



# Global Monitoring

status of action against commercial sexual exploitation of children

## CANADA



2<sup>nd</sup> EDITION

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# GLOSSARY OF TERMS AND ACRONYMS

- **ACTA:** the Association of Canadian Travel Agencies
- **CCAICE:** the Canadian Coalition against Internet Child Exploitation
- **CCSO:** Coordinating Committee of Senior Officials
- **CETS:** the Child Exploitation Tracking System
- **Child Protection Code:** a code for travel and tourism companies, providing guidance on the protection of children from sexual exploitation
- **CIDA:** Canadian International Development Agency
- **CISC:** The Criminal Intelligence Service of Canada
- **CoE:** Council of Europe
- **CPP:** the Child Protection Partnership
- **CRC:** United Nations Convention on the Rights of the Child
- **CSEC:** The commercial sexual exploitation of children consists of criminal practices that demean, degrade and threaten the physical and psychosocial integrity of children. There are three primary and interrelated forms of commercial sexual exploitation of children: prostitution, pornography and trafficking for sexual purposes. Commercial sexual exploitation of children comprises sexual abuse by the adult and remuneration in cash or in kind to the child or a third person or persons.
- **CST:** Child sex tourism, or the commercial sexual exploitation of children by men or women who travel from one place to another, usually from a richer country to one that is less developed, and there engage in sexual acts with children, defined as anyone under the age of 18.
- **CWTA:** Canadian Wireless Telecommunications Association
- **ECPAT:** End Child Prostitution, Child Pornography and the Trafficking of Children for Sexual Purposes
- **FPT:** Federal/Provincial/Territorial
- **ICE:** Integrated Child Exploitation
- **ICSE:** the Internet Child Sexual Exploitation Database
- **ICT:** Information and Communication Technologies
- **IICRD:** International Institute for Child Rights and Development
- **ILO:** International Labour Organization
- **INTERPOL:** the International Criminal Police Organization
- **IOM:** International Organization for Migration
- **IRPA:** The Immigration and Refugee Protection Act
- **ISP:** Internet Service Provider
- **IWGTIP:** the Interdepartmental Working Group on Trafficking in Persons
- **MLACMA:** the Mutual Legal Assistance in Criminal Matters Act
- **NCECC:** the National Child Exploitation Coordination Centre
- **NGO:** Non-governmental organization
- **NPA:** National Plan of Action
- **OAS:** Organization of American States
- **OPSC:** Optional protocol on the sale of children, child prostitution and child pornography
- **OSCE:** Organization for Security and Cooperation in Europe
- **RCMP:** the Royal Canadian Mounted Police
- **TBS:** The Body Shop
- **TIP Report:** the U.S. Department of State Trafficking in Persons Report
- **UNDP:** United Nations Development Programme
- **UNIAP:** United Nations Interagency Programme
- **UNICEF:** United Nations Children's Fund
- **UNIFEM:** United Nations Development Fund for Women
- **UPR:** Universal Periodic Review

# 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 2<sup>nd</sup> 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 2<sup>nd</sup> 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 2<sup>nd</sup> 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](http://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.

# CANADA

## INTRODUCTION

Canada is a constitutional monarchy and a federal state with a democratic system of government. The federal government exercises jurisdiction over Canada's ten provinces and three territories on matters that must be treated uniformly across the country, such as criminal law, immigration, trade and commerce. Provincial governments have jurisdiction over areas such as education, health and welfare.

Canada has a high standard of living and in 2010 ranked 8th in the world on the United Nations Development Programme's (UNDP) Human Development Index. It is a multi-cultural country with two official languages, English and French.<sup>1</sup>

Following the 1996 Stockholm and the 2001 Yokohama global forums on the CSEC, Canada 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.

## Child prostitution

While child<sup>a</sup> prostitution is present throughout Canada, it is most visible in larger urban centres, such as Montreal, Toronto and Vancouver, where small organised crime groups often control prostitution rings involving children.<sup>2</sup> It is estimated that the average age of children entering prostitution in Canada is 13 to 18.<sup>3</sup> Despite this problem, there are extremely limited services to support sexually exploited children. Experts in the field note that the single biggest challenge is securing safe housing for these child victims, as organisations providing shelter and focused

services struggle to find funding to provide the full array of services needed.<sup>4</sup>

Several distinct groups of children are at particular risk of becoming involved in the sex trade in Canada. Those vulnerable groups include runaways, unwanted children, youth living independently, and children using Internet communications to solicit clients for sex. These children generally lack supervision and are developmentally unprepared to deal with the dangers associated with the sex trade.<sup>5</sup>

a. Child, in this context, refers to any person below the age of 18.



## Child trafficking for sexual purposes

Canada is a source, transit, and destination country for children subjected to trafficking in persons. Across the country Canadian women and girls, particularly from Aboriginal communities, and foreign women and children, primarily from Asia and Eastern Europe, have been identified as victims of sex trafficking and commercial sexual exploitation.<sup>6</sup> Victims of sex trafficking have been identified from the following countries: China, Hong Kong, Fiji, Taiwan, South Korea, the Philippines, Romania, Ukraine and Moldova. It is reported that Asian victims are found primarily in Vancouver and Western Canada while victims from Eastern Europe are primarily sent to Toronto, Montreal and Eastern Canada.<sup>7</sup> Authorities also report

that organised crime units are often involved and that many of the victims, especially ones from South Korea, were “in-transit” to the United States.<sup>8</sup>

The Criminal Intelligence Service of Canada (CISC) conducted a study on organised crime and domestic trafficking in persons in Canada, which found that girls as young as 12, many coming from middle-class families, are being recruited and trafficked inter and intra-provincially by a number of organised crime syndicates and family-based networks. The study noted that traffickers are controlling their victims through rape, assaults, and threats to family members; daily earnings from trafficking range from \$300 to \$1,500.<sup>9</sup>

The US Department of State annually releases a Trafficking in Persons (TIP) Report, which categorises countries into “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, Canada was placed in **Tier 1**.<sup>10</sup>

## Child pornography/abuse images

Canadian lawmakers continue to grapple with the pressures and complexities of new technologies that increase the availability of child pornography. In the past several years, investigators in Canada have reported an increase in the number of videos available that depict child sexual abuse, as well as an increase in the size of personal collections

of child pornography. This is likely due to advances in technology, such as high bandwidth, digital technology, increased storage capacity, decreased cost of personal computers and video recording equipment, such as digital video cameras.<sup>11</sup> A large number of child abuse images are in circulation and accessed within Canada.<sup>12</sup>

### Links to global crime rings

The very nature of the Internet allows an individual to access, download and store illegal content such as child abuse images from anywhere in the world. Canadian offenders are also apprehended for such cases. A recent investigation targeting 72 global offenders who had sought online child abuse images included an undisclosed number of Canadian offenders. The online, members-only club

called “Dreamboard” promoted online paedophilia and had more than 500 members. The club featured sharing and distribution of very violent sexual abuse against children and also promoted such action among its members. The criminal network had produced a vast quantity of child abuse materials, equivalent to almost 16,000 DVDs. Members producing images of themselves violently sexually assaulting a child were designated with “Super VIP” status and granted access to the site’s entire collection.<sup>13</sup>

## Child sex tourism

Canada is a source country for child sex tourists, Canadian nationals who travel abroad to engage in sexual acts with children<sup>14</sup> A professor at the University of British Columbia reviewed information from the Department of Justice on sexual exploitation charges overseas and found that, while 146 Canadians were charged with child sex offences overseas from 1993–2007, only one was convicted under laws against child-sex tourism.<sup>15</sup> As of February 2011, only three Canadians had been convicted under the Canadian sex tourism law, and progress remains slow.<sup>16</sup> Other countries, such as the U.S. and Australia, with similar laws against citizens travelling overseas to sexually abuse children have achieved a much higher number of prosecutions and convictions.<sup>17</sup>

In 2007, a Canadian citizen was accused

of 35 sex crimes involving underage girls — some as young as nine — in Colombia, Cambodia and the Philippines between 1997 and 2002. His lawyer argued that the sex tourism law was unconstitutional because the offences allegedly occurred outside Canada. However, in 2009, the Supreme Court of British Columbia upheld the validity of Canada’s child sex-tourism laws stating, “a nation has a sovereign interest in preventing the sexual exploitation of children, regardless of where it occurs.”<sup>18</sup>

A small Canadian police presence in embassies overseas means that Canada must rely on foreign countries to gather evidence and charge offenders, which is rare in many contexts due to lack of enforcement and resources in destination countries.

## Other Factors Contributing to CSEC

Approximately 4% of the population are of Aboriginal descent, among which North American Indian is largest, followed by Métis and Inuit.<sup>19</sup> Historically, these diverse ethnic groups have helped shape the Canadian national identity; however, research suggests that the deprivations suffered by these groups throughout Canada’s colonial history may have contributed to high levels of abuse and sexual exploitation of children and women.<sup>20</sup> Studies show that 25–50% of Aboriginal adults were sexually abused as children and youth; however, this number stands in sharp contrast to more recent studies of Aboriginal children. Thus, it remains unclear whether these disparities are the result of drastic underreporting by current Aboriginal children or declining rates of sexual abuse within Aboriginal communities.<sup>21</sup>

Despite Canada’s high standard of living, there are still large numbers of homeless youth, with a disproportionate percentage coming from the Aboriginal community.<sup>22</sup> In some Canadian cities, up to 90% of sexually exploited youth living or working on the streets are Aboriginal. The majority of

them are girls between 15 and 18, but some are as young as 10 years old. Many sexually exploited Aboriginal youth suffer from poverty, drug abuse, homelessness, violence, and racism.<sup>23</sup> In addition, girls from Aboriginal communities are found to be victims of sex trafficking across the country.<sup>24</sup>

Many Aboriginal youth have also suffered from sexual abuse at home. These problems, combined with racism, negative stereotyping, and reduced presence of parental role-models all make Aboriginal youth particularly susceptible to various forms of sexual violence.<sup>25</sup>

In November 2011, the Supreme Court of British Columbia upheld a law banning polygamy, holding that, though the law does violate religious freedom, the harm suffered by women and children is sufficient to justify restrictions on religious liberty. The proceedings included the registration of 31 underage girl victims of trafficking between the USA and Canada for forced marriage in

polygamous communities. The judge ruled that children under the age of 18 should not be prosecuted under the anti-polygamy law and asked Parliament to amend the law to clarify this point.<sup>26</sup> This case highlights the fact that Canada must improve enforcement of its anti-polygamy law to ensure that young girls are not trafficked and forced to marry and bear children.

## NATIONAL PLAN OF ACTION

Presently, Canada has no national plan of action specifically designed to combat the commercial sexual exploitation of children and young people. In 2004, Canada launched “A Canada Fit for Children,” a plan affirming the Government’s commitment to making children and families a national priority, and to working with governments, stakeholders and the public to ensure that the needs of children and families are supported.<sup>27</sup> “A Canada Fit for Children” does contain limited references to commercial sexual exploitation of children (CSEC), including: the importance of strong legal mechanisms prohibiting CSEC, research on underlying risk factors, and promotion of prevention strategies and awareness raising about the issues. However, a more comprehensive plan is needed, specifically identifying key activities to be undertaken to address CSEC, designating organisations to lead the implementation of each activity, timeframes and indicators for success.

In 2004, the Government of Canada also launched another plan, the “National

Strategy for the Protection of Children from Sexual Exploitation on the Internet,” with the goals of increasing the capacity to investigate and apprehend online predators; enhancing public education and awareness on the issue of online sexual exploitation; and supporting further research on CSEC and the Internet.<sup>28</sup> Under this Strategy, the National Child Exploitation Coordination Centre, part of the Royal Canadian Mounted Police (RCMP), serves as Canada’s contact point for combating child exploitation on the Internet.<sup>29</sup> The Centre’s non-governmental partner, the Canadian Centre for Child Protection, operates [Cybertip.ca](http://Cybertip.ca), Canada’s national tip-line for the public to report potential cases of child sexual abuse on the Internet. On February 10, 2009, the Government announced the renewal and expansion of the Strategy, committing a total of \$71 million over the next five years in order to protect children from online predators.<sup>30</sup>

While “A Canada Fit for Children” and the “National Strategy for the Protection of Children from Sexual Exploitation on

the Internet” contain provisions addressing CSEC, a specific National Plan of Action against commercial and sexual exploitation of children and trafficking has yet to be developed. Consequently, on May 11, 2009, the Canadian Centre for Child Protection hosted a collaborative session with leading experts from around the world to discuss the root causes of CSEC and the barriers and challenges to addressing the problem, as well as the necessary steps to create a Canadian Action Plan. Discussions led to the development of a plan for combating sexual exploitation with four priorities:

1. Creating a National Task Force to oversee the development and implementation of a comprehensive, cohesive, and coherent national child protection strategy;
2. Expanding perceptions of child sexual abuse and exploitation beyond a safety and justice concern to be recognised also as a public health concern;

3. Continuing research and analysis in order to better understand the harmful and problematic content on the Internet and share results internationally; and
4. Maintaining an ongoing commitment to public education and awareness as a core component of all efforts to end the sexual exploitation of children.<sup>31</sup>

Policymakers should embrace the strategies that resulted from this session and move towards the creation of a National Plan of Action that protects children from all forms of CSEC, consistent with the Government’s commitments as expressed in the Rio Declaration and Call for Action and the Stockholm Agenda for Action.

## COORDINATION AND COOPERATION

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.

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

### Local and national level

In the absence of a comprehensive National Plan of Action on combating the commercial sexual exploitation of children, policies and programmes in Canada continue to be implemented mostly at the provincial level. Despite efforts to enhance collaboration between government agencies and civil society, there is limited cooperation between provinces in addressing issues specifically related to CSEC.

With respect to general child protection matters, all Canadian provinces and territories apply the Provincial/Territorial

(P/T) Protocol on Children and Families Moving between Provinces and Territories. This P/T protocol is a child protection

services policy that provides collaboration guidelines for provinces and territories when dealing with child protection issues across jurisdictions. The Protocol provides processes for alerting authorities on matters regarding at-risk families and children who leave one P/T jurisdiction for another; returning children to their home P/T jurisdiction when appropriate; and reporting by a child protection authority of possible child mistreatment, including child sexual abuse, to another P/T authority where the identified

child resides outside of the authority's jurisdiction.<sup>32</sup>

Similarly, since 1998, the Royal Canadian Mounted Police and the Departments of Health and Social Services, Education and Justice have all signed the Inter-Agency Protocol for the Investigation of Child Abuse and Neglect, which provides an integrated response to investigating reports and disclosures of child abuse.<sup>33</sup>

## THE FEDERAL OMBUDSMAN FOR VICTIMS OF CRIME

The Federal Ombudsman for Victims of Crime is appointed to receive and review complaints against federal government officials, agencies or department from individuals. The Ombudsman's work also includes facilitating victims' access to support services. Though not specifically focused on children, this office can provide several forms of assistance to child victims of sexual abuse and exploitation. Such assistance includes supporting children throughout the court process to ensure that their form of engagement matches their capacities and needs; connecting children to community-based victim service agencies and providing short-term counselling; and practical assistance, such as information-sharing and referrals.<sup>34</sup> In addition, the Federal Ombudsman is entitled to make recommendations to the federal government on legislation and policy related to victim's rights. The most recent published recommendations related to child victims of sexual abuse and exploitation, issued in 2008 – 2009, requested the government to add child pornography and luring to the list of violent crimes ineligible for accelerated parole and to increase the number of Child Advocacy Centres, which serve as an important recovery and reintegration resource for victims of sexual abuse and exploitation.<sup>35</sup>

Other intergovernmental mechanisms fostering collaboration on issues related to child protection include: the Federal/Provincial/Territorial (FPT) Coordinating Committee of Senior Officials (CCSO) on Family Justice; FPT Child and Youth Sexual Exploitation Working Group; FPT Directors of Child Welfare Committee; FPT CCSO (Criminal Justice) Working Group on Cybercrime; FPT Ministers of Social Services; FPT CCSO Human Trafficking Committee; and the FPT Directors of Child Welfare Working Group on Victims of Crime. These committees and working groups are designed to share expertise and information, explore joint initiatives, and identify emerging issues that relate to the sexual exploitation of children and youth.<sup>36</sup>

The Forum of Provincial and Territorial Directors also acts as a network for members to collaborate on strategic planning, proposed legislation, research needs and public awareness raising.<sup>37</sup> Additionally, the Federal Committee against the Commercial Sexual Exploitation of Children serves as a platform for information sharing among relevant stakeholders on CSEC issues. The Committee focuses primarily on the commercial sexual exploitation of Aboriginal children and youth in Canada. It unfortunately lacks any mandate to turn

this information exchange into collaborative action.<sup>38</sup>

### • **Trafficking**

Policies to combat the trafficking of children and young people remain sparse, and there are limited established mechanisms for coordination among provinces on this issue. On a national level, the Interdepartmental Working Group on Trafficking in Persons (IWGTIP), co-chaired by the Departments of Justice and Foreign Affairs, is made up of 18 federal departments and agencies (although with no involvement from other non-governmental stakeholders).<sup>39</sup> The IWGTIP coordinates policies and communication between the various federal agencies working on trafficking issues. The Working Group draws on the collective expertise of its members to develop and promote policies aimed at improving the government's response to human trafficking.<sup>40</sup> Additionally, the Royal Canadian Mounted Police (RCMP) houses the RCMP Human Trafficking National Coordination Centre, but, again, there is minimal involvement from groups outside of law enforcement agencies.<sup>41</sup>

Nevertheless, there have been recent efforts to improve anti-trafficking coordination among provinces. One example is the Office to Combat Trafficking in Persons, created by the Government of British Columbia in 2007. The Office was created to build collaborative relationships across numerous jurisdictions and agencies: other provincial ministries, federal departments, law enforcement agencies and non-governmental organisations, including transition and safe houses.<sup>42</sup>

### • **Internet-related exploitation**

There appears to be better coordination and cooperation among provinces/territories and the national government on issues surrounding Internet-related exploitation.

For example, the National Child Exploitation Coordination Centre (NCECC) is a national agency that supports municipal, territorial, provincial, federal, and international police agencies in protecting children from Internet-facilitated sexual exploitation. The Centre provides a number of services to law enforcement across the country, including: the coordination of investigative files on victims and witnesses; expertise in victim identification techniques; management of multi-jurisdictional cases; research and training specific to investigations of online child sexual exploitation; and the ability to respond immediately to a child at risk. The NCECC also manages and trains police on the Child Exploitation Tracking System (CETS), an intelligence tool that enhances information sharing among Canadian investigators nationwide.<sup>43</sup> CETS is now used in most police forces in Canada with sex crime units.<sup>44</sup>

There has also been government and civil society partnership in this domain in the form of the Canadian Coalition against Internet Child Exploitation (CCAICE), founded in 2004. CCAICE is a voluntary, multi-sector forum comprised of industry (mainly ISPs), government, non-government and law enforcement stakeholders, whose objective is to assist in the implementation of an effective national strategy to abolish child pornography from the Internet.<sup>45</sup> One of the Coalition's main initiatives is Project "Cleanfeed," launched in November 2006, which blocks Canadian consumer access to foreign-hosted Internet sites with illegal abuse images. Since the project's launch, an average of 650 URLs are being blocked at any given moment.<sup>46</sup> As of February 2009 however, only eight of the more than 400 ISPs in Canada participated in implementing Cleanfeed systems. Fortunately, because most of the largest ISPs do participate, almost 90 percent of all Canadian Internet subscribers are covered by the Cleanfeed programme.<sup>47</sup>

## • Data collection

There appear to be few official statistics on the extent of commercial sexual exploitation of children in Canada. There is presently no uniform method of collecting data on cybercrime activity, and there is little empirical data on the breakdown of the child pornography industry in the country.<sup>48</sup> Additionally, few official statistics are available regarding the trafficking of persons to and from Canada, and those statistics that do exist do not always distinguish between the trafficking of children within Canada (domestic trafficking) and those that are trafficked to and from Canada.<sup>49</sup> In recognition of this problem, the House of Commons Standing Committee on the Status of Women recommended research and data collection specifically on the trafficking of Aboriginal girls, as this has become an issue of growing concern in Canada.<sup>50</sup> (see Introduction section)

With regard to child pornography and exploitation over the Internet, Cybertip.ca serves as the primary source of data in

Canada. Cybertip.ca maintains records of received reports of child exploitation and examines these reports to provide illuminating statistics about current trends, published in periodic reports. The most recent report, published in 2009, found that of the thousands of images and sites examined by Cybertip, 82.1% of child pornography images depicted children below 12 years of age and 77.6% of sites included at least one child below 8 years of age.<sup>51</sup> (See Protection: Child protection units section below for further data)

With respect to data collection on general child welfare issues, the Provincial/Territorial Child Welfare Outcomes Project, sponsored by the Federal Provincial and Territorial Directors of Child Welfare, is working to have all 13 provincial jurisdictions harmonise their programmes to produce common data sets and to report on selected key indicators.<sup>52</sup> Some of the data collected as a part of this project will likely be relevant to those working to combat CSEC, but more data collection specifically focused on CSEC issues is needed.

## Regional and international level

Canada's Migration Integrity Officers have a presence in 39 countries where, in conjunction with local law enforcement partners, they analyse trends and patterns in irregular migration and the routes and methods used by organised crime rings. Their goal is to intercept trafficking networks before they can bring victims to Canada. Canada also partners with the US, through Integrated Border Enforcement Teams, to identify, investigate and indict persons engaged in trafficking.<sup>53</sup>

Canadian law enforcement agencies also work with INTERPOL to fight child sexual exploitation. Collaborative initiatives include:

- Developing secure and encrypted networks, such as Groove and the

Internet Child Sexual Exploitation Database (ICSE) that link Canadian investigators with INTERPOL's database of information and child-abuse images, reducing duplication of efforts in attempts to identify victims and offenders;

- The broadcast of travel advisories about known sex offenders attempting to travel to foreign countries to have sex with children. These travel advisories have resulted in travelling sex offenders being turned away from some countries, thus preventing the victimisation of children living in those destinations; and
- The Virtual Global Taskforce, an international alliance of law enforcement

agencies working to protect children from Internet-facilitated sexual exploitation. Their objectives are to locate and identify children at risk and hold perpetrators appropriately accountable. To achieve these goals, the Taskforce works in close partnership with nongovernmental organisations and the private sector.<sup>54</sup>

Canada currently has bilateral mutual legal assistance treaties for criminal matters with eight countries frequented by travelling child sex offenders, including Argentina, China, India, Mexico, Peru, Russia, South Africa, and Thailand.<sup>55</sup> Canada works with international partners in the context of the Group of Eight (G-8), the United Nations, the Organization for Security and Cooperation in Europe (OSCE) and the Organization of American States (OAS) to address issues related to CSEC.

As part of the G-8 Justice and Interior Ministers' meetings in 2007 and 2008, Canada re-affirmed its commitment to continue to work with G-8 partners to combat child sexual exploitation. At the meetings, Canada adopted the "Declaration Reinforcing the International Fight Against Child Pornography," along with a paper on "The Implementation of Extraterritorial Jurisdiction for Sex Crimes Against Children," supporting legislation to prosecute child sex tourism and the sharing of related best practices among G-8 partners.<sup>56</sup> Canada has also worked through the OAS and the Regional Conference on Migration to develop guidelines on the repatriation of trafficked children, which provide countries with guidance on responding to the unique needs of child victims of trafficking, including, as appropriate, their safe repatriation.<sup>57</sup>

Additionally, the Government of Canada's International Development Agency (CIDA) supports efforts to address the rights and needs of victims of sexual exploitation abroad

through a range of programmes in Eastern Europe, Asia, Africa, and the Americas. For example, through CIDA, Canada has worked with the United Nations Interagency Programme (UNIAP) to address the issue of trafficking in the Greater Mekong Sub-region –including Cambodia, the People's Republic of China (PRC), Lao PDR, Myanmar, Thailand, and Vietnam—to forge inter-governmental cooperation and common action to combat human trafficking.<sup>58</sup> Canada also provides core funding to the United Nations Children's Fund (UNICEF), United Nations Development Fund for Women (UNIFEM), the United Nations Development Programme (UNDP), the UN High Commissioner for Refugees, the International Labour Organization (ILO) and the International Organization for Migration (IOM), to address the commercial sexual exploitation of women and children, trafficking in persons, human rights, gender equality, children's rights and protection, and migration issues.

CIDA also funded an IICRD (International Institute for Child Rights and Development) project called Child Protection Partnership (CPP) in Thailand and Brazil, which helps children protect themselves from online exploitation by building upon good practices and technology across the public and private sectors. Project partners have applied a child rights approach known as the "Circle of Rights" to work in partnership with children to better understand the risks and opportunities that information and communication technology (ICT) pose to children, and create innovative inter-sectoral solutions.<sup>59</sup>

In the European region, Canada supports a programme to combat trafficking as part of an initiative of the Office for Democratic Institutions and Human Rights of the Organization for Security and Cooperation in Europe.<sup>60</sup>



The Canadian government has also devoted sustained attention to CSEC in Colombia through the programme Fundación Renacer (the national ECPAT group in Colombia), based in Cartagena. With support from CIDA, the organisation initiated the *¡La muralla soy yo!* (It Stops Here – I am the wall!) project, which aims to make every tourism industry worker in Cartagena a “wall” against child sexual exploitation. To date the project has raised awareness in communities and reached nearly 600 children and youth aged 7 to 17 and 300 parents. Police now patrol beaches and engage in community outreach with young people, restaurant owners, and street vendors to ensure that children are not trapped in exploitative situations. Four street workers from the Renacer project also regularly conduct outreach to identify children at risk and invite them to workshops, games, theatre, and open discussions on sexually transmitted infections, in order to help them understand the dangers to which they are exposed.<sup>61</sup>

## PREVENTION

Effective prevention of CSEC requires multi-faceted strategies and policies that simultaneously address the different elements of the problem. 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.

Furthermore, information, education and outreach programmes should be directed at those engaging in the commercial sexual exploitation of children (e.g. users of children forced into prostitution) to promote changes in social norms and behaviour and reduce the demand for child victims of CSEC.

## AWARENESS RAISING

The Canadian government has launched several campaigns in the past few years to bring attention to the commercial sexual exploitation of children. The Royal Canadian Mounted Police (RCMP) oversees six regional human trafficking awareness coordinators throughout Canada who are charged with implementing awareness raising programmes. The federal government reports to have reached 8,000 government officials and civil society representatives through

its various campaigns.<sup>62</sup> These activities included distribution of a publication entitled “Bon Voyage, But...” to Canadians travelling abroad, which contains a warning about penalties under Canada’s child sex tourism law. Every newly issued Canadian passport is also accompanied by a copy of the booklet.<sup>63</sup> The federal government developed and distributed an anti-trafficking poster entitled “People for Sale in Canada? The Answer Will Shock You,” available in 15

languages;<sup>64</sup> and, in partnership with the Canadian Crime Stoppers Association, ran a national awareness campaign educating the public about the national toll-free hotline for reporting suspected cases of human trafficking. Though not specifically directed at child trafficking, expanded awareness of resources to monitor human trafficking will likely create some benefits for child trafficking victims. Cybertip.ca has also widely publicised its services, emphasising that individuals are allowed to provide anonymous tips on any type of child protection concern<sup>65</sup>

Since 2007, the Canadian Centre for Child Protection has sponsored several national public awareness initiatives with the goal of changing public attitudes and beliefs on child abuse and sexual exploitation:

- The “*Child Sexual Abuse – It IS your Business*” campaign, launched in June 2007, resulted in a 32% increase in use of the Canadian Centre’s website during the first month. During the following four months the website averaged a 28% monthly increase in page views. Also, due in part to the public awareness efforts, Cybertip.ca had 52,346 unique visitors in 2009/2010 and received a total of 7,913 child sexual exploitation reports;
- The “*Candy Heart*” billboard campaign was launched in December 2009. Recognizing that public reporting is the cornerstone of child protection, the national campaign used the easily recognisable image of the candy heart to promote reporting child pornography to Cybertip.ca. During this campaign, reporting to Cybertip.ca increased by 29%;
- The “*Be Smart, Strong and Safe*” campaign in 2009/2010 featured two, 15-second public service announcements that focused on positive messaging about every child’s potential. The key message of the campaign was to ‘Get your kids where they’re going. Smart, strong and safe.’ The campaign aired on billboards, television,

and digital screens in airports and office building elevators across Canada.<sup>66</sup>

In addition, the Canadian Centre for Child Protection launched “*thedoorthatsnotlocked.ca*” in February 2010. The website is designed to promote awareness of safe and responsible use of online technologies, and thus help to protect children and youth from exploitation on the Internet. It provides IT safety strategies, such as information on what technologies children are using and how to make them safer, and also provides advice on topics such as how to talk to children about healthy relationships, the subtleties of manipulation, and the importance of respecting and asserting personal boundaries.<sup>67</sup>

In another effort to foster awareness of CSEC, since 2002, Beyond Borders (ECPAT Canada), a national non-profit that advances the rights of children to be free from sexual exploitation, has hosted the Beyond Borders Media Awards annually. The award is divided into three categories: printed news or articles, television/radio/film, and student journalism. Each category is sub-divided into French and English languages. The main purpose of the award is to honour journalists, documentary filmmakers and journalism students whose work contributes to the awareness, prevention, and monitoring of CSEC. Award recipients are selected based on the awareness-raising impact of the work, especially those projects providing new insights or illuminating root causes; quality of work in terms of research methods, balanced approach, and presentation; and the level of respect displayed toward CSEC victims.<sup>68</sup>

On a provincial level there have also been some successful awareness raising efforts. During the week of March 7 - 13, 2010, British Columbia sponsored “Stop the Sexual Exploitation of Children and Youth Awareness Week,” which highlighted the importance of communities developing

prevention, education, enforcement and intervention strategies to address the sexual exploitation of children and youth. Activities were held throughout the province, including candle light walks, film screenings, youth-hosted 5K runs, forums on intervention and enforcement, and youth gatherings.<sup>69</sup> During this week a symbolic ribbon was also launched. The colour of fuchsia was chosen to symbolise efforts in preventing the sexual exploitation of children and youth because it is a combination of red, for red light districts, and purple, the provincial colour for violence prevention.<sup>70</sup> This campaign followed the launch in 2007 of an online sexual exploitation prevention 'toolkit' for youth and adults in British Columbia seeking to take action locally.<sup>71</sup> The toolkit provides individuals and groups information about establishing a community network, creating an action plan, applying for funding, and building awareness of how to combat CSEC.<sup>72</sup>

In Manitoba, mandatory reporting of child pornography became law on April 15, 2009. To coincide with this, the Canadian Centre for Child Protection, with the support of the Manitoba government, ran a mandatory reporting campaign throughout the province, featuring billboards and posters on buses, streets and malls stating: 'Child pornography is child abuse' and 'Child pornography doesn't report itself,' directing people to report incidents of child abuse images to the [Cybertip.ca](http://Cybertip.ca) website.<sup>73</sup>

In March 2007, the Government of Ontario focused awareness on Internet-related child abuse by holding an interdisciplinary conference to discuss the "Provincial Strategy to Combat Internet Crimes against Children," as well as sponsoring a conference entitled "Responding to Child and Youth Victims of Sexual Exploitation on the Internet" in September 2007.<sup>74</sup>

## PUBLIC EDUCATION

In November 2009, the Canadian Centre for Child Protection issued a research report titled "Child Sexual Abuse Images: an analysis of websites by [Cybertip.ca](http://Cybertip.ca)," which reported that the majority of images analysed in the project were found to depict children under the age of eight. The release of this report reinforced concerns regarding the scope and severity of child sexual abuse imagery and highlighted the need for child sexual abuse education for students in Canada. As a result, the Canadian Centre for Child Protection has been proactive in developing and supporting CSEC-related education initiatives in schools. With support

from the Canadian government, the Centre developed "Kids in the Know," an interactive safety education programme designed to teach students from kindergarten to high school effective personal safety strategies to reduce their risk of victimisation. The programme is used in school districts in every province in Canada and, in 2010, was enhanced with new content and lessons following feedback from parent advisory groups.<sup>75</sup> The Centre has also distributed over 1.6 million pieces of Internet safety materials, free of charge, to nearly 11,000 schools across Canada to help educators and parents teach children about online and real world personal

Public/private partnerships have resulted in innovative approaches in the fight against CSEC. For example, Microsoft Canada, in consultation with the Royal Canadian Mounted Police (RCMP) and the Toronto Municipal Police, developed CETS (See Coordination and Cooperation for further discussion of this initiative). The programme, which can be tailored to local laws and practices, allows investigators to “capture, share, and search information at all levels of an investigation” and store intelligence (e.g. images) in a database. Since its development, the programme has been replicated in at least 15 other countries.<sup>77</sup> The University of Victoria’s International Institute for Child Rights and Development, through the Child Protection Partnership (CPP), took a leading role in implementation of this CIDA funded project.<sup>78</sup> However, the Canadian federal government has reportedly withdrawn support from this programme, and it may no longer be active.<sup>79</sup>

In 2008, the Canadian Imperial Bank of Commerce (CIBC) made a 10-year commitment to the development of a Financial Coalition made up of Canadian banking institutions, credit card companies and payment systems in Canada to combat the commercial child pornography trade.<sup>80</sup> Unfortunately, this coalition has been inactive,<sup>81</sup> leaving no functioning financial coalition in Canada to combat child pornography. Given that Canada is the third largest host country for websites containing images of child abuse, the government should work to put such a coalition in place.<sup>82</sup>

In April 2009, mobile phone company TELUS worked with the Canadian Centre for Child Protection to create and distribute a “Mobile Safety Guide” and website designed to help educate parents and guardians about the potential safety issues and risks posed to children using cell phones, as well as steps they can take to ensure their

children use mobile technologies safely.<sup>83</sup>

Recognising a significant gap in the delivery of comprehensive mobile-phone education programming in Canadian schools, the Canadian Wireless Telecommunications Association (CWTA) launched “textED.ca,” designed to teach teens about safe, responsible and respectful “texting.” The website includes a series of lesson plans for teachers and an interactive website for youth using games, quizzes, and discussion pages designed to teach teens how to deal with “textual” harassers and potential predators. By the end of the 2009-2010 year, more than 20,000 people from around the world had visited textED.ca.<sup>84</sup>

Honeywell partnered with the Canadian Centre for Child Protection to provide more than 10,800 grade one classrooms with free teacher kits called “Billy Brings his Buddies,” which include lesson plans, activities and supplemental information to teach children about the importance of using the buddy system when going out to play so as to reduce their vulnerability to sexual abuse and exploitation.<sup>85</sup>

In 2010, Shaw, a leading Internet and communications company, worked with the Canadian Centre for Child Protection to develop an animated public service announcement aired on major television stations nationwide that teaches children how to be safe when sharing personal information, pictures and videos over the Internet.<sup>86</sup>

To celebrate International Children’s Rights Day in November 2010, Canada sponsored a nationwide campaign against child exploitation in sex tourism. This campaign was the first time that the private sector (Air Canada, Aéroports de Montréal), government agencies (Canada Border Services Agency, Service de Police de la Ville de Montréal and Sûreté du Québec)

and non-governmental organisations (International Bureau for Children's Rights, Plan Canada and OneChild, with support from UNICEF Canada) collaborated on such an initiative. The purpose of the campaign was to raise travellers' awareness about child sex tourism before they depart on trips. The campaign was aimed at tourists travelling to countries in Latin America and the Caribbean – popular destinations for Canadian sex tourists.<sup>87</sup> This campaign included a 2010 initiative with posters warning travellers about the consequences of child sex tourism in airports. Air Canada also began showing an in-flight video reminding Canadians they can be prosecuted at home for sex abuses they commit abroad.<sup>88</sup> These initiatives, however, have not been sustained.<sup>89</sup>

awareness raising activities. Articles about child sex tourism were featured in the monthly magazine of Transat, an international tour operator with major destinations in the Caribbean and Europe.<sup>90</sup> WestJet Airline, another carrier with daily flights throughout 71 cities in North America and the Caribbean, contributes to awareness raising campaigns through in-flight magazines, social media channels and their website.<sup>91</sup> With the support of Beyond Borders (ECPAT Canada), two Canadian companies—the Association of Canadian Travel Agencies (ACTA) and Incursion Voyages—have signed The Code of Conduct to Protect Children from Sexual Exploitation in Travel and Tourism – a major initiative to educate and inform citizens that sex with children is illegal everywhere.<sup>92</sup>

Several travel companies have also supported



## 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.



The Body Shop Canada and Beyond Borders (ECPAT Canada) launched the 'Stop Sex Trafficking of Children & Young People' Campaign with an outdoor rally consisting of over 100 staff and supporters on 30 July 2009 in Toronto. The rally also successfully garnered strong media coverage.

ECPAT Canada (Beyond Borders) and The Body Shop

launched the campaign petition in Canada in the summer of 2010 and have utilised funds from the campaign to advocate against polygamy and child marriages in Canada; continue work with the tourism industry by promoting The Code and providing training services; and created the *Beyond Borders Fund for Sexually Trafficked & Exploited Children*.

## VULNERABILITY REDUCTION

According to a report completed by the House of Commons' Standing Committee on the Status of Women in 2007 entitled, "Turning Outrage into Action to Address Trafficking for the purpose of Sexual Exploitation in Canada," Aboriginal young people are disproportionately at risk for trafficking and sexual exploitation.<sup>94</sup> (see Introduction section) Many schools in isolated First Nation communities in Canada only go up to grade 9, requiring young people at the age of 14 to leave their communities and families to further their education. This often puts them at great risk of sexual exploitation and predators in the larger cities.<sup>95</sup> To address this, the Standing Committee recommended research and data collection specific to Aboriginal women and trafficking in persons.<sup>96</sup> Additionally, organisations such as the Assembly of Manitoba Chiefs have received grants from the Canadian government to develop

initiatives to prevent the trafficking of vulnerable Aboriginal women and children. The Native Women's Association of Canada, through its Sisters in Spirit initiative, has also provided research and policy on the issue of violence against Aboriginal women and children in all its forms.<sup>97</sup>

The Canadian government has also supported efforts to reduce child vulnerability internationally. In 2006, the government funded an International Organization for Migration project to disseminate the animated drama video, "Shattered Dreams," aimed at raising awareness among vulnerable adolescents in Thailand, Laos, Vietnam and Cambodia of the risks associated with trafficking in persons. The video was disseminated in government schools and through mass media and eventually reached over 12 million people.<sup>98</sup>

## DETERRENCE MEASURES TO REDUCE DEMAND FOR SEX WITH CHILDREN

On December 15, 2004, the Sex Offender Information Act came into force in Canada, establishing the nation's first national sex offender database. The database is maintained by the RCMP and is intended to prevent convicted sex offenders from re-offending by providing police with access to current information on convicted offenders within a specific geographic area. The database is accessible only to accredited agencies and serves over 60,000 law enforcement officials in every province and territory.<sup>99</sup> The database includes information regarding the address and telephone number of offenders, descriptions of identifying marks and features, the nature of the offence committed; and the age and gender of the victim and their relationship to their assailant.<sup>100</sup> Organisations working with youth or other vulnerable populations can require applicants to receive police clearance as a condition of affiliation with the organisation.<sup>101</sup>

After facing widespread criticism for serious

shortcomings in its sex offender registry, the federal government improved its system with the passage of "Bill S-2: Protecting Victims from Sex Offenders Act," which took effect in 2011. Registration is now mandatory for offenders convicted of designated offences and law enforcement now have the capacity to access the registry to take preventive action rather than merely having access to solve a crime that has already been committed. Offenders must also register vehicles.<sup>102</sup> Though police may now inform law enforcement in foreign countries of sex offenders' travel plans, offenders are only required to report vacations of one week or more. Thus, short vacations may be left unreported, preventing Canadian law enforcement from working proactively with officers in destination countries to prevent child sex tourism.

Other deterrence measures specifically tackling demand initiated by the government have included online publications promoting

awareness that sexual abuse of children is illegal, whether committed in Canada or in another country. One site entitled “Child Sex Tourism: It’s a Crime,” provides information on the Criminal Code provisions that allow for the prosecution in Canada of Canadians or permanent residents for sexual offences

committed against children in foreign countries. The government has also issued several Country Travel Reports that remind prospective overseas travellers that child sexual abuse is a crime in Canada, regardless of where it is committed.<sup>103</sup>

## PROTECTION

### Children’s rights instruments related to CSEC

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 of CSEC. 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.

International Instruments		
Human Rights bodies related to Child Rights	Comments	
Charter –based bodies		
Working Group on the Universal Periodic Review – Human Rights Council	Reviewed during 4 <sup>th</sup> Session: 3 February 2009 Recommendations include: Continue policies and programmes aimed at reducing inequalities that still exist among the Aboriginal populations, recent immigrants and other Canadians; and, Strengthen enforcement of legislation and programmes regarding prohibition of commercial sexual exploitation of children	
Special Rapporteur on the sale of children, child prostitution and child pornography	No visit	
Special Rapporteur on trafficking in persons, especially in women and children	No visit	
Treaty-based bodies		
Committee on the Rights of the Child		
Children’s rights Instruments	Date of Ratification	Date of submitted reports
Convention on the Rights of the Child 1989	1991	1 <sup>st</sup> Report 1994 2 <sup>nd</sup> report 3/2003 3 <sup>rd</sup> & 4 <sup>th</sup> Reports 20/11/2009

Children’s rights Instruments	Date of Ratification	Date of submitted reports
Optional Protocol on the sale of children, child prostitution and child pornography 2000	September 14, 2005	1 <sup>st</sup> Report 3/2/2009
ILO Convention on the Worst Forms of Child Labor – 1999 (no. 182)	Ratified June 6, 2000	
UN convention against Transnational Organized Crime – 2000	Ratified May 13, 2002	
UN Protocol to Prevent , Suppress and Punish Trafficking in Persons, Especially Women and Children – 2000 (supplementing the UN Convention against Transnational Organized Crime	Ratified May 13, 2002	
• Regional Instruments		
Central and North America: Regional Guidelines for Special Protection in Cases of the Repatriation of Child Victims of Trafficking	Issued and Agreed Upon 2007	
Council of Europe Convention on Cybercrime (Canada has observer status at the Council of Europe)	Signed 23/11/01 (not yet ratified)	

## Legislation

As Canada is a constitutional monarchy, a federal state, and a parliamentary democracy (comprised of 10 provinces and 3 territories), it has two legal systems: British common law, which is the basis for federal law, provincial law in 9 of the 10 provinces, and territorial law; and the civil code, which applies in the province of Quebec.

Canada’s criminal justice system is a partnership between the federal, provincial and territorial governments. The federal government is responsible for passing criminal legislation, and the provincial and territorial governments have responsibility for the administration of justice.

In 2008, the government enacted the federal *Tackling Violent Crime Act*, which introduced reforms to Canada’s Criminal Code in

order to better protect children from sexual exploitation. An important change included raising the age at which youth can consent to non-exploitative sexual activity from 14 to 16 years, while maintaining the existing age of protection of 18 years old for exploitative sexual activity (e.g. child prostitution, pornography, etc.). The new law included exceptions for “close-in-age” relationships, marriages and pre-existing common-law relationships.<sup>104</sup>

Other reforms included instituting the National Flagging System, a mechanism that allows police and prosecutors to readily identify dangerous offenders who have demonstrated a pattern of violent and/or sexual crimes in the past. Under the Flagging System, upon conviction of a serious personal injury offence, the prosecution may ask the



court to designate the individual as either a DO (dangerous offender) for life, which can result in an indeterminate sentence, or an LTO (long-term offender), which can result in a custodial sentence followed by community supervision of up to 10 years. A DO/LTO designation will be considered in subsequent sentencing proceedings should the individual reoffend.<sup>105</sup>

Another important recent legal development focuses on more comprehensive regulation of the cybersphere to ensure that all efforts

to facilitate the exploitation of children over the Internet are legally covered. In 2002, Section 172.1 was added to the Criminal Code offences to expand the law from prohibiting anyone from communicating directly with a child for the purpose of sexual exploitation to also prohibit anyone from using a computer system, such as the Internet or a social networking site, to agree or make arrangements with another person for the purpose of sexually exploiting a child (also called “luring of children”).<sup>106</sup>

## Child Prostitution

The *Criminal Code*, sections 212 (2) and (4) define crimes related to child prostitution; these provisions adequately define and penalise these crimes according to minimum standards under the CRC and OPSC. Section 212(2) prohibits living “wholly or in part on the avails of prostitution of another person who is under the age of eighteen (18) years,” and imposes punishments of two to fourteen years imprisonment. Punishments are increased to five to fourteen years in cases where a defendant “for the purposes of profit, aids, abets, counsels or compels” a minor into prostitution” or in cases when the defendant “uses, threatens to use or attempts to use violence, intimidation or coercion in relation to the person under that age.” Section 212 (4) prohibits exchanging consideration for sexual activity with any minor under 18 years of age or even communicating with anyone in order to arrange sexual activity with a minor in exchange for consideration. Punishments range from six months to five years imprisonment.<sup>107</sup>

Children who have been sexually exploited, including through prostitution, are protected under provincial and territorial child welfare legislation. Some of these laws use a stronger protectionist model to deal with the issue, while others use a child rights-based approach. For example, Alberta’s Protection of Sexually Exploited Children Act allows for the involuntary detention of children under 18 who are at risk of becoming

involved in prostitution.<sup>108</sup> Under the Act, if a police officer or the Director of Protection of Children Involved in Prostitution believes that a child is in need of protection, they can apply for a court order authorising them to apprehend the child and either return him or her to a parent, or detain him or her in a safe house for up to five days to receive an assessment and counselling. If the police or Director believes that the child is in imminent danger, they may detain the child without a court order for an initial five-day period. If the Director determines that further assessment and counselling would be beneficial, the child can be confined for a maximum of 42 additional days.<sup>109</sup> However, this process does require the Director to appear before the court and show why confinement is necessary. Also, during the process the child must be informed of the time and place of the hearing, the reasons for the hearing and the child’s right to contact a lawyer and attend the hearing.<sup>110</sup>

Ontario’s proposed “Rescuing Children from Sexual Exploitation Act” and British Columbia’s “Secure Care Act” are similar in scope to the Alberta Act in that they provide for the involuntary detention of children involved in prostitution for the purposes of counselling and assessment. However, both of these Acts are still under review and have not yet been formally adopted.<sup>111</sup>

Saskatchewan’s child prostitution laws,

including the Emergency Protection for Victims of Child Sexual Abuse and Exploitation Act, do not allow for involuntary detention but instead focus on limiting contact by people who sexually exploit children. One way the Act accomplishes this is by allowing police, child protection staff and other designated persons to apply to a Justice of the Peace for Emergency Protection Intervention Orders. Orders apply to individuals placing a child under 18 years of age at risk of sexual exploitation and sometimes include conditions forbidding contact with the child and entry into areas frequented by prostitutes. It also expands search and seizure powers in child sexual abuse cases.<sup>112</sup> In addition to focusing on limiting contact

between children and abusers, the Act also calls on prosecutors to divert prostitution charges against children and youth whenever appropriate.<sup>113</sup>

Though protection and support of child victims is an important part of any legal framework or child protection system, it is important to ensure that protection methods do not explicitly or implicitly treat child victims as offenders. Protection methods that begin with children's rights as their guiding principles are the best way to ensure that survivors are not re-victimised by the legal system. Saskatchewan's somewhat less coercive methods present an appealing alternative to approaches in other Canadian jurisdictions.

## Child pornography/abuse images

Canada's Criminal Code broadly defines child pornography as: an image, audio recording, video, drawing or story about the sexual assault of a person under 18, regardless of whether the child is real or virtual.

The Criminal Code prohibits all forms of making, distributing or transmitting, making available, accessing, selling, advertising, exporting/importing, as well as possession of child pornography (section 163.1(3)a).<sup>114</sup> In Canada it is also a crime to communicate with a person believed to be a child for the purpose of facilitating the commission of sexual offences, generally referred to as 'child luring.' In addition, it is an offence to transmit and make child pornography available by posting it on a website or offering information on where to find child pornography on-line.<sup>115</sup> The offences of production, importation, distribution and sale of child pornography, and possession for such purposes, carry maximum sentences of 10 years in prison; the offence of simple possession of such materials is subject to a maximum term of 5 years in prison.<sup>116</sup>

Despite these strong laws and harsh penalties, child-pornography offences have increased significantly in Canada, from

55 offences in 1998 to 1,408 in 2008,<sup>117</sup> and, as mentioned previously, Canada is now ranked third for countries hosting the largest number of child-pornography websites in the world.<sup>118</sup>

There is no federal legislation requiring Canadian citizens to report child pornography; however, some provinces have taken action under their powers to make reporting child-pornography mandatory. In particular, Manitoba has broadened the duty to report child abuse under its *Child and Family Services Act*, requiring everyone, individuals as well as Internet service providers (ISPs), to report suspected child-abuse images to cybertip.ca. If the Canadian Centre for Child Protection, which runs cybertip.ca, believes that the material constitutes child pornography, it then reports the allegation to authorities. Similar laws have also been passed in Nova Scotia, Ontario, and Alberta. In these States, failure to report constitutes an offence punishable by potentially significant fines.<sup>119</sup>

Integrated Child Exploitation (ICE) units in some provinces are an example of municipal and city police partnering with

federal and provincial officers to investigate child pornography and exploitation matters. These highly regarded ICE units use dedicated investigators who focus all efforts on the single objective of investigating child pornography and exploitation issues. Areas with ICE units have experienced higher levels of detection and conviction of offenders, and there are now calls to replicate the initiative in the remaining provinces where no ICE units exist.<sup>120</sup>

Canadian Internet Service Providers' (ISPs) duty to report suspicious on-line activity has been a subject of debate in Canada. In 2009, the Office of the Federal Ombudsman for Victims of Crime released a report entitled "Every Image, Every Child," which focuses on the problem of Internet-facilitated child sexual abuse. In the report, the Royal Canadian Mounted Police's National Child Exploitation and Coordination Centre said that "the single most important challenge facing investigators of Internet facilitated child exploitation ahead of all other issues, has been their inability to obtain basic customer information such as someone's name and address from Internet Service Providers (ISPs)."<sup>121</sup>

While critics have argued that mandatory reporting legislation for ISPs would violate privacy rights and allow too much government intervention in Canadian's lives,<sup>122</sup> in a February 2009 child pornography case, an Ontario Superior Court Justice found "no reasonable expectation of privacy" in subscriber information kept by Internet service providers. This was the first time a Judge in Canada had ruled on whether there are privacy rights in ISP information that are protected by the Canadian Charter of Rights and Freedoms.<sup>123</sup>

In 2011, an "Act Respecting the Mandatory Reporting of Internet Child Pornography by Persons Who Provide an Internet Service," was passed. The Bill imposes an individual reporting duty on ISPs or others providing Internet services (e.g., Facebook, Google and Hotmail) that host or contain child

pornography. After being notified, the service provider must inform a police officer if there are reasonable grounds to believe that child pornography is being transmitted through its services. The ISP also has a duty to preserve the relevant data and not to disclose any information about the notification. However, the bill does not authorise appropriate personnel to seek websites featuring child pornography on the Internet in order to report.<sup>124</sup>

Another problem faced by police is their inability to charge suspects with a federal offence for refusing to provide a password or encryption code upon a judicial order. Police in Canada should be given the legislative authority to access and examine evidence and to search computers, external hard-drives, flash-drives, USB storage devices, gaming consoles, digital televisions, cameras, cell phones, GPS systems in vehicles, and any other type of electronic device capable of producing, storing, and/or exchanging digital images and video. Passwords and encryption codes often make it impossible to investigate these technological devices.<sup>125</sup>

To address this problem, Parliament has introduced Bill C-51, the "Investigative Powers for the 21st Century Act." This draft act would amend the Criminal Code, the Mutual Legal Assistance in Criminal Matters Act (MLACMA) and the Competition Act to address new communication technologies and to furnish law enforcement with new investigative tools to facilitate the resolution of increasingly complex computer crimes. To facilitate the investigation of CSEC cases, the act would allow police to obtain transmission data, including the type, date, time, origin, destination or termination of a communication used by a suspect to communicate by telephone or Internet, by issuance of a *warrant* or a *production order*, depending on the context. Production orders function similarly to warrants except that they require the recipient to produce evidence and deliver it to authorities, whereas a warrant empowers authorities to pursue the

recipient and obtain the evidence from him or her. Supplementing traditional warrants with production orders allows investigators to access evidence from sources they cannot easily visit, such as companies based abroad. The amendment also introduces a *preservation order* which compels the preservation of electronic evidence by a telecommunications service provider (TPS), and improved *tracking warrants* that utilise new technologies to allow police to remotely activate existing tracking devices found in cell phones and GPS devices. Regarding mutual assistance with Canadian country partners, the amendment aims to modernise the Mutual Legal Assistance in Criminal Matters Act as it enlarges the scope of assistance that Canada can provide to its treaty partners in fighting cybercrime at the international level.<sup>126</sup> Canada should expeditiously pass this legislation, which provides a number of important tools to ensure that Canadian law enforcement has the necessary tools to protect children from computer-facilitated crimes in the face of increasingly sophisticated technologies operating at a global scale.

Unfortunately, since 2010 the bill appears to have died.<sup>127</sup> However, in 2012 the Canadian Parliament began considering a related proposal, Bill C-30, that would require telecommunications companies to comply with law enforcement in order to intercept criminal communications and preserve them for law enforcement purposes<sup>128</sup> and also to incorporate some provisions from

Bill C-51. At the time of publication the new legislation, called the “Protecting Children from Internet Predators Act,” had ignited significant internal controversy. Critics contend it is an excessive invasion of privacy rights and would be easily abused by overzealous police officers.<sup>129</sup> Though protecting privacy is clearly important, advances in Internet technology require more sophisticated law enforcement techniques in order to protect children. This new legislation provides valuable tools for law enforcement to undertake preventive legal action before a predatory adult has the opportunity to abuse a child and should be enacted by the Canadian government. In 2011, Parliament began considering a number of other amendments to the child pornography law as part of Bill C-10: Safe Streets and Communities Act. The legislation is also known as the Omnibus Bill because of its broad scope, amending nine pre-existing crime laws. The bill would add two new CSEC-related offences: providing sexually explicit material to a child in order to sexually abuse that child (Section 171) and the use of telecommunication to facilitate or arrange the committing of sexual offence against a child (Section 172). Additionally, the Bill aims to increase minimum penalties for child sexual exploitation related crimes, such as, “luring” a child through the use of the Internet (Section 172.1) and possessing, accessing, making and distributing child pornography.<sup>130</sup> At the time of publication of this report, the bill is still under consideration in the Senate.<sup>131</sup>

## Internet luring

In one prominent case illustrating the complexities of Canada’s developing “luring” doctrine, a 32 year old man, claiming to be 17, engaged in sexually explicit online chatting with a 12 year old girl, claiming to be 13. Following a sexually explicit phone call to the girl’s home, the man was charged under Section 172.1 of the Criminal Code for using computer technology to facilitate the sexual abuse of a child. He was acquitted at the trial level after the judge found that he lacked specific intent to meet the child and carry out actual sexual abuse. However, in 2008, a three-judge panel of Alberta’s Court of Appeal ruled that luring law did not require an intent to create an opportunity for a crime to be committed but merely the intent to use the Internet to facilitate a possible offence, even

when there is not yet any intent to carry out such a possible offence. The Supreme Court of Canada later upheld the Court of Appeal's ruling.<sup>132</sup>

Recently in September 2011, a 30 year old man was accused of "communication with a child by computer in order to commit an offence" for sending text messages via cellular phone to initiate sexual activity with a 12 year old in exchange for money. The trial court ruled that the definition of "computer system" under Section 342.1(2) of the Criminal Code, criminalising communication by means of a computer system to commit an offence, covers text messaging using cellular phones. The defendant's appeal was later dismissed.<sup>133</sup>

## TRAFFICKING IN CHILDREN FOR SEXUAL PURPOSES

While Canada has strong laws in place to combat trafficking, as noted in the 2010 TIP report, it must intensify its efforts to investigate and prosecute trafficking offences, and convict offenders. Vigorous prosecution and sentencing of human traffickers, especially those who traffic children, would reflect Canada's international obligation under Article 3(3) of the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution, and Child Pornography, which states, "Each State Party shall make such offences punishable by appropriate penalties that take into account their grave nature."<sup>134</sup>

Canada's Criminal Code defines trafficking in persons as "the recruitment, transport, transfer, receipt, concealment or harbouring of a person, or the exercise of control, direction or influence over the movements of a person, for the purpose of exploitation," (section 279.01). According to this definition, movement across an international border is not required in order to trigger a trafficking offence. Following the UN Trafficking Protocol, a child victim's consent to trafficking is never a valid defence (section 279 (2)). Even though the Canadian law makes no distinctions according to the age of the victim when establishing criminal liability, it is considered an aggravating factor with regard to sentencing if the victim is under the age of 18, or if there is proof of abuse of a position of trust (section 279.011).

In Canada, legal provisions on trafficking in human beings comply with the requirements

of the Trafficking Protocol and the Optional Protocol on the Sale of Children, Child Prostitution and Pornography. Until recently, however, trafficking laws in Canada did not include minimum sentencing provisions. To address this gap in legislation, in June 2010, "An Act to amend the Criminal Code (minimum sentence for offences involving trafficking of persons under the age of eighteen years)" was passed. It provides a minimum sentence of five years imprisonment for anyone convicted of trafficking a minor into Canada, and a minimum of six years imprisonment for cases with aggravating factors.<sup>135</sup> Canadian laws on trafficking also allow for warrants to intercept private communications; taking tissue samples for DNA analysis; inclusion of the offender in the sex offender registry; and restitution to victims who are subjected to bodily or psychological harm.<sup>136</sup>

In Canada penalties for trafficking are sufficiently stringent and commensurate with those for other serious crimes, such as sexual assault. The Criminal Code allows for up to 14 years' imprisonment for trafficking in persons; up to 10 years imprisonment for those who benefit financial or materially from trafficking; and up to five years for those who withhold or destroy a victim's identification or travel documents to facilitate human trafficking.<sup>137</sup> The Immigration and Refugee Protection Act (IRPA) also includes a human trafficking offence that applies to cases involving transnational trafficking. The IRPA, section 118, provides that, "No person shall knowingly organize the coming into

Canada of one or more persons by means of abduction, fraud, deception or use or threat of force or coercion.” The maximum penalty for this offence is life imprisonment, a fine of \$1,000,000 or both. Factors such as causing harm or death; involvement of organised crime; profit motive; and subjecting victims to humiliating or degrading treatment are all to be considered by the courts when sentencing offenders (Criminal Code sections 118-121).<sup>138</sup>

While Canada has enacted relatively strong laws to combat trafficking, it has been criticised for lack of enforcement, gaps in the victims’ protection scheme, and the overly broad nature of the definition of trafficking in persons. One major issue is that there is no nationwide strategy for identifying trafficking victims among vulnerable populations. To address this problem, the Department of Justice has developed screening tools and held numerous conferences with immigration and law enforcement officials to assist in identification, and to train them to be sensitive to victims’ needs.<sup>139</sup> This lack of national strategy leads to a lack of coordination between national and provincial and local authorities, which hampers effective counter-measures.<sup>140</sup> In addition, it has been noted that not all cases of human trafficking are identified as such and that judges and prosecutors are reluctant to press ‘human trafficking charges.’<sup>141</sup>

Convicting offenders has also proven to

be difficult in Canada. Until recently there were very few convictions of individuals on trafficking-related offences. One of the most comprehensive government studies on the topic was completed by Canada’s Department of Justice in 2006. The study’s final report stated that approximately 600 women and children were being trafficked into Canada each year for sexual exploitation alone.<sup>142</sup> The report noted that for the two-year period between 2006 and 2008, there were 31 documented cases of international human trafficking in Canada, four of which involved children. Yet, there had not been a single conviction in connection with these cases.<sup>143</sup> Shortly thereafter, the Canadian government heightened its efforts to prosecute these crimes. In June 2008, Canada saw its first successful prosecution under trafficking laws when a man was sentenced to five years imprisonment for forcing two girls under 18 into prostitution in Toronto.<sup>144</sup> In 2009, there were five new convictions of offenders,<sup>145</sup> and, during 2010, the Canadian Courts convicted one trafficking offender under the anti-trafficking law and achieved at least three other convictions under trafficking-related sections of the Criminal Code.<sup>146</sup> While child trafficking is gaining recognition in Canada, with several recent prosecutions, there remains significant room for further enforcement action against traffickers and commercial child sex abusers.<sup>147</sup>



## STOP Sex Trafficking of Children & Young People Campaign

An important advocacy component of The Body Shop and ECPAT's '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.

Canada: Summary of Progress Card			
Goal 1: community-based prevention programmes			
Prevention	Collaboration	Awareness raising	Teacher training
Goal 2: legal framework			
<i>Optional Protocol</i>	<i>Trafficking Protocol</i>	National legislation	Special police units
Goal 3: specialised services for child victims			
Helpline	Shelters	Medical services	Psychological counselling

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, Canada is among the 53% of countries reviewed which have made some progress to stop sex trafficking of children and young people. While Canada has taken valuable steps in combating the issue, by signing the UN Trafficking Protocol and ensuring that Canada's Criminal Code meets this international standard, more needs to be done. Specifically, both federal and provincial governments need to ensure that appropriate services and resources are available to protect Canadian children as well as foreign children from trafficking. Moreover, law enforcement must improve their efforts to identify child victims as well as prosecute and convict offenders. For more details see: [http://www.ecpat.net/TBS/PDF/2010\\_Canada\\_Progress\\_Card.pdf](http://www.ecpat.net/TBS/PDF/2010_Canada_Progress_Card.pdf)

Canada has been increasingly criticised for its poor record in prosecuting Canadian nationals who travel abroad to have sex with children.<sup>148</sup> In 2010, the U.S. Department of State *Trafficking in Persons* (TIP) report stated that Canada must increase its efforts to investigate and prosecute Canadians suspected of committing sex crimes on children abroad.<sup>149</sup> Also, the *Report of the Canada-U.S. Consultation in Preparation for World Congress III against Sexual Exploitation of Children and Adolescents* found “the lack of enforcement of the law against child sex tourism is the most glaring law enforcement gap” in Canada’s response to child sexual exploitation.<sup>150</sup>

Canada’s Criminal Code in section 7 (4.1) prohibits Canadians (and permanent residents) from engaging in sexual activity with children while travelling abroad. The law does not require proof that the offender travelled with the intention of engaging in prohibited sexual activity with a child. Since 1997 Canada’s criminal code has provided for the extraterritorial prosecution of Canadians who commit offences against children overseas.<sup>151</sup> The law survived a constitutional challenge in December 2008, when the Supreme Court of British Columbia, in the case *R. v. Klassen*, affirmed the validity of Canada’s extraterritorial child sex crime provisions under both Canadian constitutional and international law.<sup>152</sup> Despite strong laws that prohibit engaging in sex with children abroad, Canada remains a significant source country for child sex tourists.<sup>153</sup> (See Introduction for more information on prosecution data)

Beyond extraterritorial jurisdiction, extradition serves as an important tool for countries wishing to prosecute domestic crimes against defendants located abroad. Canada updated its Extradition Act in 1999 to cover more infractions, such as Internet or organised crimes. Canadian extradition law only applies for serious crimes that, if prosecuted in Canada, would be punished by imprisonment for two years or more, or

five in special cases. Extradition also requires “dual criminality,” which means a person can only be extradited if the offence is punishable in both Canada and the extradition partner country.<sup>154</sup> Furthermore, extradition depends on the existence of a bilateral or multilateral agreement between state parties. Canada has signed around fifty extradition agreements with partner countries.<sup>155</sup> Canada is also one of the few countries that allows the extradition of its own nationals, thereby preventing its territory from being a “Safe Haven” for criminal fugitives.<sup>156</sup>

To respond adequately to extraterritorial and extradition issues, Canada works with foreign governments to respond to possible cases of Canadians committing sexual offences abroad or foreigners coming to Canada to engage in sexual misconduct with children.<sup>157</sup> These cooperative arrangements may be affected by the proposed Omnibus Bill C-10: Safe Streets and Communities Act, which would amend the International Transfer of Offenders Act by adding additional criteria to determine whether an offender would be granted a transfer back to Canada. Relevant factors include whether the transfer would endanger the safety of any child, particularly in cases of offenders who have been convicted of sexual abuse in a foreign country.<sup>158</sup>

## CHILD PROTECTION UNITS

The Zebra Child Protection Centre, developed in part by the Edmonton Police Service, is the first of its kind in Canada. The Centre brings together a multi-disciplinary team from the Edmonton Police Services Child Protection Unit and the Child at

Risk Response Teams, Alberta Children’s Services, Alberta Crown Prosecutors and community volunteers in a child-focused, safe environment, to mitigate the trauma suffered by children who have been abused, nurture healing and pursue justice.<sup>159</sup>



In 2010, Cybertip.ca surpassed 40,000 reports from the public. These reports have assisted law enforcement in arresting 58 offenders and removing 22 children from abusive environments.<sup>160</sup> Ninety percent of reports to Cybertip.ca fall into one of four categories: child pornography, online luring, child sex tourism, and children exploited through prostitution. Nearly 40% of images reviewed by Cybertip.ca investigators depict the sexual assault of a child by an adult or another child, and nearly 60% were under the age of eight and nearly 10% were babies or toddlers.<sup>161</sup> One ISP identified 2,900 attempts within a 24-hour period to reach a

blocked website.<sup>162</sup> (for information on child pornography focused ICE units see page 27)

Generally though, awareness, training and education regarding CSEC is lacking among the majority of first responders in Canada. Many outreach workers, law enforcement agents, judges, child protective service officers, and health workers who come into contact with sexually exploited children do not know enough about the issue to identify them as victims, and, rather than referring them to appropriate services, often treat them as juvenile delinquents.<sup>163</sup>

## SUPPORT SERVICES FOR CHILDREN

There are limited services available to serve sexually exploited children in Canada. The lack of coordinated services means child victims can be funnelled through various channels, lost in the welfare system or, worse, be characterized as delinquent youth and placed in the juvenile justice system. The biggest challenge is securing safe housing for these child victims. Organisations wishing to provide shelter and services to sexually exploited children often have difficulty finding funding to provide the full array of services needed.<sup>164</sup>

In Canada victim support services are generally administered at the provincial level. While most jurisdictions provide access to shelter services, short-term counselling, court assistance, and specialised services (such as child victim witness assistance, rape counselling, and initiatives targeted at Aboriginal women). The range and quality of these services vary widely.<sup>165</sup>

With respect to trafficked victims, Canada has established a national scheme to provide immigration status to trafficked persons; however, beyond temporary resident permits, services and benefits are *ad hoc* and vary from province to province. Service provision and social benefit legislation vary depending on locale; thus, health care, legal aid, housing and social assistance may or may not be available to trafficked persons.<sup>166</sup> Compounding the problem is the lack of funding available for community groups that deal with trafficked persons at the grassroots level.<sup>167</sup>

In Manitoba, for example, law enforcement

conduct outreach with street children (in collaboration with social service providers) who have survived sexual exploitation themselves and can address the very specific trauma that make these children resistant to traditional social service approaches.<sup>168</sup> There are also several placement agencies and resources where children and youth can reside in Manitoba and receive specialised treatment related to sexual exploitation. One example is the New Directions' Transition, Education and Resources for Females Programme, which targets youth exploited by the sex trade in a non-residential care programme.<sup>169</sup>

The Government of Saskatchewan also has medical, public health, alcohol/drug and mental health services available for at-risk youth in regions across the province. These programmes include "Project Hope," designed to prevent and treat substance abuse among youth; Kids First, which provides support such as mentoring, skills training, literacy and education to vulnerable families including pregnant and parenting youth;

community development and population health initiatives at the local level to raise awareness of the sexual exploitation of children and youth; and community youth workers and case workers who connect those children in young offender facilities to programmes that address barriers to rehabilitation, such as involvement in the sex industry. The intervention includes connecting youth to safe housing, treatment, counselling or special education programmes.<sup>170</sup>

The Government of Ontario funds a variety of programmes for youth affected by sexual exploitation, including Children's Aid Societies, child and youth mental health programmes, sexual assault centres, victim/witness assistance programmes, and youth centres. Ontario also initiated the provincial "Strategy to Combat Internet Crimes Against Children" with the aim of identifying and locating the children depicted in child abuse images, including rescuing them and providing the resources necessary to recover from the abuse they have experienced. The strategy includes: a dedicated child-victim tip line and referral service; a team of undercover municipal police officers who monitor chat rooms and newsgroups to identify suspects and victims and prevent further victimisation; emotional support for child victims and families; referrals to appropriate community services; coordination, training and support for prosecutors who are prosecuting Internet child exploitation offences; and increased liaison work with other agencies and jurisdictions, including other law enforcement agencies such as Child Find Ontario, which helps apprehend offenders and support victims.<sup>171</sup> Ontario also has a Provincial Advocate for Children and Youth, who is an independent officer of the Ontario Legislature and has the authority to advocate for the rights, interests and viewpoints of children and youth.<sup>172</sup>

British Columbia has published or funded a number of tools advising on issues related to CSEC, including: the "Guidelines for Provision of Youth Services," which provides guidance on designing and delivering

community-based services; the Justice Institute of British Columbia's "Commercial Sexual Exploitation: Innovative Ideas for Working with Children and Youth;" and, the "BC Handbook for Action on Child Abuse and Neglect" to help health and education professionals and police work together to avoid multiple interviews of children and to take steps to help keep children safe.<sup>173</sup>

Additionally, most provinces have an independent child advocate or an ombudsman responsible for representing the rights, interests and viewpoints of children. Many of these offices have particular mandates related to the Convention on the Rights of the Child and the two Optional Protocols.<sup>174</sup> Courts also support child victims of sexual exploitation by providing testimonial aids to make their participation in the criminal justice system less traumatic. For example, they allow young witnesses to testify outside the courtroom by closed-circuit television or behind a screen so that they are not exposed to the accused; others can accompany young victims and provide support while they provide their testimony; and the court may appoint a lawyer to conduct the cross-examination of a young victim or witness when the accused is self-represented.<sup>175</sup>

There are no specialised care facilities or programmes for victims of human trafficking or a formal system for referring trafficking victims to care institutions.<sup>176</sup> Trafficked persons have varying experiences and needs, but a large number need protection services, shelter, and access to health care and long-term counselling. Additionally, economic services such as welfare or employment and access to education and skill development, such as language training, are important for equipping victims with the tools they need to build new lives for themselves. Many of these services are offered at the provincial level but exist unevenly throughout the country. In addition, a Department of Justice report has noted that lack of funding for such organisations remains a significant obstacle.<sup>177</sup>

The Royal Canadian Mounted Police (RCMP) has created a Human Trafficking National Coordination Centre within the Immigration and Passport Branch. The Centre focuses on building federal government capability to coordinate effectively with other governments and in national and international investigations. The RCMP conducts law enforcement training on trafficking for officers and other officials involved in addressing the issue.<sup>178</sup> To date, the RCMP awareness-raising activities have reached approximately 5,500 government officials and 4,500 members of civil society, in addition to distributing anti-trafficking materials to law enforcement officers.<sup>179</sup> In 2009–2010, the Canadian Centre for Child Protection brought law enforcement and social workers together for the Missing and Exploited Children Conference where they received training and education for front line professionals. The conference included a collaborative session with international experts to develop a Canadian action plan on the issue of child sexual exploitation.<sup>180</sup>

Also in 2009–2010, numerous law enforcement agencies were trained on effective use of the new [Cybertip.ca](http://Cybertip.ca) Law Enforcement Portal, designed to allow law enforcement to receive [Cybertip.ca](http://Cybertip.ca) reports in a secure manner and provide law enforcement with information and tools to supplement their efforts.<sup>181</sup> Also, 220 law enforcement and child protection professionals attended the 2009 Missing and Exploited Children Conference.<sup>182</sup>

At the provincial level there have been efforts to address the lack of awareness among law enforcement officers and other relevant personnel most likely to come into contact with sexually exploited youth:

- In Alberta, government caseworkers as well as police and law enforcement working with children and youth have received specialised training on interventions for children sexually exploited through

prostitution;

- Since 2006, the provincial government of Manitoba, in partnership with the Government of Canada, supported several education initiatives, including: four symposia on human trafficking for members of law enforcement, justice officials and community organisations; the development of educational pamphlets to assist professionals in their work with child victims of sexual exploitation; and a six day intensive training programme for multi-sector stakeholders on child sexual exploitation;
- Throughout Ontario, Crown counsel provide regular training and advanced courses on Internet Child Exploitation for provincial and federal law enforcement personnel;
- In Prince Edward Island, health, social service workers, teachers, and justice system professionals have attended workshops on human trafficking and Internet safety related issues, including: “Cybersex: The Perils of Internet Pornography Addiction and Sex Offending Online” and “Lowering Risk - Building Resiliency,” which included a session on sexual exploitation.<sup>183</sup>

At the national level, the Canadian government provides officers at the ports of entry to Canada with information and training on methods to transport children illegally, identify and assist missing and abducted children, and identify victims of smuggling and trafficking. As part of their training, officers are taught to request certified letters of consent for children travelling alone or with one guardian; detect questionable relationships between adults travelling with children; identify obscene material and child pornography; and abide by the best interest of the child in every case where a minor is involved.<sup>184</sup>

The Royal Canadian Mounted Police have also developed a *Human Trafficking Reference*

*Guide for Law Enforcement*, a tool to educate Canadian law enforcement on legal frameworks related to trafficking; intelligence gathering techniques; victim identification methods; border control measures; and international cooperation. The purpose of the guide is to allow law enforcement officials to benefit from the experience of other agencies working to combat trafficking.<sup>185</sup> Similarly, *Stolen Innocence: a Police Guide to Online*

*Child Exploitation*, is a primer for front line officers, providing an overview of Canada's child exploitation laws, elements of offences, how to conduct an investigation and collect evidence, and where to turn for help.<sup>186</sup> The Canadian Centre for Child Protection also assists with the professional development of law enforcement and child protection professionals through annual Missing and Exploited Children Conferences.<sup>187</sup>

## CHILD AND YOUTH PARTICIPATION

Incorporating meaningful participation of young people is an integral component of efforts to combat the commercial sexual exploitation of children; integrating their experience and perspective is fundamental to developing appropriate measures for their protection. Children and young people must have opportunities to express their views, advocate for their own rights, assist their peers and influence decision-making on issues that affect them. In this way they can contribute to their own protection and the overall development of their communities.<sup>188</sup>

In March 2010, the eighth annual Provincial Aboriginal Youth Conference was held, attracting over 1,000 Aboriginal youth from across Canada. The conference, called "Gathering our Voices," hosted over 30 workshops, a health and education fair, a variety of cultural and recreational activities, evening events and motivational speakers. The theme of the conference was "our health and the environment," and one area of focus was sexual exploitation and trafficking, including discussions on how youth can stay safe and how and when to access help.<sup>189</sup> Given that Aboriginal youth compose 90% of the sex trade in some cities (even though they comprise only 3 – 5% of the Canadian population),<sup>190</sup> this annual conference is an important forum to educate the community and explore ways to address the problem.

The Canadian Centre for Child Protection

has established student advisory groups as a way to involve children and youth in the Centre's programming and planning. The advisory groups help the Centre better understand what children and youth are doing to keep safe on and off-line; identify areas where Internet safety information is lacking; and get feedback on materials and suggestions for improvement. Topics discussed by student advisory groups include personal safety, relationships, boundaries, media, body image, social networking and texting.<sup>191</sup>

Founded by a Canadian high school student in 2005, OneChild is a movement of children and youth working to combat the global child sex trade. Using the peer-to-peer leadership model, OneChild engages young people, including child survivors of commercial sexual exploitation, in a global partnership through public education campaigns, advocacy initiatives and support to rehabilitation and reintegration efforts.<sup>192</sup> In 2008 the organisation negotiated with Air Canada to screen its youth-produced in-flight video spot warning against child sex tourism. To date over 19 million passengers have viewed the video. Currently, youth members are raising money to help construct a rehabilitation centre for up to 40 girls between 11-16 who have been rescued from the streets, sex clubs, and brothels in the Philippines.<sup>193</sup>



## PRIORITY ACTIONS REQUIRED

### National plan of action

- Canada should adopt a comprehensive national plan of action that ensures a coordinated response among the provinces and territories in preventing the commercial sexual exploitation of children. The plan of action should devote special attention to indigenous communities of Canada who are disproportionately affected by CSEC.

### Coordination and cooperation

- The federal government should develop a national strategy to identify victims found in child sexual abuse images. Relevant policy should include an expansion of the RCMP's National Child Exploitation Coordination Centre's National Victim Identification Unit and support for the national image database.
- The federal government should develop a national strategy to work with provincial and territorial governments to expand the network of Child Advocacy Centre models in communities across the country and share good practices across regions.
- The NCECC should work with the Canadian Police College to provide formal, certified training to law enforcement agencies across Canada on ways to effectively combat CSEC, including training on working collaboratively with other agencies, the community, ISPs and industry associations.
- The Royal Canadian Mounted Police, through its National Child Exploitation Coordination Centre (NCECC), should support the expansion of the "overseas liaison officer" programme to work as the lead Canadian law enforcement agency in child sex tourism destination countries. The programme should have the capacity to gather intelligence, support training of local law enforcement in destination countries, and facilitate the investigation and prosecution of Canadian nationals who are suspected of engaging in child sexual abuse and exploitation abroad.

### Prevention

- The federal and provincial governments should support outreach and training efforts to raise awareness about CSEC among the general public, youth, judicial system, media, corporations and NGOs.
- The federal and provincial governments should work together to develop a standardised system for the documentation and reporting of child trafficking cases.
- The federal government should conduct a national research project to collect data specific to Aboriginal children and trafficking in persons.
- The federal and provincial governments should work together to develop a province-by-province or city-by-city database of rescued or exploited children. Ensure that all data-

gathering sources, including child protective services agencies, are collecting trafficking data that is disaggregated by age, gender, and other relevant characteristics.

- The federal government should work with foreign states to support transnational communication and cooperation to increase sharing of information between police departments in origin and destination countries. This would facilitate strategies to prevent vulnerable persons from being exploited and leaving their countries of origin on false pretences and subsequently save policing and immigration resources in Canada.
- The federal government should create a committee of experts to adapt existing curricula for both boys and girls on teen dating abuse or on domestic violence to include sexual exploitation of children. Include specific information about identifying pimps and understanding their methods of control, pop culture, the normalisation of sexual exploitation and methods for prevention.
- The federal government should appoint a commission to develop protocols for child protective services to protect sexually exploited children who cross state or provincial lines.
- The federal government should make use of Interpol's Green Notice system to advise other countries of travelling Canadian child sex offenders who are likely to recommit a sexual offence against a child.
- Federal and provincial governments should support more programmes, such as Beyond Borders' (ECPAT Canada) Man-to-Man campaign, that aim to change attitudes about the sexual exploitation of children among potential offenders and men generally.

## Protection

- The federal government should strengthen enforcement of all cross-border and domestic anti-child trafficking cases, including victim identification and prosecution.
- The federal government should amend the Sex Offender Information Act and related acts to ensure that those who exploit children and young people cannot travel freely between jurisdictions—for example, by requiring offenders wishing to leave the country to report their absence, including destination details.
- Federal and provincial governments should increase resources to local law enforcement agencies, prosecutors, defence lawyers, and judiciary to investigate and manage cases related to the sexual exploitation of children and better understand trafficking offences in Canada.
- Federal and provincial governments should investigate and prosecute all incidents of trafficking of children for the purpose of “celestial” marriages in polygamous communities within Canada.
- The federal government should pass the “Protecting Children from Internet Predators Act” and revive the “Investigative Powers for the 21st Century Act” in order to ensure law enforcement have the necessary tools at their disposal to protect children from exploitation over the Internet.
- The federal government should designate a lead law enforcement agency mandated to pro-actively enforce sex tourism offences and provide advice on issues such as mutual legal assistance and extradition.

- The federal government should introduce legislation to make the ‘Cleanfeed’ programme mandatory, requiring all ISPs to block access to sites containing images of children who are, or are depicted as being, under the age of 18 years, and block the distribution of known child sexual abuse images based on images collected by the National Child Exploitation Coordination Centre.
- Federal and provincial governments should focus law enforcement resources on undermining the economic viability of organised crime related to trafficking.
- The federal government should institute a training programme for front-line responders on how to identify victims of child trafficking and where to turn for help.

### Recovery and reintegration

- Federal and provincial governments should work together to reconfigure existing funding so that resources go directly to providing comprehensive care and support to all victims of trafficking, and that such services are uniform throughout the country.
- Federal and provincial governments should develop protocols to better provide immediate care to those trafficked across provincial lines. Provincial governments should create “one-stop” centres with appropriate resources, including residential services, for children and young people who are victims of sexual exploitation.
- The federal government should fund research into the needs of victims of Internet-facilitated child sexual abuse and exploitation in order to better understand how to help them recover.

### Child and youth participation

- Federal and provincial governments should encourage and support youth advisory committees and peer-to-peer initiatives similar to those used by OneChild and the Canadian Centre for Child Protection. Include youth in programming and outreach to children who are vulnerable to commercial sexual exploitation.
- Provincial governments should encourage dialogue among Aboriginal youth regarding social norms and practices that make them particularly vulnerable to sexual exploitation. Support programmes that help them better understand their rights and the options available to them to address abuse.
- Federal and provincial governments should support public awareness campaigns that encourage youth to get involved in issues related to combating CSEC.
- Federal and provincial governments should collaborate with NGOs to ensure that child participation initiatives are mainstreamed and institutionalised throughout all levels of policymaking.

# 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

\* The Rio de Janeiro Declaration and Call for Action to Prevent and Stop Sexual Exploitation of Children and Adolescents (2008), full text available at: [http://www.ecpat.net/WorldCongressIII/PDF/Outcome/WCIII\\_Outcome\\_Document\\_Final.pdf](http://www.ecpat.net/WorldCongressIII/PDF/Outcome/WCIII_Outcome_Document_Final.pdf)



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 psycho-social 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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