</sup> Both these examples are of education programmes targeted at offenders (men who buy sex from prostitutes), through which they can avoid a criminal conviction/jail time if they attend educational sessions to learn why they should not buy sex from prostituted women. The first example is that of a "prostitution impact prevention education" (PIPE) programme in West Palm Beach, Florida, under which men arrested are offered a PIPE plea agreement which includes as a condition attendance at the PIPE school and testing for STDs, HIV and hepatitis. The second example is of a first offender prostitution programme, a collaborative effort between a local NGO and local government agencies in San Francisco, which aims to educate men arrested for soliciting a sex act from a prostitute.

113. The **Republic of Korea** is launching a campaign for creating a healthy sex culture for men in their twenties and thirties. The Government believes that crackdowns and punishments alone will have limited success in reducing the demand for sexually exploitative services and only increased public awareness will lead to substantial improvements.

114. Many respondents have referred the role of the Internet in increasing demand for sexual exploitation. The Special Rapporteur addressed this issue in his last annual report. However, the Internet also opens opportunities to reach and educate clients of sexual services about exploitation since clients are more willing to identify themselves as such in the anonymity of the Internet. A research study commissioned by the Gesellschaft für Technische Zusammenarbeit (GTZ, or German development cooperation agency)<sup>12</sup> has estimated that at the very least 2 million users go to prostitution-related websites in the German-language part of the World Wide Web alone. At least 100,000 users access online forums for clients of prostitution on a more or less regular basis. These forums allow for communication and exchange of information between clients. Some are operated by clients for clients, others are offered by commercial providers. In a sample of these forums, researchers found numerous postings about trafficking, which drew high levels of attention. In some cases, the researchers also managed to initiate online discussions about trafficking and forced prostitution.

115. Another interesting project specifically related to the commercial sexual exploitation of children is the COPINE project, located at University College Cork, Ireland. COPINE has set up the CROGA self-help website ([www.croga.org](http://www.croga.org)), which offers a free anonymous self-help resource for people who are worried about downloading and using illegal images containing child pornography. The website contains education resources, online questionnaires and various self-help modules to help people identify and explore their problematic Internet use, learn techniques to cope with difficult emotions and thoughts and to change their problematic use of the Internet.

116. Military personnel of **Switzerland** who form part of the NATO-led peace-enforcement force (KFOR) in Kosovo have attended training sessions to raise their awareness of human trafficking in prostitution. The **Republic of Korea** has instituted programmes to educate its military personnel about prostitution.

### **3. Addressing the links between migration and demand**

117. Some respondents pointed out that demand for sexual exploitation should be addressed on the same footing as demand for economic exploitation. Commercial sexual exploitation of adults and adolescent children is often related to forced labour, particularly in the context of transnational trafficking, and similar mechanisms (e.g. debt bondage) are used to coerce the victims. In a number of countries, there is a shortage of locals willing to fill the so-called “3-D” jobs (dirty, degrading and dangerous). In the absence of organized migration programmes for low-skilled persons, this demand is often supplied through irregular migration. Without labour protection, these migrants are particularly vulnerable to being trafficked into economic and/or sexual exploitation.

118. The Global Commission on International Migration has estimated that the number of people seeking to migrate internationally will increase in the years to come as a result of disparities in development and demography between countries and continents, but also due to a lack of good governance in large parts of the world. Against this background, the GCIM has recommended that States and other stakeholders should recognize the gaps in the global labour market and consider introducing carefully designed temporary migration programmes. Such programmes, provided they are accompanied by effective labour protection of migrants and measures against social discrimination of migrants, could go a long way towards reducing the demand for all forms of exploitation.

## **IV. CONCLUSIONS**

119. Demand is a complex and multifaceted phenomenon. In any situation of child sexual exploitation, there may be several different kinds of demand generated by different actors at different times. Progress will hardly be achieved in the fight against commercial sexual exploitation of children if more attention is not paid to diminishing the demand among the (mostly) male customers who abuse them.

120. Men’s demand for prostitution, the impunity of sexual exploiters, the pernicious effects of a globalized free market and economy, discriminatory attitudes, especially discrimination on the basis of race, colour and ethnicity, beliefs held by men about sexual dominance, armed conflict and political instability, and traffickers’ greed are among the main factors that create demand for sexually exploitative services.

121. The demand factor goes hand in hand with the supply factor and the reasons that push children into sexual exploitation are also multiple. They vary from poverty to family disintegration and violence, from armed conflict to clandestine labour migration, from the threat of sexually transmitted diseases to the advent of new technologies, from social inequity at the

local level to economic disparities at the global level, from uneven development to crimes such as trafficking, from gender/sexuality to power/abuses, from non-commercial abuse/exploitation to the realm of commercialization and the warped free market. Interventions against the demand and supply factors call for integrated measures and actions on many fronts.

122. Demand for sexual exploitation comes overwhelmingly from men. Girls remain in the vast caseload of the sexually exploited. Therefore, any intervention should address fundamental and systemic values and beliefs that accommodate and sustain so much sexual violence and sexual exploitation of children: patriarchy, beliefs surrounding sexual dominance and machismo, male power and control, the viewing of children (especially girl children) as objects of possession, and perverted cultural beliefs. It is only through the empowerment of women that the demand for child sexual exploitation can be reduced.

123. Many actors have a vital role to play in fighting and preventing commercial sexual exploitation of children: Governments, law enforcement agencies, the private sector, in particular NGOs, the media, teachers and educators, children and their families.

124. Current prevention strategies typically address women and children as victims or potential victims and focus on how women and girls can avoid sexual abuse. So far, men have not been sufficiently offered the opportunity to join prevention efforts. While the work done so far is valuable, it is now highly necessary to develop strategies involving men.

125. The media have a crucial role to play and need to be further mobilized to counter stereotypes and to build awareness and behaviour sensitive to the rights of the child. The media can also play an essential role in increasing society's awareness of, and response to, child abuse and neglect. However, advertising, media and peer pressure also encourage an early sexualization of children which, in addition to being harmful to a child's emotional development, makes them more vulnerable to sexual assault and abuse.

## V. RECOMMENDATIONS

**126. While noting that all States which responded to the questionnaire have adopted legislative measures to combat child sexual exploitation, the Special Rapporteur recommends that States adopting or amending their legislation in this regard bear in mind the considerations set out below.**

**127. Persons in prostitution should never be penalized - either directly for prostitution or indirectly for engaging in a commercial activity without a visa or permit. Non-criminalization ensures that women and children who are forced into prostitution have access to the authorities without fear of sanctions.**

**128. In line with the standards set by the Palermo Protocol and the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, child sexual exploitation must be criminalized, whether committed at home (internal trafficking) or abroad, and whether involving an individual or an organized group. Consent of the child to trafficking is always to be considered irrelevant.**

129. States should, in particular:

(a) Consider signing Mutual Legal Assistance in Criminal Matters treaties to facilitate information-gathering on suspected child exploiters;

(b) Not only punish the offenders themselves but the whole chain of those actually or potentially involved, such as pimps, procurers, intermediaries, various members of the service sector, organizers of child sex tours, parents, etc.;

(c) Adopt laws that provide for the confiscation of assets from traffickers to compensate victims;

(d) Ensure that criminal proceedings against child abusers can always be initiated ex officio;

(e) Ensure that all children under the age of 18 are protected from commercial sexual exploitation of children (CSEC) by the law, and close loopholes that sanction the demand for children for sex;

(f) Ensure that child sex exploiters are punished through effective law enforcement;

(g) The punishment of child sex abusers should be assured through the enforcement of judicial and police cooperation, specialization of law enforcers through appropriate training and education, prioritization of the issue of human and child trafficking through allocation of human and financial resources and well-built safeguards against corruption. This can be achieved through strong political will.

130. The Special Rapporteur stresses that educational programmes as well as awareness-raising activities are essential to reduce demand for services deriving from sexual exploitation. He calls upon States:

(a) To develop awareness-raising campaigns, highlighting that a child should always be considered a victim of trafficking;

(b) To raise awareness regarding concepts and social constructions which obstruct the respect of children's right to protection from sexual exploitation;

(c) To ensure that the school curriculum includes child rights education which addresses themes of sexuality, power and gender relations and which teaches children the difference between "good" and "bad" touching, ways for them to act in difficult situations as well as methods of protection against sexual abuse and HIV/AIDS. Education on sexuality suitable for children's development stages is an essential tool to prevent child sexual abuse and should be made available at all school levels;

**(d) To include and further develop sexual education curriculum, material on gender relations, reproductive health and child sexual abuse as part of social assistance and community-based programmes;**

**(e) To provide parents, teachers, and all other adults with training and sensitizing measures about the rights of boys and girls to healthy development, to be treated with respect and to a non-violent and safe environment;**

**(f) To support awareness-raising programmes such as those within the tourism industry and programmes focusing on careful selection of childcare workers are good examples of best practices in minimizing risk to children and deterring offenders;**

**(g) To develop sex-offender treatment programmes;**

**(h) To further study measures that directly target and educate potential clients of commercial sexual exploitation of children, including measures using the Internet and other modern information technologies to reach them.**

131. As for child sexual exploitation by military personnel, the Special Rapporteur recommends that States:

**(a) Establish clear codes of conduct that protect the physical security and ensure freedom of movement specifically of women and children;**

**(b) Train military and United Nations peacekeeping commanders in the appropriate forms of discipline and that they be held accountable for failing to discipline their troops for violations of these codes;**

**(c) Pass and enforce laws holding soldiers criminally responsible for trafficking and/or engaging in sexual activities with children. In situations of armed conflict or political instability, a zero-tolerance policy towards the buying of sex in general must be applied and enforced by a reinforced chain of command;**

**(d) Hold military and peacekeeping troops and personnel accountable for their actions by setting up investigations into the buying of sex and the exploitation of women and children by the troops and personnel, implementing penalties for those guilty of trafficking and exploitation, as well as working with the home country of the offender to ensure investigation and prosecution once the offender is repatriated;**

**(e) Create a mandatory educational and training programme on human trafficking, gender equality, the effects of buying women and children for sex and on how to spot and assist a trafficking victim, for military and United Nations personnel.**

### Notes

<sup>1</sup> Art. 9, para. 5.

<sup>2</sup> ILO, “A global alliance against forced labour”, May 2005, para. 249.

<sup>3</sup> UNICEF press release, “UNICEF warns: demand for child sex is linked to spread of HIV/AIDS”, 28 November 2001.

<sup>4</sup> B. Anderson and J. O’Connell Davidson, *Trafficking - a demand-led problem?*, Save the Children, Stockholm, 2002.

<sup>5</sup> J. Kane, “Understanding ‘demand’ for children in the sex trade: An outstanding challenge”, background paper, Yokohama review combating sexual exploitation of children, 2005.

<sup>6</sup> UNICEF Innocenti Research Centre, “Trafficking in human beings, especially women and children, in Africa” (UNICEF Innocenti Insight, 2003), pp. 8-9.

<sup>7</sup> P. Belser, “Forced labour and human trafficking: estimating the profits” (ILO, Working Paper, 2005).

<sup>8</sup> See ILO, *Trafficking in Human Beings: New Approaches to Combating the Problem*, May 2003.

<sup>9</sup> See “Endangered generation: child trafficking in the Philippines for sexual purposes”, ECPAT Philippines and Terre des Hommes, 2004.

<sup>10</sup> “Mercancía sexual?: Cómo hemos creado la demanda para la explotación sexual comercial de niños, niñas y adolescentes en el Perú”, November 2005, ECPAT Internacional.

<sup>11</sup> See Donna Hughes, “Best practices to address the demand side of trafficking”, 2004.

<sup>12</sup> Harriet Langanke, *Zielgruppe Freier: Möglichkeiten zur Ansprache von Prostitutionskunden*, GTZ, 2005.

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