Supplementary report to the combined 5-6 periodic reports of Guatemala on the implementation of the Convention on the Rights of the Child regarding, “Sexual Exploitation of Children in Guatemala”

For the examination of the implementation of the Convention on the Rights of the Child in Guatemala

Submitted by

ECPAT Guatemala
and
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ECPAT Guatemala is a nongovernmental and nonprofit organization, founded in 2000, with the aim of contributing to the elimination of gender violence, human trafficking and commercial sexual exploitation of Guatemalan children and adolescents, propitiating advocacy processes, sensitization, attention, and training.

ECPAT Guatemala makes social studies and research, gives technical counseling and coordinates efforts with different government instances, nonprofits and international organizations.

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ECPAT International is a global network of civil society organisations working for the eradication of all forms of sexual exploitation of children. For the past 26 years, ECPAT has acted as the international watchdog, monitoring States’ response to sexual exploitation of children, and advocating for robust international measures to protect children from sexual exploitation. ECPAT International currently has 103 network members operating in 93 countries.
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Context of this supplementary report

1. The present submission is an update to review the progress that has been made by the Government of Guatemala (hereinafter ‘GoG’) to end Sexual Exploitation of Children (hereinafter ‘SEC’). New recommendations to end SEC in Guatemala will be made.

2. This report is based on the practical experience and research of ECPAT Guatemala and ECPAT International.

3. The scope of this supplementary report is limited to SEC and its different manifestations, including exploitation of children in prostitution, online child sexual exploitation (hereinafter ‘OCSE’), ‘child pornography’, child sexual abuse materials (hereinafter ‘CSAM’), trafficking of children for sexual purposes and sexual exploitation of children in the context of travel and tourism (hereinafter ‘SECTT’) and child, early and forced marriage (hereinafter ‘CEFM’).

Current status and developments of sexual exploitation of children in Guatemala

4. In this report the term child will mean children and adolescents under the age of 18.

5. Guatemala has a troubled recent past, with an internal armed conflict that inflicted misery on the country for 36 years until the signing of peace accords in 1996. According to the Commission for Historical Clarification (‘CEH’) approximately 160,000 people were executed and around 40,000 disappeared. The troublesome past contributes to the fact that Guatemala scores below average in the region on the human development index. The country has a medium human development, with 12% of the population living under the poverty line. After the peace accords, Guatemala was plagued by ‘Mara’ or gangs that are known to recruit new members through trafficking. The country hampers with both insecurity and impunity which reflects the weakness of public institutions. The International Commission against Impunity in Guatemala (‘CICIG’) says that during 2012, the level of impunity in Guatemala exceeded 72%, which is in fact a substantial improvement of previous years. Drawn by economic opportunities outside Guatemala, many parents leave their children behind in search for income. This has a detrimental effect on child protection. At least 40% of the population declared to be indigenous, a figure higher than in Bolivia and almost equal in Peru.

6. Guatemala has a relative young population with 30% of its 16 million population under 18 years of age. Child labour is prevalent with 26% of the children working, although there is a big gap between boys (35%) and girls (16%). SEC is a complex, highly invisible crime that changes constantly with the globalisation, increased migration and travel as well as the expansion of the Internet. Vulnerability to SEC increases with poverty, social exclusion, social tolerance for SEC, impunity and unstable family situations. Migrants and indigenous people are more vulnerable to fall victim to SEC.

7. According to the Attorney General of Human Rights SEC is widespread and all segments of youth are exposed to the risk, but girls, indigenous and poor children are at the greatest risk. In a survey by ECPAT Guatemala, 36% of individuals surveyed in five cities were aware of at least one case of trafficking for sexual purposes, the majority of which (76.9%) involved a child victim.

8. In Guatemala, the exploitation of children in prostitution is prevalent. The aforementioned ‘Mara’ or gangs have been reported in the news to recruit children and adolescents to exploit in prostitution. They consequently blackmail the ‘clients’ for having sex with a minor. An ECPAT Guatemala study conducted of 2010 in Guatemala City and Ayutla on the exploitation in
prostitution of boys, estimated the number of boys exploited in prostitution is double that of adult men who engage in prostitution. Many of these boys are sons of immigrants from other Central American countries and grow up in an atmosphere of violence, crime, drugs and gangs.16

9. **Online child sexual exploitation of children** and **CSAM** is a problem in Guatemala with 107 mobile phones per 100 inhabitants and 23% of the population connected to the Internet.17 The production and the offering of CSAM are prohibited in Guatemala. However, to date it is easy to obtain this material on the streets of Guatemala. Sellers, often minors, offer ‘pirate’ DVDs, and are used as distributors of CSAM.18 With the increase of the use of Internet and mobile phones, distribution channels have shifted. According to the Attorney General on Human Rights, pornography involving children has been reported in the regions of Huehuetenango, Jutiapa, Retalhuleu and Guatemala City, among others.19 It is now common for male adolescents to make videos of their girlfriends and publish or sell these videos on the Internet or share them among friends.20 Between 2010 and 2014, 125 cases of production of pornography have been reported.21

10. Guatemala is a source, transit, and destination country for **child trafficking for sexual purposes**. Women, girls, and boys from Guatemala and other Latin American countries are sex trafficked domestically as well as in Mexico, the United States, Belize, and other foreign countries.22 Statistics are not collected for SEC offenses, but they are collected for trafficking cases. However, these statistics include labour trafficking and trafficking of adults. Between January and September 2017, the Office of Guatemala’s Public Prosecutor received 151 trafficking complaints.23 A report from UNICEF and the International Commission against Impunity in Guatemala (CICIG) estimates that between 2010 and 2014, trafficking for sexual purposes made 48,500 direct victims in Guatemala, raising the illegal profits produced by this offence to 12.3 billion quetzales, which is the equivalent of 2.7% of the Gross Domestic Product.24

11. Tourism has been increasing steadily with 1.5 million international arrivals in 2015.25 **SECTT** is an acknowledged problem in Guatemala as an emerging destination for SECTT,26 where foreign tourists, mostly from Canada, the United States, and Western Europe exploit child victims.27 SECTT seems often facilitated by the Internet. In the colonial city of Antigua, Guatemalan children, who work in the informal sector or brothels, are either contacted by intermediaries or via the Internet. A new trend in Guatemala is to access a tourist guide portal with tips on issues ranging from security to the price of a prostitute. Ten cases of SECTT have been reported to the Human Rights Ombudsman between 2010 and 2014.28 These appear to occur mainly in the border areas and tourist destinations such as Escuintla, Sacatepéquez, Huehuetenango, Sololá, Quetzaltenango and Quiche.29

12. **Child, early and forced marriage** is declining, though still prevalent with 7% of children married by 15 and 30% by 18 years of age.30 The GoG made an important improvement in August 2017, removing the loophole allowing, with the consent of a judge, the marriage of a 16 and 17 years old child.31 Today, the legal age to marry is 18 years according to the Civil Code without exceptions.32 Child marriage is often utilised to improve the living conditions of the girl’s family. Coming from impoverished families, the girls are forced to abandon school upon marrying, perpetuating the cycle of poverty. This is very common in the heavily indigenous regions of Guatemala, such as Quiche, Huehuetenango and Quetzaltenango.33

13. In the latter part of 2015, the GoG adopted the 2030 agenda for Sustainable Development. This framework of action commits the GoG to eliminate all forms of violence against children, including sexual abuse and exploitation.34 It is therefore timely and appropriate for Guatemala to strengthen its efforts to end SEC.
General measures of implementation

Policy and overall strategy

14. Till date there has not been a national action plan to combat specifically SEC and all its manifestations. A National Action Plan 2007-2017 to combat trafficking was developed by the Inter-Agency Commission against Trafficking and the Ministry of Foreign Affairs (‘MoFA’).\(^{35}\) In 2013 SVET and MoFA convened regular meetings to update the National Action Plan which resulted in a new plan for the period 2014 – 2024. The plan does not sufficiently focus on children as well as SEC, which seems a missed chance.\(^ {36} \)

15. Following the poor implementation of the National Action Plan for childhood and adolescence 2004 – 2015, a new National Action Plan for childhood and adolescence 2015-2024 was launched. One of the actions is dedicated to the prevention of SEC and trafficking of persons.\(^ {37} \) This plan follows the National Policy for Youth 2012 – 2020 which also incorporates the prevention of SEC and some aspects of recovery and reintegration services, however the budget is limited.\(^ {38} \)

16. In 2016, the GoG led the Roadmap for the Prevention and Elimination of the Worst Forms of Child Labor 2016-2020. This roadmap includes SEC and all its manifestations.\(^ {39} \)

Coordination and evaluation

17. The National Youth Council (CONJUVE) coordinates strategies and actions regarding youth affairs, such as the National Policy for Youth 2012 – 2020, across government, national and international institutions and, youth organisations. However, the participation of youth in the process seems to remain limited.\(^ {40} \)

18. In 2007 the Inter-Agency Commission against People Trafficking (‘CIT’) was formed to improve cooperation and coordination across ministries. Since 2016, its work is supported by the Secretariat against Sexual Violence, Exploitation and Trafficking in Persons (‘SVET’), created in 2009, which coordinates the efforts of the GoG regarding human trafficking, including SEC.\(^ {41} \) Finally, the SVET also encompasses, since 2013, the National Working Group for the Prevention and Protection of Children and Adolescents Against Sexual Exploitation in Activities Related to Travel and Tourism (MENACESNNA).

19. Despite efforts of SVET to bring more attention to the issue of SEC, inter-agency cooperation and coordination is still weak.

20. The Human Rights Ombudsman receives complaints regarding child victims of human trafficking. Around ten cases of sexual abuse against girls, boys and adolescents, as well as 32 cases of child abuse are recorded daily in the country.\(^ {42} \)

Civil Society

21. Local and international NGOs and international development partners have instated a Network on Trafficking in Persons to improve coordination among non-state actors. ECPAT Guatemala is an active member of this network.

22. The Organisation of American States (‘OAS’) convenes yearly to facilitate regional integration, coordination and cooperation of various legal State apparatuses.

23. Between 2009 and 2013 a Regional Coalition against Trafficking in Persons was financially supported by the Inter-American Development Bank (IDB) focused on sexual exploitation in Central America. ECPAT Guatemala, as the executive body, coordinated the development of national and
regional guidelines to improve coordination in the fight against trafficking in persons for each of the five countries. Thus, the states articulated a Regional Coalition against Trafficking in Persons in 2011.

24. Some international aid agencies have worked with the government on anti-trafficking. Save the Children and the Spanish Agency for international co-operation for development (AECID) supported an international anti-trafficking programme for Central America 2008-2012. SVET and International Organization for Migration (IOM) signed an agreement of cooperation in the fight against trafficking in persons in 2012 to e.g. improve monitoring and the collection of statistics by SVET.

Prevention of the sale of children, child prostitution and child pornography (art.9 (par. 1 and 2))

Measures adopted to prevent offences prohibited under the Optional Protocol

25. Since 2012, The Human Rights Ombudsman has a Unit of Prevention of the Trafficking dedicated to the defence, protection, promotion, and education in trafficking, as well as institutional strengthening and the supervision of the public administration on trafficking issues. The work of the unit has so far been noteworthy in continuity in a non-political, non-partisan manner. The Unit published a yearly report on the state of trafficking in Guatemala. In 2016, the Unit received 56 complaints which 45% were related to sexual exploitation and 4% were related to pornography.

26. In 2013 the GoG introduced a new type of personal identification document, abandoning the 82-year-old neighbourhood card system in a bid to prevent trafficking and to improve the process of citizen authentication.

27. Awareness raising is not implemented by the GoG in any structural manner, nor has the GoG taken on the role of coordinator, monitor and evaluator of the prevention endeavours. Most initiatives are taken by international development agencies and NGOs and most initiatives focus on trafficking. In 2013, the IOM, with funding from USAID, carried out various awareness-raising activities, mostly in the Department of San Macos, with the authorities of eight municipalities and 499 communities. In 2013 the MTV Exit campaign was held to educate vulnerable children and young people. In 2013 the Regional Coalition against Trafficking in Persons held a campaign ‘Life is not always what we think’ to alert Central American young people about the dangers of migration.

28. However, some initiatives have focussed specifically on SEC. SVET with the collaboration of Guatemalan Institute of Tourism and the Trade Union Chamber of Tourism, the Foundation of Hoteliers of Guatemala, UNICEF and ECPAT Guatemala established a National Plan for the Prevention and Protection of Boys, Girls and Adolescents from SECTT.

29. With the support of this group, a national campaign, “No Permito” (“I Don’t Allow”) was launched in 2013 at airports and border areas and included training of travel agencies and tour operators. Following the campaign, the participants, including as part of the mentioned plan, a National Bureau was established for the coordination of actions. This Bureau now also manages the Code of Conduct.

30. The Code of Conduct for the protection from Sexual Exploitation in Travel and Tourism – a worldwide tool to prevent SEC in the context of tourism and travel. The Code provides tools to the travel and tourism sector to prevent and intervene SECTT. The code of conduct is free and membership is voluntary. Members commit to publicly take a stance against SECTT, train their
staff, adopt policies and monitor. By 2013, 56 companies were member of the code of conduct *The Guatemalan Institute of Tourism (INGUAT)*, the state entity governing the promotion and development of Guatemalan Tourism, is also a member. To date over 4,000 staff in the travel and tourism sector have been trained.49

**Child and Youth Participation**

31. The *Youth Advisory Committee*, implemented by the National Youth Policy (2012-2020) guarantees and supports the participation of young people and the exercise of their full rights for youth defined between the ages of 13 to 29 years. Unfortunately, beyond the policy, there are few measures taken to implement these rights.50

32. Different government agencies have sought to create space for participation of children, although most are more focused on awareness raising than on actual participation. The web page [www.infantil.congreso.gob](http://www.infantil.congreso.gob), created by the Congress of the Republic with the support UNDP aims to involve children in legislative activities. At local level there are the *Community Councils for Development (‘COCODES’) and the Municipal Councils for Development (‘COMUDES’) where children can speak out and influence in matters relating to their own development.

33. The Association ‘*IDEI*’ created the Guatemalan Parliament for children.

34. Meanwhile, ECPAT Guatemala has been part of a worldwide Youth Partnership Programme to engage child and youth in actions against SEC developed by ECPAT International. Children and youth in Guatemala who participated in this initiative felt empowered to prevent SEC and support their peers.51

**Prohibition of the sale of children, child pornography and child prostitution and related matters (arts. 3, 4, 2 and 3, 5 and 7)**

*Existing criminal or penal laws and regulations*

35. In line with the Convention on the Rights of the Child, the *Constitution* and the *Civil Code* define children as under 18 years of age. The *Law of Comprehensive Protection of Childhood and Adolescence* was adopted in 2003 to harmonise Guatemala’s legal system with the Convention on the Rights of the Child. The terms “child” and “adolescent” are defined in that law. A child is a person under the age of 13 and an adolescent is from age 13 until he or she turns 18.52 Section VIII contains the right protection from sexual exploitation and abuse, including “use in prostitution, entertainment or pornographic material”.

36. The *Law against sexual violence, exploitation and trafficking in persons* was adopted in 2009, reforming the Criminal Code to include trafficking related crimes. The law defines trafficking conform the *UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, 2000*, although without referring to the means of trafficking. The sentences are between eight and eighteen years’ imprisonment.53

37. Exploitation of children in prostitution is prohibited by the *Criminal Code* with sentences from five to – in case of victims below ten as aggravating circumstances - sixteen years.54

38. Guatemala has not clearly legally defined ‘child pornography’ in its national legislation. A partial definition could be construed from article 194 of the Criminal Code, which prohibits the production of ‘child pornography’: ‘Whoever produces, manufactures, or develops, in whatever form and through whatever medium, pornographic material which contains a real or simulated image or voice, of one or many minors or of a person with a mental disability, in pornographic or erotic
actions…” (emphasis added) as well as mere possession (article 195 ter of the Criminal Code). However, not all OPSC elements are covered in the Criminal Code. Possession with the intent to sell has not been included. Also, it would be advisable to include online solicitation of children for sexual purposes and the offense of live streaming. Finally, it is not entirely clear whether article 194 of the Criminal Code could be construed as prohibiting also ‘virtual child pornography’ where it criminalises a ‘real or simulated image or voice’ of a minor.\textsuperscript{55}

39. The Criminal Code also prohibits the facilitation and organisation of SECTT with sentences from six to ten years of imprisonment.\textsuperscript{56}

40. The \textit{Law against sexual violence, exploitation and trafficking in persons} includes principles to protect child victims of SEC in criminal proceedings, such as confidentiality, special protection, non-re-victimisation, respect to cultural identity, information, speedy trials, presumption of underage, restoration of rights and the central principles of the best interest of the child, non-discrimination and the right to participation.

41. Victim and witness protection is laid down in the \textit{Law for the protection of procedural subjects and persons linked to the administration of criminal justice}.\textsuperscript{57}

\textit{Extraterritorial jurisdiction and extradition}

42. As already noted in 2012 by Dr Najat Maalla M’jid, the \textit{Special Rapporteur on the sale of children, child prostitution and child pornography}, there is insufficient international cooperation, especially regarding extraterritorial jurisdiction, extradition, mutual legal assistance and the confiscation of the proceeds of activities related to SEC cases.\textsuperscript{58}

\textbf{Protection of the rights of child victims \text{(art 8 and 9.3 and 4)}}

\textit{Measures adopted to protect the rights and interests of child victims of offences prohibited under the Optional Protocol}

43. The National Civil Police has an investigation department dealing with sexual offences and trafficking of persons, including children, falling under the Sub Directorate-General for Criminal Investigations. The National Civil Police created various hotlines which victims or witnesses can call to report cases of exploitation and sexual abuse.\textsuperscript{59}

44. The Solicitor General of the Nation compasses a division for children and adolescents which can legally represent them.\textsuperscript{60} This division includes a Protection and Rescue Unit and a Criminal Unit. However, serious lack of human and financial resources has been reported, failing to protect children and adolescents.\textsuperscript{61}

45. In 2012, the Alliance, on behalf of the \textit{Network on Trafficking in Persons}, requested the GoG for the creation of a public prosecutor against trafficking who was appointed in the same year. The public prosecutor can follow up on cases without complaint. The office is in the City of Guatemala, but services the whole nation.\textsuperscript{62} In July 2017, the Prosecutor's Office against Human Trafficking trained police officers, psychologists and social workers on the commission of cybercrimes focused on the recruitment of victims of sexual violence.\textsuperscript{63}

46. In 2016, the Guatemalan National Police inaugurated a new Office of the Unit Against Cybercrime with the aim of strengthening actions of prevention, investigation, and attention to children victims of cybercrime.\textsuperscript{64}

47. Between February 2009 and July 2012, the Public Ministry (MP) reported 463 complaints for the offence of exploitation of children in prostitution, of which 123 cases were prosecuted, leading to
a mere 6 convictions. In this regard the Attorney General on Human Rights stated that the low number of convictions obtained in three years is very serious and it seems to reflect social acceptance of the issue. Another issue noted by the Attorney General is the underreporting of cases of exploitation of child in prostitution and corruption hampering access to justice. Victims do not report fearing re-victimisation or retaliation.

48. Similar patterns of impunity can be seen with other SEC offenses. Of the 497 trafficking complaints received between 2010 and 2012, 184 cases sent to the court and a mere 10 sentenced, thus resulting in an impunity of 96%. And in the period February 2009 until July 2012 58 complaints were received on ‘child pornography’, leading to 38 prosecutions and only 4 convictions, thus an impunity of 95%.66

49. In 2011, the Inter-Agency Committee against trafficking, coordinated by the SVET and by MoFA drafted an Interinstitutional Protocol of Protection, Care and Repatriation for Victims of Trafficking, including procedures for child victims. Unfortunately, the implementation of the protocol has been weak.67


51. The SVET launched workshops and trainings about SEC and human trafficking, raising awareness with different stakeholders. For example, in 2015, the SVET provided training to 61,657 adolescents and children and to 1,628 teachers. In 2014 the Human Rights Ombudsman’s Office trained and raised awareness among 136,004 officials.70

52. Training of stakeholders also takes place on a non-structural, ad-hoc basis and is focussed mostly on trafficking, not SEC per se. The IOM has provided trainings in 2013 to teachers in the Department of San Marcos, at the border with Mexico. Various US agencies have provided training of law enforcement officials.

Recovery and reintegration of victims

53. The Law against sexual violence, exploitation and trafficking in persons considers it the duty of the State to provide physical, psychological and social recovery. This duty falls mostly under the Department of Social Welfare. The Department of Social Welfare does provide temporary homes of protection and operates three shelters for children with various needs, including migrant children. Assistance programs provided by the Department of Social Welfare have been subject to constant criticism from different NGOs as the services provided are not sufficient in quality and quantity. As an example, in March 2017, 80 teenage girls ran away from the centre ‘safe home, virgin ascension’ to denounce the sexual exploitation, the rapes and violence committed inside this centre against minors. After being forced to return by the National Civil Police and locked in a room, more than 40 of them died after a fire broke out the next morning. In this case, the GoG has been accused of being complicit in feminicide, human trafficking and sexual exploitation of minors by civil society organisations.

54. Services provided by the State are concentrated mostly in the city of Guatemala. The majority of services is provided by NGOs such as El Refugio de la Niñez and La Alianza that provide comprehensive care of child victims of trafficking and sexual violence. La Alianza provides trainings, awareness raising about trafficking and sexual violence as well as protection, legal aid and shelter for victims.
**International cooperation**

55. Since 2011, international cooperation between Guatemala, El Salvador, Mexico, Honduras, Nicaragua and Colombia has consolidated notably with the action plan: *estrategia regional para la atención integral y el acompañamiento a las víctimas de trata en centro américa.* Another example is the bilateral memorandum of understanding on the protection of victims of trafficking in persons agreed between Guatemala and El Salvador in 2011.

56. A more recent example of international cooperation is the agreement between Guatemala, Honduras and El Salvador, in 2016, to fight against criminal gangs and drug traffickers, including the trafficking of person.

**Recommendations to the GoG**

*Measures of general implementation*

1. Provide more resources to SVET to coordinate the actions to end SEC and to include internet-related sexual exploitation in its mandate;
2. Collect disaggregated data in a SEC database and use monitoring systems to inform policy and action on SEC;
3. Adopt a national action plan to end SEC, or at least integrate SEC in the existing national action plans on child protection, allocate sufficient budget for implementation and include a proper monitoring and evaluation of the plans;
4. Decentralisation of the government is necessary to provide more prevention, protection and recovery & reintegration services on the ground;
5. Raise awareness by disseminating the new legislation to completely end child marriage;
6. Raise awareness and disseminate the CRC and its Optional Protocols through radio spots and in all the languages present in Guatemala to reach all the population.

*Prevention*

7. Raise public awareness about SEC, specifically among vulnerable groups, and the sanctions on the crime and coordinate, support, monitor and evaluate the awareness raising activities;
8. Put in place mechanisms to evaluate awareness raising and prevention operations;
9. Invest in child empowering prevention programmes included in the standard school curricula on SEC and its root causes;
10. Establish a sex offender register to ensure the activities of offenders are monitored/restricted and the possibility for interaction with children is reduced. The arrangements for a register should be heavily regulated, with a focus on who should be allowed access, how long an offender must be registered for and which crimes warrant registration;
11. Promoting child protective social norms through community development projects, and the media, including social media;
12. Adopt binding policies to protect children in new public or private tourism developments, including the obligation to conduct thorough human rights impact assessments;
13. Actively promote the *Code of Conduct for the protection from Sexual Exploitation in Travel and Tourism*;
14. Continue the process regarding the new national identity card system especially in remote areas;
15. Create mechanisms for the systematic participation of children in the development and implementation of policies and programmes that affect them;
16. Work with children as an agent for change, e.g. through social media channels and with the global Bill of Rights for Child Victims of Sexual Exploitation and Abuse. ECPAT and partners developed the Bill of Rights for Child Victims of Sexual Exploitation and Abuse with the input of 400 children and youth, most of whom are SEC survivors from 28 countries. The Bill of Rights was endorsed at the Global Forum for Survivors of Childhood Sexual Exploitation on 18 November 2016. Spanish: http://bit.ly/BoRsp, English: http://bit.ly/BoReng

Prohibition

Legal recommendations to end SEC

17. To better address ‘child pornography’ the GoG is advised to:
   - Elaborate a detailed definition of “child pornography”, including all the elements set forth under the OPSC.
   - Explicitly criminalise ‘virtual child pornography’.
   - Prohibit under its domestic laws the acts of accessing or downloading ‘child pornography’, as well as online solicitation of children for sexual purposes and live streaming of ‘child pornography’.
   - Establish specialised cybercrime units within the prosecutor’s office legally mandated to investigate ‘child pornography’ offences.
   - Accede to the Convention on Cybercrime (Budapest, 23 November 2003).
   - Amend the General Law of Telecommunications to require cooperation of ISPs with public prosecutors and justice officials during investigations and prosecutions of online child sexual exploitation;

18. Make SEC offences ‘non-bailable’;

19. Combat corruption to prevent impunity;

20. Make it obligatory to report any suspected sexual exploitation of a child, with strong sanctions for noncompliance and develop and implement protection mechanisms for those who report the crime;

21. Regulate the obligations of employers to obtain police clearances and implement codes of conduct for national and international employees and volunteers who have direct contact with children.

22. Establish extraterritorial jurisdiction over all acts prohibited under the Optional Protocol.

Protection

23. Ensure that law enforcement agencies have the resources and skills to identify, investigate and respond to SEC and are enabled to use child-friendly methods when dealing with child victims and witnesses, and that enforcement is not undermined by corruption or social tolerance for SEC;

24. Support the implementation the Interinstitutional Protocol for Protection and Comprehensive Care of Victims of Trafficking in Persons by providing sufficient resources, as well as monitor and evaluate the tool on regular intervals;

25. Invest in the development and implementation of analytical tools and new investigative techniques to enable law enforcement to identify perpetrators and rescue victims and ensure that victims are identified and treated as such and are not punished;

26. Create incentives for companies that prioritise child protection;

27. Ensure that the division for children and adolescents coordinated by the Solicitor General of the Nation has the necessary resources and skills to protect children and adolescents.

28. Prioritise the vigilant prosecution of government officials and teachers who commit SEC offences.
29. Empower police to act as undercover agents online in the context of an investigation of ‘child pornography’ offences;
30. Involve the private sector’s engagement, including Internet service providers to block and report SEC content on the Internet and the travel and tourism sector in reporting SEC crimes and raising the awareness of the public;
33. Enhance the regular exchange of up to date information about travelling child sex offenders among law enforcement agencies across jurisdictions of countries of demand, supply and victimisation, including greater use of the following tools:
   - INTERPOL ‘Green Notice’ for convicted sex offenders who are likely to reoffend in other countries;
   - denying entry to convicted child sex offenders who are likely to reoffend;
34. Implement identification procedures of SEC victims within vulnerable groups;
35. Offer or subsidise tailored recovery and reintegration services to all SEC victims, not just trafficking victims;
36. Ensure that child-sensitive services are available and regulated by quality standards, implemented by knowledgeable, well-trained staff with adequate resources and easily accessible to all children;
37. Establish emergency shelters for child victims who offer integrated services (psychological, legal, medical, etc.), pending the decision of the juvenile judge;
38. Strengthen the capacities of the staff of childcare facilities that care for children who are victims of sexual SEC, including identification of victims and methods of intervention;
39. Ensure that SEC victims are not treated as criminals; the burden of proof falls on the authorities and not on the victim.

**International cooperation**

40. Strengthen international cooperation and legal assistance mechanisms, particularly with Honduras, El Salvador, Nicaragua, Colombia and Mexico;
41. Cooperate across agencies and borders among the police and judiciary to allow exchange of information for investigations and prosecution of every case where a person is suspected or accused of having sexually exploited a child in another country;
42. Enhance the regular exchange of up to date information about travelling child sex offenders among law enforcement agencies across jurisdictions of countries of demand, supply and victimisation, including greater use of the following tools:
   - INTERPOL ‘Green Notice’ for convicted sex offenders who are likely to reoffend in other countries;
   - denying entry to convicted child sex offenders who are likely to reoffend; and
   - the development of sex offender registries that comply with the international standards on confidentiality and privacy.

Ibid., 29. ECPAT prefers the term ‘exploitation of children in prostitution’ instead of ‘child prostitution’ in line with the recently widely adopted Terminology Guidelines. ECPAT International (2016).

Ibid., 39. ECPAT prefers the term child sexual exploitation or abuse images, but in a legal context still uses ‘child pornography’ in line with the recently widely adopted Terminology Guidelines.

Ibid., 54.


Ibid., 17.


28 Ibid., 68.


34 Sustainable Development Goals Targets 5.2, 8.7, and 16.2.


47 Ibid.

48 More information regarding The Code can be found via http://www.thecode.org.


66 Ibid., 11.

67 Ibid., 8.


