

Thematic Mechanisms and Approaches

CHILDREN

Special Rapporteur on the sale of children, child prostitution, child pornography (E/CN.4/1997/95; A/52/482)

The mandate of the Special Rapporteur (SR) on the sale of children, child prostitution and child pornography was established by the Commission in 1991 and incorporated into the work of the question of the adoption of children for commercial purposes. In 1997, the SR was Mrs. O. Calcetas-Santos (Philippines).

The 1997 report included a review of concerns in the areas of causes, characteristics, victims and abusers, and effects on children. Commentary is included on legislative developments, programmes and initiatives, analysis of the causes and problems *in situ*, an inventory of resources, priorities related to strategies for action, problem areas in the justice system and proposals for follow-up to the World Congress against Commercial Sexual Exploitation of Children. The report noted a number of positive developments concerning the protection of children from forms of abuse that fall within the mandate of the SR. Among these developments are:

- ▶ increasing introduction by states of laws that are distinct from assistance provided under the general category of children in need and improved protection of child victims of sexual abuse and exploitation;
- ▶ a growing trend to increase penalties against abusers of children and to explore punitive measures other than imprisonment;
- ▶ the strengthening of police powers in some countries regarding child prostitution and pornography, including arrest without warrant and sting operations;
- ▶ wider acceptance of extradition of offenders and extraterritorial exercise of jurisdiction;
- ▶ increased emphasis on advocacy and prevention campaigns and reintegration and monitoring projects; and
- ▶ increased interest in prevention, including a higher use of education and media to inform children and the general public.

In terms of areas that require substantial improvements, the report made special mention of the justice system, noting that in many countries the system handles cases with insensitivity and contributes to the revictimization of the child or children concerned. The report also identifies problem areas related to law enforcement, prosecution, court procedures and recovery and reintegration.

Recommendations for action at the national level, included that states:

- ▶ institute regular training and sensitization programmes for specialized police officers dealing with child victims, adopting a victim-centred approach;
- ▶ prepare a police manual on procedures for handling children, to avoid re-victimization during the investigation process;
- ▶ if required, initiate reform against corruption and inefficiency within the police force to restore public confidence;
- ▶ establish operational mobile units for the surveillance of places where children are at greater risk;
- ▶ ensure effective enforcement of laws aimed at protecting children by, *inter alia*, providing incentives to law enforcement officials and encouraging cooperation with non-governmental community-based organizations; and
- ▶ involve the community and encourage its active participation in the law enforcement process, especially in monitoring abuse and exploitation of children.

Recommendations related to criminal proceedings, included that: courts give child victims pseudonyms to conceal their identity; records such as negatives, audio tapes and photographs be destroyed subject only to exceptions ordered by the court, and those not destroyed be sealed and not made available without the permission of the court; and, sight-separation procedures be observed during hearings through, for example, the use of one-way closed circuit television testimony.

Recommendations at the international level called on all states to:

- ▶ determine priority countries with which closer cooperation is needed to prevent trafficking in children;
- ▶ explore with these countries possibilities related to: synchronization of laws on the elements of crime against children, the nature and length of penalties that can be imposed, and rules of procedure, particularly in evidence gathering; arrangements by which abusers in a foreign country may be subject to prosecution either where the offence took place or in the country of the offender; negotiation and application of multilateral conventions in regions that share a similar political, legal and social system; and submission of requests for mutual judicial assistance in criminal matters;
- ▶ develop a quick and accurate exchange of information between law enforcement agencies and the judiciary internationally;