

# **THE ROLE OF INTERNATIONAL COOPERATION IN TACKLING SEXUAL VIOLENCE AGAINST CHILDREN**

**Background Paper for the International Conference in Rome  
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## LIST OF ACRONYMS

AWEG African Women Empowerment Guild  
COSUDOW Committee for the Support of the Dignity of Women  
CPM Cycle Project Management  
CRC Convention of the Rights of the Child  
CSEC Commerce for Sexual Exploitation of Children  
DICAM Development of a methodology to identify and support children who have been sexually exploited for the production of child abuse images  
ENCATIP Edo State Coalition against Trafficking in Persons  
ENOC European Ombudsman for Children  
EU European Union  
DGCS General Direction of Development Cooperation  
GPI Girls' Power Initiative  
ILO International Labour Organization  
IPRA International Public Relations Association  
IRRRAG International Reproductive Rights Research Action Group  
LFA Logical Framework Approach  
NAPTIP Nigerian National Agency for Prohibition of Traffic in Persons  
SECO Swiss State Secretariat for Economic Affairs  
SESACA Sexual Exploitation and Sexual Abuse of Children and Adolescents  
TACRO A Strategy to Combat Child Abuse, Sexual Exploitation and Trafficking of Children and Adolescents in Central America  
UNGASS Special Session of the UN General Assembly on Children  
UNICEF United Nations Children's Fund  
UNICRI United Nations Interregional Crime and Justice Research Institute  
UNODOC United Nations Office on Drugs and Crime  
UNWTO World Tourism Organization  
USSM Offices of Social Services for Youth of the Ministry of Justice  
VGT Virtual Global Taskforce  
WAI Women and Action Initiative



## INTRODUCTION

The International Conference which will be held in Rome on 29-30 November 2012 offers an opportunity to explore the potential of the international cooperation sector to support and facilitate the implementation of the Council of Europe Convention on the protection of children against sexual exploitation and sexual abuse (hereinafter referred to as “the Lanzarote Convention” or “the Convention”). International cooperation presents important resources, in fact, which transcend, but also may strengthen, the national scope of intervention in the fight against sexual violence against children. This also relates to the complex reality of child sexual abuse and the new categories of criminal conducts that emerge in that respect.

Sexual violence against children, indeed, manifests itself in different ways: intra-familial abuse, prostitution, sexual exploitation through tourism or trafficking, corruption and child pornography on the internet among others. There is a rising incidence of sex tourists who make distinctions based on the age of victims as well as an increasing use of information and communication technologies (ICT) to harm children. In order to prevent and combat these types of criminal conduct and hold the perpetrators of the crimes accountable, international cooperation is indispensable.

The Lanzarote Convention, opened for signature in Lanzarote (Spain) on 25 October 2007 and entered into force on 10 July 2010, is the first<sup>1</sup> treaty that defines the various forms of sexual violence against children as criminal offences; including abuse committed within homes or families, with or without the use of force, coercion or threats. The Convention also criminalizes the use of new technologies – the internet in particular – to sexually harm or abuse children (also known as “grooming”) and establishes that individuals can be prosecuted for offences even when the act is committed abroad.

The Convention embraces the comprehensive “4Ps” approach:

- prevent and combat sexual exploitation and sexual abuse of children;
- protect the rights of child victims of sexual exploitation and sexual abuse;
- prosecute the perpetrators;
- promote appropriate policies and national and international cooperation against the phenomenon.

This approach emphasizes the role of coordination and cooperation among States. Indeed, as outlined by Article 38 of the Convention, international cooperation may help implement the Convention in the fields of prevention, protection and prosecution. Another important point of reference to be mentioned in this context is the Recommendation CM/Rec(2009)10 containing the Council of Europe Policy Guidelines on integrated national strategies for the protection of children from violence, which call Member States of the Council of Europe to co-operate with each other and to develop assistance programmes provided for the benefit of third countries.

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<sup>1</sup> The Convention was adopted after the entry into force of other international instruments tackling sexual abuse and sexual exploitation of children such as the Convention on the Rights of the Child (United Nations, 1989), the Statute of the International Criminal Court (1998), the Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (International Organisation of Labour, 1999), the Optional Protocol to the CRC on the Sale of Children, Child Pornography and Child Prostitution (United Nations, 2000), the Convention on Cybercrime (Council of Europe, 2001), the Convention on Action against Trafficking in Human Beings (Council of Europe, 2005).

This paper outlines the tools that international cooperation may use to benefit third States in their work to combat sexual violence with respect to these three aspects. As there are many good experiences already established in this area, the paper also offers a selection of good practices<sup>2</sup> of Italian International Cooperation.

These examples will be discussed during the panels and working groups of the International Conference in Rome to spark a reflection on the mechanisms of International Cooperation that best contribute to the fight against sexual exploitation and sexual abuse of children and adolescents (hereafter referred to as SESACA<sup>3</sup>). By providing a platform for the exchange and study of good practices, the Conference supports the work of the Committee of the Parties (also referred to as the “Lanzarote Committee”) in promoting the implementation of the Lanzarote Convention with regards to its Article 38.

Furthermore, the initiative is mindful of what is indicated in the Declaration of the 3<sup>rd</sup> World Congress in Rio de Janeiro in 2008 on the topic. Sexual exploitation and sexual abuse of children are a global pandemic phenomena not limited to Council of Europe Member States. That is why the signature and ratification of the Convention is open to States not members of the Council of Europe and the International Conference in Rome, organized by the Council of Europe in cooperation with the Italian Ministry of Foreign Affairs, the Italian Equal Opportunities Department of the Presidency of the Council of Ministers, the Ministry of Justice and by the Istituto degli Innocenti with this background study, will see the attendance of international organizations, NGOs, civil society organizations, but also experts from third States (non-Council of Europe Member States) who will share their experience.

In the light of the above, the aim of the Conference is, therefore, to:

- present best practices in the area of international cooperation based on a multi-sector approach including the involvement of private sectors and civil society;
- exchange information on good practices in the area of development cooperation aimed at creating and sharing a broad range of information focused on the specific topics of the Conference;
- identify strategies and mechanisms able to increase the impact of the international cooperation in fighting against these criminal phenomena;
- identify adequate strategies which allow to prevent and punish sexual exploitation and violence against children and which also implement standards suggested by the Council of Europe;
- inform on programmes and already existing agreements on protection of children and adolescents against sexual exploitation and sexual abuse at international level;
- inform on the adhesion status to Lanzarote Convention and on the progress of Council of Europe “One in Five” Campaign in order to promote the ratification of the Convention;
- sensitize and disseminate information on issues and innovations introduced by Lanzarote Convention.

International Cooperation holds strategic importance for an adequate response to the complexity of sexual abuse and sexual exploitation of children, worldwide. May the International Conference in Rome serve as an important step in learning how to use the potential of this sector to promote the implementation of the Lanzarote Convention.

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<sup>2</sup> See Chapter 4 of the present document.

<sup>3</sup> Sexual Exploitation and Sexual Abuse of Children and Adolescents has been shorten to the acronym SESACA.

# CHAPTER 1

## INTERNATIONAL COOPERATION AND THE LANZAROTE CONVENTION

### 1.1 ARTICLE 38 OF THE LANZAROTE CONVENTION

Article 38 – General principles and measures for international co-operation

1 The Parties shall co-operate with each other, in accordance with the provisions of this Convention, and through the application of relevant applicable international and regional instruments, arrangements agreed on the basis of uniform or reciprocal legislation and internal laws, to the widest extent possible, for the purpose of:

a preventing and combating sexual exploitation and sexual abuse of children;

b protecting and providing assistance to victims;

c investigations or proceedings concerning the offences established in accordance with this Convention.

2 Each Party shall take the necessary legislative or other measures to ensure that victims of an offence established in accordance with this Convention in the territory of a Party other than the one where they reside may make a complaint before the competent authorities of their State of residence.

3 If a Party that makes mutual legal assistance in criminal matters or extradition conditional on the existence of a treaty receives a request for legal assistance or extradition from a Party with which it has not concluded such a treaty, it may consider this Convention the legal basis for mutual legal assistance in criminal matters or extradition in respect of the offences established in accordance with this Convention.

4 Each Party shall endeavour to integrate, where appropriate, prevention and the fight against sexual exploitation and sexual abuse of children in assistance programmes for development provided for the benefit of third States.

The role of international cooperation in the promotion of human rights and, more specifically, of children's rights, is framed in important international instruments and commitments. It is solidly anchored on the UN Charter, in particular Articles 55 and 56; it has been reaffirmed by the Millennium Declaration, as well as by the Special Session on Children. In particular, International cooperation in fighting Sexual Violence against Children has its main **reference in the Convention on Child Rights and in its Optional Protocol on Child Rights on the sale of children, child prostitution and use of children in pornography.**

International cooperation is identified as a driving force of the **Convention on the Rights of the Child** and a special feature for its implementation. In this specific framework, international cooperation must be conformed to the basic four principles of Convention, that means: non-discrimination (Article 2), the “best interests of the child” (Article 3), the right to life, to surviving and to development (Article 6) and the right to express an opinion and have those opinions considered (Article 12), and also to the specific provisions of the Articles 4 and 34. These principles apply also to the international cooperation dimension covered by the Lanzarote Convention, whose Article 38 sets out the general principles that should govern international co-operation, as it is highlighted by the Explanatory document.

First of all, it obliges the Parties to co-operate with one another and to favour the rapid circulation of information and evidence. The monitoring mechanism provided for in the Convention (Chapter X), the Committee of the Parties may improve the implementation of this principle because the Convention sets out that the Committee, inter alia, shall facilitate the collection, analysis and exchange of information, experience and good practice between States to improve their capacity to prevent and combat sexual exploitation and sexual abuse of children.

It is clarified by Article 38 that the obligation to co-operate is general in scope: it covers all interventions against the sexual exploitation and sexual abuse of children, in particular prevention, prosecution of criminals and protection of the victims.

Concerning the protection of victims, Article 38 reminds the content of the Council of the European Union Framework Decision of 15 March 2001 on the standing of victims in criminal proceedings, which is designed to ensure that the victim of an offence in a Member State other than the one where she/he resides may make a complaint before the competent authorities of her/his State of residence if she/he was unable to do so in the Member State where the offence was committed or, in the event of a serious offence, if she/he did not wish to do so. And taking into consideration the relevant provisions of the co-operation instruments applicable to States, their competent authorities have to prosecute perpetrators if their law permits, or pass on the complaint to the authorities of the State in which the offence was committed.

Article 38 promotes the mutual assistance in criminal matters or extradition conditional on the existence of a treaty, considering the Convention as the legal basis for judicial co-operation with a Party with which it has not concluded such a treaty. This provision is of remarkable interest given the possibility provided to third States to accede to the Convention as established by Article 46.

Lastly, Article 38 asks States parties to integrate prevention and the fight against sexual exploitation and sexual abuse of children in assistance programmes for development benefiting third States. Such programmes are carried out by several Council of Europe Member States in many areas of international cooperation (reforming laws, assisting victims, combating crime, etc.), the Lanzarote Convention provides a common ground of principles and objectives that should be pursued to make the fight against sexual abuse and exploitation more effective.

## **1.2 TOOLS OF INTERNATIONAL COOPERATION TO PREVENT AND COMBAT SEXUAL EXPLOITATION OF CHILDREN**

Prevention is a crucial area in the fight against sexual exploitation and sexual abuse of children. The Lanzarote Convention identifies a large variety of tools to prevent the phenomena starting from State Parties' undertaking "the necessary legislative and other measures".<sup>4</sup>

The Convention states that special attention should be given to people working in contact with children across different sectors: education, health, social protection, judicial and law-enforcement, but also sport, culture and leisure.<sup>5</sup> To be able to identify sexual exploitation and sexual abuse, people working in these fields ought to, therefore, be properly informed about the risks for, and reality of, sexual violence.

Furthermore, the Convention asserts that candidates to professions that imply regular contacts with children must not have been convicted of acts of sexual violence.<sup>6</sup> The Convention also mandates preventive integration programmes for those who fear committing offences in this field.<sup>7</sup>

Children themselves should be educated about the risk of sexual violence. In particular, primary and secondary education students should learn how to recognize risky situations especially those involving the use of new information and communication technology.<sup>8</sup>

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<sup>4</sup> Article 4 of the Lanzarote Convention.

<sup>5</sup> Article 5 para. 1 of the Lanzarote Convention.

<sup>6</sup> Article 5 para. 3 of the Lanzarote Convention.

<sup>7</sup> Article 7 of the Lanzarote Convention.

<sup>8</sup> Article 6 of the Lanzarote Convention.

Attention is paid to the general public as well. In this area, the Convention identified as tools:<sup>9</sup>

- the promotion and the conduct of awareness raising campaigns providing information on the phenomenon;
- the prevention and the prohibition of dissemination of materials advertising the offences established in accordance with the Convention.

Lastly, the Convention takes into consideration the participation of certain specific groups:<sup>10</sup>

- children should be allowed to participate in the development and the implementation of state policies, programmes or other initiatives in this field;
- the private sector, for the elaboration and implementation of policies to prevent the phenomena and to implement internal norms through self-regulation or co-regulation;
- the media, to provide appropriate information;
- civil society, in projects and programmes aiming at preventing children from falling victims of sexual exploitation and abuse.

The preventive measures identified by the Convention may benefit considerably from the large range of **development and international cooperation initiatives** at national, regional and international levels that already exist:

- bilateral and multilateral agreements;
- harmonization of legislation, in particular within regions;
- capacity building and empowerment of governments, local authorities and civil society;
- development of joint prevention programs to assure universal access to health, social services and school, as welfare initiatives to support families and children;
- implementation of surveillance mechanism;
- joint advocacy strategies;
- development and implementation of specific initiatives to protect and assist the victims.

**Development programmes** have the potential to enhance the action of agencies operating in the same area. The exchange of experiences and joint allocation of resources to work towards the same objectives, are relevant tools to improve the situation for children. It is important, in this respect, to build on past experiences and base interventions on evidence and complementary expertise. Technical support is, thus, to be made available to properly provide impact assessments (i.e. evaluation and child impact assessments).

It is worth noticing that development programs often entail **socio-economic interventions** that holistically approach specific issues. Fighting sexual violence calls for such comprehensive type of intervention. It has been pointed out, for instance, that preventive programs should also address the demand side, targeting boys and men. Initiatives should address the root causes of sexual exploitation, including poverty, lack of livelihoods, social norms and gender discrimination, which need to be considered through community-based and empowering approaches (UNICEF, 2008).<sup>11</sup> Such types of interventions are becoming established practices in the field of international development.

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<sup>9</sup> Article 8 of the Lanzarote Convention.

<sup>10</sup> Article 9 of the Lanzarote Convention.

<sup>11</sup> Summary Report – key outcomes and recommendations from the meeting “International Cooperation for Preventing and Responding to Sexual Exploitation of Children and Adolescents: the Role of International Actors and Donors”, 23-24 October 2008, Florence, Italy.

Given the increasing interdependency among countries with regard to policies and actions against specific forms of violence on children, there is also a growing interest in comparing data between countries. International cooperation may provide an answer to the need of setting up mechanisms to harmonize, systematise, analyse and disseminate **data collection** on sexual exploitation and sexual abuse of children. The knowledge of the phenomena is the starting point to combat it and there is currently no evidence, for instance, of whether the number of children victims of sexual exploitation and sexual abuse have increased or decreased during the last years. Mapping reliable figures and statistics based on evidence is crucial at different levels, local, national, regional and international, because they serve to the implementation and evaluation of policies and action plans. **Surveys and action researches** on the phenomena may provide fundamental information on the evolution and new manifestations of sexual exploitation and the factors which make children vulnerable.

**National independent institutions** are another tool to be promoted where they do not exist already and to be strengthened where they are present. Organisms such as ENOC (European Ombudsman for Children), for instance, are of great support to combat sexual violence considering that independent ombudspersons work to follow up on government commitments to children's rights at a national level.<sup>12</sup> Cooperation amongst ombudspersons for children promotes exchange of experiences and should be promoted through regional and international mechanisms.

**NGOs** are important actors of international cooperation. At the local level NGO's support the exchange of knowledge and experiences. At the national level, they promote advocacy initiatives which may enhance the implementation of programmes and against sexual abuse and exploitation, while at the international level, they provide capacity building, conduct awareness raising and advocacy campaigns; and are crucial actors in international fora, e.g. in the World Congresses against the phenomena.

There are examples of interesting international and regional cooperation programmes run by NGOs to prevent sexual exploitation and sexual abuse of children:<sup>13</sup>

- prevention based on information and awareness raising campaigns through media;
- training professionals working for and with children in health, social, school, police, migration, justice and tourism sectors;
- assistance to victims, including life skills training, protection, recovery and reintegration of victims;
- sensitization and introduction of the Code of Conducts.

Furthermore, the **media and the private sector** are other two important actors in international cooperation initiatives, playing a crucial role in prevention, but also in the repression of the crimes e.g. through the cooperation with law enforcement authorities in the investigation of crimes committed through the use of IT – technologies. In promoting awareness raising and information nevertheless, as Chapter 3 will underline further, journalists and media professionals should be consistently engaged in children's rights practices as to ensure ethical and responsible attitude in handling facts concerning children.

The **participation of children and adolescents** is an important aspect that needs to be acknowledged and implemented both as a fundamental right and as a key element in the fight to eradicate SESACA. There are different forms of participation that can be adopted and implemented, i.e. councils, forum, associations of children and adolescents. Meaningful child participation raises children's self-esteem and increases their confidence to challenge abuses they may face in the future. It is also an important right spelled out by the CRC, closely linked to children's right to information, freedom of expression and freedom of thought, conscience and religion.

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<sup>12</sup> I.e. in the context of the CRC reporting process and of the Yokohama Commitments.

<sup>13</sup> See Chapter 4.

Hence, children should be given the opportunity to be heard and given due consideration in policy making, in the development of preventive and rehabilitative programs and in legal and administrative procedures. Organizations need to learn from the experiences of children – and adults needs to be trained on how to consult, and work with, children. In addition, resources need to be allocated to provide child friendly information and to support children’s own actions to prevent and respond to sexual exploitation.

### **1.3 TOOLS OF INTERNATIONAL COOPERATION TO PROTECT AND PROVIDE ASSISTANCE TO VICTIMS OF SEXUAL VIOLENCE**

With regards to the protection principle, procedural reforms are needed to establish “children and teenagers friendly judicial procedures”, which may efficiently serve minors respecting their needs, depending on their age and stage of development. Such approach requires operators to properly listen to children while they restore their rights.<sup>14</sup>

The Convention identifies a series of measures that State Parties should take:

- to establish effective social programmes and set up multidisciplinary structures to provide the necessary support, not only for victims but also for their close relatives and any person responsible for their care;
- to ensure the verification of the age when the age of the victim is uncertain and there are reasons to believe that the victim is a child;
- to ensure that the confidentiality rules imposed by internal law on certain professionals called upon to work in contact with children do not impede those professionals from reporting situations where they have reasonable grounds for believing that a child is the victim of sexual violence;
- to encourage any person who knows about or suspects, in good faith, sexual exploitation or sexual abuse of children to report these facts to the competent services;
- to encourage and support the setting up of information services, such as telephone or Internet helplines, to provide advice to callers, even confidentially or with due regard for their anonymity;
- to assist victims, in the short and long term, in their physical and psycho-social recovery, taking into consideration the child’s views, needs and concerns;
- to co-operate with non-governmental organizations, other relevant organizations or other elements of civil society engaged in assistance to victims;
- to take special attention when the parents or persons who have care of the child are involved in his or her sexual exploitation or sexual abuse. In particular by removing the alleged perpetrator, removing the victim from his or her family environment and implement a therapeutic assistance, notably emergency psychological care to the perpetrator.

On the matter of reintegrating children who have been sexually exploited, active mobilization of families and communities is required to prevent and overcome social stigma and to support the child victims (UNICEF, 2008). The participation of children and adolescents in the various phases of a program for rehabilitation and reintegration of victims (design, start up, implementation, monitoring and evaluation) can ensure their full citizenship. Programs for rehabilitation and reintegration of children victims need to be developed in a way to ensure compensation for rights violations and to avoid the risk of re-victimisation. Protocols mandating inter-institutional and inter-sector intervention models addressed to victims have shown to produce positive results in that regard.

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<sup>14</sup> See the Guidelines of the Committee of Ministers of the Council of Europe on Child Friendly Justice adopted on 17 November 2010, finalized to enhance children’s access to and treatment in justice.

Databases collecting information about the monitoring, tracking and updating of programs addressing SESACA are also considered an extremely useful instrument. Those databases can be linked to databases on offenders and shared among international networks to successfully monitor children's rights violations.

Creating common indicators that describe risk factors at the international level, allows for reliable analyses and data comparisons, which, in turn, help identify appropriate responses. Common indicators to recognize and differentiate cases of SESACA are, hence, an important tool to develop further. Such tool provides relevant information on risk factors that influence children's behaviour.

In addition, information services, such as telephone or Internet helplines, are important protection instruments both at the local and national level. It is here worth mentioning, the European Commission helpline 116111, which targeted children seeking assistance and responsible adults to talk to. Child helplines are a priority of the European Commission communication "Towards an EU strategy on the rights of the child".<sup>15</sup>

Comprehensive National Plans of Action carrying out children rights as indicated in the CRC and in the objectives and goals of the document "A World Fit for Children", adopted by the UNGASS are relevant international cooperation tools for the fight against sexual violence of children.

#### **1.4 TOOLS OF INTERNATIONAL COOPERATION TO PROSECUTE OFFENDERS OF SEXUAL VIOLENCE AGAINST CHILDREN**

The prosecution of offenders of sexual abuse and sexual exploitation of children is the third area of intervention of the Lanzarote Convention. The establishment of penalties is essential for different reasons:

- it is used to punish the offender for the damage done (retributive theory);
- it is designed to eliminate or mitigate the probable causes of crime in society (general prevention theory);
- it plays an intimidating effect aimed at deterring the offender from committing crimes in the future (special prevention theory).

The Convention focuses its attention on criminal law, identifying the constituent elements of the following offences:

- child sexual abuse;
- child prostitution;
- child pornography;
- child corruption;
- solicitation of children for sexual purposes;
- aiding, abetting and attempting the commission of any of the offences established in accordance with the Convention.<sup>16</sup>

This is the most complex part of the Convention because it requires State Parties to harmonize and, if necessary, modify their national legislations in the field.

Cross border collaboration among organizations, as well as bilateral and multilateral cooperation, are tools that can potentially support the Convention effectiveness in this

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<sup>15</sup> Communication "Towards an EU strategy on the rights of the child", European Commission COM/2006/0367 final.

<sup>16</sup> Chapter VI of the Lanzarote Convention related to substantive criminal law.

domain. Sharing common offences definition is a crucial first step to fight the phenomena. Conceptual clarity, in that sense, is important for ensuring that all stakeholders define and interpret various terms in the same way and that protection of children's rights remains a shared core concern.

As far as legal frameworks are concerned, there is a tendency to address sexual exploitation simply as a law enforcement and criminal issue. It is equally important for legislation, however, to address other dimensions such as the legal and psychosocial aspects of the violation. Countries should enforce clear legal provisions to protect victims from being subjected to prosecution for offences related to their situation, for example in cases of child trafficking. Moreover, laws need to address with equal vigour sexual exploitation of girls and boys.

It is important to remember that a serious obstacle to cooperation in this field derives from the diversity of mandates and approaches of the various departments and ministries engaged. Such diversity poses substantial challenges to the coordination of projects at the national, regional and international level. However, networks can be established to support and channel the efforts made by different departments toward a consistent prosecution system.

Another crucial aspect related to the investigation and the prosecution of offenders is the training of police and justice personnel. By 'trainings' it is meant training courses and seminars, international conferences, study visits and exchanges of police and justice personnel, in particular between country of origin and country of destination of children victims of trafficking and sexual exploitation. Taking into consideration the specific trans-national characteristics of the sexual violence phenomena, training should be done at the national, but also at the regional and international level. Again, the Lanzarote Convention's scope of action entails international cooperation.

The Virtual Global Taskforce (VGT) is an example of international cooperation for crime reduction. VGT seeks to build an effective, international partnership of law enforcement agencies, non-government organisations and industry to help protect children from online child abuse.

The objectives of the VGT are:

- to make the internet a safer place;
- to identify, locate and help children at risk;
- to hold perpetrators responsible.

The child is the key focus of the VGT, which is constantly monitoring the internet, across international borders, watching over our children to keep them safe online.

Since it was established in 2003, the VGT collaboration rescued hundreds of children around the world from sexual abuse; conducted numerous targeted law enforcement operations into online and offline offending, resulting in over 1000 suspects being investigated, identified and held accountable for hundreds of child sex offenders worldwide.

The Virtual Global Taskforce (VGT) members include: Australia, Canada, Europol, INTERPOL, Italy, New Zealand, United Arab Emirates, United Kingdom and United States of America.

Lastly, it is worth mentioning that bilateral agreements are a fundamental for the prosecution of offenders, as they powerfully engage governments in the combat of the phenomena while contrasting procedural obstacles to the investigation.



## **CHAPTER 2**

### **THE WORLD CONFERENCES**

Important progress in international cooperation has been made for the prevention and the protection of children from sexual exploitation. Today, there are new international standards and a strong international legal framework in place to foster and frame international cooperation for children's protection and for enhancing the prosecution of the crimes. A tremendous example on how to share, exchange, and disseminate information on sexual exploitation of children are the conferences on this matter organized around the world in the last 15 years.

Those conferences need to be taken into consideration, not only for their objectives relevant to the combating of sexual violence against children, but also because of the final document adopted at the end of each conference. Such documents contain a commitment and a "Plan of action" addressed to all participants: international, regional, national and local governmental and non-governmental organizations, single professionals and children.

The first conference was organized in Stockholm in 1996, the second in Yokohama in 2001 and the third and last in Rio de Janeiro in 2008. Another, more general, global Conference organized on Children's Rights, including sexual violence against children, in New York in 2002, also deserves mentioning.

#### **3.1 THE STOCKHOLM CONFERENCE**

The 1<sup>st</sup> World Congress on Commercial Sexual Exploitation of Children was organised by the Government of Sweden, UNICEF and End Child Prostitution and Trafficking ECPAT in Stockholm on the 27 to 31 August 1996. For the first time, more than 3000 people participated in a conference of this kind. Coming from 122 countries around the world, the participants shared experiences and learned about this crucial topic.

The outcome document of the 1<sup>st</sup> World Congress was composed by four parts:

- introduction;
- the challenge;
- the commitments;
- the plan of action (agenda for actions against sexual commercial exploitation of children).

The Document presents the objectives of the World Congress, highlighting existing international commitments: to identify priorities for action and to assist in the implementation of relevant international instruments. It also explicitly calls for action from States, all sectors of society, and national, regional, and international organisations, against this phenomenon.

Concerning actions focused on prevention, protection, recovery and reintegration, it is interesting to underline the following two points: on one hand coordination and cooperation, on the other hand the participation of children.

Concerning coordination and cooperation, the outcome document underlines detailed actions to be undertaken "urgently", such as to: strengthen comprehensive, cross-sectorial and integrated strategies and measures targeted to reducing the number of children vulnerable to commercial sexual exploitation; develop implementation and monitoring mechanism(s) or focal point(s) at the national and local levels, in cooperation with civil society, with relevant research and special attention to disaggregating data; foster close interaction and cooperation between the government and non-government sectors to plan, implement and evaluate

measures against the commercial sexual exploitation of children; promote better cooperation between countries and international and regional organisations; advocate and mobilise support for child rights, and ensure that adequate resources are available to protect children from commercial sexual exploitation.

For the follow-up of the outcome document, it is specified that the first action needs to be integrated, by the year 2000, in the national agenda(s) for action and indicators of progress, with set goals and time frame for implementation.

Concerning the participation of children, it was the first time that children were both invited to participate actively in the Conference's work and taken into consideration in the outcome document. Children must be allowed to express their views and should be included, according to their evolving capacity, in developing and implementing government and other programmes concerning them. Moreover, it is fundamental to establish support networks of children and young people as advocates of child rights.

### **3.2 THE YOKOHAMA CONFERENCE**

The 2<sup>nd</sup> World Congress Against Commercial Sexual Exploitation of Children was organised by the Government of Japan, UNICEF, ECPAT and the NGO Group for the CRC, in Yokohama on the 17 to 20 December 2001.

This event aimed at drawing attention to the plight of children in the world sex trade, review progress made since the 1<sup>st</sup> World Congress held in Stockholm and devise further methods to protect children from sexual exploitation. As a follow up to the 1<sup>st</sup> World Congress, six regional consultations were held ahead of the 2<sup>nd</sup> World Congress. The European preparatory meeting was held in Ljubljana on the 5 to 9 July 2005.

Reflecting the outcomes of the six regional preparatory meetings designed to reflect regional situations, priorities and strengths, the 3.045 participants, coming from 134 government delegations and with 90 official youth delegates, put "the protection and promotion of the interests and rights of the child to be protected from all forms of sexual exploitation" as their primary consideration. Hence, they paved the way for reinforced government and grassroots action against such sexual violations as female genital mutilation,<sup>17</sup> early marriage, sexual abuse as a weapon of war and abuse in the home.

The outcome document named Yokohama Global Commitment 2001, adopted at the end of the 2<sup>nd</sup> Congress, underlines the aims and actions promoted in the final document of the Stockholm Congress. It also calls for early ratification of international instruments that relate to sexual exploitation of children, for a reinforcement of efforts to address the root causes that put children at risk of exploitation, including poverty, inequality, discrimination, persecution, violence, armed conflict, HIV/AIDS, dysfunctional families and criminality. In the light of increased calls for child protection to be accompanied by action to reduce the demand side of the sex equation, the commitment also calls for action against those who sexually abuse and exploit children, while not criminalizing or penalizing their child victims.

In addition, the Yokohama Global Commitment takes into consideration new items: the negative aspects of new technologies, in particular child pornography on the internet; the importance of family and of strengthening the social protection of children, young people and families through awareness-raising campaigns and community-based surveillance/monitoring of commercial sexual exploitation of children; the importance of committing ourselves to promoting cooperation at all levels and to combining efforts to eliminate all forms of sexual exploitation and sexual abuse of children worldwide.

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<sup>17</sup> This form of sexual violence is explicitly provided by Article 38 of the Convention on preventing and combating violence against women and domestic violence adopted by the Committee of Ministers of the Council of Europe the 7<sup>th</sup> of April 2011.

Finally, the “zero tolerance” principle was integrated in the outcome document, declaring that sexual exploitation of children must not be tolerated.

### **3.3 UNGASS**

From 8 to 10 May 2002, more than 7.000 people participated in New York at the most important international conference on children’s rights in more than a decade; the Special Session of the UN General Assembly on Children (UNGASS), at which the nations of the world committed themselves to a series of goals to improve the situation of children and young people.

The UNGASS was a landmark, the first such Session devoted exclusively to children and the first to include them as official delegates. It was convened to review progress since the World Summit for Children in 1990 and re-energize global commitment to children’s rights.

About 70 Heads of State and/or Government, prime ministers or their deputies, together with many high-ranking government delegations from 187 States took part in the UNGASS. In addition, the UNGASS benefited greatly from an extraordinary array of leaders from civil society, including non-governmental organizations, cultural, academic, business and religious groups, and eminent personalities.

At the end of the UNGASS the outcome document ‘A World Fit for Children’ was adopted. This Declaration includes a specific point on “Protection of children from harm and exploitation”, reminding that “children must be protected against any acts of violence, abuse, exploitation and discrimination”.<sup>18</sup>

In the part of the outcome document named “Plan of Action”, it is underlined that trafficking, smuggling, physical and sexual exploitation and abduction, as well as domestic violence and sexual violence against children remain serious problems in all regions of the world.

The importance of international cooperation is mentioned in several paragraphs of the outcome document, including North-South and South-South cooperation, to contribute to economic and social development.

### **3.4 THE RIO DE JANEIRO CONFERENCE**

The 3<sup>rd</sup> World Congress on Sexual Exploitation of Children and Adolescents was organised by the Government of Brazil, UNICEF and ECPAT in Rio de Janeiro on 25 to 28 November 2008. The objective of the Congress was to identify lessons learned and key challenges, and to commit state and non-state actors to a Call for Action to prevent, prohibit and stop sexual exploitation of children and adolescents and to provide the necessary support to children who have fallen victim to it.

In total, Government delegations from 139 countries with more than 3.000 people from five continents took part to the III World Congress, including representatives from the private sector and civil society. 300 children and adolescents also joined and played an integral part in the event.

The event aimed at tackling the growing problem of sexual exploitation of minors through transnational trafficking, child pornography on the Internet and other technological tools, child pornography, tourism.

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<sup>18</sup> Point 6 of the Declaration.

The Conference assessed progress made over the last decade to combat the sexual exploitation of children and adolescents, and was a great opportunity to discuss and debate on the “lessons learned”. By comparing the results of best practices, new approaches and strategies that could be elaborated to better combat this terrible phenomenon.

### **3.5 UN CRC COMMITTEE’S CONCLUDING OBSERVATIONS ON THE EUROPEAN UNION MEMBER STATES LAST REPORT ON ARTICLE 34**

Article 34 of the CRC provides obligations to protect children from all forms of SESACA. It is interesting to note that the CRC Committee adopts several positive and critical observations relating to this matter.

The CRC Committee assesses the efforts made in fighting sexual abuse and exploitation of children; the enactment of specific national laws on the combating of trafficking of persons, on SESACA and on the protection of witnesses; the amendment of criminal law providing a new regulation on trafficking in human beings, prostitution, pornography and sexual tourism targeting children the review of provisions regulating criminal procedure; the measures taken to prevent and raise awareness of the problem of trafficking in persons, the establishment of the National Committee to prevent and combat Sexual abuse and exploitation or/and Trafficking in Persons; the adoption of activities of bilateral and trilateral cooperation to address, inter alia, trafficking in human beings, in particular the SESACA for prostitution; the implementation of social, preventive and re-socialization programmes for victims of SESACA and the significant work done by NGOs in this field; the establishment of a special “investigation unit” providing for investigations on criminal offences, also through the Internet in the case of child pornography; the establishment of an inter-ministerial committee with the mandate to coordinate the government activities against child abuse and trafficking in minors for sexual purposes; the establishment of a national Task Force on Trafficking; the development of mechanisms allowing doctors, teachers and other suitable professionals to lodge complaints of alleged SESACA; the training of the police and other professionals in order to address the SESACA in a thorough professional manner.

However, despite the efforts accomplished and the results achieved, the phenomenon of SESACA and child trafficking remain among the most serious areas of concern for the CRC Committee. In fact, the Committee pays consistent attention to the issue related to the **lack of information** and has stressed the importance of establishing national monitoring mechanisms and of undertaking studies assessing the causes, nature and extent of SESACA. The Committee’s *Guidelines for Periodic Reports* asks for detailed information on implementation, including disaggregated data, proposing a study of the “root causes” and suggesting that Governments should work closely with NGOs and children’s groups. It consistently urges States to take into consideration the recommendations adopted at the 1996 1<sup>st</sup> World Congress against Commercial Sexual Exploitation of Children. It also has recommended that the States Parties engage in studies with a view to elaborating and implementing appropriate policies and measures, also in the area of rehabilitation, to combat this phenomenon comprehensively and effectively.

Another particular aspect of concern for the Committee is the **lack of sufficient and effective measures** to prevent SESACA and trafficking of children.

A further relevant issue is related to the presence of and the access to **adequate programmes and reintegration services** for child victims. On this subject, the Committee has elaborated recommendations, asking to establish appropriate recovery and reintegration programmes and services and to effectively ensure access to these services for all children who are victims of trafficking, prostitution and/or pornography. This could be achieved in a coordinated manner also enhancing cooperation with non-governmental organisations.

In relation to “recovery and reintegration” it should be mentioned that Article 39 requires States Parties to take all appropriate measures to promote physical and psychological recovery and social reintegration of child victims of any form of abuse, exploitation and so forth. The Committee has emphasized the importance of adopting a non-punitive approach to child victims of sexual exploitation, following the Agenda for Action of the Stockholm World Congress, which suggests that social, medical and psychological counselling and other support should be provided for child victims and their families; that there should be gender-sensitive training of medical personnel, teachers, social workers, non-governmental organizations and others working to help child victims; that social stigmatization of victims should be prevented and their recovery and reintegration in communities and families should be facilitated; and that where institutionalization is necessary, it should be for the shortest possible period.

In its Concluding observations, in many cases the Committee has requested to strengthen the efforts to **identify, prevent and combat trafficking** in children for sexual purposes, also through appropriate training of the personnel and the **expansion of cooperation activities** with countries of origin and transit. International cooperation is considered indeed one of the most effective actions to prevent and combat SESACA, because many forms of exploitation have become transnational, for example sex tourism, trafficking in child prostitutes, and dissemination of child pornography including through the Internet.

Another particular issue raised by the CRC Committee is related to the necessity of providing specific professionals dealing with these specific problems, thus it has invited countries to implement training dedicated to law enforcement, officials, social workers and prosecutors on how to receive, monitor and investigate cases of SESACA

The CRC Committee places particular emphasis on the need for legislation, as an essential basis for protection against SESACA. The *Guidelines for Periodic Reports* request information on “legislative, educational and social” measures to protect the child from all forms of SESACA. The Guidelines ask in particular “whether SESACA, child prostitution and child pornography, including the possession of child pornography, and the use of children in other unlawful sexual practices are considered criminal offences”. The Guidelines also ask about criminalizing sexual exploitation by nationals in other countries. Thus, the Committee has proposed that legal reform should consider as an offence the use of child prostitutes and the possession of child pornography, as well as the publication and distribution of child pornography.

On these assumptions, in the Concluding Observations the Committee has asked in several occasions: to adopt adequate measures in combating child trafficking, child prostitution, child pornography also by defining as illegal the production, distribution and possession of erotic images involving children; to extend the protection against SESACA and trafficking to all boys and girls below the age of 18 years and to ratify the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Pornography, the Protocol to Prevent, Suppress and Punish trafficking in Persons, especially Women and Children, the International Convention on the Rights of All Immigrant Workers and Members of Their Family and ILO Convention no. 182 on the Worst Forms of Child Labour.

The Committee is also concerned that, while commercial sexual exploitation must be criminalized, the child survivors of it must not be criminalized or penalized. “Child-friendly” and sensitive procedures are required; those who expose violations must be protected from reprisals and there must be adequate rehabilitation programmes for survivors. Thus, it demands the abolition of every legal provision that results in administrative or other punishment of the victims of commercial sexual exploitation and the prevention of other forms of stigmatization of the victims.

The Committee has underlined also the need to develop specific national plan of action fulfilling the recommendations formulated in the framework of World Congress (e.g. Stockholm’s first Congress in 1996) and to fully implement those already adopted.



### CHAPTER 3

## THE ITALIAN INTERNATIONAL COOPERATION AGAINST SEXUAL EXPLOITATION AND SEXUAL ABUSE OF CHILDREN

### 2.1 GUIDELINES OF THE ITALIAN COOPERATION

The Italian Ministry of Foreign Affairs adopted a document entitled *Guidelines of the Italian Cooperation on Minors 2012*<sup>19</sup> (Guidelines). The Guidelines are the result of a participative procedure in which the Italian Ministry involved various Public Institutions, Research Centres, NGOs and also more than 100 professionals dealing with children rights.

The Guidelines contain an assessment framework, the Inalienable Rights provided by the Convention on the Rights of the Child (CRC) and 7 monographic files on children's rights' topics on which the General Direction of Development Cooperation (DGCS) of the Italian Ministry of Foreign Affairs has focused in its work in the field of the development cooperation with its partners. These seven topics are:

- Education;
- Commercial Sexual Exploitation and Trafficking;
- Justice;
- Labour;
- Contexts of Crisis;
- Disability;
- Migration.

The Guidelines, thereafter, list the following instruments:

- Social Communication;
- Planning skills and Efficiency of Aid for Development;
- International standards on children rights adopted by International Governmental Organizations (i.e. the United Nations, the World Bank, the Council of Europe, the European Union).

The Guidelines, already adopted in 1998 and updated twice in 2004 and 2011, have promoted the founding principles of the CRC through the financing and implementation of various programmes targeting children. These programmes were designed by the Italian Cooperation and implemented around the world with international, national and local partners. Having incorporated the Child Rights Approach, the Guidelines have helped to enhance and extend the CRC. The renewed version of the thematic Guidelines was adopted with its Efficiency Plan. It takes into account that the Ministry of Foreign Affairs exercises some competences on children's rights within the Italian Government, such as the coordination of the periodical report on the implementation of the CRC.

The purpose of the document is to guide the actions of the Italian Cooperation and its partners as well as to strengthen the Italian system of cooperation for children. The Guidelines also encourage partner countries to develop national policies in the field of children's rights as to harmonize their child rights systems with those of donor countries, most especially the European Union.

The aim of the document is also to ensure that all operators involved in the sector of Italian Cooperation will have a useful reference tool in the field. This will maximize the opportunity for dialogue and the sharing of quality models of intervention, allowing for the

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<sup>19</sup> Resolution of the Directional Committee of the Italian Ministry of Foreign Affairs n. 165 of the 12<sup>th</sup> of December 2011.

full expression of the potential of each individual, in particular young participants, in the achievement of the goals and modalities of sustainable development.

The most important aspect of these Guidelines relates to a substantial change in the cultural perception of the child. This perception has gone from a vision of children and adolescents as objects of assistance, or weak elements of the population, to viewing children as bearers of inalienable rights and even as young agents of development. This evolution is the result of changes in geo-political scenarios that deeply influence security. Security has characterized the structure of the concept of development, with the emergence of new agents in the world of international cooperation.

On one hand, the mechanisms of partnership within which international cooperation takes place are changing, combining more and more public and private<sup>20</sup> actors. On the other hand, harmonization<sup>21</sup> of interventions is considered to be a key for the effectiveness of the Public Aid to Development with the 2015 deadline for the Millennium Development Goals.

This structure of interaction gives rise to an “Italian System” on children and adolescence, in which the General Direction of Development Cooperation (DGCS) actively participates with its “know how” developed with its many partners, which should mobilize new actors in the private sector (ethical banks, foundations, etc.). This allows for the building of a wider concept of partnership that stimulates a substantial contribution of the countries of intervention, and an increasingly active role of children to whom the intervention is addressed.

The Guidelines intend to encourage the adoption of an approach as consistent as possible, and to consolidate the so-called “Italian System”, while enabling forms of subsidiarity and division of tasks between national actors of cooperation in order to increase efficiency and reduce the risk of fragmentation of the overall development aid from our country.

The set of initiatives in this framework formulated, in particular the quality and innovative nature of some of them, puts the Italian Cooperation on the forefront in terms of strategies, methodological content and financial commitment. The commitment of the Italian Cooperation is supported by the belief that the conditions that promote sustainable development and democratic processes are realized through programs that help new generations. Empowering young people to become active participants, promoters and implementers of the processes of cultural, social, and economic growth of their country, is the necessary link between development and the achievement of children’s rights.

## **2.2 THE ITALIAN COOPERATION’S STRATEGIES IN THE FIELD**

One of the items considered a priority by the Guidelines is sexual exploitation of children and child trafficking.

The Italian Cooperation considers trafficking, exploitation of children and the violation of their physical and psychological integrity to be crimes against humanity, inspired by the principles contained in the CRC, its Optional Protocols and both Conventions of the Council of Europe (the Lanzarote Convention and the Convention on Action against Trafficking in Human Beings). It is worth recalling that trafficking of human beings, in particular of women

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<sup>20</sup> See the Johannesburg Principles on the Role of Law and Sustainable Development adopted at the Global Judges Symposium held in Johannesburg, South Africa on 18-20 August 2002.

<sup>21</sup> See the Paris Principles relate to the status and functioning of national institutions for the protection and promotion of human rights and were defined at the first International Workshop on National Institutions for the Promotion and Protection of Human Rights held in Paris on 7-9 October 1991. They were adopted by the United Nations Human Rights Commission by Resolution 1992/54 of 1992, and by the UN General Assembly in its Resolution 48/134 of 1993. The Paris Principles relate to the status and functioning of national institutions for the protection and promotion of human rights.

and children, is considered by the Statute of the International Criminal Court as a form of enslavement.<sup>22</sup>

The Italian Cooperation identifies strategies to prevent and combat induction into prostitution, sex tourism and child pornography, even through information technologies, and aims at ensuring the conditions for a culture of human rights that fully recognizes the rights of all children.

To prevent and combat these serious phenomena, the Italian Cooperation supports the adoption and implementation of policies and programs at the national and transnational levels finalized to prevent and combat all forms of violence against children, in particular abuse and sexual exploitation.

To this end, the Italian Cooperation supports measures aimed at:

- the alignment of legislation, with the purpose not only to harmonize the concept of crime and allow increased awareness, but also to standardize the legislations of third countries with each other and with the Lanzarote Convention. Measures should be aimed at ensuring that national legislation on prevention, fight against perpetrators, and protection and rehabilitation of victims is in line with international standards.
- training and updating of decision makers and professionals involved in the sectors of children's rights;
- the acquisition of data on cases of child abuse, sexual abuse and exploitation of children, on the basis of a better understanding of the various components and dimensions of the phenomenon and complex risk factors and to permit the monitoring in the field;
- the implementation of policies to prevent, also through a network of action carried out by institutions dealing with child protection, aimed to support the most vulnerable families and / or in difficulty, also through the reinforcement of services and tools designed to prevent and resolve intra-familial conflicts and other situations of vulnerability. Initiatives to link the school services and other services institutions to the people in order to strengthen the supervisory actions for the early detection of cases of risk and / or overt violence, with particular attention to situations of hardship, marginalization and deviance. National and international media need to be involved to collaborate in promoting and disseminating a culture that refuses all forms of violence against children;
- coordination between the police, the judiciary, public and private services, for the adoption of standardized procedures for operational link;
- the strengthening of the net of social protection, of the capability of intervention and of the accessibility to public and private services focused on the rehabilitation and the psychosocial support for victims, protecting their right to privacy and providing the deployment of protective and educational contexts (residential care, foster care, home-based educational support, adoption, etc.);
- the establishment and strengthening of partnerships between operators of Internet services and the police and judicial authorities at the national and transnational levels to make the fight against crimes such as child pornography, sexual exploitation of children, including through the use of information technology, more efficient;
- raising the awareness of the tourism sector, in particular airport authorities, airlines and tour operators, in order to increase their awareness and active role in the fight against the exploitation of children and child prostitution.

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<sup>22</sup> Definition of “enslavement”, see Article 7 para. c of the International Criminal Court statute.



## CHAPTER 4

### GOOD PRACTICES AND THE ITALIAN COOPERATION EXPERIENCE

As previously mentioned, international cooperation offers a vast range of financial, technical and supportive instruments for the fight against SESACA through multilateral, regional, bilateral and other projects implemented in various ways by public bodies and/or private organizations.

In the following three paragraphs, projects considered good practices are described. The identification and selection of projects were made on the basis of specific criteria hereby explained.

First of all, the projects are concrete examples of international cooperation. They are funded by international and national public bodies, i.e. by the Italian Ministry of Foreign Affairs and the European Commission, and show the participation of different local, regional, national and international public and private organizations, i.e. NGOs, in the phase of implementation.

In order to provide an overview as comprehensive as possible, the geographic and thematic areas of intervention were also taken into account. Although the space for discussion limits the number of issues that may be explored, the chapter follows the structure of the International Conference. The practices illustrated, therefore, aim at providing interesting cues to discuss regional and global legal instruments, protection policies, communication strategies and dialogue among States involved in mutual cooperation.

Each project is described taking into consideration key elements that highlight their content. In order to efficiently provide such information, we relied on the Logical Framework Approach (LFA).<sup>23</sup> The LFA is a management tool used by the European Commission as well as other international and national cooperation bodies for the design, monitoring and evaluation of international development projects.

The duration of the projects selected is at least one year, but it can be longer. Where possible, duration and costs of the project are mentioned and the following aspects developed: the aim and specific objectives, the structure of the project, the activities accomplished and the results achieved. Also the impact of the project, its sustainability and future possible developments are important elements of interest.

#### **4.1 LEGISLATIVE, REGIONAL OR INTERNATIONAL INSTRUMENTS TO PREVENT AND COMBAT SEXUAL VIOLENCE AGAINST CHILDREN**

The first step to improve the prevention of and to combat sexual exploitation and sexual abuse of children is the adoption of legislative measures at national and transnational level. By transnational level it is meant that more States move in the same direction to strengthen the protection of children from sexual exploitation in compliance with international obligations. This process includes, among other measures, the enactment of legal provisions for the protection of child victims of sexual exploitation during the process of criminal investigations and trials against alleged perpetrators, taking into account the United Nations Guidelines on Justice in Matters Involving Child Victims and Witnesses of Crime.

In order for transnational legal proceedings to run effectively, international cooperation among States ought to be strengthened to establish multilateral, regional and bilateral

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<sup>23</sup> The LFA was created by Leon J. Rosenberg; see *Logical Framework Approach: handbook for objectives-oriented planning*, published in 1999 by Norad.

agreements addressing prevention, detection, investigation, prosecution and punishment of those responsible for acts of sexual exploitation of children and adolescents. The assistance of child victims in their physical and psychological recovery, social reintegration and, as appropriate, repatriation, also calls for joint legal action.

Acknowledging the complexity of SESACA, regional and transnational legal documents ought to be implemented with concrete mechanisms of cooperation across a wide range of different stakeholders: government ministries, funding bodies, UN agencies, NGOs, but also the private sector, workers' and employers' organizations, the media, children's organizations and other representatives of civil society. It is important to stress that successfully involving the private sector in such legal proceedings is crucial to achieve good standards of prevention, protection and prosecution.

However, it is also necessary to acknowledge that legal developments may not work in isolation from societal changes. In that sense, legal instruments need to be accompanied by socio-cultural actions to ensure that the institutions that implement these child rights legislations are indeed aware and sensitive to the issues addressed. Considering the wide diversity of societies and cultures across which international cooperation may take place, this aspect needs to be given the attention it deserves so that police bodies, justice personnel, social services and protection systems may appropriately respond to children's rights violations.

The two practices hereby presented offer interesting examples of projects that aim at providing legal instruments to combat SESACA and that include interventions targeting the social perception of the phenomena as well.

#### **4.1.1 The Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism**

The Code of Conduct, hereby "The Code",<sup>24</sup> was devised to promote 'child-wise tourism'. As the Code team explains "the problem of commercial sexual exploitation of children and its connection with the tourism trade is extremely complex. While the tourism industry is not accused of encouraging this un-wanted phenomenon, it has been asked to collaborate and to react against the use of its networks and establishments for this purpose".

The Code, thus, sets out to promote socially responsible businesses. It opens up a positive window of interaction between the private sector and the very same vulnerable groups that may, in fact, be harmed within the private sector's scope of work. In that sense, the Code acts as a catalyst of change. It turns the hazardous potential of tourism companies to favour sexual exploitation into an opportunity for vulnerable children to be protected.

The Code is an industry driven, multi-stakeholder initiative and an interesting international instrument to prevent and combat sexual exploitation and sexual abuse of children. It was one of the first initiatives to define the role and obligations of tourism companies in a practical way.

##### *Institutions involved*

The Code was developed in 1998 by ECPAT Sweden in collaboration with Scandinavian tourism companies. The project management was subsequently extended to ECPAT International Network and started to involve tourism companies around the world, from tourism umbrella organizations to businesses and the informal tourism sector.

The Code was supported by the World Tourism Organization (UNWTO) and is currently co-financed by the Swiss State Secretariat for Economic Affairs (SECO) and the Japanese Committee for UNICEF. Tourism companies that subscribe to the Code also support

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<sup>24</sup> See the website: [www.thecode.org](http://www.thecode.org)

it financially through membership fees. Since 2004, The Code has operated as an independent non-profit organization from ECPAT.

### *Aims and objectives*

The overall aim of the Code is to protect children from sexual exploitation linked with the travel and tourism industry. To achieve this goal the Code requires members of the tourism industry to endorse the following six objectives:

- to establish an ethical corporate policy regarding sexual exploitation of children;
- to train the personnel in the country of origin and in destinations;
- to introduce clauses in contracts with suppliers, stating a common repudiating of sexual exploitation of children;
- to provide information to travellers by means of awareness materials;
- to provide information to local “key persons” at tourism destinations, and
- to report annually.

By implementing these six points, tourism businesses, both formal and informal, can take concrete action towards preventing sexual exploitation of children. The implementation of the Code is facilitated by a certain level of flexibility that takes into account the type of business and national regulations.

### *Structure*

A remarkable aspect of the Code is its multi-stakeholder approach, which provides a platform for gathering inputs from all actors involved in the implementation of the Code. Not only does this format allow for great exchange of ideas, it also provides realistic feedback from both the tourism professionals and NGOs. Hence, the structure of the Code ensures cooperation between the private sector and NGO’s throughout its implementation, which also includes the monitoring and evaluation processes.

The Code is currently led by a nine seat Board of Directors thus composed:

- five seats filled by representatives of the tourism companies that are members of The Code;
- four seats being non-industry representatives;
- one individual member seat;
- two advisory seats to UNWTO and UNICEF.

The Code is also greatly supported by a number of ‘Local Code Representatives’ (LCR), mostly ECPAT groups or other NGOs that recruit members, support the implementation of The Code. This supportive measure entails providing, through training and facilitation sessions, child protection expertise to tourism companies as they implement the Code. LCR and ECPAT groups’ efforts to empower tourism companies for a proper implementation of the Code crucially contribute to the success of this international instrument.

### *Results*

Over 1,000 companies from 42 countries are now members of the Code. Taking the different requirements of the Code into account, this means that over 1,000 companies have devised child protection policies and updated their employment contracts in that respect. It also means that thousands of trainings of tourism staff have been accomplished as well as campaigns targeting tourists.

Companies have been reporting on their progress and strategy to implement the Code. The annual reports can be found on the website [thecode.org](http://thecode.org) which also presents a database collecting sample material of contracts clauses, company policies, information for travellers or for staff training and so on. The exchange and transparency that companies are, hence,

called to attain is likely to foster mutual interest in child protection practices, raising the awareness for the phenomenon and improving the quality of change.

The Code has been signed by leading company such as ACCOR, Kuoni, Carlson and Delta. It is possible to say that this international instrument, therefore, has raised the issue of child sex tourism to the tourism industry and beyond. It has had a significant success in conducting awareness-raising nationally and globally despite the limited human and financial resources, even extending outside of the travel and tourism industry and gathering international recognition and awards. Most importantly, it has inspired tourism professionals to act towards child protection from sexual exploitation.

The Code has been recognized as a prominent corporate social responsibility tool by the Interfaith Centre on Corporate Responsibility. It was recommended by Avaaz, an online advocacy organization with more than 10 million members, to the Hilton hotels as they were carrying an online anti-child sex tourism campaign in 2010. The international instrument has also been honoured with the multiple awards such as The British Airways Tourism for Tomorrow Award in 2003; the Ashoka Changemakers' Ending Global Slavery Award in 2008; the WTTC 'Tourism for Tomorrow' Award; The 'Ethical Corporation' Award in 2010; the 'BIRD Express Travel Award; 'PATA Gold Award'; and the Travel and Leisure Magazine's 'Human Rights Leadership Award.

The Code is now at a turning point where it addresses issues of institutional capacity aiming at strengthening the link between its activities and the impact against child sex tourism. The overall goal is to become an even more effective organization and tool for the private sector to combat child sex tourism.

#### **4.1.2 A Strategy to Combat Child Abuse, Sexual Exploitation and Trafficking of Children and Adolescents in Central America**

As UNICEF reports, “commercial sexual exploitation of children and adolescents has long been “hidden in plain sight” in Central America, while the conditions for an increase in commercial sexual exploitation and in cross-border child trafficking for purposes of commercial sexual exploitation – from hereby referred to as CSEC – are rife throughout the region” (UNICEF, 2007). Moreover, sexual violence against children in these areas is characteristically situated in a context of unequal power relations which permeates social institutions from the family to more complex structures such as juridical entities and governments.<sup>25</sup>

In this context, the TACRO project was developed in two phases, the first phase between 2003 and 2005 (TACRO I) and the second phase between 2008 and 2010 (TACRO II). Both phases sought to consolidate the agreements reached at the 1<sup>st</sup> World Congress against Commercial Sexual Exploitation of Children held in Stockholm in 1996 and subsequent international and regional monitoring conferences in Yokohama, Montevideo and San José de Costa Rica. The project focused on a double process of change targeting decision making institutions and governments top-down approach to the issue, or lack thereof, as well as pursuing a bottom-up action directly targeting communities and vulnerable groups.

It is interesting to notice that TACRO II developed from the results achieved by TACRO I. Such results were internally and externally evaluated to measure the actual impact of the project. The TACRO I evaluation, therefore, was not only important to reflect on the results of the project, but also provided a fruitful action plan for the continuation of a second phase, TACRO II.

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<sup>25</sup> See the final Report of TACRO I, UNICEF, 2007.

### *Institutions involved*

TACRO II was financed by the Italian Cooperation of the Italian Ministry of Foreign Affairs with a contribution of 3 million Euros on the multilateral budget line for the second phase. It was implemented through the Americas and Caribbean Regional Office of UNICEF, based in Panama, in the following countries: Nicaragua, Guatemala, El Salvador and Honduras. In each country various public and private institutions were involved.

### *Aim and objectives*

The aim of TACRO II was to support governments and civil society in Central America, in partnership with the Central American Integration System (SICA), to formulate and implement public policies and gender sensitive strategies to prevent children's sexual exploitation, including trafficking and child pornography on the internet and in the tourism sector. The project also aimed at institutionalizing quality care for victims and promoting youth's active participation.

The specific objectives identified by the Project, as stated by an evaluation report of UNICEF were the following:

- consolidate the development and adoption of legal frameworks to respond to commitments made in the Action Plans of the World Conferences Stockholm and Yokohama;
- strengthening institutional capacity at national and regional levels. This focused especially on decreasing the level of re-victimization of children victims of sexual offences;
- generate attitudinal changes in public opinion and particularly with the participation of youth;
- promote monitoring program and knowledge generation (de Varela, 2012).

Concerning the strategies, TACRO II was implemented in the context of SICA. The activities planned were differently implemented taking into account countries' specific needs and different national contexts, but shared the following common objectives:

- mobilization of Governments and other relevant stakeholders of the program through problem identification and dissemination of results;
- promotion of laws and policies at national and local levels for the protection of children and young people from abuse and trafficking and for the definition of legislation and policies against organized crime;
- promotion of an effective partnership between the various stakeholders at national, regional and international level to respect the rights of children and adolescents, with special attention to gender issues;
- building a culture of respect for children and their fundamental rights;
- focus on reasons of unsafe condition of exploitation of children, and especially girls;
- creation of the community actions for the prevention and reintegration of child victims;
- strengthening of the legal protection of children at national and international level;
- training for social workers / psychosocial services;
- mapping of trafficking flows, collection of qualitative and quantitative data on gender, age and type of trafficking, monitoring the initiatives.

### *Results*

In order to give an overview of the results, different activities were grouped under four main categories.

#### **1. Strengthening justice systems and fighting impunity.**

In order to intervene on the juridical level, legislative reviews were done and adjustments of the penal code on crimes related to CSEC and trafficking achieved. Trainings

and researches targeting prosecution processes were carried out leading to the creation of specialized units to investigate CSEC. Alternative reporting mechanisms were established such as solidarity networks. TACRO II operators raised the need to investigate and try cases of CSEC as manifestations of organized crime; at the same time reporting methodologies between police and judicial authorities were explored. Inter-agency care protocols for CSEC were promoted in the region and repatriation of victims of trafficking ensured.

## **2. Decreasing the social tolerance and cultural patterns that legitimize CSEC and its invisibility.**

Campaigns were carried out to raise awareness of the need to prevent the “demand” for CSEC. Decision makers were given information about the inadequate institutional response to the phenomenon. The National Congress was also targeted by these awareness-raising activities. The Associations of Journalists and Media were involved and numerous reports were written on CSEC and, subsequently, disseminated to increase the population knowledge about the illegality of the exploitative practice.

## **3. Improving the effectiveness of social policies and protection systems.**

TACRO II promoted inter-agency coordination through the strengthening of the National Committee against CSEC and trafficking. Monitoring and evaluation mechanisms for children’s rights were developed. Lessons learned have been systematized to care for victims. A care model is now being tested and is in the process of institutionalization.

Tools to prevent the re-victimization of child victims were promoted such as the use of the Gesell dome and forensic psychology. The introduction of the Gesell dome, in particular, is seen as a powerful tool that changes the position of minor-victims within a structure that historically has neglected their rights. Through the Gesell dome, it is argued that psychologists and justice operators relate to the child-victim as an agent, thus, empowering children to gain an active role (de Varela, 2012). Hence, the technology seems to provide child victims of sexual abuse the opportunity to take an active role in their recovery path and to be finally seen as subjects in their full rights.

## **4. Prevention of trafficking for ESC, Internet child pornography and sex tourism.**

Staff of the regional and migration sectors received specific training about the “Trafficking” issue. Police officers and prosecutors in the region were also trained and their technical research units strengthened to combat child pornography on the Internet. Coordination between countries prosecutor to investigate cases was fostered. The Tourism sector reportedly signed codes of conduct, in coordination with the SICA / SITCA. Campaigns to prevent the ESC made.

Importantly the TACRO II has led to the approval of a new Procedural Penal Code in Salvador which is in turn sparking a review of judiciary proceedings that involve minor victims of sexual exploitation. In Guatemala a Law against Sexual Violence was approved and a Programme for the Compensation of Victims established (de Varela, 2012). While this is a good example of the impact of the Project on the top-down level of social intervention, there is also a broader social dimension that deserves attention.

Trainings and campaigns, in fact, initiated a debate on social attitudes toward sexual exploitation of children. However, a qualitative assessment of the project has raised some important points for further action. Teenagers have reported a lack of information about sexuality and the risks related to that. They identify the family as the first problematic space where the lack of such dialogue is manifested. Furthermore, the qualitative assessment shows that juridical operators as well as police officers have yet to fully endorse the CRC principles of equity between minor victims and adult perpetrators. Monitoring and follow up activities emerge as an important tool to ensure the sustainability of social changes that needs time to settle.

## **4.2 DEVELOPMENT PROJECTS AND COOPERATION PROGRAMMES FOR THE PREVENTION AND FIGHT AGAINST SEXUAL EXPLOITATION AND SEXUAL ABUSE OF CHILDREN IN ASSISTANCE**

In order to increase institutions' capacity to protect children victims of sexual violence, national and international networks emerge as extremely relevant tools. Both nationally and internationally, various organizations and authorities may deal with cases of abuse and exploitation. It is important that these different bodies may be able to effectively reach the common goal: protect the victim and prosecute the perpetrators, while minimizing the risk that the abuse or exploitation may perpetuate.

Protection systems, hence, necessitate coordinated actions between the different services providing assistance to victims. Development programmes can be important instruments to support and guide this type of inter-institutional cooperation. Multiregional and bilateral programmes emerge, once again, as valuable resources, however, funds for children and youth initiatives are also to be explored as tools to promote innovative actions. Involving different actors from the public and private sectors is important to ensure that victims may be assisted consistently.

Coordinated international actions are also required to curb the organized crime behind commercial sexual exploitation of children. National and international cooperation among police bodies may, in fact, be necessary to successfully investigate cases of abuse and exploitation. In this context are situated initiatives such as the Interpol international child abuse images database, which provide unique tools to enforce the law and hold persons or legal entities responsible for their crimes. Sharing national data for cross-border investigation is one of the many activities that require authorities to collaborate internationally.

The next sections present two good practices relating to the creation of a national fund for children victims of sexual abuse and sexual exploitation and a cooperation programme involving the mail Police and other national authorities. These projects are good examples of the type of cross-sectorial and inter-institutional action that can be fostered by development programs for the protection of children.

### **4.2.1 Fund for children victims of sexual abuse and sexual exploitation**

The Italian protection system of victims of sexual violence and sexual exploitation presents interesting measures that have been recognized around the world as good practices. For instance, victims of sexual violence and exploitation are granted residence permits for social protection reasons<sup>26</sup> independently of their collaboration with the police and justice personnel. On the contrary, other countries, that adopted the same instrument during the years 1990 and 2000, required victims to collaborate with the police and justice personnel to obtain the residence permit. The Italian protection system, hence, opens up a double track, giving victims time to feel safe first and collaborate with the police when and if they feel ready.

While the protection system in place presents valuable measures to support victims of sexual abuse and sexual exploitation, it also suffers from the lack of coordination among different providers. This, in turn, may unintentionally produce 'institutional abuse' leading to the abandonment or neglect of victims with dangerous consequences for the children and their families.

The Public Notice 1/2011 is part of a larger scheme of the Department of Equal Opportunity to improve the protection system of children victims of sexual violence. The Fund encourages different actors involved in the protection of sexually abused children to

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<sup>26</sup> See Article 18 of the single text on the immigration discipline and the status of foreigners ("Testo unico delle disposizioni concernenti la disciplina dell'immigrazione e norme sulla condizione dello straniero"), Legislative Decree n. 286 of 25 July 1998 and its successive modifications.

integrate their programmes as to maximize the rehabilitative potential and make sure that victims are not left behind due to bureaucratic delays or institutional gaps. Social, health and juridical services, hence, are called to collaborate through an integrated action between the public and the private sector.

By the way of a Public Notice for the award of grants to support pilot projects for the treatment of child victims of sexual abuse and exploitation, a call of proposal is launched and financed by the Italian Department of Equal Opportunities to support organizations working to protect and rehabilitate children victims of sexual abuse and sexual exploitation in Italy.<sup>27</sup> The total amount was 2.800.000 Euro for 18 months.

#### *Institutions involved*

The initiative is financed by the Italian Department of Equal Opportunities and involves different institutions from the public and private sector: From the public sector: regions, local institutions, ombudsman for children, the health local services, Universities, research centres.

From the private sector: private legal persons, NGO's, moral bodies, associations, foundations.

#### *Aims and objectives*

The goals of the Public Notice are:

- to promote innovative initiatives offering social care to minors victims of sexual abuse and exploitation;
- to integrate social, health and legal services in order to eliminate the non-homogeneity of the actions performed by such services;
- to identify guidelines concerning essential requirements for the protection and support of children abused or exploited.

To achieve that the Public Notice called for proposals for the distribution of an overall budget of 2,800,000 euros to finance projects that will include the following five steps:

- *Step 1*: carry out a social survey to gather information on the environment and social context of the child in order to assess risk factors at the individual and family level
- *Step 2*: take charge of minors for the purpose of clinical assessment and treatment to be carried out with the involvement of stakeholders from the health and regional authorities, such as paediatricians and general practitioners and hospital doctors in emergency rooms, neuropsychiatric services, counselling, and psychiatric services. In the event of removal of the child from the family, the project commits to place the child in the most appropriate structure (foster family, accommodation, etc.) in relation to the specific needs of the child and the characteristics of the trauma suffered.
- *Step 3*: take charge of the parents of the child-victim, secure protected meetings and the creation of an evaluation process and therapeutic recovery of parenting.
- *Step 4*: provide legal assistance to victims to secure children's best interest and their right to health while respecting the obligations of reporting and investigating the criminal offence consumed;
- *Step 5*: supporting the minor providing a life plan, fully developed, whether linked with a return to one's family or foster care and adoption.

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<sup>27</sup> The legal base of the Public Notice is Article 17 para. 1 of the Law n. 269 of 3 August 1998 concerning rules against the exploitation of child prostitution, child pornography and sexual tourism involving children as a new form of slavery. As part of its work to implement the Law, the Department of Equal Opportunity's has funded protection initiatives for victims of sexual violence between 2001 and 2009.

### *Structure*

An admission Committee of experts was created to select projects that participate to the Public Notice from different geographical areas of Italy. The admission Committee identified the procedure of participation, the typology of participants and the characteristics that the projects need to have.

### *Results*

The call for application for the Public Notice 1/2011 Fund closed in September 2011. The Admission Committee selected the projects taking into account, among other important criteria, the quality of partnerships proposed by applicants. Out of 105 projects presented, 80 were deemed admissible. At last, the admission committee selected 27 projects from different Italian Regions which will begin their work in November 2012 for a time period of 18 months.

The selected projects cover the national territory with a slight concentration on the centre and southern part of the country. 9 of these projects were presented as a joint partnership between private and public sector institutions, while others entail cooperation among different services within the health, juridical and social sector. In that sense, it is possible to say that the Public Advice has successfully stimulated collaborative efforts among different institutions involved in the protection of sexually abused children.

The projects will be monitored and the experience will be subsequently elaborated to formulate national Guidelines. The Department of Equal Opportunity, in fact, intends to establish a set of essential requirements to provide good quality care for children victims of sexual exploitation and sexual abuse.

## **4.2.2 DICAM**

DICAM means “Development of a methodology to identify and support children who have been sexually exploited for the production of child abuse images”. As the exploitation of children for the creation of such abusive image is a new phenomenon, it requires to be studied and examined in order to formulate an effective institutional response.

### *Institutions involved*

The Project was financed by the European Commission, DG Justice Freedom and Security, and managed by the NGO Save the Children Italy. DICAM involved three partners: the Postal and Communication Police Service of the Italian Ministry of Interior; the Italian Coordination of services against the mistreatment and abuse (CISMAI) and the observatory for the contrast of paedophilia and child pornography which is based in the Equal Opportunity Department, Italian Presidency of the Council of Ministers.

### *Aim and objectives*

The aim is to combat child pornography on the Internet.

Two specific objectives are identified:

- to increase the knowledge and skills of professionals working in the combat against child pornography;
- to develop a multidisciplinary model of operation and standardize the procedures in the following basic steps:
  1. Identification of child victims depicted in child pornography;
  2. Taking charge of the child victim;
  3. Therapy recovery of child victims.

### *Results*

A survey of existing good practices at the international level on the identification of child victims depicted in child pornography was accomplished.

A standardized model of intervention for the management of cases, from the identification to the recovery of the victim was developed.

18 training seminars were organized in 18 different Italian cities. The seminars involved: the Postal and Communications Police Service, the Police Headquarters, District attorney, Youth Courts and Public Prosecutor at the Youth Courts, centres and services members of CISMAI, operators working in the health and social services that deal with abuse, regional Ombudsmen for children and offices of social services for youth of the Ministry of Justice (USSM). Seminars focused *inter-alia* on the following issues: the sexuality of children and adolescents expressed through new media; online abuse; typologies and characteristics of the victims; the impact of images disclosure; new frontiers of paedophilia; “bad use” of the Internet by children; the classification and typology of child sexual abuse images.

An operational manual that describes in detail the standardized procedures was published.

### **4.3 INTERNATIONAL COOPERATION WORK ON INNOVATIVE COMMUNICATION POLICIES AND STRATEGIES AIMED AT STRENGTHENING POLICY DIALOGUE AMONG STATES**

Communication instruments have a special role to play to combat sexual violence against children. They can contribute to sexual violence prevention through awareness and information campaigns. This process is extremely valuable across all countries and may be geared toward specific aims depending on the context. In developing countries that present significant trends of sexual exploitation of children, for instance, awareness about the phenomenon may be raised to prevent more minors from falling victims of sex trade.

In order to provide effective and correct information on phenomena of sexual exploitation, it is crucial for stakeholders to build upon a common communication strategy. This is especially important considering that sexual exploitation may be rooted in specific cultural contexts of a particular country and yet take place in a different faraway geographical environment with different social and legal norms. Building common communication strategies calls for fruitful dialogues and collaborations between countries involved in the occurrence of a specific phenomenon.

The Media are an important resource that may be employed to promote awareness campaigns and dialogue on children’s rights issues. Responsible media can greatly contribute to child protection. As it has been repeatedly noted, however, it “can also victimize a child through insensitive reporting” (UNICEF, 2008). Communication is not neutral and Media’s room for damage is as vast as its ability to sway public opinion. As it has emerged in the consultations for the preparation of Rio de Janeiro’s 3<sup>rd</sup> World Congress, therefore, codes and guidelines on how the media should report certain issues should be encouraged.

In this regard it is interesting to mention the *Carta di Treviso*, adopted in 1990 by the National Council of the Italian Order of Journalists and updated the 30 March 2006 with the observations of the Guarantor Authority for the protection of personal data. The *Carta di Treviso* is a code of ethics that constitutes a binding norm of self-regulation for Italian journalists, as well as an exemplary and practical guide for all categories of communicator.

Relevantly to the subject of the Conference, the *Carta di Treviso* spells out journalists’ duty of placing the best interest of minors at the very centre of their work even at cost of sacrificing other interests. The Document regulates the way journalists handle information provided by and about children going into details about specific situations that may occur. For

instance, the *Carta di Treviso* indicates that stories covering cases of suicide or self-harm should not be explicit about the details of the events as to prevent emulation of children watching, hearing such news.<sup>28</sup> It also provides concrete guidelines on the treatment of information regarding adoption and foster care.

The Document, inserted in the Appendix of this paper, is one of the first of its kind. Few instruments aim at regulating journalists' activity taking such a specific child right approach. The promotion of the *Carta di Treviso* is also proving to be an opportunity to sensitize other private stakeholders of the Media industry on children's rights issues.

### **4.3.1 Preventing and combating trafficking of minors and young women from Nigeria to Italy**

Recognizing that a large number of minors and young women are trafficked from Nigeria to Italy and through Italy to other European destinations, the Italian Ministry of Foreign Affairs and Nigerian Institutions coordinated a common action to tackle this issue. The Project<sup>29</sup> developed two parallel actions against child trafficking: prevention and prosecution in both countries of origin (Nigeria) and destination (Italy). The multidisciplinary and multidimensional strategy adopted for the project entailed awareness campaigns, capacity building and institutional strengthening.

An important dialogue and network has been created between Nigeria and Italy which shall also develop protection and re-integration process for victims of the sex trade. The project offers an interesting example of cooperation between two countries with different socio-cultural environments that collaborate to provide a coherent response to the phenomenon that affects them. Creating the opportunity for exchange and feedback about the activities that are being carried out across the two countries is essential for such response to be effective.

#### *Institutions involved*

The Project was funded by the Italian Cooperation, and was implemented by United Nations Interregional Crime and Justice Research Institute (UNICRI) from March 2008 to May 2010. Activities in Nigeria have been carried out in cooperation with the United Nations Office on Drugs and Crime (UNODC) in Nigeria and the Nigerian National Agency for Prohibition of Traffic in Persons (NAPTIP). The total costs of the Project was 1.954.239,00 Euro.

Other partners were involved: Edo State Coalition against Trafficking in Persons (ENCATIP) composed of six anti-human trafficking NGO's: African Women Empowerment Guild (AWEG), Committee for the Support of the Dignity of Women (COSUDOW), Girls' Power Initiative (GPI), IDIA Renaissance, International Reproductive Rights Research Action Group (IRRRAG) Women and Action Initiative (WAI); also Italian Ministry of Equal Opportunities, Cooperation platform for Regions, Piedmont and Lazio Regions, Associazione Parsec and Coalition of 77 NGOs dealing with trafficking in Italy.

#### *Aim and objectives*

The overall aim of the project was to decrease substantially trafficking of minors and young women from Nigeria to Italy for the purpose of sexual exploitation. The following specific objectives were also identified:

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<sup>28</sup> Article 6 of the *Carta di Treviso*.

<sup>29</sup> UNICRI, Preventing and Combating Trafficking of Minors and Young Women from Nigeria to Italy, Final Report, Turin, 2011. The final report on the Project offers, among others, the following summary of results of the 16 activities performed in Nigeria and Italy over 24 months.

- to counteract trafficking of Nigerian minors and young women by creating conditions which lessen their exposure and vulnerability to traffickers through their economic, social and cultural empowerment;
- to prevent trafficking, assist victims of trafficking and foster their successful reintegration in areas of origin with the help of local NGOs;
- to support the Nigerian authorities in their response to trafficking and in developing and enforcing appropriate measures to fight against trafficking; and
- to disseminate lessons learned and best practices in the field of anti-trafficking and victims' assistance and reintegration.

### *Structure*

The Project entailed several activities implemented in Nigeria and in Italy addressing three target groups. Minors and young women formed one target group to be empowered to prevent human trafficking and to foster successful reintegration of victims. NGO's were also targeted for capacity and networking building aimed at strengthening their ability to combat trafficking for sexual purposes. The third group addressed were institutions such as NAPTIP, the National Monitoring Center in Nigeria and other regional bodies in Italy to foster information exchange and provide more appropriate response to trafficking.

### *Results*

The results of the Project are illustrated highlighting the three fields of intervention.

#### **1. Empowerment of children, boys and girls, and young women to prevent trafficking in persons and to foster successful reintegration of victims.**

To increase knowledge about best practices of interventions targeting Nigerian minors victims of trafficking in Italy, an action-oriented research on the services provided to this target group was realized and disseminated by a publication.

To increase communities' awareness on trafficking for sexual exploitation and the problems related to that, especially among minors and young women and the rural population in Edo State of Nigeria, awareness-raising campaigns were carried out at the local level by the Edo State NGO Coalition against Trafficking in Persons (ENCATIP), which consists of six NGOs. To expand income-generating opportunities for minors and young women in their local context various school supplies and posters and were distributed by the NGO coalition among schools, in markets, at social and religious events, and in key public places.

To improve assistance and services allowing effective reintegration of victims in Edo State, Nigeria, 22 schools were reached and 2,700 school girls and boys with a specific Awareness Rising Campaigns in Schools.

#### **2. Fostering NGO's capacity and networking skills to strengthen their work of preventing and combating trafficking**

To improve the capacity of ENCATIP (Edo State Coalition against Trafficking in Persons) to promote and carry out initiatives against trafficking in minors and young women, the Italian NGO TAMPEP was identified to be responsible for training local Nigerian NGOs. A two weeks intensive training course was organised representatives of NAPTIP and the NGO Coalition. Experienced trainers from Nigeria and Italy, as well as the UN and EU, participated to the course. The programme incorporated dramatic readings, interactive group activities, case studies and video presentations, to reinforce key concepts and strategies, while still humanizing the issues of trafficking and the plight of victims in Italy. The material distributed was to provide NGOs with additional resources about examples of interventions and of local and international networks.

To increase networking and cooperation between Nigerian and Italian NGOs assisting victims of trafficking, contacts and information exchanged between Nigerian and Italian

NGOs were promoted. More specifically, five events were organized in Italy in order to promote information sharing on the issues suggested by the NGOs network.

### **3. Institutional strengthening to create an appropriate legal and policy environment for the fight against trafficking.**

To empower NAPTIP to coordinate centralized and decentralized initiatives against trafficking in minors and young women, an information system named SIDDA 2000, a highly innovative and sophisticated software in use by the Italian National Antimafia Bureau and also Eurojust, was adapted with the involvement of NAPTIP's specialists. 1,000 files on suspects and offenders coming from local offices were uploaded into the database. This considerably improves the availability of data on trafficking in Nigeria.

To increase knowledge of relevant stakeholders of what works best to counteract and fight the trafficking in minors and young women for sexual exploitation purposes, a Coordination Platform was created to serve as a forum for information and experience exchange in assisting Nigerian victims of trafficking in Italy, and for developing an inventory of different initiatives and organizations operating in this field.

Finally, an important event that took place after the project is the signature of a Memorandum of Understanding between the Italian National Anti-Mafia Prosecutor (PNA) and the Executive Secretary of NAPTIP to fight the phenomenon.

#### **4.3.2 Toys**

Toys is an international campaign against child sexual tourism consisting in a video of 45 seconds addressed to tourists. The video explains that sex tourism is a crime pandemic to the entire the world. Various in-flight videos were made by different organisations during last decade. Toys, however, was not only shown during flights but, but it was also aired in others circuits to reach a considerably higher number of people.

##### *Institutions involved*

The Project was funded by the European Commission, realised by EURO RSCG Düsseldorf and managed in 1998 by Terre des homes Germany in collaboration with European Airline Companies as Lufthansa. During the years 1999-2001 the management of the project was extended to Terre des homes Italy in collaboration with European Airline Companies as Alitalia and also Italian cinema's, the Rome and Milan Airports, RAI and Mediaset TV channels. The Italian Association of Tour Operators, with the patronage of Italian Presidency of Council Ministers, the Italian Ministry of Foreign Affairs and UNICEF also became involved in the project.

It is an example of cooperation between public, NGOs and private sectors who productively worked together for the distribution of the campaign.

##### *Aim and objectives*

The overall aim of the project was to inform tourist and the public opinion on the fact that child sexual tourism is a crime.

The following specific objectives were also identified:

- to disseminate and distribute the video in the different areas in which tourists can be reached and informed;
- to promote the protection of children involved in the sexual tourism;
- to inform tourists that can combat this phenomenon by complaints against perpetrators and by being more attentive and responsible of situations in which children are involved in sexual tourism.

### *Results*

The places in which the video was distributed free of charge have been:

- European Airline Companies, which showed the spot during their long-distance flights, in particular intercontinental flights from Europe to Latin America and Asia destinations: Lufthansa, Alitalia, Air Europa, Olympic Airways, Sabena and the German charter airline LTU, during the years 1999-2001;
- advertising companies aired Toys at the International Airports of Milan and Rome during the same period;
- advertising companies presented Toys in the cinema circuit in 2001;
- Toys was aired in RAI and Mediaset TV Channels in 2001;
- the campaign was also presented in the reviews of the Italian Association of Tour Operators.

Around 3 million people were reached.

Toys received various awards, among them the UN-Grand Award for excellent public relations in Tokyo by the United Nations in co-operation with the International Public Relations Association (IPRA).

## CONCLUSIONS

The present document collects and summarizes information on initiatives tackling SESACA, to offer a general overview of the state of the art in this field and to provide a working basis for the International Conference in Rome, 29-30 November 2012.

The Conference is an opportunity for the exchange of views and cross-fertilization of experiences and initiatives promoted in the context of international cooperation to protect children from sexual abuse and exploitation. The Conference also addresses issues of relevance for the development of future lines of action for the international cooperation in the framework of Lanzarote Convention. International cooperation for the protection of children from sexual abuse and exploitation must be considered as a mean to safeguard children's rights, this perspective demands a child-centred approach as the golden rule in the prevention of the phenomenon, the protection of victims and the prosecution of crimes.

Remarkable progress has been made since the Stockholm's First World Congress, but several issues remain as critical points:

- the lack of data and the limited comparability of the available ones;
- the enhancement of legal framework and enforcement through the ratification and the effective implementation of relevant international legal instruments;
- the need for effective cross border, regional and international cooperation;
- the adoption of mechanisms for the mutual judicial cooperation and the implementation of extraterritorial principle;
- the importance of investing in prevention through the development of national health and social system, including school and more general welfare policies;
- the need to envisage the investment in this sector as an investment in the future and a way to reduce individual and community's costs deriving from the severe psychological, social and physical consequences of the trauma generated by sexual abuse and exploitation on millions of girls and boys;
- the active involvement of media and industry in the prevention and investigation of crimes, at national and international level.

The Conference will provide a useful forum to promote basic models of action in the various areas related to SESACA, similarly to what is indicated by *the Guidelines of the Italian Cooperation on Minors*. These models take into account the particularities of each country and area of intervention, but also allow for the analysis, discussion, comparison and sharing of the results.

Interventions should be distinguished according to the geographical level (local, national, regional or international), depending on the area (prevention, protection, prosecution of offenders, rehabilitation and reintegration of victims) and beneficiaries (children and adolescents, professionals, public officials, journalists, general public, etc.).

All actions should take into account the participation of children and adolescents, as a requirement deriving from international treaties, primarily the CRC but also the Lanzarote Convention, and a more and more widespread practice thanks to the efforts of governmental and non-governmental international organizations. It would also be appropriate to take into account the monitoring and external evaluations

For this reason, international cooperation projects, might consider adopting the Cycle Project Management (CPM) and the Logical Framework Analysis (LFA) working tools, which are recognized and used internationally by both countries' regional and international governments as well as by non-governmental organizations.

Finally, it would be useful to identify the parameters to select good practices to be disseminated at the international level. Competent bodies of international and regional governments and non-governmental organizations can provide valuable technical assistance to reach such goal.

## **APPENDIX I**

### **INTERNATIONAL LEGISLATION ON SEXUAL EXPLOITATION AND SEXUAL ABUSE OF CHILDREN AND ADOLESCENTS AND RELATING MATTERS**

#### **United Nations Organisations**

International Covenant on Civil and Political Rights (General Assembly resolution 2200A (XXI) of 16 December 1966)

International Covenant on Economic, Social and Cultural Rights (General Assembly resolution 2200A (XXI) of 16 December 1966)

United Nations Convention on the Rights of the Child (General Assembly, 20 November 1989)

Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Pornography and Child Prostitution (General Assembly, Resolution A/RES/54/263 of 25 May 2000)

Resolution “A world fit for children” (United Nations General Assembly Special Session for Children, Resolution S-27/2 of May 2002)

United Nations Convention against Transnational Organized Crime (General Assembly, Resolution 55/25 of 15 November 2000) and his Supplementary Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (2000) and Protocol against the Smuggling of Migrants by Land, Air and Sea (2000)

Resolution on Guidelines on Justice in matters involving Child victims and witnesses of crime (ECOSOC, 2005/20 of 22 July 2005)

Resolution on Trafficking in Women and Girls (General Assembly, A/RES/63/156 of 18 December 2008)

Resolution on Enhancement of International Cooperation in the field of Human Rights (General Assembly, A/RES/63/180 of 18 December 2008)

#### **Council of Europe**

Convention for the Protection of Human Rights and Fundamental Freedoms as amended by Protocols No. 11 and No. 14 (4 November 1950)

Convention on the Exercise of Children’s Rights (Council of Ministers, 25 January 1996)

European Social Charter (Council of Ministers, 18 October 1961)

Convention on Cybercrime (Council of Ministers, 23 November 2001)

Resolution on sexual exploitation of children: zero tolerance (Parliamentary Assembly, 1307/2002)

Convention on Action against Trafficking in Human Beings (Council of Ministers, 16 May 2005)

Recommendation on forced marriages and Child marriages (Parliamentary Assembly, October 2006)

Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (Council of Ministers, 25 October 2007)

Recommendation and Resolution on Child victims: stamping out all forms of violence, exploitation and abuse (Parliamentary Assembly, 1530/2007)

Resolution on prostitution – which stance to take? (Parliamentary Assembly, 1579/2007)

Resolution on Preventing the first form of Violence against Children: Abandonment at Birth (Parliamentary Assembly, 1628/2004 on 27 June 2008)

Resolution 1662: Action to combat gender-based Human Rights violations, including abduction of Women and Girls (Parliamentary Assembly, 1662/2009)

Recommendation on integrated national strategies for the protection of Children from violence (Council of Ministers, 10/CM/MS 2009)

Guidelines on Child-friendly Justice (Council of Ministers, 17 November 2010)

### **European Union**

Communication on fight against child sex tourism (European Commission, COM (1996) 547 of 27 November 1996)

Communication on fight against child sex tourism (European Commission, COM (1999) 262 of 16 September 1999)

Decision on combating child pornography on the internet (Council of Ministers, 2000/375/JHA of 29<sup>th</sup> May 2000)

Framework Decision on the standing of victims in criminal proceedings (Council of Ministers, 2001/220/JHA of 15 March 2001)

Framework Decision on combating trafficking in human beings (Council of Ministers, 2002/629/JHA of 19 July 2002)

Framework Decision on combating the sexual exploitation of children and child pornography (Council of Ministers, 2004/68/JHA of 22 December 2003)

Directive on the residence permit issued to third-country nationals who are victims of trafficking in human beings or who have been the subject of an action to facilitate illegal immigration, who cooperate with the competent authorities (European Commission, 2004/81 of 29 April 2004)

Communication “Fighting trafficking in human beings: an integrated approach and proposals for an action plan” (European Commission, COM(2005) 514 final, 18 October 2005)

Communication EU plan on best practices, standards and procedures for combating and preventing trafficking in human beings (Council of Ministers, 1 December 2005)

Decision on multiannual Community Programme on promoting safer use of the Internet and new online technologies (European Parliament and Council, 854/2005/EC of 11 May 2005)

Communication Towards an EU Strategy on the Rights of the Child (European Commission, Brussels, 2006)

### **Other International standards**

Stockholm Declaration and Agenda for Action (1<sup>st</sup> World Congress against Commercial Sexual Exploitation of Children, 31 August 1996)

Statute of the International Criminal Court (Rome Conference, 18 July 1998)

Convention n. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (International Labour Organisation, 17 June 1999)

Budapest Commitment and Plan of Action (preparatory Conference for the 2<sup>nd</sup> World Congress against Commercial Sexual Exploitation of Children, 21 November 2001)

Yokohama Global Commitment (2<sup>nd</sup> World Congress against Commercial Sexual Exploitation of Children, 20 December 2001)

Rio de Janeiro Declaration and Call for Action to Prevent and Stop Sexual Exploitation of Children and Adolescents (3<sup>rd</sup> World Congress against Commercial Sexual Exploitation of Children, 28 November 2008)



## APPENDIX II

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## APPENDIX III

### THE *CARTA DI TREVISO*

#### INTRODUCTION

#### THE *CARTA DI TREVISO* ENTERS THE GLOBALISED WORLD OF THE THIRD MILLENNIUM

The *Carta di Treviso* was a document and code of ethics launched and approved of in 1990 by the Italian Order of Journalists and FNSI (the Italian National Press Federation), with the concordance of “Telefono Azzuro” (the toll-free hotline for reporting child abuse) and Agencies and Institutions of the City of Treviso. It draws inspiration from the principles and values of the Italian “Carta costituzionale”, from the 1989 UN Convention on Children’s Rights and from European Directives.

The *Carta di Treviso* constitutes a binding norm of self-regulation for Italian journalists, as well as an exemplary and practical guide for all categories of communicator.

Since the birth of the *Carta di Treviso* on 5 October 1990, and after its assimilation into a subsequent code of ethics document, the *Vademecum Treviso*, in 1995, the topic of the protection of minors in the media has been at the centre of numerous initiatives by institutions and associations, with the creation of codes of self-regulation that the various categories of operator have diffused.

TV, press, cinema, advertising and internet are means of communication that are so integrated into society that they carry out an important and indispensable role in not only educating but also informing, above all when it comes to younger generations.

It is therefore imperative and pressing to activate specific actions for a greater knowledge and more rigorous observance of the rules and the codes of self-regulation, through the instruments already foreseen by the 1990 *Carta di Treviso* and 1995 *Vademecum*, that have already had many positive effects since their inception.

The modernization of the *Carta di Treviso*, 15 years from its birth, is a natural operative consequence and a coherent ethical commitment that the National Council of the Italian Order of Journalists has assumed in the light of new emerging truths that characterize the world of information in the third millennium and of the cultural and social scenarios of European unity.

#### THE *CARTA DI TREVISO*

The Italian Order of Journalists and FNSI, in the conviction that the treatment of information must be inspired by respect for the principles and values on which the Italian “Carta costituzionale” is rooted and in particular:

- the acknowledgment of the supreme value, on the level of community and State, of every human being with his or her inviolable rights, that must be not only be guaranteed, but also developed in order to help every human being to overcome the negative conditions that prevent him or her from fully expressing his or her own personality;
- the commitment of the entire Italian Republican State, in its various institutional articulations, to protect infancy and youth and so effectuate the right to education and acceptable human development;

declare to adopt the principles reasserted in the 1989 UN Convention on Children’s Rights and in the European Conventions that deal with the matter, anticipating the precautions

necessary to guarantee the harmonic development of the personalities of minors in relation to their life and their processes of maturation, and in particular:

- that the child must grow in an atmosphere of comprehension and that “for his or her physical and mental development needs, he or she requires special care and assistance”;
- that in all actions regarding minors, “the greater interest of the child”, must constitute the object of primary consideration and all the other interests must be sacrificed to this “the greater interest of the child”;
- that no child must be submitted to arbitrary or illegal interferences in his or her “privacy”, or to unlawful attacks to his or her honour and reputation;
- that the provisions that safeguard the confidentiality of minors are founded on the assumption that the representation of the facts of their life can bring about injury to their personalities. This risk may not be present however when the journalistic service gives positive prominence to qualities of the minor and/or to the family context in which he or she is developing;
- that the State must encourage the development of satisfactory codes of conduct so that the child is protected from information and multimedia that are harmful to his or her psycho-physical well-being;
- that the State must take appropriate legislative, administrative, social and educational measures in order to protect children from every form of violence, abuse, exploitation and injury.
- the Italian Order of Journalists and FNSI are mindful that the fundamental right to information may at times need to be limited when it comes into conflict with the rights of subjects in need of preferential protection. Inasmuch, without prejudice to the rights of reportage, whilst respecting its responsibilities and the facts of news items, it is considered of utmost importance to search for equilibrium with the right of minors to a specific and preferential protection of their psychophysical and affective integrity and of their relationships with others.

We consequently recall the norms required by laws in force.

On the basis of these premises and the ethical norms contained in Article 2 of the Institutional Law of the Italian Order of Journalists, and in addition to what is provided for by the Ethical Code annexed to codes regarding the protection of personal information (decree of Law 196/2003), in order to promote information given about minors that is most conducive to the growth of a culture of infancy and adolescence, the Italian Order of Journalists and FNSI set forth the following binding norms for media operators:

1) journalists are obliged to observe all penal, civil and administrative provisions that regulate the activity of the media and judicial reporting concerning minors, in particular when minors are involved in judicial proceedings;

2) the absolute anonymity of minors involved in facts of reportage is guaranteed, also when not being of penal importance, yet detrimental to the person, as author, victim or witness; such a guarantee may not be upheld when it is considered favourable to give positive prominence to minors and/or the family and social context in which they are developing;

3) to be additionally avoided is the publication of all elements that may lead to the identification of minors, including the name and address of parents, home address or residence, school, parish or social circles attended, or any other indication or element: disguised television images or on-line textual content and images that may contribute to their individuation. Analogous conduct must be observed for cases of paedophilia, abuse and crimes of every nature;

4) regarding cases of foster care or adoption and those of separated or divorced parents, without prejudice to the rights of reportage and criticism concerning the decisions of judicial authorities and the application of articles of law or legal inquiries, it is however necessary,

also to be used in these cases, to safeguard the anonymity of minors in order not to detrimentally affect the harmonic development of their personalities, in doing so avoiding sensationalism and any form of detrimental speculation;

5) children must not be interviewed or engaged in television and wireless radio transmissions that can offend their dignity or upset their psycho-physical equilibrium, nor must children be involved in forms of media communication that could be harmful to the harmonic development of their personalities, regardless of possible consent by the parents, foster parents or guardians of the children.

6) in the case of harmful behaviour or self-harm; suicide, rash gestures, running away from home, petty crime, etc.; committed by minors, without prejudice to the rights of reportage and the individuation of responsibilities, it is necessary to not emphasize those particulars that may provoke effects of suggestion or emulation;

7) in the case of minors that are ill, injured, disadvantaged or in difficulty it is necessary to pay particular attention and demonstrate sensitivity in the diffusion of the images and news items in order to avoid that, in name of compassionate feelings, news is sensationalised and ends in exploitation of the persons;

8) if, in the interest of minors, for example in cases of kidnapping or missing children, the publication of personal data and the diffusion of images is thought to be indispensable, the judgment of the parents and competent authorities will however be taken into consideration;

9) particular attention will be paid to the instrumentalization that can derive from interested adults to take advantage of, in their own interest, the image, activity or personality of minors;

10) such norms are also applied to on-line journalism, multimedia and other forms of journalistic communication that use innovative technological instruments for which the temporal availability of data will have to be taken into consideration;

11) all journalists are obliged to observe such rules in order not to incur the sanctions provided for by the Institutional Law of the Order.

The Italian **ORDER** of Journalists and **FNSI** recommend to all directors and editors of media to open a dialogue with readers and the public able to go beyond the simple provision of news and information; they emphasize that, in cases of vulnerable subjects, information and the reliability of sources must be most thoroughly cross-checked, with the contribution of experts, privileging, where possible, accredited services, and in any case, in such a way as to ensure an approach to the issues of infancy and minority that is not limited to the exceptionality of clamorous cases but that examine more closely; with inquiries, special reports and debates; the condition of minors and their difficulties, in daily life.

The Italian **ORDER** of Journalists and **FNSI** are committed, in their respective competences to:

- 1) identify instruments and occasions that consent a better professional culture;
- 2) emphasize in preparation texts for professional examinations topics concerning the handling of information about minors and ways of representing infancy;
- 3) invite the Regional Councils of the Italian Order of Journalists and the Regional Press Associations, with the possible contribution of other entities of the same category, to promote study seminars on the representation of vulnerable subjects;
- 4) activate a direct line of communication between the various professions engaged in the protection and development of children and adolescents;
- 5) involve the institutional entities dealing with the protection of minors;

6) consolidate the relationship of collaboration with authorities charged with ensuring compliance with laws and norms of radio, television and multimedia broadcasting;

7) promoting, on behalf of all associations of media communicators, a common commitment to safeguarding the interests of infancy in Italy;

8) continue the collaboration with FIEG (the Italian Federation of Newspaper Editors) for a common commitment to the defence of the rights of minors;

9) to draw the special attention of all those in charge of radio and television networks, providers and operators of every kind of media and multimedia to the rights of minors, also in transmissions of entertainment, advertising and in internet content.

## **EXECUTIVE NORMS**

The Italian Order of Journalists and FNSI are committed to:

- a) promote controls and checks provided for by the 1990 “Carta di Treviso”;
- b) promulgate existing regulations;
- c) meditate on the accessory sanction of the publication of disciplinary procedures;
- d) involve journalism schools as centers which sensitize professionals to problems inherent in the treatment of minors.

*(Text approved by the National Council of the Italian Order of Journalists at the meeting of 30 March 2006 and updated with the observations of the Guarantor Authority for the protection of personal data)*

*The Guarantor for the protection of personal data, Prof. Francesco Pizzetti, with the deliberation of 26 October 2006, reporting to Dr Mauro Paissan, confirms that the 1990 “Carta di Treviso” has been updated, with the relevant document published 13 November 2006 in the Official Gazette of the Italian Republic.*