

Assessing the impact of the ECPAT Network's reporting on sexual exploitation of children on the reviews by the Committee on the Rights of the Child and the Human Rights Council in 2017

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Glossary

COs	Concluding Observations
CRC	Convention on the Rights of the Child
Committee	Committee on the Rights of the Child
HRC	Human Rights Council
LOIs	List of Issues
LOIPR	List of Issues Prior to Reporting
NGOs	Non-Governmental Organisations
NHRIs	National Human Rights Institutions
OHCHR	Office of the High Commissioner for Human Rights
OPSC	Optional Protocol on sale of children, child prostitution and child pornography
SEC	Sexual exploitation of children
SuR	State under Review
UN	United Nations
UPR	Universal Periodical Review

1. Introduction

About ECPAT

ECPAT began in 1990 as a campaign to End Child Prostitution in Asian Tourism. ECPAT International now coordinates research, advocacy and action to end all forms of sexual exploitation of children (SEC) across all regions of the world.

ECPAT's ambitious mission requires a unique kind of organisation, mixing broad geographical coverage and first-hand experience of the issue with advocacy at national, regional and international levels, all informed by high quality research and analysis. ECPAT supports the protection of children and empowerment of 101 members in 92 countries. Governments and civil society organisations worldwide recognise ECPAT as the only international NGO network solely dedicated to the fight against SEC.

Since its establishment, ECPAT has won several high profile international awards, including the 2012 Asia Democracy and Human Rights Award and the 2013 Hilton Humanitarian Prize. ECPAT International has Special Consultative Status with the Economic and Social Council of the United Nations and Observer Status with the African Committee of Experts on the Rights and Welfare of the Child. ECPAT has submitted 31 reports in 2017 and will submit a similar number of reports in 2018 to respective United Nation (UN) Human Rights bodies, including the Committee on the Rights of the Child, UN Special Rapporteurs, Human Rights Council for Universal Periodical Reviews and many others.

Background on ECPAT's human rights reporting

As part of its Global Campaign to end SEC, ECPAT aims to increase the actions by governments and increase pressure on duty-bearers. One of the strategies to achieve this is to use the opportunity to periodically report on SEC issues – where possible jointly with the ECPAT Network Members and/or other local NGO partners. In its 2015-2018 Strategic Framework '*Unfinished Business*' ECPAT International has therefore emphasised the importance of the periodical reporting on SEC to the Human Rights reporting mechanisms.

ECPAT, with its extensive worldwide network and NGO partners, is indeed in a unique position to provide both expert and local input on SEC-related issues in both the Universal Periodical Review (UPR) and the reviews of the implementation of the Convention on the Rights of the Child (CRC) and the Optional Protocol on the sale of children, child prostitution and child pornography (OPSC) by the Committee.

Previously, ECPAT International had already reported to the Committee on the Rights of the Child (the Committee) and the Human Rights Council (HRC) for the UPR and in 2013, ECPAT International conducted an impact assessment of its contribution to the UPR process for 11 countries.¹

In accordance with ECPAT's 2015-2018 strategy to report to human rights mechanisms, ECPAT has continued to report on SEC. The countries that ECPAT reports on, were chosen on the basis of several factors, including whether or not ECPAT has a member or local partner to co-submit the report with, available ECPAT research on SEC in the country, donor commitments and available resources.

¹ Brazil, Belgium, Denmark, India, Indonesia, Mozambique, Nepal, Netherlands, Poland, Philippines and South Africa, ECPAT (2013), "*Assessing the impact of the ECPAT network's contribution to the UPR*", accessed on 29 August 2017, http://www.ecpat.org/wp-content/uploads/2016/04/Assessing%20the%20impact%20of%20the%20ECPAT%20network_final.pdf.

Rationale of this assessment

The purpose of this assessment is to measure the attention given by the HRC and the Committee to SEC and its different manifestations and to assess the impact of the ECPAT reports on the Concluding Observations of the Committee and the recommendations in the reports of the HRC.

The above-mentioned 2013 analysis assessed the impact of ECPAT's contribution by showing the number of final recommendations addressing SEC as well as the rate of recommendations addressing SEC that might have been influenced by ECPAT's submissions. The assessment showed that ECPAT submissions appeared to have been referred to in all the summary reports of the Office of the High Commissioner for Human Rights (OHCHR) and to have directly influenced 29% of the final Human Rights Council recommendations addressing SEC in the 11 States for which alternative reports had been submitted.

Starting with the year 2017, ECPAT will not only report, but will also continuously measure the impact of its reporting efforts. Assessments will be done on a yearly basis to show trends.

The assessment reports will also include advice to enhance the visibility of ECPAT's recommendations and their inclusion in the recommendations proffered to States Parties with the overall objective to end SEC globally.

Although ECPAT and members regularly report to other (regional) human rights mechanisms, this assessment is limited to two human rights mechanisms: the Universal Periodical Review by the working group of the Human Rights Council and the reviews by the Committee on the implementation of the CRC and the OPSC.

Background of the CRC/OPSC Reviews

The Committee on the Rights of the Child (the Committee) monitors the implementation by the States parties of the CRC² and its first two Optional Protocols.³

The monitoring cycle always starts with the submission of a State party report. This State's report contains information on the progress made by the State in fulfilling its obligations with regards to children's human rights, namely in respect of the rights afforded in the CRC. The Committee then reviews that State party report, as well as additional information contained in supplementary or alternative reports it receives from NGOs, UN agencies, National Human Rights Institutions (NHRIs). The Committee has also encouraged children to present their views in the context of the monitoring process. They can be included in an alternative report or in a separate submission.⁴ Based on the review of those submissions and the discussions held during a private pre-session between the Committee and representatives of agencies that have submitted reports, the Committee will send a list of issues (LOIs) to the State Party under review, which includes: a list of questions on selected issues, a request for updates on new laws, institutions, policies and programmes and ratifications of human rights instruments, and to present data and statistics.⁴ The State is requested to provide additional information on the selected issues through a written reply.

² UN General Assembly (1989), "*Convention on the Rights of the Child*", United Nations, Treaty Series, vol. 1577, 20 November 1989.

³ UN General Assembly (2000), "Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography", UN Doc. A/RES/54/263, 25 May 2000, entered into force on 18 January 2002.

⁴ Child rights connect (2015), "*The reporting Cycle of the Committee on the Rights of the Child – A guide for NGOs and NHRIs*", 26-27, accessed on 31 August 2017, http://www.ohchr.org/Documents/HRBodies/CRC/GuideNgoSubmission_en.pdf.

After a plenary session with the State Party under review, and additional reports from stakeholders, recommendations from the Committee are given in the form of Concluding Observations (COs). The Committee holds three sessions per year, each session shall be comprised of an average of nine countries, depending notably on the number of State Party reports received.⁵

The reporting process facilitates the sensitisation of the government and public bodies to child rights. It also allows NGOs and NHRIs to impact the national agenda and to create a discussion at national and international levels.⁶ NGOs and NHRIs have, to achieve those objectives, the opportunity to intervene at three stages: through a written report after the first state report but before the list of issues is discussed, orally during the pre-session or through a written report after the list of issues has been issued but before the plenary session with the State.

Since November 2016, the CRC has started to introduce a simplified reporting procedure (SRP), as recommended by a resolution of the UN Assembly General.⁷ This SRP can only be used with the consent of a State Party. The purpose of the SRP is, as stated by the title of the resolution, to strengthen and enhance the effective functioning of the human rights treaty body system. The difference with the current reporting method is that the State submits only one report in which it responds to the List of Issues it received from the Committee (List of Issues Prior to Reporting, LOIPR) within a year after the LOIPR was received. NGOs have three ways to intervene: three months before the adoption of the LOIPR by the Committee NGOs can submit a written report to inform the LOIPR, NGOs can also respond to the State Report by submitting supplementary reports or comments, and finally can be invited to participate in the pre-session where they will have an in-depth discussion of their (supplementary) submissions with the Committee.⁸ In addition, NGOs have the opportunity to intervene when the Committee meets to adopt the LOIPR: the CRC might indeed decide to engage through video conference with children's organisations. After the pre-session with NGO's, the Committee will then hold a constructive dialogue with the State. As the above shows, unlike the current reporting procedure, the pre-session between NGOs and the Committee is held after the LOIPR has been issued. In addition, NGOs who submit reports at the beginning of the process (before the LOIPR) will not be able – at that stage – to consult the state report as it is only issued after the LOIPR.

An important difference with the UPR mechanism is that, although the States Parties are obliged to submit regular reports,⁹ some States Parties do not submit (timely) reports as set out in the CRC and OPSC. The assessment is thus limited to the countries which have submitted their report to the Committee.

Background of the UPR

The UPR was established in resolution 60/251 of the United Nations General Assembly, that mandated the newly-created Human Rights Council to "*undertake a universal periodic review, based on objective and reliable information, of the fulfilment by each State of its human rights obligations and*

⁵ The Committee on the Rights of the Child, 'Working methods', 2, accessed on 20 September 2017, <http://www.ohchr.org/EN/HRBodies/CRC/Pages/WorkingMethods.aspx>.

⁶ Ibid, 1.

⁷ UNGA Resolution A/RES/68/268.

⁸ CRC, "Simplified Reporting Procedure – Information Note to Stakeholders", <http://www.ohchr.org/Documents/HRBodies/CRC/InfoNoteStakeholdersSRPDec2017.pdf>.

⁹ An initial report is due two years after acceding the Convention and then every five years (art. 44 of the CRC and art. 12 of the OPSC)

commitments in a manner which ensures universality of coverage and equal treatment with respect to all States.”

Every UN member State is subject to the UPR process every 4.5 years and this Review addresses the human rights situation of the country under review in a comprehensive way, as it assesses the extent to which it respects its human rights obligations set out in the UN Charter; the Universal Declaration of Human Rights; human rights instruments to which it is party; voluntary pledges and commitments; and applicable international humanitarian law.

The review itself is conducted by the UPR Working Group composed of the 47 member States of the HRC. It takes the form of an interactive dialogue between the State under review (SuR) and the member and observer States of the HRC, which can pose questions, formulate comments and make recommendations. The Working Group holds three two-week sessions per year, during which 42 countries (14 per session) are reviewed.

Each review is facilitated by a group of three States that act as rapporteurs (the troikas) and draft the Report of the Working Group on the UPR of the SuR, which compiles the recommendations and observations formulated by the States that participated in the interactive dialogue. The Working Group then adopts this report as an outcome document at a later stage of the session, during which the SuR can indicate, in a preliminary fashion, whether it supports or not the recommendations and conclusions laid down in the document. The latter is then transferred to the plenary of the HRC for debate and adoption. On this occasion, the SuR formally confirms which recommendations it chooses to accept or reject.

The UPR is based on three distinct documents, as laid down in Human Rights' Council resolution 5/1:

1. A 20-page State's national report. Resolution 5/1 encourages the States to prepare it through a broad consultation process at the national level with all relevant stakeholders;
2. A 10-page compilation prepared by the OHCHR and based on information contained in the reports of treaty bodies, special procedures, including observations and comments by the State concerned, and other relevant official United Nations documents;
3. A 10-page Summary of Stakeholders' Information prepared by the OHCHR and based on contributions submitted by, inter alia, NGOs, national human rights institutions, human rights defenders, academic institutions and research institutes, regional organisations, as well as civil society representatives.¹⁰

In the context of the UPR, NGOs have the possibility to submit reports highlighting specific human rights issues in the SuR, which allows ECPAT International and its member groups to shed light on and formulate recommendations to tackle the problem of SEC. The content of these reports is public and can be referred to by the States participating in the review but gains more visibility if included by the OHCHR in the Summary of Stakeholders' Information. Even though NGOs can attend the UPR Working Group sessions, they can only make statements during the adoption of the outcome document by the HRC plenary.

¹⁰ Office of the United Nations High Commissioner for Human Rights (2008), "*Information and guidelines for relevant stakeholders on the Universal Periodic Review Mechanism*", 1, accessed on 18 April 2018, <http://www.ohchr.org/EN/HRBodies/UPR/Documents/TechnicalGuideEN.pdf>.

2. Scope and methodology of the assessment

Scope of the assessment

This report will cover the review recommendations and concluding observations published by the HRC and the Committee in the year 2017 on the implementation of the CRC (21 reports) and the OPSC (7 reports) in sessions 74, 75 and 76. ECPAT has submitted reports on SEC for respectively six countries and two countries.

As the third (4-5 year) cycle of the UPR process commenced in 2017, no session was held in January/February 2017 and the reports published in 2017 are the reports of the 27th and 28th Sessions.¹¹ In both sessions 14 states were under review. ECPAT submitted SEC reports for seven countries out of the total of 28 states under review.

Tables are attached to this report with an overview of number of countries under review and for which ECPAT submitted a report (Annex 1).

The assessment of these reports will be limited to SEC-related issues. This will include:

- a) Issues related to the following Convention on the Rights of the Child articles:
 - * Art. 34 – protection from sexual exploitation
 - * Art. 35 – preventing abduction, sale, or trafficking
 - * Art. 39 – promotion of recovery services for child victims

- b) Issues related to any of the SEC manifestations distinguished by ECPAT:
 - * Trafficking of children for sexual purposes
 - * Sexual exploitation of children through prostitution
 - * Child sexual abuse materials and online child sexual exploitation
 - * Sexual exploitation of children in travel and tourism
 - * Child, early and forced marriage (CEFM)

- c) As the UPR reporting mechanism covers a broader spectrum of human rights, an extra category for recommendations on the prohibition of worst forms of child labour as it was expected that the UPR will deal with SEC in broader terms and either mention SEC in general or the worst forms of child labour.¹²

¹¹ For the Third Cycle the HRC has changed the input requested from other stakeholders, e.g. by requesting other stakeholders to provide comments on the progress made on recommendations in the Second Cycle in a matrix compiled by the OHCHR. The Third Cycle of the UPR process also introduced a new set of guidelines for other stakeholders: Universal Periodic Review (2016), “*Universal Periodic Review: information and guidelines for relevant stakeholders’ written submissions*”, accessed on 29 August 2017, https://www.upr-info.org/sites/default/files/general-document/pdf/upr_technicalguidelines3rdcycle_submissions.pdf, published by the OHCHR, for ‘other stakeholders.’

¹² Under the ILO Convention No. 182, the definition of worst forms of child labour that should be prohibited includes sexual exploitation of children. The number of reports mentioning the worst forms of child labour were counted, unless - from the context - it appeared not related to SEC.

Methodology

To determine to what extent ECPAT's submissions made an impact or not, the assessment will discern between countries where ECPAT with/or ECPAT network members submitted an alternative or an additional report¹³ and countries where ECPAT has not submitted any report.

a) Assessment of the impact of the CRC reports

For countries where ECPAT submitted an alternative or an additional report its impact is measured using the following indicators:

- * Whether SEC is considered as a '*main area of concern*' by the Committee.
- * Attention to SEC manifestations and relevant SEC issues given by the Committee in the Concluding Observations.
- * Attention to SEC given in the List of Issues before ECPAT's report and in the Concluding Observations after ECPAT's report.
- * Percentage of ECPAT recommendations that are similar to the Committee's recommendations.¹⁴

Research limitation: The Committee does not reference the sources of issues or recommendations in the Lists of Issues nor in the Concluding Observations, nor does it in any way reference stakeholder reports. Thus, a direct causal link between ECPAT's recommendations and the Committee's recommendations cannot be demonstrated.

For countries where ECPAT has not submitted an alternative or an additional report the following indicators were used:

- * Whether SEC is considered as a '*main area of concern*' by the Committee.
- * Attention given by the Committee to SEC manifestations and relevant SEC issues in their reports.

Research limitation: Some ECPAT Members might have submitted a report on SEC individually or through a national coalition without informing ECPAT International. This might affect the results of the assessment.¹⁵

b) Assessment of the impact of the OPSC reports

Since the entirety of the Concluding Observations are relevant to SEC, the review has been narrowed to countries for which ECPAT has submitted a report and only to assess:

- * Percentage of ECPAT recommendations that are similar to the Committee's recommendations.¹⁶

¹³ An alternative report is submitted before the pre-session to inform the List of Issues. An additional report is submitted at a later stage, after the List of Issues and the replies from the States Parties, but before the plenary session.

¹⁴ In the context of this assessment, "*similar*" is understood as a recommendation targeting the same or a broader result than the recommendation ECPAT advocates for; or that can directly benefit SEC victims.

¹⁵ A call was made on the ECPAT Hub (Intranet) to request members to inform ECPAT International on any SEC reports submitted to human rights mechanisms.

¹⁶ In the context of this assessment, "*similar*" is understood as a recommendation targeting the same or a broader result than the recommendation ECPAT advocates for; or that can directly benefit SEC victims.

The report also assessed the global status of the (reporting against) the OPSC to enable ECPAT to use these as future indicators for assessing the impact of its work:

- * Percentage of countries that have not yet ratified the OPSC in each year (to review progress);
- * Percentage of countries that have ratified the OPSC but have not yet submitted their initial report in each year (to review progress).

Research limitation: As with the CRC reports, the Committee does not reference the sources of issues or recommendations in the Lists of Issues nor in the Concluding Observations nor does it in any way reference stakeholder reports. Thus, a direct causal link between ECPAT's recommendations and the Committee's recommendations cannot be demonstrated.

c) Assessment of the impact of the UPR reports

For countries where ECPAT submitted an alternative or an additional report, indicators for measuring the impact were:

- * Number of ECPAT recommendations mentioned in the Summary of Stakeholders Information reports.¹⁷
- * Attention given by the Working Group to worst forms of child labour, SEC in general and CEFM in their report.
- * Percentage of ECPAT recommendations that are similar to the Working Group's recommendations.¹⁸

Research limitation: The OHCHR prepares the Summary of Stakeholders' Information. However, the Working Group does not reference the stakeholders' information, thus a direct causal link cannot be demonstrated.

For countries where ECPAT has not submitted an alternative or an additional report the impact indicator was:

- * Attention given by the Working Group to worst forms of child labour, SEC in general and CEFM in issues in its report.

Research limitation: Some ECPAT Members may have submitted a report on SEC individually or through a national coalition without informing ECPAT International. This may affect the results of the assessment.¹⁹

¹⁷ For ECPAT submissions limited to SEC and its different manifestations, all the recommendations were counted for the purpose of this analysis. In the case of joint submissions on children's rights made with other international NGOs, only recommendations linked to SEC were taken into account.

¹⁸ Recommendations that are specifically SEC-related in the ECPAT submission, but reappear more broadly in the Working Group report were counted in. For example, when ECPAT recommended a measure related to SEC and a similar measure was recommended in the Working Group report to combat sexual violence. On the other hand, recommendations that are similar but raised for another (non-SEC) purpose were not counted as they were probably included on the basis of submissions by other organisations than ECPAT.

¹⁹ A call was made on the ECPAT Hub (Intranet) to request members to inform ECPAT International on any SEC reports submitted to human rights mechanisms.

3. Impact ECPAT reporting to the Committee on the implementation of the CRC

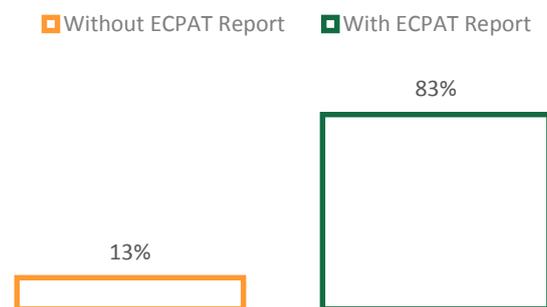
ECPAT International and ECPAT Members submitted six reports for the review of the implementation of the CRC in 21 countries for which Concluding Observations were published in the year 2017.

Finding 1

SEC has been considered as a ‘*main area of concern*’ by the Committee in 83% of its reports for countries where ECPAT provided a report and only 13% when ECPAT did not submit a report.

Figure 1 : SEC considered a main area of concern by the Committee in 2017.

SEC Main Area of Concern

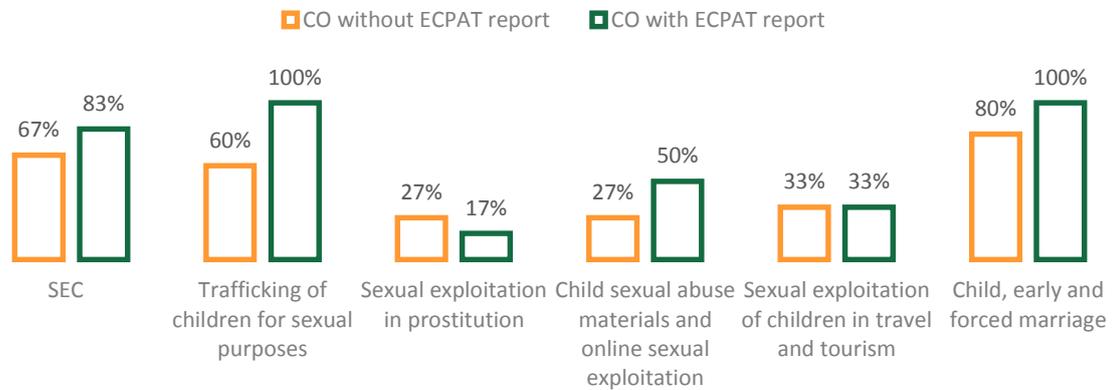


Finding 2

In the Committee’s Concluding Observations for countries for which ECPAT has provided input, significantly more attention is given to SEC and three manifestations of SEC while less attention is given to prostitution than in the Concluding Observations for countries for which ECPAT did not submit a report. This decrease in mentioning prostitution could however be explained by the fact that the term ‘sexual exploitation of children in prostitution’ seems to be used interchangeably with the broader term ‘sexual exploitation of children’. As a result, this decrease cannot be understood as meaning that ECPAT’s reports do not have a positive impact on attention given to ‘sexual exploitation of children in prostitution’ since its recommendations related to prostitution might have been integrated in the general category of SEC to which significantly more attention is given with ECPAT input than without ECPAT input. It is also interesting to note that OCSE and CSAM is one of the three manifestations to which significantly more attention is given with ECPAT input. These crimes are relatively new and generally less known and understood. This seems to indicate that ECPAT’s reports have not only an impact on attention given to the issue of OCSE and CSAM, but they have also contributed in raising awareness on these topics.

Figure 2: Percentage of attention given by the Committee to SEC in 2017 in its Concluding Observations with and without input of ECPAT.

SEC and SEC manifestations mentioned

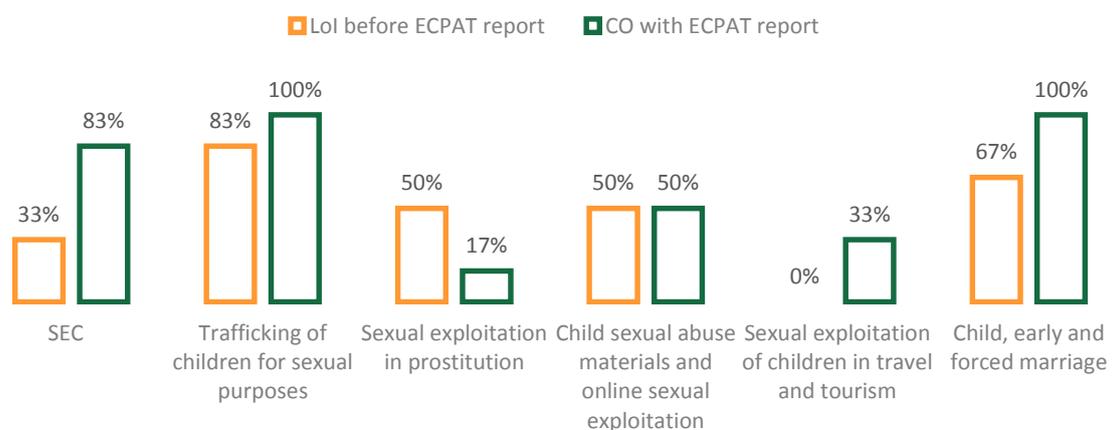


Finding 3

The six ECPAT reports submitted were all additional reports, meaning that they have been submitted after the pre-session. Thus, the List of Issues was compiled by the Committee without input from ECPAT. It is interesting to note that the Concluding Observations for the six countries where ECPAT submitted a report give significantly more attention to SEC manifestations than the List of Issues for the same six countries, with the exception of sexual exploitation of children in prostitution. As mentioned under finding 2, the decrease in mentioning of sexual exploitation of children in prostitution can most probably be explained by the use of SEC related terminology by the Committee.

Figure 3: Percentage of attention given by to SEC in the List of Issues versus the attention given to SEC in Concluding Observations for the six countries where ECPAT submitted a report.

Attention to SEC in Lol without ECPAT input versus in CO with ECPAT input



Finding 4

Out of the 163 recommendations made by ECPAT in its six reports, 37% of them can be found in similar terms in the six respective Committee's Concluding Observations.

Table 1 : ECPAT recommendations versus similar recommendations made by the Committee on CRC implementation

ECPAT recommendations in total	163
Similar recommendations by the Committee	60
Percentage of similar recommendations	37%

4. Impact ECPAT reporting to the Committee on the implementation of the OPSC

ECPAT International and ECPAT Members submitted two reports for the review of the implementation of the OPSC in seven countries for which Concluding Observations were published in the year 2017.

Finding 1

Of the ECPAT recommendations made in the reports, 30% of the recommendations are similar to the Committee's recommendations.

Table 2 : ECPAT recommendations versus similar recommendations made by the Committee on OPSC implementation

ECPAT recommendations in total	61
Similar recommendations by the Committee	18
Percentage of similar recommendations	30%

Finding 2

In 2017, the State of Palestine has ratified the OPSC, bringing the number of countries that ratified the OPSC up to 174 countries out of 197 as of 16 May 2018.²⁰

The following countries have signed but not ratified the OPSC:²¹ Cameroon, Fiji, Ghana, Ireland, Kenya, Liberia, Nauru, Solomon Islands, Zambia.

²⁰ This number refers to the 193 UN members along with the State of Palestine, the Cook Islands, Niue and the Holy See, as listed in the OHCHR's Status of Ratification Interactive Dashboard (<http://indicators.ohchr.org>).

²¹ By signing a treaty, the State expresses the intention to comply with the agreement. However, this expression of interest in itself is not binding. After the signature of the agreement, the State has to ratify it and thereby approves to be legally bound by the agreement.

The following countries have not signed or ratified the OPSC: Barbados, Cook Islands, Marshall Islands, Niue, Palau, Papua New Guinea, Saint Kitts and Nevis, Sao Tomé e Príncipe, Singapore, Somalia, South Sudan, Tonga, Trinidad and Tobago, Tuvalu.

Table 3 : Status of ratification of the OPSC

	Year 2017
Number of countries	174 countries
Percentage of all countries	88%

After the ratification, States Parties have two years to submit their initial report. The initial report presents the practical and legal measures taken by the States Parties to implement the OPSC.²²

Finding 3

End of 2017, amongst the 174 countries that have ratified the OPSC, 66 have not submitted their initial report in a timely manner. It is very difficult to establish whether ECPAT has had an effect on the number of countries submitting their report on the implementation of the OPSC, but ECPAT will monitor the number of countries that are submitting their initial OPSC reports in the future and if there could be any link to recommendations made by the Committee to do so in their review on the implementation of the CRC.

Table 4 : Status of timely reporting on the OPSC by countries that have ratified the OPSC

	Year 2017
Number of countries that submitted their initial report	105
Number of countries whose initial report is overdue	66
Number of countries that can still submit their initial report timely	3

²² NGO Group for the Convention on the Rights of the Child (2014), “*Reporting on the PSC and OPAC: A Guide for Non-governmental Organizations*”, 21, accessed on 9 September 2017, https://www.crin.org/en/docs/Guide_OP_web.pdf.

5. Findings on ECPAT reporting to the HRC for the UPR

ECPAT International and ECPAT Members submitted reports in respect of seven states that were under review by the UPR Working Group of the HRC in 2017.

Finding 1

Of the ECPAT recommendations made in the reports, 11% were included in the Summary of Stakeholders' Information by the OHCHR.

Table 5: ECPAT recommendations included in the Summary of Stakeholders' Information by the OHCHR.

ECPAT recommendations in total	227
Recommendations included in the SSI	24
Percentage of included recommendations	11%

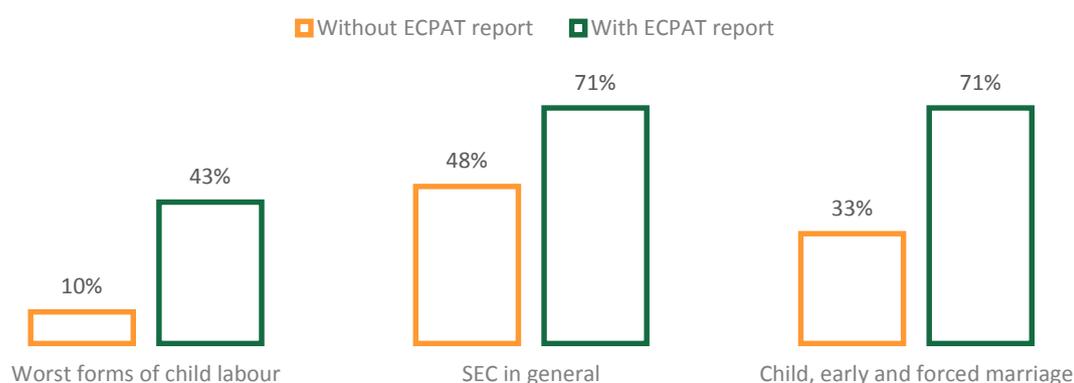
The influence is even greater if considering that the Summary of Stakeholders' Information also contained many findings directly quoted from ECPAT reports.

Finding 2

In the reports made by the UPR Working Group for countries for which ECPAT has provided input, significantly more attention is given to worst forms of child labour, SEC in general and CEFM in the recommendations.

Figure 4: Percentage of attention given in the recommendations of the report by the Working Group of the Human Rights Council to worst forms of child labour, SEC in general and CEFM in 2017.

Attention given to SEC related offences in recommendations



Finding 3

Of the ECPAT recommendations made in the reports, 13% of the recommendations are similar to the recommendations made in the report of the UPR Working Group of the HRC.

Table 6 ECPAT recommendations versus similar recommendations made in the report of the UPR Working Group of the Human Rights Council

ECPAT recommendations in total	227
Similar recommendations by the UPR Working Group	29
Percentage of similar recommendations	13%

6. Conclusions and Recommendations

Conclusion regarding reporting on the implementation of the CRC and the OPSC with the Committee

The Committee's reviews are without doubt the most important human rights mechanism for ECPAT to participate in. It is the only global forum that solely focusses on child rights. In addition, the members of the Committee are elected on the basis of their expertise in the field. Contrary to the UPR, it is thus an expert driven process not bound by any political considerations which draws its legitimacy from the quality of the recommendations and the process. For ECPAT and its network, it is a unique opportunity to share its high-quality research and its Network's experience in the field. The Committee reviews stakeholders' reports in their entirety and may engage with ECPAT and members orally during the pre-session. For all these reasons, the chances for ECPAT to influence the agenda are considered higher than at the UPR and, if heard, the recommendations will be tailored to the issue of SEC rather than being general recommendations encompassing broader human or child rights issues. Not only can SEC be addressed as such, but moreover the different manifestations of SEC will be addressed into greater detail rather than all lumped together under the general heading of sexual exploitation of children, worst forms of child labour or CEFM as is usually done in the UPRs.

Even though only a certain number of ECPAT's recommendations related to SEC manifestations and issues came back in the Concluding Observations (37% in CRC reviews and 30% in OPSC reviews), this assessment has demonstrated that the ECPAT reports are successfully ensuring that protection from SEC is considered one of the most important child rights by the CRC in its reviews on the implementation of the CRC. The Committee has specified SEC as a main area of concern in 83% of the countries where ECPAT reported on SEC. This is a substantial percentage, as the reviews are not focussing on the OPSC per se, but on the implementation of the more general CRC. In addition, the percentage of similar recommendations (37%) is actually relatively high considering that the CRC does not solely focus on the issue of sexual exploitation of children.

On the other hand, the results were mixed for the two countries that incorporated their OPSC report in their CRC report in 2017: with Denmark the Committee did specify SEC as a main area of concern,

while with Ecuador the Committee did not, despite the report submitted by ECPAT.²³ In addition, only 28% of ECPAT recommendations could be found in similar terms in the CRC recommendations, a number slightly lower than the average. It is expected that in the future the reviews of the implementation of the OPSC will become increasingly integrated in the reviews on the implementation of the CRC. Under the OPSC countries are obliged to submit an initial report, but after this initial report they can include information regarding OPSC implementation in their five yearly CRC reports.²⁴ Currently 106 countries have submitted their initial OPSC report, but there are still 70 countries that ratified the OPSC and have not yet submitted their initial report. However, slowly but surely OPSC reviews will diminish in numbers as more countries will have submitted their initial OPSC report. More countries are thus expected to follow Denmark and Ecuador. It is imperative that SEC will remain in the centre of attention in the CRC reports to ensure that countries remain or become vigilant in the eradication of SEC and that the reporting and the review on the implementation of the OPSC is not neglected.

In terms of content of the recommendations, with input from ECPAT reports, the Committee pays a lot of attention to the different SEC manifestations in its Concluding Observations of CRC implementation reviews. Most attention is given to trafficking of children for sexual purposes (100%) and child, early and forced marriage (100%), while less attention was given to sexual exploitation of children in prostitution (17%), sexual exploitation of children in travel and tourism (33%) and child sexual abuse materials and online child sexual exploitation (50%). The two latter issues are quite well known and understood by the Committee, but the researchers found that sexual exploitation of children in prostitution was often used interchangeably with SEC.

Although ECPAT has – in every report submitted – referred to the Terminology Guidelines for the Protection of Children from Sexual Exploitation and Sexual Abuse (hereafter the Luxembourg Guidelines)²⁵, the Committee has not mentioned the Luxembourg Guidelines in its Concluding Observations in 2017. Further training and awareness raising targeting the Committee is deemed appropriate to streamline the usage of SEC related terminology further and to advocate for global and broad use of the Luxembourg Guidelines.

ECPAT was able to include the views and perspectives of children in the joint report on Cameroon in the context of the periodic review by the Committee. Out of six recommendations presented as being children's recommendations, three of them were taken over by the Committee. ECPAT's reports are a unique opportunity to integrate the views and perspectives of children and to give them the opportunity to directly impact the recommendations made to their own government.

Considering that the CRC is the most important human rights reporting mechanism for ECPAT to participate in and the impact of the reporting on the CRC review as demonstrated in this report, ECPAT International and the ECPAT Network should – as a priority – continue to report on SEC with the Committee in order to ensure that SEC is placed high on national agendas in the countries under review by the Committee. This should not only be done in reviews of the OPSC, where ECPAT can provide unique expertise and local knowledge through its network, but also for the CRC reviews, especially

²³ For Denmark ECPAT did not submit a report, while for Ecuador it did.

²⁴ Art. 12 Optional Protocol on the sale of children, child prostitution and child pornography.

²⁵ ECPAT International (2016), "*Terminology Guidelines for the Protection of Children from Sexual Exploitation and Sexual Abuse, Adopted by the Interagency Working Group in Luxembourg, 28 January 2016*", Bangkok: ECPAT, 29, accessed on 16 May 2018, <http://luxembourgguidelines.org/>.

since the number of OPSC reviews will diminish progressively over time. ECPAT, through its reporting, can indeed ensure that SEC remains in the centre of attention.

In addition, ECPAT can bring distinct expertise to the table. When certain topics have not received much attention, ECPAT submissions add concerns that have not or insufficiently been covered in the official State report and thus ECPAT reports can have more added value than reports simply addressing issues that are already addressed in the State's report or in the previous Committee's report. ECPAT's expertise adds particular expertise to those reports, and if combined with capacity building of the stake holders, those submissions are the best way to create awareness about these lesser known and understood issues.

The ECPAT reports assessed in this research were all additional reports, meaning that they have been submitted after the pre-session. Although the effect has been significant, it should be recommended that ECPAT reports are submitted at an earlier stage, i.e. before the pre-session. This is of even more importance with the Simplified Reporting Procedure, a procedure that will slowly be rolled out by the Committee as of 2019. The reporting procedure will then commence with a List of Issues Prior to Reporting (LOIPR). The LOIPR will be informed by non-State Party stakeholders. The review procedure may then be confined to the limited issues specified in the LOIPR. It seems critical for ECPAT to ensure that the LOIPR contains SEC related concerns to ensure that States Parties' reporting on these issues takes place and SEC recommendations can be made by the Committee where appropriate.

Recommendations to ECPAT International and the ECPAT Network in order to increase the impact of their reports to the Committee on the Rights of the Child:

- To provide training to the ECPAT Network on reporting with the Committee and develop a toolkit.
- To report on SEC ensuring expertise and local knowledge on SEC are fed into the CRC reviews to enable the Committee to specify SEC as a main area of concern.
- To advocate for timely reporting on the OPSC (and CRC) and ratification of the OPSC by the remaining 23 countries.
- To provide training to the Committee on less understood and known SEC manifestations, including exploitation of children in prostitution, child sexual abuse materials and online child sexual exploitation and sexual exploitation of children in travel and tourism.
- To provide training to the Committee on the Luxemburg Guidelines to ensure SEC is better understood and a common language to combat SEC is used by the UN and States Parties.
- To create more space for the voices of children in human rights reporting by incorporating them in ECPAT's reports via ECPAT Network's direct work with children.
- To report where possible at an earlier stage to ensure that the List of Issues – and in the Simplified Reporting Procedure – the List of Issues Prior to Reporting – are informed with ECPAT's expertise and knowledge. For the Simplified Reporting Procedure, this implies that ECPAT International will have to track the States Parties that have accepted the invitation to a Simplified Reporting Procedure, as ECPAT's reports will need to be submitted seven months after the opting-in by the States Parties to inform the LOIPRs.

Conclusion regarding reporting for the UPR with the Human Rights Council

Unlike the Committee's reviews, which focus on the application of the Convention on the Rights of the Child and its Optional Protocols, the UPR has a much broader scope and encompasses the complete spectrum of human rights. Hence, drawing attention to the specific issue of SEC can be challenging if it happens not to be a well-documented problem in the SuR. Indeed, many reports raising a broad range of human rights issues are usually submitted by a wide range of NGOs and other stakeholders in the context of the UPR, thus leading to less visibility for ECPAT reports dealing with one specific child rights issue, especially if they feature very specific recommendations.

The current study revealed that recommendations addressing SEC in general had been included in the Working Group report in 71% of the cases where ECPAT submitted a report, versus only 48% without ECPAT input. In the same vein, recommendations addressing the worst forms of child labour, which includes sexual exploitation, were made in 43% of the cases where ECPAT provided input, versus only 10% without ECPAT input. On the other hand, ECPAT reports do not seem to have a comparable positive impact on the presence of recommendations linked to specific SEC manifestations such as trafficking of children for sexual purposes (57% of the cases with and without ECPAT input), sexual exploitation through prostitution (14% of the cases with ECPAT input, 10% without), OCSE (29% of the cases with ECPAT input, 24% without), and SECTT (0% of the cases with ECPAT input, 14% without). CEFM appears to be the only exception to this trend (71% of the cases with ECPAT input, 33% without). Although it is important that ECPAT submissions focus on raising awareness on the status and extent of SEC and all its manifestations in the SuR using reliable and up-to-date data; ECPAT's recommendations should be more general focusing on the broader child rights offences related to SEC, instead of tailored recommendations to address every single SEC manifestation. ECPAT could limit its number of recommendations of a current average of 32 recommendations to perhaps five key recommendations that are aligned with the global advocacy strategy of ECPAT.

Furthermore, due to the high number of reports submitted by NGOs and other stakeholders, the Working Group and the States participating in the review are likely to rely on the two documents prepared by the OHCHR to formulate their recommendations. However, the Summary of Stakeholders' Information only contains a fraction of the recommendations made by the NGOs and other stakeholders, if any at all. Out of the 226 recommendations made by ECPAT or its member groups, only 11% were included in the Summary of Stakeholders' Information. The actual percentage may differ randomly from one submission to another: 6% for Sri Lanka, 11% for Guatemala, 12% for Argentina, 15% for Ghana and 19% for Benin. Even though concerns raised by ECPAT's submission on Pakistan were mentioned in the corresponding Summary of Stakeholders' Information, none of the 48 recommendations made in the document were taken into account by the OHCHR. On the other hand, 50% (2 out of 4) of the recommendations linked to SEC made in the joint submission on Zambia, which was co-signed by the local ECPAT member, were included in the Summary of Stakeholders' Information.

The influence of NGO and other stakeholders' reports may also be limited by the very nature of the UPR, which is a state-led peer review process. States may therefore have reasons to resist or ignore NGO views or to make politically motivated recommendations to the SuR. Moreover, the report of the Working Group only compiles the recommendations made by the States that participated in the review, which means that NGO recommendations must be endorsed by at least one State to be taken into account during the UPR process. Hence, merely submitting a report without implementing a lobbying strategy in Geneva undermines its chances to influence the outcome of the process. This lobbying can notably be done by engaging directly with like-minded Permanent Missions or attending

UPR Info's pre-sessions, that bring together embassy staff from the Permanent Missions, NGOs and NHRIs to discuss the human rights situation of the SuR one month prior to the review.²⁶

The OHCHR prefers local input over desk studies carried out by international NGOs. Indeed, its Guidelines for relevant stakeholders' written submissions state that "*first-hand information should be given priority*", while "*second-hand information should be referred to in footnotes/endnotes, and only if necessary*."²⁷ All ECPAT reports assessed were therefore co-submitted with local NGOs. In addition, a joint submission increases the credibility and visibility of the report, and therefore the likelihood of its inclusion in the Summary of Stakeholders' Information.²⁸

ECPAT was able to include the views and perspectives of children in the joint report submitted in the context of the UPR of Sri Lanka. Out of the 13 recommendations made by the children, none were included in the Summary of Stakeholders' Information and only three were mentioned in the report of the Working Group. However, given their broad scope (providing free education, eradicating child labour and protecting victims and witnesses engaged in judicial proceedings) and the fact that none of them were linked to SEC, it seems unlikely that they had any influence in this particular case.

Recommendations to ECPAT International and the ECPAT Network in order to increase the impact of their reports to for the Universal Periodical Review:

- As with the Committee, to advocate for ratification of the OPSC by the remaining 23 countries to further promote the implementation of the OPSC to protect children from SEC.
- To continue to focus on raising awareness on the extent of SEC and CEFM in the SuR; and to commence to formulate general, perhaps only up to five, key recommendations on the necessity of taking appropriate policy measures to tackle these problems.
- To develop and implement a lobbying strategy to engage with the Permanent Missions in Geneva in order to have ECPAT recommendations endorsed by like-minded States in the context of the UPR.
- To continue to attend UPR Info's pre-sessions to raise awareness about the issue of SEC.
- To ensure that local partners are willing to co-submit reports, to ensure that local knowledge from the ECPAT Network informs the Summary of Stakeholders' Information.
- To provide training to the ECPAT Network on reporting in the context of the UPR and develop a toolkit.
- To create space for the voice of children in human rights reporting by incorporating the voice of children in the ECPAT's reports via ECPAT Network's direct work with children.

²⁶ McGaughey (F.), "The role and Influence of Non-Governmental Organisations in the Universal Periodic Review – International Context and Australian Case Study", Oxford Human Rights Law Review 2017, 426.

²⁷ Office of the United Nations High Commissioner for Human Rights, "*Universal Periodic Review: information and guidelines for relevant stakeholders' written submissions*", 3, accessed on 19 April 2018, <http://www.ohchr.org/Documents/HRBodies/UPR/TechnicalGuideEN.pdf>.

²⁸ Child Rights Connect & UPR Info, "*Fact Sheet 2: NGO written submission for the Universal Periodic Review - Information for NGOs*", 2, accessed on 19 April 2018, http://www.childrightsconnect.org/wp-content/uploads/2013/10/UPR-FS-2-NGO-written-submission-ENGLISH_UPDATED.pdf.

Annex 1 - CRC and OPSC Concluding Observations

Total of countries reviewed under the CRC process with published reports

	2017 Sessions 74, 75, 76	2018 Sessions 77, 78, 79	2019 Sessions 80, 81, 82
Total countries reviewed by the Committee	21	18	Not decided yet
Total ECPAT reports	6	9 (planned)	Not decided yet

Total of countries reviewed under the OPSC process with published reports

	2017 Sessions 74, 75, 76	2018 Sessions 77, 78, 79	2019 Sessions 80, 81, 82
Total countries reviewed by the Committee	7	5	Not decided yet
Total ECPAT reports	2	4	Not decided yet

Total of countries reviewed under the UPR process with published reports

	2017 Sessions 27-28	2018 Sessions 29, 30, 31	2019 Sessions 32, 33, 34
Total countries reviewed by the Committee	28	42	42
Total ECPAT reports	7	19	Not decided yet

Countries reviewed in the assessment period 2017 and in 2018 with in **bold** the countries for which ECPAT submitted a report on SEC.

Concluding Observations by the Committee published in 2017 (the assessment period)

74 th Session January/February 2017, published: March 2017	CRC	Barbados, Central African Republic, Democratic Republic of the Congo, Estonia, Georgia , Malawi , Saint Vincent and the Grenadines, Serbia
	OPSC	Democratic Republic of the Congo, Malawi
75 th Session May/June 2017, published: June/July 2017	CRC	Antigua and Barbuda, Bhutan , Cameroon , Lebanon , Mongolia, Qatar, Romania
	OPSC	Bhutan , United States of America
76 th Session September 2017, published: October 2017	CRC	Democratic People's Republic of Korea, Denmark, Ecuador , Republic of Moldova, Tajikistan, Vanuatu
	OPSC	Guinea, Tajikistan, Vanuatu

Reports of the UPR published in 2017 (the assessment period)

Session 27 (May 2017) Published: September 2017	Algeria, Bahrain, Brazil, Ecuador, Finland, India, Indonesia, Morocco, Netherlands, Philippines, Poland, South Africa, Tunisia, United Kingdom
Session 28 (November 2017) Published: December 2017	Argentina , Benin , Czech, Gabon, Ghana , Guatemala , Japan, Korea (Republic of), Pakistan , Peru, Sri Lanka , Switzerland, Ukraine, Zambia