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Agenda item 3 (b)

Thematic discussion: effective crime prevention and criminal justice responses to combat sexual exploitation of children; sharing of successful practices to combat sexual exploitation of children

Ecuador and United States of America: revised draft resolution

Effective crime prevention and criminal justice responses to combat sexual exploitation of children

The Commission on Crime Prevention and Criminal Justice,

Reaffirming the obligations of all States to promote and protect the human rights of children and recalling relevant and applicable human rights instruments in that regard;

Recalling the Convention on the Rights of the Child¹ and the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography,²

Recalling the United Nations Convention against Transnational Organized Crime³ and in particular the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime,⁴

Recalling the Declaration and Agenda for Action adopted at the World Congress against Commercial Sexual Exploitation of Children,⁵ held at Stockholm in 1996, and the Yokohama Global Commitment 2001,⁶ adopted at the Second

¹ United Nations, *Treaty Series*, vol. 1577, No. 27531.

² *Ibid.*, vol. 2171, No. 27531.

³ General Assembly resolution 55/25, annex I.

⁴ General Assembly resolution 55/25, annex II.

⁵ A/51/385, annex.

⁶ A/S-27/12, annex.



World Congress against Commercial Sexual Exploitation of Children, held at Yokohama, Japan, in 2001,

Recalling General Assembly resolution 61/146 of 19 December 2006, entitled “Rights of the child”, in which the Assembly drew attention to the need to address conditions conducive to the spread of sexual exploitation of children,

Recalling General Assembly resolution 50/145 of 21 December 1995, entitled “Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders”, in which the Assembly endorsed the resolutions adopted by the Ninth Congress, including its resolution 7 of 7 May 1995 on children as victims and perpetrators of crime and the United Nations criminal justice programme,⁷

Recalling General Assembly resolution 58/137 of 22 December 2003, entitled “Strengthening international cooperation in preventing and combating trafficking in persons and protecting victims of such trafficking”, and resolution 61/180 of 20 December 2006, entitled “Improving the coordination of efforts against trafficking in persons”,

Recalling Economic and Social Council resolution 2002/14 of 24 July 2002, entitled “Promoting effective measures to deal with the issues of missing children and sexual abuse or exploitation of children” and resolution 2006/27 of 27 July 2006, entitled “Strengthening international cooperation in preventing and combating trafficking in persons and protecting victims of such trafficking”,

Recalling the International Labour Organization Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (Convention No. 182),⁸

Taking note of the report of the independent expert for the United Nations study on violence against children,⁹

Noting with appreciation the mandate and work of the Special Rapporteur on the sale of children, child prostitution and child pornography,

Taking note of the Council of Europe Convention on Cybercrime¹⁰ and instruments addressing sexual exploitation of children,

Recognizing that sexual exploitation of children through sexually explicit images of children is a growing international problem, which not only severely harms children when offenders produce and circulate those images but also is linked to other sexual exploitation offences against children,

Recognizing that sexual exploitation of children, including the victimization of children through prostitution, as well as child sex trafficking and child sex tourism, where offenders travel to other countries to engage in criminal sexual conduct with children, is also a growing international problem,

Recognizing that child sexual exploitation is frequently exacerbated during humanitarian crises,

⁷ See *Report of the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Cairo, 29 April-8 May 1995*, chap. I (A/CONF.169/16).

⁸ United Nations, *Treaty Series*, vol. 2133, No. 37245.

⁹ A/61/299.

¹⁰ Council of Europe, *European Treaty Series*, No. 185.

Recognizing that the design and implementation of prevention and response measures should take into account the best interests of the child,

Concerned that sexually exploited or abused children are vulnerable to and at greater risk of contracting HIV/AIDS and other infections and diseases, as well as suffering psychological damage,

Aware that the elimination of sexual exploitation of children will be facilitated by adopting a holistic and multidisciplinary approach, including crime prevention and a criminal justice response,

Convinced of the urgent need for broad and concerted international, regional and subregional cooperation among all Member States, employing a multidisciplinary, balanced and global approach, including adequate technical assistance, in order to prevent and combat sexual abuse or exploitation of children,

Welcoming efforts of Member States to raise awareness concerning sexual exploitation of children in its various forms,

Convinced that civil society, including non-governmental organizations, also plays an important role in raising awareness and in contributing to the reduction of sexual exploitation of children,

Noting the thematic discussion on effective crime prevention and criminal justice responses to combat sexual exploitation of children, held by the Commission on Crime Prevention and Criminal Justice at its sixteenth session,

1. *Condemns* all forms of sexual exploitation of children;
2. *Urges* Member States to combat the demand that fosters child sexual exploitation and abuse;
3. *Urges* Member States that have not already done so to consider becoming parties to the Convention on the Rights of the Child¹¹ and the Optional Protocol to that Convention on the sale of children, child prostitution and child pornography, and urges States parties to fully implement those instruments;¹²
4. *Urges* Member States to adopt legal measures, consistent with their national legislation and relevant international instruments:
 - (a) To ensure that national legislation defines a “child” as a person under 18 years of age, for the purposes of child sexual exploitation offences;
 - (b) To effectively criminalize, prosecute and punish all aspects of sexual exploitation of children;
 - (c) To combat recidivism by promoting appropriate forms of treatment and follow-up for offenders;
 - (d) To enable them to submit to justice or, when appropriate, extradite persons under their jurisdiction for child sexual exploitation crimes and child sex tourism, committed in other countries, enabling those serious crimes to be prosecuted in offenders’ countries of origin, if they do not already have such legislation;

¹¹ United Nations, *Treaty Series*, vol. 1577, No. 27531.

¹² *Ibid.*, vol. 2171, No. 27531.

5. *Urges* Member States to be aware that, during humanitarian crises, children are particularly vulnerable to sexual exploitation;

6. *Urges* Member States:

(a) To raise awareness, especially through training, among criminal justice officials and others, as appropriate, of the breadth and scope of the child sexual exploitation problem with a view to enhancing Member States' ability to prevent sexual exploitation of children and to detect, investigate and prosecute offenders;

(b) To prevent and combat sexual exploitation and sexual abuse of children by encouraging awareness of child sexual exploitation and sexual abuse among society at large and among people working with children;

7. *Invites* Member States to take appropriate measures, consistent with their international obligations and national legislation, to prevent and make efforts to eliminate the use of mass media and information technologies, including the Internet, to facilitate or to commit child sexual exploitation offences;

8. *Invites* Member States to consider the provision of technical assistance to strengthen the capacity of law enforcement authorities worldwide to combat sexual exploitation of children;

9. *Encourages* Member States to consider the link between conduct involving sexually explicit images of children, including possession of those images, and other child sexual exploitation offences;

10. *Invites* Member States to take appropriate measures to ensure that victims of child sexual exploitation receive adequate protection and support during the investigation and prosecution of crimes involving their victimization so as to minimize the impact on them of the investigative and legal process, and to assist victims in their recovery;

11. *Encourages* Member States to strengthen legal, policy and other measures for reducing sexually abused or exploited children's vulnerability to and greater risk of contracting HIV/AIDS and other infections and diseases, as well as suffering psychological damage, through the elimination of all forms of child sexual exploitation;

12. *Encourages* Member States, consistent with their national legislation and their mutual legal assistance and extradition treaties, to handle effectively and expeditiously requests for mutual legal assistance and extradition relating to crimes involving sexual exploitation of children;

13. *Encourages* Member States to collaborate with a view to preventing and combating child sexual exploitation through:

(a) Improved cooperation to assist in the investigation, with the consent of the requested State, of committed offences where relevant evidence is located abroad, particularly with a view to fostering the exchange of information concerning those offences;

(b) Information campaigns on child sexual exploitation, emphasizing the worldwide scope of the problem and the need for an effective international response;

14. *Invites* Member States to set up mechanisms for coordination, collaboration and support among governmental and non-governmental organizations addressing sexual exploitation of children and to improve those mechanisms where they already exist;

15. *Invites* Member States to work closely with relevant members of the private sector, such as financial institutions, the travel industry and others who may become aware of suspected child sexual exploitation offences, in order to ensure that those suspected offences are reported to law enforcement authorities and investigated;

16. *Encourages* Member States to work closely with Internet service providers to provide appropriate information to law enforcement authorities concerning suspected child exploitation offences, consistent with national legislation, in order to ensure that those suspected offences are investigated;

17. *Requests* the United Nations Office on Drugs and Crime to explore ways and means, within its mandate and subject to extrabudgetary resources, taking into account, inter alia, work done on this issue by other agencies and bodies in the United Nations system, by which it can contribute to effective crime prevention and criminal justice responses to combating sexual exploitation of children;

18. *Requests* the Executive Director of the United Nations Office on Drugs and Crime to report on the implementation of the present resolution to the Commission on Crime Prevention and Criminal Justice at its eighteenth session.