



Global Monitoring

status of action against commercial sexual exploitation of children

NEW ZEALAND

2nd EDITION

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GLOSSARY OF TERMS AND ACRONYMS

- **AHG** – Ad Hoc Group
- **AP-FCACP** – Asia Pacific Financial Coalition Against Child Pornography
- **CGI** – computer generated images
- **CJRC** – Crime and Justice Research Centre
- **CPP** – Child Protection Protocol
- **CRC** – Convention on the Rights of the Child
- **CSEC** – Commercial Sexual Exploitation of Children
- **CSOM** – Christchurch School of Medicine
- **CST** – Child Sex Tourism
- **CYFS** – Department of Child, Youth and Family Services
- **CYPF** – Children, Young Persons and Their Families
- **DCEFS** – Department of Internal Affairs' Digital Child Exploitation Filtering System
- **ECPAT** – End Child Prostitution, Child Pornography, and Trafficking of Children for Sexual Purposes
- **FBI** – United States Federal Bureau of Investigation
- **FVPC** – Films, Videos, and Publications Classification Act
- **GDP** – Gross Domestic Product
- **HRC** – Human Rights Commission of New Zealand
- **ICMEC** – International Centre for Missing and Exploited Children
- **ILO** – International Labour Organisation
- **IOM** – International Organization for Migration
- **IRG** – Independent Reference Group
- **ISG** – The Internet Safety Group
- **ISP** – Internet service provider
- **IYB** – Independent Youth Benefit Programme
- **MYD** – Ministry of Youth Development
- **NGO** – non-governmental organisation
- **NPA** – National Plan of Action
- **NZD** – New Zealand Dollar
- **OCEANZ** – Online Child Exploitation Across New Zealand
- **OFLC** – Office and Film and Literature Classification
- **OPSC** – Optional Protocol on the sale of children, child prostitution and child pornography
- **PIDC** – Pacific Immigration Directors Conference
- **PLRC** – Prostitution Law Review Committee
- **PRA** – Prostitution Reform Act
- **PRIIP** – Pacific Regional Identity and Intelligence Project
- **RILON** – Regional Immigration Liaison Officer Network
- **RRRT** – Regional Rights Resource Team
- **RSO** – Regional Support Office
- **SOS** – Street Outreach Service
- **UN** – United Nations
- **UNDP** – United Nations Development Programme
- **UNHCR** – Office of the United Nations High Commissioner for Refugees
- **UNICEF** – United Nations Children's Fund
- **UNWTO** – United Nations World Tourism Organization
- **UPR** – Universal Periodic Review
- **VGT** – Virtual Global Taskforce
- **VNS** – Victim Notification System
- **YPP** – Youth Participation Program

FOREWORD

The 2008 Rio de Janeiro Declaration and Call for Action to Prevent and Stop Sexual Exploitation of Children and Adolescents (CSEC) represents a broad societal alliance that builds on more than twenty years of global action. The First World Congress against Commercial Sexual Exploitation of Children was held in 1996 in Stockholm, Sweden. It marked the first public recognition by governments of the existence of CSEC and resulted in a commitment to an Agenda for Action adopted by 122 governments.

Since 1996, many actors around the world have focused their efforts around this common agenda, and more government and non-government entities have joined in to advance positive change for children and to protect their right to live free from sexual exploitation.

However, the increasing sophistication of resources available to those who seek to exploit children has grown in equal measure. Responding to these challenges, and particularly to new CSEC manifestations such as exploitation using the Internet and mobile technologies, requires new partnerships, and more coordinated and targeted efforts to address a borderless crime.

Experience demonstrates that the level of responsibility and role that a government takes to set and uphold standards of protection determines the nature, quantity and quality of what the country achieves overall for its children. Unfortunately, country actions have not been uniform, and far more urgent work must be done. In particular, the Rio Declaration highlights the increased vulnerability of children in a less stable world.

This is why I welcome the publication of second editions of ECPAT International's Agenda for Action (A4A) Country Reports Monitoring the Status of Action against the Commercial Sexual Exploitation of Children.

We are confident these unique publications will support governments to take prescribed actions to protect children from such heinous violations, which are still perpetrated with impunity in many countries. They also have the potential to stimulate the exchange of experience and knowledge among different actors to create a dialogue that can enhance our collective efforts against CSEC.

Over the years, ECPAT's A4A reports have become a baseline of information on actions taken and a roadmap for addressing gaps in each country based on the framework of the Stockholm Agenda. The reports succeeded in their goal of providing a basis for more systematic assessment of progress on implementation of country commitments. Moreover, we know they provide an important support to the implementation of other international mechanisms that exist to protect children's rights, such as the *Convention on the Rights of the Child (CRC)* and the *Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography*. Today, 193 countries have ratified the CRC, and 143 the OPSC.

Production of such comprehensive publications requires global collaboration. ECPAT International would like to thank all those who participated in the work and contributed their inputs. This includes ECPAT member groups, local experts and organisations, as well as the dedicated staff and interns in the Secretariat of ECPAT International. We acknowledge the generous support of donors who back these efforts. The A4A reports would not have been realised without their support and solidarity.



Kathleen Speake
Executive Director, ECPAT International

Methodology

The Agenda for Action against Commercial Sexual Exploitation of Children provides a detailed framework and categories of actions to be taken by governments in partnership with civil society organizations and other relevant actors for combating commercial sexual crimes against children. Broadly, these actions are focused on: 1) Coordination and Cooperation; 2) Prevention; 3) Protection; 4) Recovery, Rehabilitation and Reintegration; and 5) Child Participation. The Agenda for Action is thus the formal and guiding structure used by governments that have adopted it and committed to work against CSEC. As such, the Agenda for Action is also the main organising framework for reporting on the status of implementation of the Agenda as seen in the World Congress II of 2001, the Mid-Term Review meetings held between 2004 and 2005 and the World Congress III in 2008. It has been used in the same way to structure and guide the research, analysis and preparation of information presented in these reports on the status of implementation of the Agenda in the individual countries.

Preparatory work for this 2nd Edition report involved a review of the literature available on sexual exploitation for each of the countries where ECPAT works. A number of tools were prepared, such as a detailed glossary of CSEC terms, explanatory literature on more difficult themes and concepts and a guide to relevant CSEC-related research tools, to assist researchers in their work and to ensure consistency in the gathering, interpreting and analysing of

information from different sources and parts of the world.

Desktop research has shown a continuing lack of information in the areas of Recovery, Rehabilitation and Reintegration. After extensive efforts to collect information relevant to these areas for each of the countries covered, it was decided that as this information was not consistently available, the reports thus focus only on those areas of the Agenda for Action where verifiable information can be obtained. Thus, the report covers: Coordination and Cooperation; Prevention; Protection and Child and Youth Participation, and where information on recovery, rehabilitation and reintegration, was available, it has been included under the country overview. These 2nd Edition Reports also reflect a greater focus on integrated and inter-sector collaboration for the realisation of the right of the child to protection from sexual exploitation, including the need nationally for comprehensive child protection systems.

Research of secondary sources, including CRC country and alternative reports, OPSC country and alternative reports, the reports of the Special Rapporteurs, as well as research and field studies of ECPAT, governmental and non-governmental organizations, regional bodies and UN agencies, provided the initial information for each report. This information was compiled, reviewed and used to produce first draft reports. In-house and consultant specialists undertook a similar process of review to generate information on

specialised areas of the reports, such as the legal sections. Nevertheless, researchers often encountered a lack of information. While sources also included unpublished reports and field and case reports of ECPAT and other partners, many countries lacked up-to-date data and information on areas relevant to this report.

Despite these limitations, sufficient information was gathered to provide a broad overview of the situation in each country. Subsequently, first drafts were prepared and shared with ECPAT groups, which then supplemented the information with other local sources and analysis (taking care to identify them and source appropriately). Upon receipt of these inputs, a series of questions were generated by the ECPAT International team for deeper discussion, which involved ECPAT groups and specialists invited by them. The information from these discussions was used to finalise inputs to each of the reports. These consultations proved to be invaluable for analysis of the country situation. They also served as a measure for triangulating and

validating information as different actors offered their perspective and analysis based on their direct work.

As previously noted, the information of each country report is organised to correspond to the structure of the Agenda for Action. Thus all the 2nd Edition reports feature updated information in relation to: (i) an overview of the main CSEC manifestations affecting the country; (ii) analysis of the country's National Plan of Action (NPA) against CSEC and its implementation (or the absence of an NPA); (iii) overview and analysis of coordination and cooperation efforts during the period under review; (iv) overview and analysis of prevention efforts; (v) overview and analysis of protection efforts, which includes detailed information on national legislation related to CSEC (see www.ecpat.net for further details); (vi) overview and analysis of country's efforts incorporate participation of children in youth in the development and implementation of efforts to combat CSEC and (vii) priority actions required.



NEW ZEALAND

INTRODUCTION

New Zealand is a parliamentary constitutional monarchy with a population of approximately 4.4 million,¹ 27.07 percent of whom are children and youth under the age of 18.² Classification under the UN Development Programme's (UNDP) human development index has placed the state in the category of 'very high human development'³; however, New Zealand's economy has suffered in recent years as a result of the global recession.

Due to a drought in 2007 which lowered the production of dairy products, New Zealand entered into recession in early 2008, a few months prior to the global economic crisis. High fuel and food prices resulting in low domestic activity,⁴ coupled with an unsustainable housing boom, heavy household debts and an account deficit hit the economy harder than expected.⁵ GDP fell and unemployment rose to 6.6 percent in October of 2011, compared to 3.5 percent in January of 2008.⁶ Recently, in April 2011, New Zealand has witnessed a resource-driven comeback and the largest trade surplus in history (1.1 billion NZD), on account of strong overseas demand;⁷ however, this comeback has yet to benefit the majority of those living in poverty – including 200,000 children, approximately half of whom are of Maori or Pacific origin.⁸ The recession was exacerbated by a violent earthquake (6.3 on the Richter scale) in Christchurch in February 2011, which killed approximately 185 people and caused millions of dollars worth of damage.⁹

The effect of poverty on the commercial

sexual exploitation of children (CSEC) has been confirmed in a recent regional study, which states that "economic inequalities and disparities, which are exacerbated by the process of globalization, increase the criminal problems of human smuggling and trafficking."¹⁰ On an individual level, the inability to meet basic needs has also driven a small percentage of the impoverished youth to prostitution to support their families or provide for themselves when welfare services were unavailable.

An estimated six billion NZD is spent per year to offset the effects of child poverty,¹¹ yet a recent study conducted by the Organization for Economic Co-operation and Development (OECD) in 2009 has shown New Zealand to be among the worst performing member countries in terms of child outcomes.¹² UNICEF has made strong arguments to refocus investments, targeting the first three years of a child's life, rather than on remedial services.¹³ UNICEF's urgings, along with strong criticism from the UN Committee on the Rights of the Child on the recognition of children's rights,¹⁴ has pushed the government to refocus its efforts on early intervention and child outcomes. One initiative now gaining ground is the "1000 days to get it right for every child" 2011 campaign created by the coalition group Every Child Counts, which highlights the importance of the first three years of a child's life in helping to mitigate against future behaviour that may put youth at risk.¹⁵

The government has ensured that legislation is in place to combat the commercial sexual

exploitation of children (CSEC), particularly in terms of child pornography. Nevertheless, further action must be taken to combat child poverty and other vulnerability factors in order to fully eliminate future risks of CSEC and continue in their efforts to educate the public and private sector on these issues.

Following the 1996 Stockholm and the 2001 Yokohama global forums on CSEC, New Zealand reaffirmed its commitments at the World Congress III against the Sexual

Exploitation of Children and Adolescents, in November 2008 in Brazil. The World Congress III renewed global commitment and galvanised international resolve to combat sexual exploitation of children and adolescents. In total, more than 3,000 people took part in the three-day gathering, including representatives from government, the private sector and civil society as well as 300 children and adolescents from around the world.

Vulnerability of Maori children to CSEC

Although the number of exploited Maori children is currently unknown, according to the New Zealand Ministry of Justice, it is likely that the Maori constitute a majority of the youth involved in commercial sexual exploitation as they are more commonly exposed to risk factors that may lead to exploitation. According to a report by the New Zealand Ministry of Justice, Maori youth are more exposed to family problems, drugs and alcohol, poverty within their neighbourhoods, as well as a lack of positive cultural identity all of which may render them more vulnerable than their peers. To date, prevention and protection programmes delivered by Maori and based on Maori structures have been most successful and are most likely to have an effect at offsetting the number of Maori children involved in prostitution.¹⁶

Child prostitution

Information and data on children involved in prostitution in New Zealand is limited. Following the decriminalisation of prostitution through the Prostitution Reform Act of 2003, brothels are legally operated throughout the country; however, employment of all persons under the age of 18 remains strictly outlawed. Whilst this may result in less underage prostitution within legal establishments, it also drives those involved in underage sex work into less secure environments and makes it difficult to ascertain the extent of the problem.

According to surveys carried out in November 2003 to April 2004 for the Prostitution Law Review Commission's first report, an estimated 210 underage persons were involved in the commercial sex industry at the time of study. While the majority

worked on the street, a quarter worked through escort agencies, and ten percent worked privately. The Christchurch School of Medicine (CSOM) conducted further studies in 2007, surveying 772 participants, all of whom worked in the sex industry. Ten of those surveyed were under 18 at the time of questioning, and 41 of the 772 stated that they entered sex work before the age of 18.¹⁷

The CSOM survey reported that 56 percent of street-based sex workers entered sex work before the age of 18. Street workers in general are considerably more likely to have suffered violence, threats, rape, and theft, and, due to their age, underage sex workers are even more at-risk.¹⁸ While a small number of those surveyed reported being pressured or forced into prostitution, most stated that they entered sex work in order to meet basic

needs or to provide their families with extra income. Participants stated that they were unable to obtain financial support from their parent or guardian and ineligible for unemployment benefits due to their age. The Independent Youth Benefit (IYB) program, intended to provide financial aid to 16 and 17 year olds, was highly criticised by the youth as inadequate and restrictive due to its age limitations.¹⁹

In 2008, Manukau Police carried out Operation Capio in the area around Northcrest car park and removed 11 young

people potentially involved in prostitution and placed them with caregivers or in the care of Child Youth and Family Services.²⁰ Subsequently, in 2010, the Auckland Police carried out a similar operation code named City Door, where 13 girls under the age of 16 were identified as actively involved in prostitution. The police removed five underage girls from the streets and placed them in the Child Youth and Family Services care; however, senior police expressed concern that many of these girls ran away from the Child Youth and Family Services care and were back on the streets.²¹

Child trafficking for sexual purposes

Although no recent cases of child sex trafficking have been reported, New Zealand has been named as a destination country for women who are forced into sex work from countries such as Hong Kong, Thailand, Taiwan, China and Eastern Europe.²² New Zealand also has a number of children trafficked internally for the purpose of sexual exploitation. The 2011 US TIP report noted that 'child trafficking victims are found engaging in prostitution illegally in brothels and off the street, some being closely controlled by local gangs'. The 2011 TIP Report also named New Zealand as a source country based on the presence of internal trafficking. This view is not accepted by the New Zealand Government, which only recognises trafficking as transnational. The New Zealand government takes the view that internal sexual exploitation of children is covered adequately under other legislation not focus on trafficking – namely The Crimes Act 1961. ECPAT has approached the Labour Department to press it to review its

perspective on the definition of trafficking.

Despite the lack of prosecutions, informal reports of trafficking are widespread, with numerous accounts of foreign women, primarily from Southeast Asia, found within the sex industry; however, it has yet to be determined if these women are also victims of trafficking. According to police reports there are more than 500 Thai women in the sex industry of Auckland, and health personnel have testified to several instances of underage Thai women seeking emergency care for sexual violence.²³ False addresses and potential relocation by traffickers has prevented law enforcement from locating these women for further investigation.²⁴ New Zealand has also made significant efforts over the past few years to raise awareness of human trafficking through the informational websites, brochures, law enforcement training, as well as through regional collaboration and anti-trafficking networks,²⁵ notably the Bali Process.²⁶

The US Department of State annually releases a *Trafficking in Persons Report* that categorises countries into different “tiers” based on the extent of government action to combat human trafficking. Countries that have the highest level of compliance with the *Trafficking Victims Protection Act’s* minimum standards for the elimination of trafficking are placed in **Tier 1**. Those that have made “significant efforts” to meet the standards are placed in **Tier 2** and countries that are not making significant efforts to combat human trafficking are placed in **Tier 3**.

In the 2011 report, New Zealand was placed in **Tier 1**.²⁷

Child pornography/child abuse images

According to the Ministry of Justice, child pornography is a growing issue in New Zealand, particularly with the increased use of Internet throughout the country. However, to date, the majority of cases have dealt with the possession and distribution of imported pornography rather than actual production of child pornography within New Zealand.²⁸

New Zealand has witnessed numerous successful prosecutions of those found distributing, supplying, or in possession of child pornography, including September 2011 proceedings against a 22-year-old exchange student (arrested at Auckland International Airport) in possession of Japanese animated pornography, or Hentai, which is included within the category of objectionable publications.²⁹

Recent cases have also revealed the involvement of New Zealanders in international online pornography rings. In 2010, a joint operation involving law enforcement agencies in the US and New Zealand uncovered pervasive child pornography networks specialising in the trade and distribution of child sexual abuse images via the Internet. One New Zealander was arrested and convicted to four and half years prison term by the Wellington District Court. The offender had previously been arrested on multiple occasions following discovery of international online child pornography trading networks and over 3,700 self-created images of child sexual

abuse.³⁰ Later that same year, the US justice authorities - in collaboration with the Federal Bureau of Investigation, forces from other countries and the Hague-based Eurojust body - busted another international online child pornography ring operating by the name of ‘Lost Boy’. A 29-year-old New Zealand citizen is one of 20 offenders from various countries being charged for child exploitation and possession of child pornography through the ‘Lost Boy’ online bulletin board.³¹

Although these cases attest to wide distribution of such images and the increased scale and potential risk to children via the Internet,³² the New Zealand Government Department of Internal Affairs has a well-established and effective Censorship Compliance Unit experienced in detection and prosecution of offenders. Furthermore, the Online Child Exploitation Across New Zealand (OCEANZ) Police Unit works to identify child sexual offenders through website patrolling, while also identifying and protecting potential victims and coordinating international operations.³³

The Department of Internal Affairs’ Digital Child Exploitation Filtering System (DCEFS), launched in 2010, has been introduced to block websites hosting known child sexual abuse images and efforts are now heavily focused on increased ISP participation and private sector support.³⁴ Currently seven of New Zealand’s largest

ISPs have voluntarily been using this filter, accounting for over 95% of online traffic, and, as of August 2011, approximately 9.7 million attempts to access filtered sites had been blocked.³⁵

However, recent cases demonstrate the need for continued vigilance. In March 2012 a New Zealander from the Rotorua District was arrested and is currently facing charges relating to making, distributing and

possessing child pornography. The charges included four counts of making child pornography, two counts of distributing child pornography, 10 counts of possessing child pornography and one count of committing an indecent act, all of which occurred between October 2010 and May 2011.³⁶ The production of child abuse images within New Zealand is quite rare, as most cases deal with images produced abroad.

Sexual exploitation of children in tourism

Although there are relatively few documented cases of child sex tourism, evidence has shown that New Zealanders are among child sex tourists abroad in countries such as India and Fiji, where charges have been brought against individual citizens.³⁷ Despite the passage of the 1995 Crimes Amendment Act, there has been little enforcement of the extraterritorial legislation concerning child sexual abuse abroad or the

new Article 144 criminalising the organising and promotion of child sex tours. It was not until 2011 that New Zealand witnessed its first prosecution of a child sex tour organiser, following a two year operation by the Police OCEANZ team, Counties-Manukau Child Protection Team, the New Zealand Customs Service, and the Police Undercover Programme.³⁸

Other issues / factors leading to csec

As mentioned above, increasing Internet access and usage by youth can increase the potential for online exploitation. In 2005 a study of online behaviours of youth in both New Zealand the United States examined the number of teenage girls “engaging in risky activities including disclosing personal information, sending personal photos to online acquaintances and arranging face-to-face meetings.” In New Zealand, 34.3% of the girls surveyed had given out personal information via an online questionnaire while 26.2% sent pictures of themselves at the request of someone online. 23.6% (almost double the number in the US) had met in

person with an online acquaintance.³⁹

Furthermore, follow-up questions revealed that of those teenage girls who had agreed to meet face-to-face with a stranger, none had discussed Internet safety with a parent, counsellor or caregiver, while those who had a discussion with a parent were considerably less likely to agree to meet an online acquaintance. In fact, numbers from New Zealand indicate that those girls who had not had a discussion concerning Internet safety were four times more likely to agree to meet in person with someone they met online.⁴⁰

NATIONAL PLAN OF ACTION

New Zealand's initial attempt to address the Commercial Sexual Exploitation of Children (CSEC) through a National Plan of Action was finalised in 2001 under the title *Protecting Our Innocence*, which provided a comprehensive overview of the state of child prostitution, child pornography, child sex tourism, and child trafficking within New Zealand.⁴¹ However, despite the designation of 15 government agencies and four NGOs to implement the primary objectives, research conducted by ECPAT Child ALERT (the ECPAT group in New Zealand) and the New Zealand Ministry of Justice revealed low levels of inter-agency coordination and a lack of implementation. *Protecting Our Innocence* is seldom referenced in subsequent government policies or work programmes, even when specifically addressing the objectives of the National Plan of Action, possibly due to the absence of concrete actions and specific timelines within the Plan itself.⁴² Now that New Zealand has ratified the OPSC, the Government will be required to meet the obligations of this United Nations instrument, which may trigger a review of the National Plan of Action.

There are efforts to combat CSEC currently embodied in the 2009 *Plan of Action to Prevent People Trafficking*, hereafter referred to as the Trafficking NPA, developed by the Department of Labour under the auspices of the Interagency Working Group on people trafficking. This working group includes the Department of Labour, the Department of the Prime Minister and Cabinet, the Ministry of Foreign Affairs and Trade, the Ministry of Justice, the Ministry of Health, the Ministry of Social Development, the Ministry of Women's Affairs, the New Zealand Customs Service and the New Zealand Police. The Trafficking NPA represents a coordinated effort by both government and non-government bodies to

“prevent people trafficking, bring offenders to justice and offer protection and assistance to victims of trafficking.”⁴³ Child trafficking, however, is not specifically addressed within the current plan, an absence which could result in an overall omission of the unique issues involved in the trafficking of children within the formulation and implementation of new preventative measures.

The Trafficking NPA complies with international standards, such as the Rio Declaration and Call for Action, particularly through the incorporation of both government and civil society actors in the creation and the implementation of the plan, both short and long term. During the public consultation period in June 2008 the Department of Labour received 34 formal submissions for the non-government sector which helped shape the NPA. Additionally, the government will be utilising the services and expertise of the non-governmental sector during the execution of many of the objectives, specifically those concerning victim support.⁴⁴

The *Plan of Action to Prevent People Trafficking* also fulfils New Zealand's obligations under the UN Trafficking Protocol,⁴⁵ as well as its pledge to create a Plan of Action as a member of the Bali Process on People Smuggling, Trafficking in Persons and Related Transnational Crimes.⁴⁶ Adoption of this National Plan of Action has confirmed New Zealand's commitment to prioritize trafficking as an issue and allocate appropriate resources to guarantee protection from sexual exploitation and trafficking.⁴⁷

The ten main goals of the NPA, categorised under the headings of Prevention, Protection, and Prosecution, are to be realised through 28 key objectives, each of which will be carried out through a corresponding action

by a delegated agency. These actions have each been allotted a timeframe for their respective completion.⁴⁸

The NPA will above all provide officials with the 'ability to detect, prevent and combat' trafficking in persons.⁴⁹ The main items enumerated include: research on the origin and influence of people trafficking, with a focus on best practice in assisting victims; training and awareness-raising events; new policies for delivering comprehensive support and assistance to identified victims; and implementing measures to empower victims to participate in the criminal justice process against their traffickers.⁵⁰

According to the NPA, the Interagency Working Group will continue to meet regularly to coordinate and monitor progress towards achieving the work items outlined in the NPA. It also calls for follow-up reports and evaluations of the 28 objectives, in addition to a yearly progress report compiled by the Department of Labour;⁵¹ however, at the time of writing it was not possible to identify any relevant reports of this kind.

The Trafficking NPA is complemented by the New Zealand National Action Plan for Human Rights, which addresses children's issues to a much greater degree. This plan is based on *Human Rights in New Zealand Today*, an assessment of the state of human rights in New Zealand with input taken from more than 5,000 individuals, civil society groups and organisations through national consultations and 'public opinion research' published in 2004. Carried out by the Human Rights Commission of New Zealand (HRC), it identifies the areas in which New Zealand is performing well in regards to the protection of human rights and specifies the actions that need to be taken to improve in others.⁵² Following publication of the plan in 2005, the Human Rights Commission stated that it would work with the bodies responsible for the primary actions in order to promote respect

for human rights at a national level,⁵³ specifically in areas lacking coordinated efforts, such as child prostitution.⁵⁴ Accepting that the responsibilities for the promotion and protection of human rights may 'extend beyond the State to regional and local government, to the business and community sectors, or voluntary groups and organisations' the HRC proposed that the relevant agencies or organisations develop specific timelines and oversee activities for the realisation of the objectives laid out within the plan, limiting the concrete requirements of the plan itself. Only half of recommended actions fell within the scope of government responsibility.⁵⁵

The Action Plan for Human Rights overlaps with the Trafficking NPA, detailing many similar objectives - specifically in terms of victim support -and identifying key outcomes and the actions needed to achieve them. However, despite the government's voiced intentions of cooperation for the development of a human rights NPA and pressure via the NGO Combined Coalition's Submission to the Universal Periodic Review (UPR),⁵⁶ the New Zealand Parliament has not formally endorsed the Commission's Action Plan nor allocated any funds for its implementation. Thus, the document cannot be considered a National Action Plan.⁵⁷

As the focus of the country's only official NPA limits itself to trafficking in persons, the other manifestations of commercial sexual exploitation of children have received less attention. Despite the existence of supplementary legislation which may protect against forms of CSEC other than trafficking, the lack of a state approved national plan of action to further coordinate these endeavours creates room for gaps in national policy and a rise in manifestations of CSEC such as child prostitution.⁵⁸

NGOs and human rights advocates previously lobbied for the ratification of the 2005-2010 NZ National Action Plan

for Human Rights; however, now that the Plan has expired, New Zealand must consider strengthening and streamlining its actions against all forms of commercial sexual exploitation of children under one national plan of action. The lack of a national plan of action addressing CSEC issues creates a major gap in child protection, and it is hoped that the Government will fully endorse and participate in the Human Rights Commission's 2011-2015 Action Plan for Human Rights; however, no action has been taken at this time.

The Green Paper on Vulnerable Children, a

2011 Government initiative put forward by the Minister for Social Development, called for significant changes to be made regarding vulnerable children and their families.

Opening the subject to the government, NGOs, civil society, and the general public, the Green Paper received 9,000 submissions concerning children. These were compiled and incorporated in the overview, analysis, and recommendations on the current situation in New Zealand. Moving into phase two, work will now begin on the White Paper which will create a 10 year Children's Action Plan to be published in late 2012.⁵⁹

COORDINATION AND COOPERATION

Local and national levels

Coordination and Cooperation are crucial for an efficient and effective fight against CSEC. In accordance with the Stockholm Declaration, close interaction and cooperation between government and non-government sectors is necessary to effectively plan, implement and evaluate measures to combat CSEC.

Since its inception in 2001, the Ministry of Social Development has been responsible for the implementation of the UN Convention on the Rights of the Child (CRC).

Although New Zealand has not created a comprehensive plan of action to address the various manifestations of CSEC, it has endeavoured to create a collaborative work programme to facilitate coordination and prevent overlap between departments and their respective projects. This work programme is carried out under the auspices of the Social Sector Forum – or simply 'the Forum'.⁶⁰ The Forum is a principal government instrument in cross-sectoral matters. Membership includes the chief

executives of key government departments, including the Ministry of Health, Education and Justice, as well as the Department of the Prime Minister and the Cabinet. The forum is chaired by the chief executive of the Ministry of Social Development.⁶¹

The Forum meets on a monthly basis and reports to the Government's Cabinet Social Policy Committee. These reports keep the cabinet informed while holding the individual departments accountable for the fulfilment of the various facets of the programme. The participation of chief executives in the Forum ensures the incorporation of key issues into the respective department's work programmes. The Forum's key initiatives include a community response model which would allow communities to voice their needs, an integrated service response and community link model to address root causes of family problems, a 'Drivers of Crime' initiative to facilitate interdepartmental collaboration (discussed in the Prevention section), and the Rangatahi

Courts project to curb reoffending by youth within Marae communities.

These initiatives, accompanied by additional projects by the government departments involved, strive to address the needs of the particularly vulnerable and at-risk populations, investing \$333 million over the next 4 years in both national and community-based projects.

The Rio Declaration and Call for Action (which is the outcome of the World Congress III against Sexual Exploitation of Children and Adolescents hosted by the Brazilian Government in collaboration with ECPAT International, UNICEF and other agencies working against CSEC in 2008), highlighted the need for effective cooperation between the various government agencies responsible for protecting children from CSEC.⁶² The Government of New Zealand has been particularly successful in coordinating efforts in the area of child pornography through the Department of Internal Affairs; this division is responsible for the enforcement and implementation of the country's censorship legislation, including all investigations into the possession and trading of any material exploiting children.⁶³

This effort is managed principally through NetSafe: The Internet Safety Group (ISG). ISG, a non-profit working towards cyber safety, is made up of members from all levels of society, including the New Zealand Police, the Police Youth Education Service, Teachers and Professors, the Judiciary, the Department of Internal Affairs, the New Zealand Customs Service, the Ministry of Education and a variety of businesses and community organisations, as well as parents and students.⁶⁴ NetSafe, the key programme carried out through the ISG, advocates cyber safety and digital citizenship, focusing specifically on issues such as computer security, cyber bullying, mobile phones, and social networking through extensive awareness-raising and education on smart

and child safe online practices.⁶⁵

NetSafe recently developed an online reporting mechanism called 'the Orb,' which provides a quick and easy way to report any questionable online behaviour or material. In regard to CSEC, the Orb has provided a link to the Online Child Exploitation Across New Zealand team (OCEANZ) for concerns related to the exploitation of children, as well as a 'Child Alert Hotline' with a link to ECPAT Child ALERT and the Censorship Compliance Unit of the Department of Internal Affairs to report cases of child pornography.⁶⁶

The Ministry of Education has partnered with NetSafe and teachers of all levels in its efforts to create a national curriculum supporting the integration of technology into schools. Originally taking a protectionist approach to youth online, NetSafe has now progressed to a "student-centred 'digital citizenship' model" under which schools, through the implementation of the 'Learn Guide Protect Framework,' can foster students' critical thinking and media literacy skills.⁶⁷

In terms of child protection, the Department of Child, Youth and Family Services (CYFS) serves as the coordinating body for statutory care and protection, youth justice and adoption services for children. Equipped with the power of intervention, they protect children suffering from abuse or neglect as well as those with behavioural problems. Furthermore, CYFS liaises among police, courts and youth entering the youth justice system and provides short term housing and care services for children in need of basic care.⁶⁸ Each area of the department is serviced by a care and protection resource panel, laid out under section 428 of the Children, Young Persons, and their Families Act 1989.⁶⁹ These panels will provide advice to social workers, care and protection co-ordinators, and others as deemed necessary, as well as promoting co-ordination between

service providers and receiving reports of exercises and performances.⁷⁰

Although local and national institutions appear to be functioning at full capacity in certain areas of CSEC, such as child

pornography and online child exploitation, increased communication and cooperation is needed within the areas of child trafficking and prostitution where prosecutions are low and information lacking.

Regional and international level

At the international level, effective cooperation is required between countries and international organisations, including regional organisations, to ensure a concerted and coordinated approach is taken in eliminating CSEC.

New Zealand has played an active role in regional cooperation to address anti-trafficking in persons through participation in the Pacific Immigration Directors Conference, the Pacific Islands Forum, and the Bali Process, as well as through several bilateral agreements with other countries in the region.

The Pacific Immigration Directors Conference

The Pacific Immigration Directors Conference (PIDC), established in 1996, focuses on the international movement of people and works to reinforce border management and security, and capacity building in the area of immigration services. The last conference, held in Micronesia from the 30 October to 2 November 2011, discussed the development and synchronisation of regional immigration policies to meet international standards as well as best practices on issues such as human trafficking.

During the conference New Zealand briefed the delegates on the achievements of the Pacific Regional Identity and Intelligence Project (PRIIP) in the following countries since 2010: Cook Islands, Kiribati, Solomon

Islands, Vanuatu, Samoa, Tonga, Palau, FSM, Niue and the Marshall Islands and suggested a fourth phase that would continue until mid-2013. This project works as a detection, measurement, investigation, prosecution, and prevention mechanism against identity fraud at the border;⁷¹ however, it is more focused on the economic repercussions of unwanted immigrants rather than the increased identification and support of victims of trafficking. ECPAT recommends that the PIDC expand its current focus to include increased identification and support of victims, and to incorporate the specific treatment of children's issues into its agenda.

Pacific Islands Forum

New Zealand is also a founding member of the Pacific Islands Forum, created in 1971. The Forum works toward regional sustainability, security, economic prosperity and peace. Human rights have gained a discernible place on the agenda more recently thanks to the Forum's Pacific Plan, the 2009-2011 Political Governance and Security Programme, and collaboration with New Zealand's Human Rights advocacy groups. New Zealand further invests in the regional discussion of human rights through its support of the Regional Rights Resource Team (RRRT), which provides further training and support to Members of Parliament on Human Rights and the Pacific Plan, as well as research into regional human rights instruments.⁷²

However, despite New Zealand's active

role in promoting human rights within the forum, the issue of child trafficking, and child rights more generally have been largely absent throughout the discussion. During the 42nd Pacific Islands Forum in Auckland, NZ, the communiqués note references to youth education and initiatives; however, there is a distinct lack of dialogue concerning the commercial sexual exploitation of children, which should be a distinct focus of the regional body.⁷³

The Bali Process

New Zealand is also a member of the Bali Process, created in February 2002 to help unite countries in the region in combatting people smuggling, trafficking in persons and related transnational crimes.

As one of two country coordinators, New Zealand leads activities concerning ‘Regional and International Cooperation on Policy Issues and Legal Frameworks,’⁷⁴ and, as part of the steering group, the government of New Zealand, along with those of Australia, Indonesia, and Thailand, work with the International Organization for Migration (IOM) and the UNHCR to supervise and execute all related activities and initiatives.

Following the inaugural Bali Ministerial Conference, the Bali Process has held 30 workshops and established general goals including: the sharing of information; collaboration in combatting and deterring people smuggling/trafficking; raising awareness; improving identification, legislation, and protection for victims; as well as facing the root causes of these problems. As of January 2012, the Bali Process has 43 member countries.⁷⁵

The Ad Hoc Group (AHG), formed during the creation of the Bali Process, was revived during the third Bali Regional Ministerial

Conference to develop concrete operating procedures to address the increase in irregular population movement and improve upon existing information sharing. During the second AHG meeting in December 2009, the Regional Immigration Liaison Officer Network (RILON) was launched to “bring together host country immigration, relevant law enforcement agencies and foreign missions located in those countries on a regular basis to share info on issues related to irregular movements of people by air, such as travel documentation, visa issuance, and vulnerabilities at airports.”⁷⁶ Following the fourth Bali Conference, RILON has expanded to include Bali Member countries outside of the steering group and other like-minded non-Bali process countries.⁷⁷

During the fifth meeting of the BALI process on the 12th of October, the Regional Support Office (RSO) was created to work with the UNHCR and IOM.⁷⁸ The RSO will share information concerning refugee protection, international immigration, human trafficking and smuggling, border control, and cross-border migration. Despite obvious efforts at increased collaboration, there is still little focus on child trafficking, which must be integrated into the Bali Process.

To date, little analysis has been carried out on the effect of the Bali Process. One tangible outcome has been the formulation of a model trafficking law, created using key components of the UN Trafficking Protocol while broadening the definition of exploitation beyond those of a sexual nature.⁷⁹

The ASEAN Regional Forum

Additionally, New Zealand is a member of the ASEAN Regional Forum, which works to promote discussion and consultation on political and security issues within the region. The forum also works to build confidence

between the various member states and encourage preventative diplomacy.⁸⁰

New Zealand has also collaborated with other governments and NGOs in the region by hosting and participating in the inaugural Pacific Trafficking in Persons Forum in 2009. Organised by the Australian Institute of Criminology, the Salvation Army, New Zealand, Fiji and Tonga, and the Pacific Immigration Directors' Conference, the forum allowed 70 representatives from government agencies, NGOs, and academics to exchange research, best practices and discuss root causes of trafficking in the region.⁸¹

During the second forum in 2011, (organised by the Salvation Army, ECPAT Child ALERT and HAGAR) several smaller NGOs, such as the Prescha Initiative,¹ were invited to attend, lending encouragement and prompting the growth and sense of legitimacy to budding projects, in addition to creating further forms of collaboration and cooperation. However, again, there was an overall lack of reference to children's issues.

Police inter-agency collaboration

Aside from national and regional projects, the New Zealand Police Department has also established connections with Interpol and participates in a network of government and law enforcement agencies to exchange information and practices. In 2010 the OCEANZ squad joined the Virtual Global Taskforce (VGT), a group of international law enforcement departments working collaboratively to combat online child abuse and exploitation.⁸² Working as part of the VGT, OCEANZ's primary activities have now expanded to include coordinating international operations to locate paedophile networks, identify online child sexual

offenders, and target child exploitation websites with the intention of rescuing victims and gathering information and evidence.⁸³ Additionally, the Department has set up a liaison officer in Thailand assisting in the flow of information regarding New Zealand offenders within the country.⁸⁴

NetSafe has also worked with the Australian Communication and Media Authority on the Cybersmart Programme, establishing a partnership with the Australian agency to share resources.⁸⁵

As discussed in a recent paper on East Asian non-traditional security issues, such as human trafficking, inter-state conferences underline the problems present within the region; however, "it is uncertain whether multilateral gatherings that only make broad recommendations can lead to a better regional response to human smuggling and trafficking."⁸⁶ In order for conferences and regional partnerships such as the Bali Process to have an effect they must not only create concrete outcomes and law but enforce or provide incentives for each country to implement these laws. Regional collaboration has a tendency to focus on soft mechanisms of cooperation such as intelligence sharing, and while this helps in bringing attention to the issue, it must be accompanied by hard measures, commitments to concrete legal and policy action, in order to eradicate CSEC.

In order to better combat CSEC, it is also necessary to expand beyond the current focus on trafficking. While New Zealand is beginning to participate in international efforts against child pornography, the majority of regional associations and conferences centre on the topic of trafficking, ostensibly deprioritising other forms of CSEC.

¹ The Prescha Initiative uses creative messages to combat trafficking or raise awareness and allows people to upload their responses to trafficking onto their website in the form of projects, poems, and other forms of art. These are then used to advocate for their cause.

PREVENTION

The effective prevention of CSEC requires multi-faceted strategies and policies that simultaneously address the different elements of the problem. These strategies should target both vulnerable children and those who engage in sexual activities with children while also addressing the root causes of CSEC, such as poverty and lack of education.

Long term prevention strategies include improving the status of children who are most vulnerable to CSEC by implementing policies to reduce poverty and social inequality and improving access to education, health and social services. Effective short to medium term strategies include awareness raising campaigns and education and training initiatives for the general public, vulnerable groups and government officials. The resources, expertise and influence of the private sector, particularly the tourism and IT industries, should also be engaged in prevention measures, in particular in awareness raising activities.

New Zealand is considered to have one of the most advanced cyber safety systems in the world, providing educational information, materials, and online programmes for children, teachers, parents and schools through NetSafe: the Internet Safety Group. NetSafe is a non-profit organisation that 'promotes confident, safe, and responsible use of online technologies.'⁸⁷ Through its numerous partnerships with agencies and individuals within the government, education, legal, and industrial sectors, as well as community based organisations and families, NetSafe has been able to extend its reach throughout New Zealand. Its programmes include activities and information regarding staying safe on social networking sites, parental controls on both cell phones and computers, NetSafe 'kits' for schools, and Cybersafety agreements for community and business groups.⁸⁸

Additionally, NetSafe has focused on early education on the Internet. Hector's World, geared for children ages 2 to 9, features seven animated instalments about Hector the dolphin and his friends in Silicon Deep. Each episode is meant to help children learn about safety online and 'digital citizenship'. The website also provides supplementary worksheets, songs, and lesson plans for educators wishing to use the episodes as part of their class.⁸⁹ Following its debut in New Zealand, other countries such as the UK have started to incorporate the use of Hector's World into school systems and Internet safety programmes.⁹⁰ Extending into the private sector, NetSafe has partnered with both Vodafone and Telecom to provide this educational material for their websites.⁹¹ ECPAT Child ALERT also provides an interactive online safety programme for young children called 'Cyberkids'.⁹² Because children's Internet usage is often not monitored by their families and communities as closely as other activities, providing systematic education on safe Internet usage beginning at an early age is a key prevention tool.

Reporting mechanisms are also an important part of prevention. The Orb, discussed above, provides New Zealanders with a simple and safe way to report incidents online. The homepage consists of nine buttons in total, including one where users can 'click' to report material 'offending against children' to OCEANZ, and another for the 'Child Alert Hotline' run by ECPAT Child ALERT, which reports illegal child abuse material to the Censorship Compliance Unit of the Department of Internal Affairs.⁹³

The Censorship Compliance Unit carried out profiling research and has published updates on Internet Traders of Child Pornography since 2004. The Unit itself performs investigations into the distribution

of images of child abuse. The last update, published in 2009, reviews the results of 318 offender profiles, analysing factors such as social and ethnic background, as well as age and occupation. Since 2007 the report has also included statistics on the percentage of offenders who work with or have frequent contact with children (from 8% in 2007 to 12% in 2009); however, there is currently no substantive evidence showing a link between online offenders and physical offenders. The study also indicated that

many online offenders will partially admit to offences when faced with an investigation by Internal Affairs; however, there is also a degree of denial as the majority do not believe that possession of child sexual abuse images constitutes a crime.⁹⁴ Unfortunately, two years have passed since the last report, and an update is needed in order to better gauge the current offender profile and adjust preventative measures.⁹⁵

Private sector involvement

The Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism, more simply known as The Code, originated through collaboration between ECPAT, the World Tourism Organization (UNWTO), and Scandinavian tour operators. Initially piloted by ECPAT Sweden in 1997, The Code has grown into an independent, international organisation that has established a code of six standards for tourism service providers to protect children from sexual exploitation. These include the establishment of policies regarding commercial sexual exploitation of children, personnel training in the country of origin as well as the destination country, the introduction of specific clauses within supplier contracts specifying a mutual repudiation of CSEC, the provision of information on the subject to travellers through various media, the provision of information to principal actors at the destination, and annual reporting.⁹⁶ In August 2011, the ACCOR group of hotels throughout New Zealand and Fiji registered as signatories to The Code. This will hopefully motivate more companies in New Zealand to follow ACCOR's lead to commit to protect children from sexual exploitation.

The Government of New Zealand also participates in several tourism organisations

such as the Pacific Asia Travel Association, International Air Transport Association, and World Tourism Organisation, all of which have stated a need for corporate responsibility for child sex tourism. The Ministry of Justice has also discussed specified education campaigns for tourism schools and associations that would help clarify the relationship between child prostitution and tourism and the actions that may be taken against this type of exploitation. At this time, however, no notable progress has been made.⁹⁷

In the area of child pornography the Department of Internal Affairs has piloted a filtering system between 2006 and 2008, allowing Internet providers to block websites that host child sexual abuse images and prevent access to websites known to contain child sexual abuse material. This system, the Digital Child Exploitation Filtering System (DCEFS), has been in operation since the first quarter of 2010.⁹⁸ Designed as a preventative measure rather than an enforcement tool, the system complements enforcement activities carried out by the Censorship Compliance Unit of the Department of Internal Affairs. The filtering list, created by the Censorship Compliance Unit, was generated from: information from national and overseas enforcement agencies;

material obtained from seized computers during investigations and prosecutions in New Zealand; ECPAT Child ALERT's online reporting service 'Child Alert'; and reports of abusive images made directly to the police. All questionable images are presented to the Office of Film and Literature for classification. However, all data acquired may not be used in investigations or enforcement activities in accordance with the Telecommunications Information Privacy Code of 2003. According to Rule 10 of the code, this rule is necessary to avoid prejudice to the maintenance of the law by any public sector agency, including the prevention, detection, investigation, prosecution, and punishment of offences.

According to the DCEFS, the international focus will continue to centre on the identification and rescue of victims, as well as the closure of websites containing exploitative material and subsequent prosecution of their owners. The DCEFS also stipulates the creation of an Independent Reference Group (IRG) which will include representatives from enforcement agencies, the Office of Film and Literature Classification (OFLC), ISPs, Internet users, as well as local agencies and community groups invested in the safety of children. The IRG, which meets quarterly, will oversee the implementation of the DCEFS.⁹⁹

ISP participation in the filtering system is voluntary and currently serves seven ISPs, including Telecom and Vodafone, who are both members of the Independent Reference Group that oversees the DCEFS.¹⁰⁰

In its first year of operation the filter recorded approximately four million attempts to access illegal child sex abuse sites and have greatly assisted in the battle against online child pornography. However, as this filtering system focuses solely on the images already present online, education and public awareness are needed as accompanying measures to curb demand and stem the production and distribution of such child abuse materials.¹⁰¹

In addition, Microsoft has recently announced that it will be making its PhotoDNA software, a revolutionary technology to identify and remove images that exploit or endanger children, available to law enforcement free of charge.¹⁰² Investigators are currently over-burdened with an excess of data and limited resources, and this technology will allow for a significantly more efficient detection and processing procedure, as well as a greater level of shared information between international partners.¹⁰³ The New Zealand Government is one of the first to take advantage and implement PhotoDNA.¹⁰⁴

Collaboration with travel agents in addressing CST

Investigations into child sex tourism (CST) can take time and multiple layers of inter-agency coordination, particularly when carried out abroad. This necessitates collaboration with other countries, such as Thailand, the Philippines, and Fiji, as well as domestic operators, such as travel agencies. In an exploratory study carried out by the University of Otago in New Zealand, researchers studied the willingness of travel agents to interfere in the travel plans of customers who appeared to be travelling with the intent of committing human rights abuses abroad, or to countries with a reputation of grave human rights violations. Interviews carried out with travel agents throughout New Zealand showed reluctance to restrict the purchase of any ticket unless there were potential safety concerns associated with the destination. As one agent stated, she felt as though her client had the right to purchase an air ticket, despite her suspicions that the client was travelling to Thailand for the purpose of seeking sex with a minor. Another travel agent agreed, stating that she was suspicious about the intentions of the client yet continued to sell the ticket; however, she then proceeded to report the client to ECPAT Child ALERT. This is one of the few instances of ethical action taken by a New Zealand travel agent. This example demonstrates the potential role of travel agencies within the fight against child sex tourism.¹⁰⁵

ECPAT Child ALERT has been working with the Asia Pacific Financial Coalition Against Child Pornography (AP-FCACP) and its host organisation, the International Centre for Missing and Exploited Children (ICMEC), on a mission to build a regional financial coalition with companies, law enforcement, and non-governmental organisations.¹⁰⁶ Although the AP-FCACP is still in the early stages of development, it will allow members access to data and trends for monitoring internal systems, tools to counter violations implicating specific brands, and increased cooperation and communication with law enforcement and other industries, as well as up to date information on the business of child pornography.¹⁰⁷ ECPAT has been working with the AP-FCACP Singapore office, opened in 2009, and hopes to create a financial coalition group in New Zealand in the near future.¹⁰⁸



STOP Sex Trafficking of Children & Young People Campaign

Conducted in partnership between The Body Shop and ECPAT, this three-year campaign, launched in 2009, seeks to provide immediate relief to child victims with funds raised and to create long-term changes through engaging the public in

awareness-raising and lobbying decision makers to strengthen concerted action against child trafficking for sexual purposes. Beyond increasing the public's understanding of the issue of sex trafficking of children and young people, the campaign fostered public engagement in conducting advocacy on the issue through the implementation of the campaign petitions.

ECPAT Child ALERT and The Body Shop New Zealand presented 74,187 campaign petitions asking for stronger implementation, enforcement



and protective measures on 16 August 2011 to Minister of Justice Honorable Simon Power, who confirmed that the New Zealand government will ratify the Optional Protocol on the sale of children, child prostitution and child pornography, one of the key campaign 'calls to action'. The New Zealand government followed through and ratified the Optional Protocol on 20 September 2011.¹⁰⁹

Awareness-raising

According to the 2011 Trafficking in Persons Report (TIP report) the Government of New Zealand has made significant efforts at educating the general public on trafficking. This year the Ministry of Social Development published brochures on trafficking indicators in six languages and had them distributed throughout the regional departments and on to community groups. In June 2010 the Department of Labour, in collaboration with ECPAT, held a forum on trafficking for government and NGOs to

raise awareness.¹¹⁰

The New Zealand government, through its Community Organisation Grants Scheme (COGS), funded ECPAT Child ALERT \$22,800 to enable the raising of public awareness regarding commercial sexual exploitation of children, including prostitution, pornography and trafficking. COGS funding is derived from the Ministry of Internal Affairs and open for NGOs on a contestable basis.¹¹¹

As mentioned above, New Zealand has also taken a proactive approach towards Internet exploitation, teaching children to use the Internet in a safe and secure manner through the development of their concept of 'digital citizenship'.¹¹² Organizations such as NetSafe have capitalised on the nearly universal access to the Internet to reach children and families at home. Their online programmes and safety information focus on smart and

child-safe online practices, and even provides children aged two to nine with interactive, animated online episodes to raise awareness. Organizations such as ECPAT Child ALERT¹¹³ further provide an easy online reporting platform for various manifestations of online child exploitation and provide an interactive safety programme for young children to learn the basics of online safety.¹¹⁴

Research

Substantive research concerning child pornography was first published in a 2004 report entitled *Internet Traders of Child Pornography and other Censorship Offenders in New Zealand*, which aimed to collect information concerning Censorship Compliance Unit offenders. This report analysed censorship offenders and the characteristics of their offences, including analyses of the various genres of publications offenders were accessing. Conclusions were based on the social, demographic, and behavioural traits of 106 offenders convicted between 1996 and 2001.¹¹⁵ Unfortunately, this research failed to investigate the demand for commercial sex acts with children within the decriminalised commercial sex industry. Without this information, it will be difficult to create successful prevention programmes for would-be offenders. However, according to the study, the information can be used to ameliorate the techniques used to identify, process, and treat offenders, and to respond to issues surrounding prevention of related offences.¹¹⁶

The Ministry of Justice has attempted to fill this gap in research through the

2009 initiative "Addressing the Drivers of Crime," a new approach geared towards understanding and addressing the underlying causes of offending and victimisation in order to prevent offences before they occur. In April of 2009, 100 participants across the spectrum of crime prevention and victim support attended the Ministerial Meeting on the Drivers of Crime, which resulted in the "Addressing the Drivers of Crime" project. This project prioritises four areas: the availability and quality of maternity and early parenting support services in the community; the development and implementation of programmes treating and managing behavioural problems in at-risk youth; reduced harm due to substance abuse – including alcohol and drug treatment services; and the identification of alternative approaches to handle low-level offenders.

The outcome of such action has yet to be seen; however, these initiatives may prove vital in basic prevention of CSEC-related crimes. Follow-up information is needed in order to adequately assess the impact of the work and related projects.

A recent study conducted by New Zealand's Department of Corrections investigated the reconviction rates of sex offenders and provided a comprehensive overview of the factors that may specifically influence recidivism within the category of child sex offenders.¹¹⁷

Through the analysis of those released from prison during the period of 1 January, 2001 to 31 December, 2003 and reconvictions up until 31 December, 2008 the study was able to shed light on the occurrence of reoffending and reconviction of child sex offenders. Of the 1,100 individuals imprisoned for sex offences and released within the period of 1 January, 2001 to 31 December, 2003, 63% were convicted on charges of sex offences against children. Most sex offenders have few previous convictions of other types of offences and this has been found especially true of child sex offenders: of the 689 in the sample, 225 were previously imprisoned for other offences, 60 were previous imprisoned for sex offences against children, and 98 were convicted for sex offences against children. Thus, approximately two out of three offenders were in prison for the first time.

Of those child sex offenders in the study, 30% were re-convicted within the time period of the study, with 17% re-imprisoned. 45% of those re-imprisoned were under 25, while only 7% over 50 were re-imprisoned, putting the re-conviction rate at 71% for those offenders under the age of 25. Furthermore, these numbers may be lower than the actual rate of re-offence as sex offences are often not reported by the victims and not resolved by the police. According to the study, among the range of offences, sex offences are least likely to result in apprehension and conviction of an offender.

Only 10% of first time child sex offenders

were re-imprisoned while 54% of the recidivists were re-imprisoned. It was found that the more time an offender spent in prison, the more likely they were to return to prison following release. The percentage of reconvictions was also strongly differentiated among ethnic groups. Maori child sex offenders led with a 28% rate of re-imprisonment, while those of European origin showed a rate of 12% and Pacific Islanders, the lowest at 10%.

However, as these numbers take into account all categories of offences and not exclusively child sex offences, reconvictions and re-imprisonment, when they occur, are equally as likely to be for violent offences as for sex offences. Upon examination, the re-offences of recidivist sex offenders were most likely to be for non-sexual offences. Of the 464 first-time child sex offenders, 44 were re-imprisoned; however, only 13 were re-imprisoned for sex offences against children. Of the 225 recidivists, 75 were re-imprisoned; however, only 13 were re-imprisoned for sex offences against children. It must be taken into consideration that, amongst child sex offenders especially, many are 'specialist' offenders whose crimes are not exposed, as the victims are young children who are unable to testify. Nevertheless, the numbers above demonstrate that few imprisoned sex offenders are reconvicted within 5 years of release, and when reconvicted, convictions are just as likely to be for an offence other than sex or violent offending.

Further research presented in the annual Salvation Army State of the Nation report, published in December 2011, showed few advances in reducing the rates of reoffending. According to the report, 48% of released prisoners reoffend within 12 months, and 37% are re-imprisoned with 2 years of release.¹¹⁸

The Government increased expenditures on rehabilitation and reintegration services by 10% in 2009/2010, increasing the amount per prisoner to \$9,800 during that year. The amount spent for each prisoner averaged \$82,384 per year, with overall running costs of corrections services at 1.4% of the public services budget. Despite these increased expenditures, the rates of recidivism have still increased from 2005 to 2010. When analysed in light of other research presented

above, it is clear that the government must consider more innovative methods of preventing recidivism in order to protect children from further harm. As the cost of providing additional rehabilitation and reintegration services is far less expensive than the cost of housing a prisoner, the state would benefit from an increase in rehabilitation efforts that may, in time, reduce the number of repeat offenders.

PROTECTION

Comprehensive and effective legislation is essential to protect children from CSEC. Specific laws must be developed, implemented and/or strengthened to combat the various manifestations. These laws must be reviewed and updated regularly to incorporate evolving forms of CSEC, such as grooming or viewing and accessing child pornography online, and changes in the international legal framework. As well as enacting legislation that is compliant with international standards and obligations, national laws must be effectively enforced. Policies and procedures to protect child victims and/or witnesses are also essential.

New Zealand has ratified the principal international treaties concerning child rights, including the CRC, the Optional Protocol to the UN Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography (OPSC), and the Convention on the Worst Forms of Child Labour, as well as the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and children (Trafficking Protocol). Although New Zealand signed the OPSC in September 2000, it was only the recent passage of the Child Family Protection Bill that allowed for ratification on the 20th September, 2011.

New Zealand is also party to several regional agreements and cooperation networks such as the Pacific Islands Forum and the related Pacific Plan, as well as the Bali Process, which has created a model law on trafficking. See the Coordination and Cooperation Section (Regional and International) for more details on this.

The new Child and Family Protection Bill of 2009 sanctioned amendments to the Domestic Violence Act of 1995, the Care of Children Act of 2004, and the Adoption Act of 1955 which allowed New Zealand to meet its international obligations under Article 3 of the OPSC.¹¹⁹ Principally the bill seeks to enhance uniformity between the Domestic Violence Act and the Care of Children Act vis-à-vis the contact procedure and care of children affected by violence, or where accusations of violence have been made, the wrongful removal of children from New Zealand and the creation of extraterritorial legislation concerning specific rights of the child.¹²⁰

The approval of the bill overlapped with the presentation of a petition, circulated as part of the ECPAT Child ALERT and Body Shop campaign to stop sex trafficking of children and youth, signed by over 70,000 New Zealanders. New Zealand's call for more stringent action against the

sexual exploitation of children joined a global petition of approximately 7 million signatures that was presented to the UN in Geneva in September 2011.¹²¹

Prior to ratification of the OPSC, New

Zealand had already established itself as an international leader in the realm of child pornography legislation with some of the 'most comprehensive child pornography laws in existence.' This has only been strengthened with new legislation.¹²²

Reservations to the Convention on the Rights of the Child

Despite ratification of the aforementioned treaties, New Zealand has issued two reservations to the Convention on the Rights of the Child, pertaining to Articles 32, paragraph 2, and 37 (c) respectively. The reservation to Article 32, which requires that state parties recognise the right of the child to be protected from economic exploitation and to implement legislative, administrative, social and educational measures to ensure the realisation of this provision, states that national legislation fully protects children from economic exploitation and the right to education. Thus, further legislative, administrative, social, and education measures are unnecessary at this time and will be carried out at the discretion of the state. In the second reservation New Zealand reserves the right to place juveniles and adults in the same correctional facility in cases of overcrowding or where deemed necessary for the safety of others.¹²³

The UN Committee on the Rights of the Child has requested New Zealand to remove all reservations to the CRC. They also ask that New Zealand expands the application of the treaty to include the territory of Tokelau (a collection of 3 atolls to the Northeast of the mainland with a population of 1,433), classified as a UN non-self-governing territory. Until the treaty has extended to include Tokelau, New Zealand must endeavour to encourage practices in line with these international treaties throughout Tokelau's development and self-determination process.¹²⁴

| International instruments | |
|--|---|
| Human Rights bodies related to child rights | Comments |
| Charter-based bodies | |
| Working Group of the Universal Periodic Review – Human Rights Council | Scheduled for review in the 18 th session (2014) |
| Special Rapporteur on the sale of children, child prostitution and child pornography | No visit requested |
| Special Rapporteur on trafficking in persons, especially in women and children | No visit requested |

| Treaty-based bodies | | |
|--|--|---|
| Committee on the Rights of the Child | 2011 – main conclusions relating to CRC <ul style="list-style-type: none"> • Withdraw reservations and extend application of treaty to territory of Tokelau • Create a permanent mechanism and National Action Plan to implement the convention and its goals • Incorporate views of the child in formulation of laws and policies • Expand training, data collection and research, and awareness-raising activities • Provide 24 hr. access to helplines • Greater protection for witnesses and victims of crimes | |
| Children’s rights instruments | Date of ratification | Date of submitted reports |
| Convention on the Rights of the Child- 1989 | 1993 | 11/112008 – third and fourth periodic report submitted. Fifth report to be submitted 05/05/2015 |
| Optional protocol on the sale of children, child prostitution and child pornography – 2000 | 20/09/2011 | Has not yet submitted a report |
| ILO Convention on the Worst Forms of Child Labour – 1999 (No 182) | 2001 | N/A (No reporting requirements) |
| UN Convention against Transnational Organized Crime | 19/07/2002 | N/A (No Reporting requirements) |
| UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and children – 2000 (supplementing the UN Convention against Transnational Organized Crime) | 19/07/2002 | N/A (No Reporting Requirements) |

Legislation

As mentioned above, New Zealand is well known for its comprehensive pornography laws, and it has also expanded upon its previous child prostitution laws with the passage of the Prostitution Reform Act 2003 (PRA). Legislation surrounding child sex tourism has increased as well, and trafficking laws are compliant with international standards following the passage of the 2002 and 2005 Crimes Amendment Acts. However, the lack of prosecutions in both the areas of child sex tourism and prostitution could be interpreted as a lack of enforcement of these laws. 2011 has proved to be a huge

step forward, as New Zealand proceeds forward with its first prosecution for a child sex tourism related offence.

As recommended by the Committee on the Rights of the Child, New Zealand is still in need of a supervising body or mechanism to monitor the implementation of the convention at the ground level, along with a National Plan of Action. The collaborative work programme sufficiently realises the basic components of the convention but fails to optimise levels of coordination between entities.¹²⁵

New Zealand law offers comprehensive protection against the prostitution of children. In alignment with relevant international legal standards, commercial sexual services are defined as those services involving physical participation in sexual acts for the gratification of another individual in return for payment or other forms of compensation.¹²⁶ The Prostitution Reform Act (PRA) specifically criminalizes acts which may cause, assist, facilitate or encourage any person under 18 to provide such services,¹²⁷ as well as the act of receiving any earnings garnered from commercial sexual services.¹²⁸ It is also illegal to receive sexual services from anyone under the age of 18.¹²⁹ All those found in violation of these statutes will face penalties of up to seven years in prison.¹³⁰

Prior to the enactment of the Prostitution Reform Act of 2003, it was a criminal offence under existing amendments to the 1961 Crimes Act to obtain sexual services from anyone under 18 years of age or to procure male or female children for prostitution. The solicitation of services from a sex worker, and sex work in itself, was not criminalised; however, related activities such as offering sex for money in a public place were considered an offence under the Summary Offences Act.¹³¹

The passage of the Prostitution Reform Act shifted the focus to public health and human rights, while expanding the existing framework prohibiting persons under 18 in prostitution. This is explicitly stipulated in Section three of the PRA: “the purpose of this act is to decriminalize prostitution (while not endorsing or morally sanctioning prostitution or its use) and to create a framework that [...] (d) prohibits the use in prostitution of persons under 18 years of age.”¹³²

The punishments for offences under the PRA have been increased from those found under the Crimes Act. The latter held individuals involved in acts of prostitution with a minor liable to imprisonment for a maximum of 5 years,¹³³ with the possibility of further defence if there were ‘reasonable grounds’ to assume the underage person was in fact over the age of 18.¹³⁴ However, there were only four convictions under the Crimes Act, one in 2002 and three against a single offender in 2004.¹³⁵ The PRA has increased the maximum penalty from five to seven years and removed the defence of ‘reasonable grounds’, although Sections 20-22 retain the status of ‘strict liability’ in lieu of ‘absolute liability’, allowing for lighter penalties if the defendant ‘took steps to avoid offending and can establish a total absence of fault’.¹³⁶

In contrast to the Crimes Act, the PRA transfers criminal liability from those ‘underage people who provide commercial sexual services to those who arrange, profit from, or receive those services.’¹³⁷ The criminality of facilitating, soliciting or receiving payment from commercial sexual services from an individual under the age of 18 is detailed under Sections 20-22 of the PRA, the penalty of which is a maximum of seven years in prison.¹³⁸

Section 23(3) specifies that under the PRA, no individual under the age of 18 who is found to be providing commercial sexual services may be charged with an offence as listed under Sections 20-22; they will instead be considered a victim of the aforementioned offences. For this reason, all persons under the age of 18 are not to be referred to as ‘sex workers’ but rather as being ‘used’ in prostitution.¹³⁹

¹¹ This issue was addressed by Judge Walker in *R v Prendeville and Campbell*, establishing that a defendant who has taken all reasonable measures to ensure a young person is over the age of 18 may claim a defense of total absence of fault. The committee endorsed Judge Walker’s interpretation (Ministry of Justice Website).

This change in classification of individuals involved in underage prostitution from criminals to victims prompted debates, the majority of which were concerned with the potential impact decriminalisation may have on the number of young people found in the sex industry. These arguments were fuelled by an increase in media coverage of underage prostitution that may have exaggerated the number of underage individuals involved in commercial sex work.¹⁴⁰

Section 43 of the PRA established the Prostitution Law Review Committee (PLRC), whose duties included a review of the PRA within three to five years of its passage. The Crime and Justice Research Centre (CJRC) - contracted by the Ministry of Justice - set out an evaluative framework for this review, conducting interviews and carrying out extensive research into best practices of decriminalised prostitution models. The PLRC's final review of the PRA recommends continued monitoring, and advocacy within the sex industry, support for sex workers seeking alternatives to street work, and enhancements at the national and local government level regarding safety and compliance measures.¹⁴¹ However, both the CJRC, who completed their research in 2007, and the PLRC in their 2008 review, concluded that underage prostitution has not increased under the PRA.¹⁴² However, the PLRC did make several recommendations in its review including the maintenance of databases of street-based workers by outreach organisations, the monitoring of brothel-based workers, increased provision of health and safety material followed by inspections of the brothels, and additional services to aid sex workers or potential sex workers in the avoidance or exit of prostitution. The PLRC also proposed collaborative efforts between various government and civil society organisations to identify at risk youth and to increase funding to NGOs already working in the sector.¹⁴³

Although the Crimes Act of 1961 set the legal age of consent at 16, the Justice and Electoral Committee of 2002 as well as the Select Committee on the Prostitution Reform Bill deemed prostitution to be of such nature 'that there should be a prohibition beyond the age of consent'.¹⁴⁴ The age of 18 was thus chosen in uniformity with section 149A of the Crimes Act concerning the commercial sexual exploitation of underage individuals. The age of 18 also remains consistent with the legal definition of a 'child' set forth in ILO Convention No. 182.¹⁴⁵

The number of prosecutions of perpetrators of child prostitution has grown substantially under the PRA; however, there have only been a handful of cases which have reached sentencing. As of March 2008, charges had been brought against 92 individuals under Sections 20-22 of the PRA. 34 of those individuals were convicted and, of those 34, only 3 received prison time.¹⁴⁶

Despite the harsher punishments of the PRA, to date, two years imprisonment is the highest sentence imposed, although penalties have also included fines, supervision, community work, and home detention.¹⁴⁷ This may be due in part to judges' consideration of mitigating factors such as medical conditions, guilty pleas, or a previously clean criminal record. However, these lighter penalties could also be attributed to the fact that many of the charges are still being brought under the Crimes Act of 1961, despite more recent legislation.¹⁴⁸ The low rate of conviction and extremely light punishments show that New Zealand's strong legal framework is not being used adequately to protect children. Such low levels of punishment are unlikely to serve as a strong deterrent and do not reflect the gravity of CSEC crimes.

Identifying victims of child prostitution

In January 2008, 25 people were arrested in police operation Capiro, which targeted perpetrators of child prostitution in South Auckland.¹⁴⁹ Charges were brought against three of the 25, one for illicit sexual connection with a person under 16 years of age and two for offences under the PRA concerning the use of an underage person in prostitution.¹⁵⁰ Despite the low number of charges, Police reported a significant decrease in the number of underage people involved in prostitution in the area following the operation.

The crackdown removed 16 girls from the streets and either returned them to their families or placed them with the Child Youth and Family Department care services.¹⁵¹ A similar operation - City Door - was carried out by the Auckland Central Police Youth Action Team in June of 2010. During the six-week time period, police identified at least 13 girls under the age of 16 involved in the sex industry. Five of the girls were removed from the streets and placed in the care of the Child, Youth and Family Department. However, as the number of secure beds is limited (and often reserved for suicide-risk youth), the majority of the girls were unable to benefit from the services and reportedly went back to the streets.¹⁵²

One of the drawbacks of the PRA in terms of investigations into underage prostitution is the limitation of access to brothels suspected of employing persons under 18. Although Section 30 of the PRA allows the police to obtain a warrant and enter an establishment when there is good cause for suspicion that an offence has occurred, the police no longer have the right to enter freely into brothels, and brothel owners are not obligated to keep a record of sex workers or their ages.¹⁵³ Therefore, the police obtain the majority of their information from informants and complaints. Police then may enter the premises where they believe an underage person is being used in prostitution under Section 48 of the Children, Young Persons and Their Families (CYPF) Act of 1989 to extract the person.¹⁵⁴ The CYPF Act, however, only pertains to those between the ages of 14-16, excluding 17 year olds.

The PLRC did consider potential amendments to the PRA in light of these concerns and recommendations by New Zealand Police. The police requested amendments that would compel brothel owners to maintain employee records, including age identification documents, to ensure all employees are over the age of

18. In addition, the police recommended an amendment that would grant them the authority to demand age identification from all persons suspected to be under 18 years of age and providing commercial sexual services.¹⁵⁵

Following careful review, the PLRC determined that PRA sections 20-23 are adequate as they stand. The proposed amendments, it was felt, could actually harm sex workers, allowing brothel operators to manipulate their employees under threat of disclosing information concerning their involvement in prostitution to family, friends, or future employers.¹⁵⁶ The CJRC further stated that the PRA has made brothel operators well-aware of all penalties incurred for employing underage workers and nearly all now require age identification during the hiring process.¹⁵⁷ Unfortunately, there have thus been no new policies to help fill the aforementioned child protection gaps created by new legislation. These gaps are a key reason why states with legalised prostitution appear to have higher levels of CSEC as well,¹⁵⁸ and New Zealand must urgently create a legal and/or policy response to address these issues.

Disagreement and debate over effectiveness of local authority street zoning bill

In 2010, the Manukau City Council presented a local bylaw, the Regulation of Prostitution in Specified Places Bill. This Bill would introduce street zoning, or the control over 'the locations where the business of prostitution or commercial sexual services may occur when that business or those services take place or are conducted other than in a brothel or a small owner-operated brothel in Manukau City.'¹⁵⁹ Despite the valid concerns expressed on prostitution conducted outside of a regulated brothel, ECPAT Child ALERT opposes the Bill on the grounds that it will not be effective in eliminating street prostitution. Clause 3 of the Bill clearly states that it intends to specify certain locales in which prostitution and commercial sexual services may not occur, while clause 5 enumerates that the Council must deem it necessary to stop all such activities occurring in a public place that are 'likely to cause a nuisance or serious offence'. However, ECPAT argues that the former will simply force those involved in prostitution to relocate to alternative areas, while the latter lacks the objective definition of 'nuisance' or 'offence' necessary to establish the criteria to create a basis for removal from the public area in question. Clause 12 further elaborates that each person found infringing upon clause 3 of the bill will be fined a maximum of NZD 2,000; however, this clause fails to specify the person subject to the fine – the sex worker or the client.¹⁶⁰ The Bill is currently restricted to the Auckland City Council; however, other city councils have begun to show interest.

ECPAT strongly recommends that the city council reconsider this bill and redistribute the resources intended for the realisation of this bill to the agencies focused on the education, support and the finding of positive alternatives to street prostitution.¹⁶¹

Despite efforts to take all factors into consideration throughout the formation and implementation of the PRA, New Zealand still lacks provisions for prevention or research into the root causes of underage prostitution, and the number of prosecutions remains low. ECPAT suggests further research into child prostitution and recommends increased use of the PRA to prosecute all offenders.

Additionally, the government must ensure that police are carrying out the necessary brothel compliance inspections to deter

brothel owners from employing underage sex workers. In 2011 the government did not report the number of brothel compliance inspections – although it did report over 1,500 labour inspection visits during the year.¹⁶² Regular data must be compiled and published on brothel inspections in order to monitor and evaluate efforts to prevent CSEC within a legal regime that decriminalises adult prostitution. As has been widely documented, such regimes can sometimes lead to higher incidences of CSEC, necessitating targeted measures to counteract this tendency.¹⁶³

CHILD TRAFFICKING LEGISLATION

New Zealand legislation meets international standards for child trafficking, criminalising trafficking-related activities as outlined in the UN Trafficking Protocol, which it ratified in 2002. However, as discussed in the Introduction to Child Trafficking section above, the Government of New Zealand's trafficking legislation is restricted to cross-border trafficking, whereas crimes classified

as 'internal trafficking' by countries such as the United States are considered under alternative national legislation, such as the PRA and specific provisions under the Crimes Act.

These bodies of law criminalise sexual slavery and financial benefit through sexual exploitation, addressing specific crimes which

may be categorised as internal trafficking in other countries. As these acts do not fall under New Zealand's anti-trafficking legislation, not all cases of such crimes are recorded as trafficking, and the majority will not be included in national statistics or tracked by the government, triggering heavy criticism from countries with more inclusive definitions of trafficking.¹⁶⁴

The Crimes Act of 1961 and its subsequent 2002 Amendment provide the principal legislation against trafficking. Section 98D states (1) Every one is liable to the penalty stated in subsection (2) who – arranges the entry of a person into New Zealand or any other State by one or more acts of coercion against the person, one or more acts of deception of the person, or both; or arranges, organises, or procures the reception, concealment, or harbouring in New Zealand or any other State of a person, knowing that the person's entry into New Zealand or that State was arranged by one or more acts of coercion against the person, one or more acts of deception of the person, or both.

Although not categorised as trafficking, it is section 98AA, however, that specifically addresses dealing in people under 18 for sexual exploitation, making it illegal to sell, buy, transfer, barter, rent, hire, remove, receive, transport, bring, import, or enter into any dealing involving individuals under the age of 18, whether for the purpose of sexual exploitation, removal of body parts for material benefit, or the engagement of the person in forced labour.¹⁶⁵ It further criminalises all actions to detain, confine, imprison, or carry away a person under the age of 18 with the intent of sexual exploitation as well as all attempts to induce others to participate in such offences.¹⁶⁶ Those that build, fit out, sell, buy, transfer, rent, hire, use, provide with personnel, navigate, or serve on board a ship, aircraft,

or other vehicle for the purpose to commit the offences listed above will also be held liable.¹⁶⁷ Violators may be imprisoned for a maximum term of 14 years.¹⁶⁸

Section 98AA also clarifies that, irrespective of the role of the individual under 18 in the proceedings, no person under the age of 18 against whom an offence against this section was committed can be charged as party to the offence.¹⁶⁹ Although the article does not stipulate that consent is irrelevant in the case of child victims, the lack of mention of coercion or deceit implies that consent is irrelevant.

New Zealand provides support for all suspected victims of the above offences, independent of their immigration status categorisation, and is currently working on expanding its support system (for further information see the Victim Support Services Section).¹⁷⁰

Despite the increase in focus on trafficking in the past few years and the creation of the 2009 *Plan of Action to Prevent People Trafficking*, trafficking laws in New Zealand have not yet been put to the test.¹⁷¹ Even in the wake of numerous training and awareness-raising campaigns, the government has neither prosecuted any offenders, nor identified or assisted any trafficking victims in 2010 or 2011.¹⁷² This could be due to immigration mistakenly deporting victims, but also could be a result of New Zealand's definition of trafficking.

In order to further improve upon current practices, the Department of Labour has recently developed an alert system to assist border and immigration staff to identify suspected trafficking and increase the probability of isolating both offenders and victims and report them to the appropriate law enforcement departments.¹⁷³

New Zealand is in compliance with its obligations under the OPSC in relation to child pornography, defining objectionable material in accordance with the OPSC's standards for pornographic images and criminalising the activities laid out in the OPSC, including the possession of child pornography as well as 'grooming', mentioned at the end of this section.

In a 2010 study by the International Centre for Missing and Exploited Children, 89 countries were completely lacking child pornography legislation and only 45 countries out of the 196 examined had adequate legislation to truly combat child abuse images.¹⁷⁴ New Zealand is at the forefront of those with child pornography legislation, and its legislative regime was rated highly in a recent international report on child pornography laws, lacking only for 'not requiring mandatory reporting of offences by ISPs'.¹⁷⁵

The majority of child pornography offences are considered under New Zealand's censorship and customs laws, principally governed by the 1993 Films, Videos, and Publications Classification Act (FVPC Act). The term 'pornography', however, is rarely used in New Zealand legislation; images of child abuse are instead categorised as 'objectionable publications'. The FVPC Act details the offences pertaining to the creation, possession and distribution of these 'objectionable publications', defined as material that describes, depicts, expresses, or otherwise concerns sex in a manner that may be injurious to the public good.¹⁷⁶ Specifically pertaining to child pornography, this includes any image that contains one or more visual images of one or more children or young persons who are nude or partially nude, or any image that can be reasonably considered as sexual in nature.¹⁷⁷ Any publication that promotes or supports, or tends to promote or support the exploitation of children, or young

persons, or both, for sexual purposes,¹⁷⁸ describes, depicts or otherwise deals with sexual conduct by children or young persons¹⁷⁹ or exploits the nudity of children or young persons¹⁸⁰ will also be considered objectionable. The 2005 Amendment to the FVPC Act further expanded in Section 145A(a) that child pornography is defined as "a representation, by any means, of a person who is or appears to be under 18 years of age engaged in real or simulated explicit sexual activities; or (b) a representation of the sexual parts of a person of that kind for primarily sexual purposes," thereby ensuring the inclusion of virtual child abuse images.¹⁸¹ According to the Department of Internal Affairs, 87 offenders were sentenced under the FVPC Act between 2 February, 2009 and 5 March, 2012.

Publications include, but are not limited to, printed matter, film, sound recordings, photographs, negatives, plates, slides, or any medium, including disks or electronic computer files, on which information may be stored, recorded, reproduced or shown as one or more images, representation, signs, statements or words.¹⁸² These publications and materials are classified by the Office of Film and Literature Classification (OFLC), created by the 1993 FVPC Act.¹⁸³ The 2005 Films, Videos, and Publications Classification Amendment Act significantly broadened offences and increased the ability of enforcement agencies to obtain warrants and thereby search for and seize these materials, while also facilitating the extradition and prosecution of New Zealanders, specifically through the insertion of section 145A concerning extraterritorial jurisdiction for certain offences as required by Optional Protocol, and section 145C concerning offences deemed to be included in extradition treaties.

The FVPC Act outlaws the creation of objectionable material;¹⁸⁴ copying, importing

or possessing objectionable materials for purposes of supply or distribution,¹⁸⁵ supplying or distributing objectionable material¹⁸⁶ or displaying or exhibiting objectionable material in exchange for payment or other gain¹⁸⁷ either through physical or electronic transmission.¹⁸⁸

Individual violators of the offences laid out in section 123(1) of the FVPC Act are liable to a fine of up to \$10,000 while corporate violators are liable to a fine of up to \$30,000.¹⁸⁹ These offences are subject to 'strict liability' and all offenders will be held liable, regardless of prior knowledge concerning the publication. No defence claiming ignorance of the objectionable status of the publication shall be recognised. However, those providing general services enabling the transmission of objectionable material, such as postal workers or Internet service providers, are exempt from liability.¹⁹⁰

Those offenders found violating the law (irregardless of knowledge or reasonable cause to believe that the publication is objectionable) will be subject to increased penalties. Individuals may face up to 10 years in prison, whereas corporate violators may be subject to a fine not exceeding \$200,000.¹⁹¹

Individuals found in possession of objectionable materials for personal use (mere possession) without intent to distribute and without justifiable reason will be subject to a fine not exceeding \$2,000, and corporate bodies to a fine not exceeding \$5,000.¹⁹² As above, a defence claiming that the violator was unaware of the objectionable classification of the publication will not be recognised.¹⁹³ Those found knowingly in possession of such material will face increased punishment; individual violators are liable to imprisonment for a maximum of 5 years or a fine not exceeding \$50,000, while corporate bodies are liable to a fine of no more than \$100,000.¹⁹⁴

The import and export of objectionable publications, as defined in section 2 of the FVPC Act, is also in violation of the Customs and Excise Act of 1996. Depending on the severity of the violation, individual offenders are liable to a fine not to exceed \$10,000 and the possibility of up to five years in prison. Corporate bodies may face fines of up to \$100,000.¹⁹⁵

The Department of Internal Affairs Censorship Compliance Unit actively polices child sexual abuse images on the Internet and prosecutes offenders both in New Zealand and abroad. In December of 2011 US authorities announced that they had successfully broken up an international child pornography ring, charging approximately 20 people in five countries on counts of child pornography. The forum, using a bulletin board called 'Lost Boy', enabled dozens of members to trade thousands of pornographic images of young boys, many of which were made by the members themselves.¹⁹⁶ It included a 'Handbook Project' educating members on how to find and groom young boys for sex.¹⁹⁷

One 29-year-old New Zealand native was found involved in the ring and has been charged, along with the other defendants, with child exploitation and possession of child pornography, in addition to other offences. Preliminary investigations began in 2008 when European officials approached the FBI with information pertaining to a 25 year old California resident who had been asking questions about child pornography and child sex tourism in Romania.¹⁹⁸ The ensuing investigation and consequent indictments were a result of extensive international cooperation between law enforcement agencies. This international cooperation has been furthered in the past two years thanks to increased collaboration with Interpol and OCEANZ's joining of the VGT in 2010.

'Hentai' Anime and Manga [Japanese pornographic animation and cartoon books]

New Zealand has also taken a severe stance against virtual child abuse images in Japanese 'anime', or animated cartoons, and 'manga', a form of Japanese comics. When featuring extreme or perverse sexual content these comics are classified as 'hentai'.

In a standard-setting case in 2004, the DVD *PuniPuniPoemy* was deemed objectionable by the Office of Film and Literature Classification. The DVD, featuring two 30-minute programmes, one of the first cases in New Zealand in which animated characters were classified as child pornography.¹⁹⁹ The stories contain numerous sexual references and several depictions of sexual activity. The report from the OFLC describes 'gateway' scenes of sex involving rape, exacerbated by the animators' commentary describing the animation as 'perversion' and 'sexual desperation', driving the OFLC to retain its status as objectionable despite an appeal in 2005.²⁰⁰

Recently, in September 2011, a 22-year-old student in New Zealand pled guilty to five charges of importing prohibited goods after he flew into Auckland International Airport from Shanghai with 10 hentai anime DVDs containing child abuse scenes of rape and bestiality.²⁰¹

In March 2012, yet another case emerged concerning the making, distributing and possessing of child pornography. The 40-year-old New Zealander accused appeared in the Rotorua District Court, charged with four counts of producing child pornography, two counts of distributing child pornography, 10 counts of possessing child pornography and one count of performing an indecent act on a New Zealand youth. All offences alleged occurred between October 20, 2010 and May 12, 2011.²⁰²

These cases demonstrate New Zealand's commitment to combat child pornography. Further measures and future legislation could include collaboration with banks and credit card institutions to track funds connected to the buying and selling of child pornography online, particularly through collaboration with the AP-FCACP.

Legislation against 'Grooming'

Legislation against 'grooming'^{III} has also advanced through the Crimes Amendment Act of 2005,²⁰³ prohibiting individuals that have previously met or communicated with a person under the age of 16 to intentionally meet, travel with, or arrange travel for the child with the intention of engaging in acts of a sexual nature.²⁰⁴ These measures can be applied for cases involving the online sexual exploitation of children as well as trafficking of children for sexual purposes. However, defences can be made to this offence in cases where the accused took reasonable steps to ensure that the child is over the age of 16.²⁰⁵ ECPAT recommends that the age be raised to 18, in conformity with the ILO Convention No. 182 and the Convention on the Rights of the Child.

In November 2011, a 27-year old male from Christchurch was charged with 'sexual exploitation, obtaining by deception and sexual grooming through online internet contact' after using pseudonyms to contact several youth through online forums such as Facebook and MSN and offering to pay them for sex.²⁰⁶

Previously, online grooming prevention was often hindered, because attempts to impersonate a child often did not constitute offences as the impersonator was not truly underage. However, a new amendment, passed on 19 March, 2012, will consider all deliberate grooming of police officers impersonating under-16-year-olds to count as an offence as well.²⁰⁷

^{III} Grooming is the process by which an abuser befriends a child in order to lower the child's reservations, and prepares him/her for abuse. Recently, grooming has transferred largely to the Internet where abusers are able to use chat rooms and social networking sites to to prepare a child for a physical or virtual meeting with the intent of sexually abusing them (ECPAT International: Strengthening Laws Addressing Child Sexual Exploitation).

Most acts relating to child sex tourism are criminalised under New Zealand's Crimes Amendment Act of 2005. The 2005 Amendment creates extraterritorial legislation, criminalising any sexual conduct with children abroad that would be deemed an offence within New Zealand. These offences and their respective penalties are detailed within the Prostitution Reform Act 2003 as well as the Crimes Act of 1961 and its subsequent amendments.

The Crimes Amendment Act 1995, further outlaws any behaviour that may enable child sex tourism, such as making travel arrangements, transporting, or printing or publishing information intended to promote child sex tours.²⁰⁸ These arrangements include the purchase or reservation of tickets for travel, as well as the purchase or reservation of accommodation in a country outside of New Zealand.²⁰⁹ The publication of information in any form, written or electronic, will also be considered an offence.²¹⁰ All violators will be liable to imprisonment not exceeding seven years.²¹¹ These acts constitute an offence regardless of whether there is real or intended abuse of a real child under Section 144A.

Indicators show that New Zealanders are among child sex abusers abroad,²¹² yet, prior to 2010 there were no prosecutions under the 1995 Amendment, resulting in pressure from ECPAT Child ALERT, who argued that the lack of enforcement would lead to a continuance of child abuse by offenders with no fear of repercussions.²¹³

Progress has been made in this regard, illustrated in the first case involving a New Zealand child sex tourist in August 2010. In the case, New Zealand charged a 46-year-old Auckland man with organising and promoting child sex tours to Thailand and Southeast Asia.²¹⁴ The arrest was the result of a two-year operation by the Police OCEANZ team, Counties-Manukau Child Protection Team, the New Zealand

Customs Service, and the Police Undercover Programme. The investigation began with research into a website suspected of promoting tours to Thailand for individuals wishing to engage in sex with young boys. An undercover Police Officer then posed as a client, and through arrangements made by the accused, procured two tickets to Thailand with promises of the availability of young boys for sex upon arrival.²¹⁵ Following the trial the accused was convicted of organising a child sex tour but acquitted of promoting the tour, resulting in a three-year prison sentence.²¹⁶ This case marked a milestone in New Zealand prosecution of child sex tourism and will hopefully play a role in deterring such acts in the future.

Following this ground-breaking case, a second Auckland resident was tried for sexual conduct with a child outside of New Zealand, in addition to possession of illegal child sex abuse images. The images found on his computer identified a 7-year-old girl from Russia, and she and her mother were flown to New Zealand to testify in the trial. In March 2012, the 67-year-old man was convicted and sentenced to three years in prison.²¹⁷

Despite the difficulties that accompany legislation carried out in foreign countries – evidence collection, locating witnesses, language barriers – New Zealand must continue fostering relationships with countries such as Thailand, the Philippines, and Fiji, where there have been reports of New Zealanders involved or participating in child sex tourism,²¹⁸ in order to achieve broad, consistent enforcement of child sex tourism laws that will serve as an adequate deterrent to potential sex offenders.

The Crimes Amendment Act of 2005 created extraterritorial legislation, making it illegal for all New Zealand citizens, persons ordinarily resident in New Zealand, and those found in New Zealand who have not been extradited, to engage in any sexual conduct with children abroad that would be

considered an offence if carried out in New Zealand.²¹⁹ This includes offences detailed in the 1993 FVPC Act, the 2003 PRA and the 1996 Customs and Excise Act.²²⁰ In accordance with the Optional Protocol on the sale of children, child prostitution and child pornography, the FVPC Act specifically calls for extraterritorial jurisdiction in regards to offences involving child pornography.²²¹

New Zealand extradition laws allow extradition of all wanted persons to any country regardless of formal extradition

treaties. However, these laws are quite complex and liaising with New Zealand authorities prior to filing an official request is highly recommended. To be approved, all such extraditions must fulfil New Zealand's definition of an 'extraditable offence' in that they carry a minimum penalty of one year imprisonment in the requesting country, involve conduct that would be regarded as criminal had it occurred in New Zealand, and meets requirements of the requesting country's extradition treaty when applicable.²²²

Child Protection Units

The New Zealand Police have Child Protection Teams that work to prevent child abuse and Child Exploitation Teams that investigate child abuse. These teams are in close communication with the Child, Youth and Family Government Agency under the Child Protection Protocol (CPP) signed via a memorandum of understanding in 2001. This partnership seeks to promote positive outcomes for children and young people through a collaborative working relationship and a systematic referral and alert system.²²³

The main Internet child protection unit in New Zealand is the police unit: Online

child exploitation across New Zealand (OCEANZ). OCEANZ functions as the government's principal body of enforcement for censorship legislation; including the possession of, and trading in, child exploitation material. The majority of their work is centred on research into online paedophile networks as well as the identification of child sexual offenders and child exploitation sites, specifically investigating child exploitation via the Internet and other electronic means, patrolling for those committing grooming offences, and coordinating international operations.²²⁴

Support Services

Strategies for the recovery and reintegration of victims of commercial sexual exploitation of children (CSEC) must include both immediate and long term policies. Immediate support should include medical and psychological care in addition to shelter and legal assistance. In the long term, assistance must focus on reintegration into school, return to the family or community, and a personalised plan for social and economic rehabilitation and reintegration.

Victims of CSEC have access to support services under the 2002 Victims' Rights Act. These include any welfare, health,

counselling, medical, or legal needs arising from the offence.²²⁵ However, there is no formal procedure in place to refer these victims to NGOs and/or service providers; nor are there shelters specifically allocated to victims of particular offences, such as trafficking.²²⁶

Although not a direct support service to victims, the Victims Centre, inaugurated on 1 July, 2011 for an 18-month period, is leading the government's review of victims' rights and implementing the reform package endorsed by the Cabinet in March 2011. Established through the Victims of Crime

Reform Bill, the Victims Centre, located in the Ministry of Justice, works to enhance the accountability of agencies and expand the application of general victims' rights. This includes broadening the terms of victim statements, improving the capacity and operation of the victim notification system, and providing victims with the right to appear in youth court and present impact statements. All reforms are based on the public consultation document A Focus on *Victims of Crime: A Review of Victims' Rights*.²²⁷

The Victims Centre and these reforms are geared toward the development of a 'Victims Code' which will provide information to

victims about their rights. This Code will be drafted by June 2012 and will then undergo public consultation before being approved and entering into force.²²⁸

The Victim Notification System (VNS) further aids victims through the provision of information relating to the imprisoned offender who committed crimes against them. This information includes dates and times of hearings, release, or escape. 5,807 victims have registered for VNS since its commencement in 1988; a select few are registered to receive notifications on more than one offender. As of May 2009, there were 2,156 active registered victims (those who are still receiving notices).²²⁹

RECEPTION HOME AND PROTECTION & OCCUPATION DEVELOPMENT CENTRES

The Ministry of Youth Development contracts out 47 service providers who provide 128 programmes for vulnerable youth, each reporting its outcomes to the Ministry. The Ministry of Social Development is also currently involved in a pilot programme in Auckland geared at supporting young people, ages 15-17, in State care as they become independent. Although not all of these programs directly target CSEC victims, they address key factors that could eventually lead to sexual exploitation. In particular, this programme helps youth find safe and affordable housing and access to Special Needs Grants to obtain an apartment. Additionally, individuals involved are partnered with an adviser who assists and guides them during the transition period.²³⁰

This programme was supplemented by the 152 million dollar Youth Opportunities Initiative, a package of initiatives intending to provide employment and training to youth ages 16-24 at risk of long-term unemployment. In 2010 the number of places within the job opportunities program, which subsidises employment for up to six months, was doubled and will now extend through December 2011.²³¹

There are also several community-based organisations that offer support and counselling to underage individuals used in, or at risk of entering, prostitution. These organisations provide housing, health and safety information, employment services, and courses and classes. Many also strive to act as an initial point of contact for at-risk youth or those looking to exit prostitution.²³² However, specialist services are rare due to problems with sustained funding. This gap in services is most visible in the area of housing and emergency accommodation.²³³

The Salvation Army strives to fill this gap, heading up the Street Outreach Service (SOS). Originally a 'one-man' sandwich and hot drink service, SOS has developed into an official aid service, providing meals and hot drinks to sex workers and the homeless on the streets of Christchurch.²³⁴ Staffed with a team of five, the converted ambulance hits the streets every Thursday, Friday, and Sunday from 10pm to 1am, creating relationships, providing safety tips, condoms, and a hot meal.²³⁵

Organisations such as City Lights in South Auckland and IOSIS Family Solutions help provide community and family support.

City Lights involves volunteers of all ages; however, it caters specifically to youth, providing activities and opportunities to foster neighbourhood and community solidarity.²³⁶ IOSIS Family Solutions works primarily with families, specifically mothers and children, endeavouring to equip families with the necessary skills, solutions and support to keep them safe and strong.²³⁷

Shakti Asian Women's Safe House Inc., works in the emergency accommodation department. Currently operating four safehouses across New Zealand, in September 2011 they received an \$18,250 grant from Medibank to maintain their safehouse in Auckland. This safehouse caters specifically to migrant women in need of shelter and protection from violent relationships and in 2010 housed more than 50 women and their families.²³⁸ In addition to accommodation, the Shakti Community Council Inc. includes Women's support groups, advocacy and family social services, as well as training and advice on independent

living.²³⁹

Many of these services do not cater specifically to victims of CSEC; however, they provide general support from which they may benefit. This is particularly evident in the prostitution support networks, where many minors involved in prostitution have been observed. However, establishments specifically staffed and trained in the care of victims of CSEC are still needed.

Despite the advent of several new services in the past few years, other efforts, such as the Underage Prostitution Governance Group, seem to have disappeared. Composed of members from CYFS, the Police, the Human Rights Commission and the NGO sector, the group was originally established under the Underage Prostitution Forum in Auckland. Their intention was to draft an issues paper in 2006; however, no such paper has appeared and initiatives seem to have been abandoned.²⁴⁰

HOTLINES AND COUNSELLING SERVICES

Mental health services involving care and protection as well as youth residences for those exiting the justice system are operated by CYFS. New Zealand currently has eight preventive and treatment services pertaining specifically to child and adolescent mental health. Many of these services help deal with trauma, and include assisting schools as they plan for and cope with traumatic events. TheLowDown website helps youth struggling with depression and serves as one message board that allows students to discuss concerns or traumatic experiences. In March 2010 there were roughly 25,000 incoming and outgoing messages from the website and helpline samples have shown that approximately 86 percent of users are below the age of 25. In its first year, 30 youth were directed to emergency services due to personal safety concerns.²⁴¹

SOS has also now expanded to include a drop-in centre, open three nights a week,

for sex workers and homeless women where a staff of ten women provides a safe place to come and talk about anything and everything: from their lives on the street, to unwanted pregnancies. The Centre is open three nights a week from 10pm to 1am. They have helped a small number of women off the streets and, as of 2009, were hoping to expand into accommodation services, as well as medical, dental and social work assistance.²⁴²

For offenders, or those with sexually harmful or problematic behaviours, the SAFE network provides counselling and treatments through treatment pathways specified for each individual. Some of these pathways include specific programs for cyber offending (which would include grooming and online child abuse images), intellectual disability, and women and girls (including underage sex workers).²⁴³

The Chief Science Advisor to the Prime Minister has recently released a report stressing the importance of early psychological intervention for children. The report states that, "Social investment in New Zealand should take more account of the growing evidence that prevention and intervention strategies applied early in life are more effective in altering outcomes and reap more returns over the life course than do preventions and interventions (or punitive) strategies applied later." The report notes the success of interventions such as SAFE (through their early intervention service), which, following cost-benefit analyses, have shown significant return on investments, and reduced multiple risks for children, particularly when centre-based programmes partner with family support services.²⁴⁴

ECPAT Child ALERT has also developed the Child Alert hotline, which deals

principally with child Internet pornography. Since its launch in 2008, the hotline has received over 3,000 reports from community members, 2,457 of which were unique URLs. These were then passed on to the Censorship Compliance Unit for possible inclusion in the DCEFS.²⁴⁵ Other hotlines, such as Youthline, Parentline, and Lifeline, are regionally based, nationally connected support groups. Youthline provides free counselling via text, phone, or one of their many centres along with several other services including training, seminars, programmes, information, referrals, and community development activities to the youth of New Zealand. Parentline also provides free counselling to children under the age of 13, as well as parenting programmes,²⁴⁶ while Lifeline serves as a 24/7 help and discussion line for anyone needing to talk through their issues.²⁴⁷

REPATRIATION OF VICTIMS

As New Zealand is committed to assisting all victims of CSEC independent of their nationality, the government must ensure that specific strategies are put in place for foreign children who have been trafficked into the country. New Zealand law currently accommodates foreign victims of CSEC, allowing them temporary legal residence and relief from prosecution for immigration offences. Consistent with the National Plan

of Action to Prevent People Trafficking, the Department of Labour is framing policy to standardise trafficking victims' immigration status to permit long term legal residency and access to a large selection of services.²⁴⁸ In May of 2010 New Zealand also passed legislation allowing victims of trafficking to access financial assistance through the social security system.²⁴⁹

Training law enforcement personnel

Despite reports of children in the commercial sex trade and foreign workers becoming victim to passport confiscation, the government has not yet identified or assisted any trafficking victims. Thus, an emphasis has been put on victim identification training and most law enforcement personnel are now receiving training and education on CSEC issues, child-friendly procedures and the legal provisions in place for witness protection. The government is also providing training to military personnel prior to international

peacekeeping missions.²⁵⁰

According to the Trafficking NPA, the Department of Labour is currently undertaking much of this training. This will include officers processing visas as well as border compliance staff and Customs officers on detecting suspicious activity at the border. The Department of Labour Health and Safety officers and Labour Inspectors will be further trained on the detection of trafficking activities during workplace visits.²⁵¹

CHILD AND YOUTH PARTICIPATION

The Ministry of Youth Development (MYD), administered by the Ministry of Social Development, acts as the central coordinating body for youth participation in the social, educational, economic and cultural development of New Zealand. Their key functions include serving as a government contact through which youth can express themselves, providing the government with recommendations to improve outcomes for the youth, deliver opportunities to the youth for further development, fund community services, and create and share evidence concerning youth development within the country.²⁵²

While the MYD provides the principles and strategies of youth development, the code of ethics for youth, and serves as the reporting body to the CRC, it also provides concrete outlets for youth participation (ages 12-24) such as a Youth Voices Network, youth funding panels, and youth participation workshops.²⁵³

New Zealand NGOs have led child and youth participation and involvement in the area of children's rights. Most notably, Save the Children New Zealand commissioned a report to ensure the involvement of children and young people in the UNCRC reporting process and matters involving their rights. From May 2009 to April 2010 199 children and youth from a large variety of backgrounds and communities met in small focus groups to discuss rights and tell their stories through creative media. The focus groups and subsequent report, *Hear our Voices We Entreat*, laid out issues that must be addressed in children's rights and proposed

recommendations through storytelling and the creation of several short videos.²⁵⁴ Save the Children, in conjunction with the UNCRC Advisory Group, would like to continue to push forward the issues and recommendations raised by the children.²⁵⁵

In 2007 ECPAT Child ALERT engaged a researcher to interview street children being prostituted in South Auckland. Thirteen children were interviewed individually and their experiences recorded. With their permission extracts from the research were published in a booklet called *Speaking for Ourselves*. This included personal accounts of sexual abuse and neglect, family violence, as well as rape and drug and alcohol use. The booklet contained recommendations for improvement and was widely distributed to government departments, libraries, schools and agencies.²⁵⁶

ECPAT Child ALERT is also moving forward with its Youth Participation Program (YPP) – *Don't Sweep It Under the Rug*. Planning to start with events at six main universities in New Zealand, the University Tour of *Don't Sweep It Under The Rug* will begin in early February. During these events ECPAT will distribute literature encouraging and supporting volunteer action groups in each city and helping them form a base for creation. Students will also have the chance to enter prize competitions. ECPAT Child ALERT's Youth Participation Program started off at the research stage in 2010, and moved on to formation and piloting in 2011. They hope to expand nationwide through the formation of Action groups in 2012.

STOP Sex Trafficking of Children & Young People Campaign

An important advocacy component of The Body Shop and ECPAT 'Stop Sex Trafficking of Children and Young People Campaign' is the country progress card system, which ECPAT and The Body Shop have created to assess the progress of state action on specific commitments and promises to uphold the rights of the child to protection from sex trafficking and all forms of commercial sexual exploitation. In line with the 2008 Rio de Janeiro Declaration and Call for Action to Prevent and Stop Sexual Exploitation of Children from the World Congress III against Sexual Exploitation of Children and Adolescents, this innovative tool provides readers with information on states' action to combat child trafficking, specifically towards the three goals of the campaign:

1. Community-based prevention programmes to stop child trafficking are reaching at-risk populations;
2. International legal standards for protecting children from trafficking have been incorporated into the national legal framework; and
3. Specialised government services for child victims of trafficking are integrated into national policies.

| New Zealand: summary of progress card ^{IV} | | | |
|---|----------------------|----------------------|---------------------------|
| Goal 1: Community-based Prevention Programmes | | | |
| Prevention | Collaboration | Awareness raising | Teacher training |
| Yellow | Yellow | Red | Red |
| Goal 2: Legal Framework | | | |
| Optional Protocol | Trafficking Protocol | National legislation | Special police units |
| Red | Green | Green | Yellow |
| Goal 3: Specialised Services for Child Victims | | | |
| Helpline | Shelters | Medical services | Psychological counselling |
| Yellow ★ | Yellow | Green | Yellow |

Green = significant action taken by state; Yellow = partial action taken by state;
Red = inadequate level of state action; Star = work undertaken by NGOs

From the global assessment of the Progress Cards, New Zealand is among the 53% of countries that have made some progress to stop sex trafficking of children and young people. Existing initiatives against human trafficking are mostly targeted towards adult victims and does not directly address the sex trafficking of children and young people, especially in order to response to their needs and the rights of the child.

^{IV} The New Zealand Progress Card is available at www.ecpat.net



PRIORITY ACTIONS REQUIRED

National Plans and policies

- Develop a comprehensive national plan and policy addressing all forms of commercial sexual exploitation of children, apportion resources for its immediate implementation and ensure regular monitoring and evaluation.
- Emphasise and facilitate child participation in the new national plan in accordance with the Rio Declaration and Call for Action.
- Expand the current definition of trafficking to include an affirmative provision on the protection against internal trafficking.
- Implement the trafficking NPA to its full extent, including the realisation of increased efforts to identify trafficking offenders and the execution of all measures put forth in the 2009 plan.
- Formally accept the 10 year children's action plan (to be published in late 2012); a government initiative put forward by the minister for social development, calling for significant changes regarding vulnerable children and their families.

Coordination and cooperation

- Enhance regional coordination, currently focused primarily on trafficking, to address all forms of CSEC.
- Develop a nation-wide system for ongoing data collection and monitoring to obtain estimates of child victims for all CSEC offences. This should include: a) collaboration among federal and local government; b) disaggregation by race, age, sex, ethnicity, region and nationality, and showing the evolving prevalence rates; and c) liaison with civil society organisations, law enforcement, non-governmental organisations, homeless shelters, detention centres, and all institutions in a position to identify child victims.

Child protection structures

- Expand the current capacity of the three hotlines to allow for toll-free, 24-hour access to the child helplines, accessible from anywhere in the country.

Prevention

- Initiate research into the root causes of commercial sexual exploitation of children. There is currently a lack of information concerning demand for sex with children and specific programmes to address this demand. ECPAT recommends the government institute a sustained research programme to ensure the scope and contours of the problem are traced and can inform an adequate policy response.
- Following New Zealand's first prosecution of child sex tourism, the government should work to promote awareness of extraterritorial enforcement of child protection laws to demonstrate government resolve to tackle child sex tourism issue and deter potential offenders.

Coordination and cooperation

- Fully enforce the prostitution reform act and increase the number of prosecutions under the act, which is currently quite low.
- Ensure full protection under the CRC by extending the application of the Treaty to the Tokelau territory.
- The government must work to guarantee that CRC laws and relations optional protocols supercede local customs and Maori law.
- All laws, including the Children, Younger Persons and their Families Act, as well as those concerning grooming, must ensure that the age of the child is set at 18 in conformity with the convention on the rights of the child.
- Increase usage of legislation. The current low conviction rates fail to serve as a strong deterrent to commit CSEC related crimes and do not reflect the gravity of such crimes.
- Ensure legal provisions are created to fill current gaps in child protection relating to prostitution. Law enforcement officials must have access to brothels in order to verify the age of employees and ensure that there are no persons under the age of 18 working on the premises.
- Support the continuation of initiatives such as the underage prostitution governance group, and the drafting of issue papers which will open discussion on csec topics amongst members of government, the police, NGOs and civil society.

Recovery and reintegration

- Develop adequate programs to compensate for the current lack of emergency housing and support services specifically catering to csec victims. Police units are currently unable to provide enough beds for those in need.
- Extend training to reach all professionals working with or for children to facilitate the identification of signs of CSEC or at-risk children. New Zealand should work towards the expansion of training to extend to all sectors with potential contact with children.
- Ensure that foreign child victims of trafficking are not deported but rather granted the necessary services aimed at their physical and psychological recovery.

Child and youth participation

- Work to systematically promote the views and active participation of children and youth in the decisionmaking processes regarding laws and policies that affect them.
- Promote and support programmes that help children gain a deeper knowledge of their own rights to be free from sexual exploitation and the options available to them to address abuse so that they are empowered, with the partnership of adults, to end sexual exploitation.

ANNEX

The Rio de Janeiro Declaration and Call for Action to Prevent and Stop Sexual Exploitation of Children and Adolescents*

Note: This is a condensed version. The full Rio Declaration and Call to Action also contains: Preamble; A. Review of progress and outstanding challenges; and B. Declaration.

C. Call for Action

We call on all States, with the support of international organizations and civil society, including NGOs, the private sector, adolescents and young people to establish and implement robust frameworks for the protection of children and adolescents from all forms of sexual exploitation, and we call upon them to:

I - International and Regional Instruments

- (1) Continue working towards ratification of relevant international instruments, including as appropriate the United Nations Convention on the Rights of the Child and the Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography, ILO Convention 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, and the Convention on the Elimination of All Forms of Discrimination against Women.
- (2) Continue working towards ratification of relevant regional instruments, including as appropriate the African Charter on the Rights and Welfare of the Child, the ASEAN Charter,

the Inter-American Conventions on International Traffic in Minors and on the Prevention, Punishment and Eradication of Violence against Women, the SAARC Convention on Preventing and Combating Trafficking in Women and Children for Prostitution, and the Council of Europe Conventions on Action against Trafficking in Human Beings, on Cybercrime and on the Protection of Children against Sexual Exploitation and Sexual Abuse, conventions which can be ratified by States that are non-members of the Council of Europe.

- (3) State Parties should take all necessary measures to implement the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography, taking into due accounts the conclusions and the recommendations of the Committee on the Rights of the Child in the context of its review of State Parties' reports. All countries are encouraged to use this as an important reference.

II – Forms of Sexual Exploitation and its New Scenarios

Child pornography/child abuse images

- (4) Criminalize the intentional production, distribution, receipt and possession of child pornography, including virtual

images and the sexually exploitative representation of children, as well as the intentional consumption, access and viewing of such materials where there has been no physical contact with a child; legal liability should be extended to entities such as corporations and companies in case the responsibility for or involvement in the production and/or dissemination of materials.

- (5) Undertake specific and targeted actions to prevent and stop child pornography and the use of the Internet and new technologies for the grooming of children into online and off-line abuse and for the production and dissemination of child pornography and other materials. Victim identification, support and care by specialized staff should be made a high priority.
- (6) Conduct educational and awareness-raising campaigns focusing on children, parents, teachers, youth organizations and others working with and for children with a view to improve their understanding of the risks of sexually exploitative use of the Internet, mobile telephones and other new technologies, including information for children on how to protect themselves, how to get help and to report incidences of child pornography and online sexual exploitation.
- (7) Take the necessary legislative measures to require Internet service providers, mobile phone companies, search engines and other relevant actors to report and remove child pornography websites and child sexual abuse images, and develop indicators to monitor results and enhance efforts.
- (8) Call upon Internet service providers, mobile phone companies, Internet cafes and other relevant actors to develop and

implement voluntary Codes of Conduct and other corporate social responsibility mechanisms together with the development of legal tools for enabling the adoption of child protection measures in these businesses.

- (9) Call upon financial institutions to undertake actions to trace and stop the flow of financial transactions undertaken through their services which facilitate access to child pornography.
- (10) Set up a common list of websites, under the auspices of Interpol, containing sexual abuse images, based on uniform standards, whose access will be blocked; the list has to be continuously updated, exchanged on international level, and be used by the provider to perform the access blocking.
- (11) Undertake research and development, in the realm of the private sector, of robust technologies to identify images taken with electronic digital devices and trace and retract them to help identify the perpetrators.
- (12) Promote public/private partnerships to enhance the research and development of robust technologies to investigate and to trace the victims with a view to immediately stop their exploitation and provide them with all the necessary support for full recovery.
- (13) Make technologies easily available, affordable and usable for parents and other caregivers, including to assist with the use of filters to block inappropriate and harmful images of children.

Sexual exploitation of children and adolescents in prostitution

- (14) Address the demand that leads to children being prostituted by making

the purchase of sex or any form of transaction to obtain sexual services from a child a criminal transaction under criminal law, even when the adult is unaware of the child's age.

(15) Provide specialized and appropriate health care for children who have been exploited in prostitution, and support child centered local models of recovery, social work systems, realistic economic alternatives and cooperation among programmes for holistic response.

Sexual exploitation of children and adolescents in travel and tourism.

(16) Encourage and support the tourism, travel and hotel sectors in adopting professional Codes of Conduct, for example by joining and implementing the Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism; encourage the use of businesses that put in place appropriate child protection-focused corporate social responsibility strategies; and/or provide other incentives for those participating.

(17) Ensure that all stakeholders pay specific attention to unregulated tourism to prevent domestic and international travellers from sexually exploiting children and adolescents.

(18) Cooperate in the establishment of an international travel notification system, such as the Interpol 'green notice' system, in accordance with applicable law and human rights standards.

(19) Ensure investigation and, where sufficient evidence exists, that appropriate charges are brought and vigorously pursued against the State's nationals who are reported or alleged to have sexually exploited a child in a foreign country.

(20) Prohibit the production and dissemination of material advertising the sexual exploitation of children in tourism; and alert travellers to criminal sanctions that will apply in cases of sexual exploitation of children.

(21) Monitor new and emerging tourist destinations and establish proactive measures to work with private sector partners involved in the development of tourism services on measures to prevent the sexual exploitation of children and adolescents, including the use of socially and environmentally responsible strategies that promote equitable development.

Trafficking and the sexual exploitation of children and adolescents

(22) Mobilize communities, including children and adolescents with a view to engaging them in dialogue on and a critical review of social norms and practices and economic and social conditions that make children vulnerable to trafficking, and establish procedures that involve them in developing strategies and programmes where they participate, where appropriate, in the planning, implementation and monitoring of such programmes.

(23) Pilot and adapt or replicate successful models of community-based prevention and rehabilitation and reintegration programmes for child victims of trafficking.

(24) Establish policies and programmes that address not only cross-border but also internal trafficking of children and that include, among other elements, a standard operating procedure for the safe repatriation and return of children based on the child's view and on a careful assessment of the needs and risks to the child of returning to her/his place of origin to ensure that the best interests of the child are taken into account.

- (25) Continue strengthening cross-border and internal cooperation of law enforcement officials, for example by establishing coordinating units with a mandate to issue clear guidelines for child centered investigation of cases of trafficking of children and for treating trafficked children not as criminals but as victims in need of protection.
- (26) Take legislative and other measures to ensure that a guardian is appointed without delay for every unaccompanied trafficked child, that an effective system of registration and documentation of all trafficked children is established, and that every trafficked child is provided with not only short-term protection but also with the necessary economic and psycho-social support for full and long-lasting recovery and social reintegration (in line with the UNICEF

Guidelines on the Protection of Child Victims of Trafficking and UNHCR Guidelines on Formal Determination of the Best Interests of the Child).

- (27) Undertake and/or support, with the involvement of civil society and children, the regular evaluation of programmes and policies to prevent and stop the trafficking of children and of legislation that may have a conducive impact on trafficking, for example laws on marriage, free education, adoption and migration, birth registration, accordance of citizenship, refugee or other status.

III – Legal Frameworks and Enforcement of the Law

- (28) Define, prohibit and criminalize, in accordance with existing international human rights standards, all acts of sexual exploitation of children and adolescents in their jurisdiction, irrespective of any set age of consent or marriage or cultural practice, even when the adult is unaware of the child's age.
- (29) Establish effective extraterritorial jurisdiction, abolishing the requirement of double criminality for offences of sexual exploitation of children and adolescents, and facilitate mutual legal assistance, in order to achieve effective prosecution of perpetrators and appropriate sanctions. Make all acts of sexual exploitation of children and adolescents an extraditable offence in existing or newly established extradition treaties.
- (30) Designate a lead law enforcement agency, where appropriate to national circumstances, to proactively enforce extraterritorial laws related to sexual exploitation of children and adolescents.
- (31) Ensure that child victims of sexual exploitation are not criminalized or punished for their acts directly related to their exploitation, but are given the status of victim in law and are treated accordingly.
- (32) Establish special gender sensitive units/ children's desks within police forces, involving when appropriate other professionals like health care and social workers and teachers, to address sexual crimes against children, and provide specialized training to judicial and law enforcement personnel.
- (33) Address corruption in law enforcement and the judiciary, as well as other authorities with a duty of care to children, recognizing corruption as a major obstacle to effective law enforcement and protection for children.
- (34) Establish and implement international, regional and national legal mechanisms and programmes for addressing sex offender behaviour and preventing recidivism, including through risk assessment and offender management programmes, the provision of voluntary extended and comprehensive rehabilitation services (in addition to but not in lieu of criminal sanctions

as appropriate), safe reintegration of convicted offenders and the collection and sharing of good practices and establish where appropriate sex offenders registers.

IV – Integrated Cross-Sectoral Policies and National Plans of Action General

- (35) Develop and implement comprehensive National Plans of Action on the sexual exploitation of children and adolescents, or include these in existing relevant planning frameworks, such as National Development Plans and ensure that these Plans are based in a cross-sectoral approach which brings all stakeholders together in a coherent and comprehensive framework for action. These Plans should incorporate gender-sensitive strategies, social protection measures and operational plans, with adequate monitoring and evaluation targeted resources and designated responsible actors, including civil society organizations for implementation of initiatives to prevent and stop the sexual exploitation of children and adolescents and provide support for child victims of sexual exploitation.
- (36) Promote and support multi-sectoral policies and programmes, including community-based programmes, within the framework of a comprehensive national child protection system to address phenomena that contribute to the sexual exploitation of children and adolescents including, for example, discrimination (including on the basis of sex), harmful traditional practices, child marriage and social norms that condone sexual exploitation.
- (37) Promote and fund meaningful child and youth participation at all levels in the design, monitoring and evaluation of policies and programmes, in campaigns and through peer-to-peer youth programmes, aimed at raising

awareness and preventing the sexual exploitation and trafficking of children and adolescents.

- (38) Initiate and support the collection and sharing of reliable information and cross-border cooperation, and contribute to databases on victims and perpetrators, to enhance assistance to children and address the demand for sex with children, in accordance with applicable laws.

Prevention

- (39) Ensure that all children born on their territory are registered immediately and for free after their birth and pay special attention to not yet registered children and children at risk and in marginalized situations.
- (40) Strengthen the role of educational institutions and staff to detect, denounce and help address sexual abuse and exploitation of children in all forms and sources.
- (41) Emphasize prevention of sexual exploitation of children and adolescents, through e.g. awareness raising and educational campaigns, support for parents and eradication of poverty while reinforcing or establishing multi-sectoral referral mechanisms to provide comprehensive support and services to children who have been victimized in sexual exploitation.
- (42) Support children to gain deeper knowledge of their own rights to be free from sexual exploitation, and the options available to help them to address abuse, so that they are empowered, with the partnership of adults, to end sexual exploitation.
- (43) Engage children in meaningful and critical examination of changing contemporary values and norms and their potential to increase vulnerability

to sexual exploitation; and promote education to enhance children's understanding of these issues in relation to sexual exploitation.

- (44) Undertake research on contemporary patterns of socialization of boys and men across different contexts to identify factors that promote and strengthen boys' and men's respect for the rights of girls and women and engage them in action initiatives that inhibit and discourage them from engaging in sexual exploitation of children and adolescents.

Protection of the child

- (45) Increase efforts to address the sexual exploitation of children and adolescents through the development of comprehensive and integrated national child protection systems, including the necessary budget allocations and based on identifications of settings where children are most at risk that aim to protect children from all forms of violence and abuse.
- (46) Establish by 2013 an effective and accessible system for reporting, follow up and support for child victims of suspected or actual incidents of sexual exploitation, for example by instituting mandatory reporting for people in positions of responsibility for the welfare of children.
- (47) Develop or enhance accessibility of existing telephone or web-based help lines, in particular for children in care and justice institutions, to encourage children and require care givers to confidentially report sexual exploitation and seek referral to appropriate services, and ensure that the operators of such reporting mechanisms are adequately trained and supervised.
- (48) Strengthen existing national child protection services or establish new

ones in order to provide all child victims of sexual exploitation, girls and boys, without discrimination, with the necessary economic and psychosocial support for their full physical and psychological recovery and social reintegration, and when appropriate, family reunification and interventions that support and strengthen families to mitigate the risk of further exploitation; such services to be provided by well trained multi-disciplinary teams of professionals.

- (49) Ensure that these services are accessible, appropriately resourced, comprehensive, child- and gender-sensitive, and reach all children without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, colour, sex (or orientation), and social origin and including children with disabilities, from ethnic minorities, indigenous or Aboriginal children, refugee or asylum-seeking and children in domestic service or living on the streets and children displaced by conflict or emergency situations.
- (50) Develop programs that provide children of sex workers and children living in brothels with support and protection.
- (51) Promote and defend the privacy of the child victims and child perpetrators of sexual exploitation, taking into account relevant national laws and procedures, to protect their identity in investigatory or court proceedings or from disclosure by the media and ensure that these proceedings are child friendly and allow the child to participate in a meaningful way in the process of bringing the perpetrator to justice.
- (52) Ensure that children and adolescents exhibiting acts of sexual violence harmful to others receive appropriate care and attention as a first option through gender-sensitive and child-focused measures and programmes that balance their best interest with

due regard for the safety of others, and ensure compliance with the principle that depriving children of liberty should be pursued only as a measure of last resort, and ensure that those responsible for the care of such children are equipped with relevant and culturally appropriate training and skills.

V – International Cooperation

- (53) Take all necessary steps to strengthen international cooperation by multilateral, regional and bilateral arrangements for the prevention, detection, investigation, prosecution and punishment of those responsible for acts of sexual exploitation of children and adolescents; and for the assistance of child victims in their physical and psychological recovery, social reintegration and, as appropriate, repatriation.
- (54) Establish and/or improve by 2013 concrete mechanisms and/or processes to facilitate coordination at national, regional and international levels for enhanced cooperation among government ministries, funding bodies, UN agencies, NGOs, the private sector, workers' and employers' organizations, the media, children's organizations and other representatives of civil society with a view to enabling and supporting concrete action to prevent and stop the sexual exploitation of children and adolescents.
- (55) Strengthen and improve the effectiveness of existing regional mechanisms for exchange, coordination and monitoring of progress on child protection including against sexual exploitation in order to review progress and strengthen follow-up on the implementation of the recommendations made.
- (56) Provide, when in a position to do so, financial, technical and other assistance through existing multilateral, regional, bilateral and other programmes for addressing the sexual exploitation of children and adolescents; and explore the potential of a fund for child and youth initiatives in this area.
- (57) Develop, where appropriate with the support of UN agencies, NGOs, civil society organizations and the private sector, workers' and employers' organizations, policies and programmes to promote and support corporate social responsibility of enterprises operating inter alia in tourism, travel, transport and financial services, and of communication, media, Internet services, advertising and entertainment sectors; so that child-rights focused policies, standards and codes of conduct are implemented throughout the supply chain and include an independent monitoring mechanism.
- (58) Support and contribute to the Interpol international child abuse images database and nominate a responsible national focal point person or unit to collect and update promptly national data on sexual exploitation of children and adolescents, and systematically share this information with Interpol in order to support cross-border (international) law enforcement action and strengthen its effectiveness, and adopt multilateral agreements especially for police investigation work.
- (59) Undertake national and international coordinated measures to curb and stop the involvement of organized crime

in commercial sexual exploitation of children and bring persons and/or legal entities responsible for this form of organized crime to justice.

VI – Social Responsibility Initiatives

We encourage the private sector, employers' and workers' organizations, to proactively engage in all efforts to prevent and stop the sexual exploitation of children and adolescents, and to use their knowhow, human and financial resources, networks, structures and leveraging power to:

- (60) Integrate child protection, including the prevention of sexual exploitation of children, into new or existing corporate social responsibility policies of enterprises operating inter alia in tourism, travel, transport, agriculture and financial services, and of communication, media, Internet services, advertising and entertainment sectors, and ensure appropriate implementation of such policies and widespread public awareness.
- (61) Incorporate the prevention and protection of children from sexual exploitation in human resources policies, such as Codes of Conduct and other corporate social responsibility mechanisms throughout the supply chain.
- (62) Join efforts with Governments, UN agencies, national and international NGOs, and other stakeholders to prevent the production and dissemination of child pornography, including virtual images and the sexually exploitative representation of children, and stop the use of the Internet and new technologies for the grooming of

children into online and off-line abuse; undertake actions to trace and stop the flow of financial transactions for sexual exploitation of children through the services of financial institutions; support efforts to address the demand for sexual exploitation of children in prostitution and the strengthening of services for children victims and their families, including the establishment of accessible telephone or web-based help lines; and provide support for educational and awareness-raising campaigns targeting children, parents, teachers, youth organizations and others working with and for children, on the risks of sexual exploitation of children, sexually exploitative use of the Internet, mobile phones and other new technologies as well as on protective measures.

VII – Monitoring

- (63) Establish by 2013 independent children's rights institutions such as children's ombudspersons or equivalents or focal points on children's rights in existing human rights institutions or general ombudsperson offices, highlighting the importance for States Parties to the Convention on the Rights of the Child of General Comment No 2 of the Committee on the Rights of the Child; these bodies should play a key role in the independent monitoring of actions taken for the prevention of sexual exploitation of children and adolescents, protection of children from such exploitation and the restoration of the rights of sexually exploited children, in advocating for effective legal frameworks and enforcement and in ensuring, where necessary, that child victims have effective remedies and

redress, including the possibility of filing complaints before these institutions.

We encourage the Committee on the Rights of the Child to:

- (64) Persevere with reviewing progress of States Parties' fulfilment of their obligations to uphold the right of children to protection from sexual exploitation and pay special attention to the recommendations in the Rio Call for Action in its examination of reports under the Convention on the Rights of the Child and its Optional Protocols.
- (65) Adopt as a matter of priority a General Comment on the right of the child to protection from sexual exploitation, trafficking for sexual purposes, and the abduction and sale of children, including detailed guidance to States on the development, implementation and enforcement of national legislation and policies in this regard.
- (66) Continue to work with the Office of the High Commissioner for Human Rights in protecting child rights, and raising awareness of relevant international and regional human rights mechanisms.

We encourage other United Nations human rights treaty bodies, special procedures of the Human Rights Council and special representatives of the United Nations Secretary-General, as well as regional human rights mechanisms, to:

- (67) Pay particular attention to combating the sexual exploitation of children and adolescents, within their respective mandates and during their examination of State Parties' reports, country visits, in their thematic work and/or other activities.

We urge the Human Rights Council to:

- (68) Ensure that the Universal Periodic Review process includes rigorous examination of States' fulfilment of their obligations to children, including preventing and stopping the sexual exploitation of children and adolescents and to respectfully the rights of child victims of such exploitation.

We urge the yet-to-be-appointed Special Representative of the Secretary-General on Violence against Children, the Special Representative of the Secretary-General for Children and Armed Conflict, the Special Rapporteur on the Sale of Children, Child Prostitution and Child Pornography and the Special Rapporteur on Trafficking in Persons, especially in Women and Children, together with other appropriate mandate holders and in collaboration with the Committee on the Rights of the Child, to:

- (69) Work together to avoid duplication and to maximise their impact in preventing and stopping the sexual exploitation of children and adolescents and, through their work, map experiences in the area of prevention and response to sexual exploitation of children and assess their effectiveness.

We encourage UN agencies, NGOs and human rights institutions to:

- (70) Support and provide information on the extent of and responses to sexual exploitation of children and adolescents to these bodies.
- (71) Work with the media to enhance their role in education and empowerment, and in protecting children from sexual exploitation, and to mitigate the harmful potential of the media, including

through the sexualization of children in advertising.

We call on international financial institutions such as the World Bank and the International Monetary Fund to:

- (72) Review their current macro-economic and poverty reduction strategies with a view to counteracting any negative social impact on children and their families, including loan conditionality which essentially limits social services and access to rights and minimizing the risk for children to sexual exploitation.

We call on religious communities to:

- (73) Reject, in the light of their consensus about the inherent dignity of every person, including children, all forms of violence against children including sexual exploitation of children and adolescents and establish, in that regard, multi-religious cooperation and partnership with other key stakeholders such as governments, children's organizations, UN agencies, NGOs, media and the private sector using their moral authority, social influence and leadership to guide communities in ending sexual exploitation of children and adolescents.

C. Call for Action

(1) We commit ourselves to the most effective follow-up to this Call for Action:

- At the national level, inter alia, by biennial public reporting on the measures taken for the implementation of the Rio Declaration and Call for Action and promoting/initiating discussions on the progress made and the remaining challenges to named responsible mechanisms for monitoring implementation while also integrating such requirements into State reporting to the Committee on the Rights of the Child.
- At the international level, by encouraging and supporting coordinated actions by the relevant human rights treaty bodies, special procedures of the Human Rights Council and Special Representatives of the Secretary-General of the United Nations with a view to maintaining awareness of the Rio Declaration and Call for Action and promoting its implementation.

- (2) Encourage the private sector to join the United Nations Global Compact and communicate their implementation progress with regard to addressing the sexual exploitation of children and adolescents and supporting the realization of this platform for coordinated corporate efforts and sharing of best practices.

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