



# THE COMMERCIAL SEXUAL EXPLOITATION OF CHILDREN IN LATIN AMERICA

Developments, progress, challenges and recommended strategies for civil society

November 2014





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# TABLE OF CONTENTS

FOREWORD	i
ACKNOWLEDGEMENTS	ii
ACRONYMS	iii
EXECUTIVE SUMMARY	iv
<b>INTRODUCTION</b>	<b>1</b>
<b>SECTION 1. CONTEXT AND INTERSECTING VULNERABILITIES</b>	<b>3</b>
Demographic factors, economic inequality and child poverty	4
Social inequalities and education	4
Gender discrimination	5
Gender-based violence and violence against children	5
Urbanisation and child migration	6
Gangs and armed conflicts	7
Traditional and changing practices	7
Intersecting vulnerabilities leading to CSEC	8
<b>SECTION 2. CSEC MANIFESTATIONS AND EMERGING TRENDS IN LATIN AMERICA</b>	<b>9</b>
Exploitation of children in prostitution	11
Trafficking of children for sexual purposes	12
CSEC in travel and tourism	14
Sexual exploitation of children on-line	16
Child marriage	18

<b>SECTION 3. ADDRESSING CSEC IN LATIN AMERICA</b>	<b>20</b>
<b>NATIONAL PLANS OF ACTION</b>	<b>21</b>
<b>COORDINATION AND COOPERATION</b>	<b>23</b>
National and local level	23
Regional and international level	25
<b>PREVENTION</b>	<b>28</b>
Raising awareness: Campaigns, community mobilisation and communication	29
<b>PROTECTION: STATUS OF CSEC LEGISLATION IN DOMINICAN REPUBLIC, MEXICO, CENTRAL AND SOUTH AMERICA</b>	<b>33</b>
Child Prostitution	33
Child Pornography	34
Child Trafficking	34
Extraterritorial legislation	35
CSEC in tourism	35
<b>SUPPORT SERVICES</b>	<b>35</b>
<b>CHILD AND YOUTH PARTICIPATION</b>	<b>38</b>
<b>SECTION 4. CONCLUSION AND WAY FORWARD</b>	<b>40</b>
<b>Coordination and Cooperation</b>	<b>41</b>
<b>Prevention</b>	<b>43</b>
<b>Protection</b>	<b>43</b>
<b>Recovery and Reintegration</b>	<b>44</b>
<b>Child Participation</b>	<b>44</b>
<b>ENDNOTES</b>	<b>45</b>

# FOREWORD

Over the past decade, evidence has emerged worldwide suggesting that the sexual exploitation of children is becoming more pervasive and increasingly complex. Unprecedented developments in Information and Communication Technologies (ICTs) along with the erosion of social norms and sexual mores met with global trends that transcend national contours like poverty and the major growth in travel and tourism, all put an increasing number of children at risk of becoming victims to the various manifestations of sexual exploitation.

The sense of outrage and relentless efforts spearheaded over the years by ECPAT member organisations in collaboration with other stakeholders have undoubtedly led to progress on many fronts. Through its civil society network active in almost 80 countries and longstanding partnerships with a myriad of child protection agencies, ECPAT seeks to revitalise actions to end the commercial sexual exploitation of children in every region of the world.

The Strategic Framework that the ECPAT International Assembly sets forth every three years for the organisation is intended to guide in the achievement of this goal. The review and planning process that defines this Framework is meant to identify strategies and interventions needed to address the evolving and multi-faceted forms of child sexual exploitation. This Regional Overview on the Sexual Exploitation of Children in Latin America was compiled as part of the process to determine the Framework for 2015-2018.

In addition to mapping and examining the key socio-economic factors impacting the protection of children and the emerging trends related to child sexual exploitation in Latin America, the Overview assesses the status of actions taken against this crime within individual countries in the region. It also proposes recommendations for strengthening child protection systems and responds to the prevention, protection and recovery needs of child victims and vulnerable children. The document was validated during the ECPAT Regional Consultation in Panama City, Panama (5-7th, May, 2014), which led to the identification of regional priorities and strategies for enhancing political will and actions in Latin America.

The development and validation of the Overview was facilitated by Lesly Zambano Moreno, Regional Representative to the ECPAT International Board of Trustees and member of ECPAT Colombia-Fundación Renacer, ECPAT member organizations, officials of regional mechanisms and entities and child rights experts. We are indebted for their generous technical inputs, collaboration and commitment in fighting the commercial sexual exploitation of children.

The year 2014 marks the 25th the anniversary of the United Nations Convention on the Rights of the Child. ECPAT presents this Overview with a reminder to all duty bearers of child rights in Latin America that according to the Convention every child – regardless of background, ethnic origin, gender or location– has the right to live free from sexual exploitation. Protecting children from this intolerable crime is everyone’s responsibility and can only be realised with the commitment and support from all key stakeholders and sectors.



Dorothy Rozga  
Executive Director  
ECPAT International

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Significant review, consultation and planning went into the development of this Regional Overview that merits recognition and appreciation.

The Overview draws on ECPAT's Country Monitoring Reports on CSEC in each member country in the Region and relied on the substantive inputs from ECPAT member groups, partner organizations, child rights experts and Secretariat staff.

We would like to especially acknowledge the contribution of the following individuals and organizations: Lesly Zambano Moreno, Latin America Regional Representative to the ECPAT International Board of Trustees and member of ECPAT Colombia-Fundación Renacer, for leading the reviews, consultations and validation among the ECPAT Network in Latin America.

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## **Partner organizations and experts attending the Regional Consultation:**

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Special appreciation to the Programme team for their substantive inputs in compiling this document. The Overview was written by Fiorella Rojas, Fabio González Flórez and Alessia Altamura and edited by Alison Rahpael. The Overview was designed by Manida Naebklang. Overall project supervision was provided by Junita Upadhyay, Deputy Executive Director for Programmes.

# ACRONYMS

<b>ANA</b>	National Alliance of Adolescents
<b>CRC</b>	Convention on the Rights of the Child
<b>CSE</b>	Commercial Sexual Exploitation
<b>CSEC</b>	Commercial Sexual Exploitation of Children
<b>CST</b>	Child sex tourism
<b>ECLAC/CEPAL</b>	United Nations Economic Commission on Latin America
<b>EI</b>	ECPAT International
<b>ICMEC</b>	International Centre for Missing and Exploited Children
<b>ICTs</b>	Information and communication technologies
<b>IDB</b>	Inter-American Development Bank
<b>IIN</b>	Inter-American Children's Institute
<b>ILO</b>	International Labour Organization
<b>INHOPE</b>	International Association of Internet Hotlines
<b>MDGs</b>	Millennium Development Goals
<b>MERCOSUR</b>	Southern Cone Common Market
<b>NGO(s)</b>	Non-governmental organisation(s)
<b>NPA</b>	National Plan of Action
<b>OAS</b>	Organization of American States
<b>OP3 CRC</b>	Optional Protocol to the Convention on the Rights of the Child on a communications procedure
<b>OPSC</b>	Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography
<b>TACRO</b>	UNICEF Regional Office for Latin America and the Caribbean
<b>TIP</b>	Trafficking in Persons
<b>UNCRC</b>	United Nations Convention on the Rights of the Child
<b>UNFPA</b>	United Nations Fund for Population Activities
<b>UNODC</b>	United Nations Office on Drugs and Crime
<b>REDNNYAS</b>	Latin American and Caribbean Network of Children and Adolescents
<b>SESI</b>	Social Services for Industry
<b>SICA</b>	Central America Integration System
<b>UNASUR</b>	Union of Latin American Nations
<b>UNHRC</b>	United Nations Human Rights Council
<b>UNICEF</b>	United Nations Children's Fund
<b>USDS</b>	United States Department of State
<b>YPP</b>	Youth Partnership Programme



# EXECUTIVE SUMMARY

Although the commercial sexual exploitation of children (CSEC) has gained increased visibility in recent years, children and youth are more at risk than ever of being sexually exploited; the Latin America Region is no exception. This Overview includes information and analysis on CSEC in Spanish-speaking countries in South and Central America and the Dominican Republic.

Despite overall economic progress in the region, persistent social problems – unequal income distribution, heavy dependence on the informal sector, political instability and high prevalence of crime and violence – impact negatively on development. Large numbers of children are living in poverty. Indigenous and Afro-Latin minorities and women experience especially high incidence of poverty, as well as discrimination and, in the case of women, violence. Other underlying factors contributing to the growth of CSEC in the Region include high levels of youth migration to urban areas; the presence of gangs and organised criminal networks involved in all forms of trafficking; and traditional cultural norms and practices that tolerate violence against women and children, as well as prostitution. Estimates indicate that 2 million children are victims of CSEC in the region.

## Specific Manifestations of CSEC

*Prostitution:* The use of children in prostitution is common across Latin America. In most cases, these businesses are controlled by, or have close relationships, with criminal groups and networks involved in smuggling. Children forced into prostitution are often perceived as criminals rather than victims, both in communities and by law enforcement.

*Trafficking:* Latin American countries are source, transit and destination countries for human trafficking, exacerbated by porous borders that contribute to cross-border trafficking of arms, drugs and people. In the Americas, around 27% of victims of trafficking are under 18 years of age, and more than 50% are trafficked for sexual purposes. The dearth of measures to enforce anti-trafficking laws, combined with high levels of mobility, combine to facilitate the trafficking of children for sexual purposes.

*Child Sex Tourism:* Steady increases in the number of travelers to the Region have reportedly led to increased demand for sexual activity with children, especially by tourists from European countries and the United States and during large-scale sports or cultural events. As this phenomenon increases, new forms of recruitment and venues for exploitation are evolving, such as real and virtual “tour guides” and house rentals by tourists where vulnerable children are brought to serve as prostitutes or as subjects of child pornography.

*CSEC and ICTs:* The expansion in information and communication technologies (ICTs), combined with the increased popularity of cyber cafés and a lack of child protection measures, has exposed more and more Latin American children and adolescents to online threats and vulnerabilities, including grooming for online and offline exploitation and “sexting”. ICTs are also being used increasingly to make the prostitution of children less visible, often most arrangements are made online or via cell phone, and for the distribution of child abuse images.

## Addressing CSEC in the Americas

Although many CSEC activities are prohibited by law in the region, their complexity is often poorly understood by law enforcement and justice personnel. For example, most countries have laws against trafficking in persons, but few take the measures needed to assist and rehabilitate child victims.

Most countries in Latin America designed National Plans of Actions against CSEC, but implementation has focused on law enforcement actions (without measures to detect and assist victims), or has not been followed through. Efforts in areas such as data collection and addressing CSEC in tourism and via ICTs are generally absent or weak; exceptions include Costa Rica, Brazil, and Uruguay. Some countries focus exclusively on a specific manifestation of CSEC (e.g., trafficking or eliminating the worst forms of child labour). In addition, several countries now include anti-CSEC efforts in broader national child protection plans or programmes, with responsibilities often delegated to regional or other local authorities and coordination taking place among agencies or ministries at the national level.

ECPAT members groups have established fruitful collaboration with different ministries, the police, the judiciary, local and municipal administrations, inter-agency bodies responsible for addressing CSEC and independent monitoring mechanisms (such as Human Rights Commissions). They have also built successful partnerships with other NGOs, community-based organisations and national child protection networks, the private sector and the media, as well as UN agencies, international child rights organisations and regional networks.

An important channel for regional cooperation and coordination, the Organisation of American States addresses children's rights through a human rights court and commission, as well as the Inter-American Children's Institute, a specialised body responsible for promoting and protecting child rights in the Americas, which plays a key role in addressing CSEC.

Some sub-regional bodies are also playing a stronger role in combatting CSEC, such as MERCOSUR.

## Way Forward

As a leading organisation in this field, ECPAT, through its active networks in 12 Latin American countries, can play a leading role in advancing child protection from sexual exploitation in the Region by addressing the remaining gaps in prevention, policy and legal frameworks, coordination and cooperation, recovery and reintegration and child and youth participation. Among the strategies and actions needed are:

- Improving and standardising data collection and analysis to better measure the extent of CSEC across the region, through collaboration with academic institutions, government agencies and regional and sub-regional entities
- Leading efforts to improve regional collaboration and bringing diverse stakeholders together to address issues that can be better addressed through cooperation among countries, such as child trafficking for purposes of sexual exploitation
- Promoting multi-actor partnerships involving the private sector, civil society and local governments to address CSEC prevention; documenting successful strategies for purposes of advocacy; working with sub-regional and other entities to eliminate the factors that make children vulnerable to CSEC
- Encouraging development of a regional agreement or treaty to combat CSEC
- With appropriate partners, designing policies and procedures to ensure the successful recovery and reintegration of child victims of commercial sexual exploitation
- Identifying ways to bring the voice of child victims to public and decision-making fora, using platforms such as the Pan-American Congress and the reporting mechanisms to the UNCRC and UNHRC.



## INTRODUCTION

Although the commercial sexual exploitation of children (CSEC) has gained increased visibility in recent years, children and youth are more at risk than ever of being sexually exploited. Latin American countries are no exception when it comes to this serious violation of children's rights. Whilst the true scope of the problem remains unclear— due to inadequate legislation, lack of reliable data and under-reporting – there is evidence that certain forms of sexual exploitation are increasing and evolving, particularly the trafficking of children for sexual purposes, CSEC in tourism and online child sexual exploitation. All these crimes have serious and long-lasting physical, psychological and social effects not only for directly affected children and youth, but also for their families and communities. Regrettably, despite significant efforts deployed to curb CSEC in Latin America, much still needs to be done to protect, rehabilitate and reintegrate victims, provide reparations to children for the damage they have suffered, sanction those responsible, change

certain social norms, and ultimately, to prevent such exploitation. Recognising the need to ensure greater protection of children's right to live free from all forms of commercial sexual exploitation, ECPAT is committed to revitalising and expanding effective actions to end this scourge in Latin America. As part of this process, it has prepared this Overview of CSEC in the Region to facilitate the setting of priorities and the development of strategies and concrete plans to address this issue in the short and medium term. Based on an in-depth literature review and information provided by ECPAT groups in the region, the Overview examines push and pull factors contributing to CSEC in Latin America and its various manifestations and emerging trends, while also providing an evidence-based analysis of progress, challenges and key priority areas of action. The report includes information on the entire Region.



**SECTION 1.  
CONTEXT AND  
INTERSECTING  
VULNERABILITIES**

A wide range of factors and layers of vulnerability related to children as individuals, their families and the socio-economic context in which they live result in their becoming victims of commercial sexual exploitation. In Latin America, as in other regions, several structural factors underpin violations of children's rights, influencing their extent and nature. These include:

## Demographic factors, economic inequality and child poverty

Latin America has been a key player in the global economy during the past years. According to the Economic Intelligence Unit at *The Economist*<sup>1</sup>, Latin American countries may double their income per person by 2025 if growth trends are maintained. Nevertheless, persistent social problems – such as the unequal distribution of income, heavy dependence on the informal sector, political instability and high prevalence of crime and violence – impact negatively on the region's development.

The Population Division of the United Nations Department of Economic and Social Affairs estimated that approximately 108 million children and adolescents between the ages of 10 and 19 lived in Latin America and the Caribbean in 2008.<sup>2</sup> Nearly 81 million (about 45 percent of this population group) live in poverty and lack adequate access to education, health care and other forms of social protection. While Latin America and the Caribbean, unlike much of Africa, have already reached its demographic peak, it is expected that the proportion of young people in the population will remain high in coming years,<sup>3</sup> thus creating increased demand for education and jobs.

According to the Economic Commission for Latin America and the Caribbean (ECLAC) and other official sources, Latin America has the most unequal income distribution in the world.<sup>4</sup> Heavily represented among those living in poverty are children and youth,<sup>5</sup> indigenous peoples, Afro-descendants and

women. In recent years the region's population has undergone a major shift from being overwhelmingly rural to predominantly urban. Currently, 80% of Latin Americans live in urban areas;<sup>6</sup> the majority of those living in poverty now live in urban slums. Poor income distribution is sustained by what some have called the "pillars of inequity" that characterise the socio-economic and political structures of society: the labour market, the governance architecture, education and social protection and the public service system. Nearly three-quarters (71.9%) of the economically active population in Latin American countries work in the informal, un/semi-skilled sector where low financial yield, negligible earnings and insecure conditions prevail. This results in precarious livelihood conditions and generates only 10.6% of the overall GDP.<sup>7</sup> In contrast, the formal sector, employing just 8.1% of the economically active population, includes skilled workers doing jobs with high output and earnings, accounting for 66.9% of GDP.<sup>8</sup>

Economic inequality and poor income distribution in Latin America has resulted in large numbers of children living in poverty. According to the ECLAC study on Child Poverty (2000)<sup>9</sup>, in Mesoamerica (Central America and Mexico) approximately 4.4 million children were living in poverty and 5.7 million in extreme poverty. The incidence of child poverty in Central America and the Andean Region (Bolivia, Ecuador, Peru) is also high; millions of children are malnourished and lack access to adequate housing, potable water, education and other basic services.

## Social inequalities and education

Inequalities in income distribution are closely linked with social inequalities such as the lack of access to education and low attainment, which impact on labour participation.<sup>10</sup> In Latin America, participation in secondary education is a key determinant for entry into the formal labour market.<sup>11</sup> A minimum of nine years of study marks a boundary to be crossed to enable access to basic employment in the formal

sector, influencing future lifelong opportunities.<sup>12</sup> Access and transition to secondary education however, is low across the region. Indigenous and Afro-descendant minorities (representing approximately 31% of children in the region<sup>13</sup>) have fared worse than other population groups in regard to access to and completion of basic education. Studies show, for example, that indigenous children living in both rural and urban areas have significantly less access to education than their peers, ranging between 170% in rural areas and 90% in urban areas.<sup>14</sup> Educational inequality therefore remains pervasive, resulting in higher poverty rates among indigenous peoples, even when compared with other disadvantaged populations.<sup>15</sup> However, studies indicate that the long-term return on education for indigenous groups is low, as it does not appear to significantly increase earning capacity, underscoring deeper barriers of ethnic-based discrimination.

## Gender discrimination

Data from 2009 show that poverty in Latin America is 1.15 times greater among women than among men, and 1.7 times higher among children under 15, who often live in female-headed households.<sup>16</sup> Studies also indicate that the proportion of female-headed households has increased in all countries of the Region and is marked by an accompanying trend toward a deepening poverty gap between adults and children. In some countries the gap is particularly pronounced; in Uruguay, for example, poverty is 3.1 times higher among children than adults.

Although Latin America has achieved gender parity (or a ratio that favours girls) in primary education, gender differences widen at the level of secondary education, particularly for minorities.<sup>17</sup> Thus despite reaching this important Millennium Development Goal (MDG), the Latin American and Caribbean Region ranked fourth of nine for economic participation and opportunities for women, based on the 2012 report of the World Economic Forum.<sup>18</sup> Clearly, improved access to education for girls,

despite progress, has not eliminated gender-based employment and earning gaps in later life.

In Latin America, 71% of women are active in the labour market<sup>19</sup> and present in the informal sector, where earnings are lower than other sectors, irrespective of education levels. The presence of gender earning gaps across the spectrum of the labour market in the Region reflects pervasive and deeply entrenched gender discrimination and inequality in other spheres, such as family structure and organisation, social protections and legal constructs.

## Gender-based violence and violence against children

Discrimination also manifests itself in the form of violence against women. According to Morrison, Ellsberg, and Botts, in Latin America and the Caribbean 22 studies in 15 different countries demonstrate that between 7% and 69% of women have been physically abused by an intimate partner at some point in their life.<sup>20</sup> The majority of studies estimate lifetime prevalence (at least one episode in lifetime of sample) of intimate partner violence at between 20-50% of women.

Latin America and the Caribbean ranks among the most violent regions in the world, with violence disproportionately affecting children, adolescents and youth. Data from the World Report on Violence against Children (2006) shows that Latin America and the Caribbean has the highest rates of homicides among 15-17 year-olds.<sup>21</sup> Violence is usually more severe in large urban areas and has become “routinised” or “normalised” into the functional reality of daily life. In Brazil’s “*favelas*”, for example, the population is under constant threat from drug dealers who rule neighbourhoods; frequent shootings and the intensity of the violence exposes children to physical and mental risk and to extreme psychological trauma.<sup>22</sup> A 2009 study entitled “Opening Spaces for Citizen Security and Human

Development”<sup>23</sup> identifies six forms of “invisible crimes” against children in Central America: murder, forced participation in criminal activities, police brutality, domestic abuse, sexual abuse and assault and forced labour and prostitution.

The Central American Region has the highest rates of violence occurring in the home, upending the popular belief that home is the safest place. In fact, home is where women, girls and boys suffer all forms of abuse. It has been estimated that more than 6 million children suffer abuse and more than 80,000 die each year as result.<sup>24</sup> Furthermore, recent studies show that sexual abuse is a frequent phenomenon in urban Latin America, affecting up to 2 million children and adolescents in Colombia and up to 1 million in Mexico.<sup>25</sup> Domestic violence often pushes children to leave home, increasing their vulnerability to all forms of exploitation.

Violence against women and children, including sexual violence and exploitation, is facilitated *inter alia* by cultural and historical norms that associate the concept of masculinity with machismo (i.e. control and domination) and the concept of femininity with submission and dependency, closely identified with childhood. The way gender is socially constructed leads not only to the legitimisation of the constant search for new and more sexual experiences on the part of men (i.e. prostitution), but also explains why in Latin America many boys are rejected by their families due to their homosexuality, and encounter difficulties reporting the sexual abuse and exploitation they suffer due to discrimination and widespread homophobia.

## Urbanisation and child migration

Urbanisation is a response to the fact that in most countries investments in industry and services, which generate jobs, are concentrated in urban centres. In Latin America approximately 80% of the population resides in towns and cities. Migration can thus represent a purposeful strategy for the individual

or household to improve livelihood, education and social prospects. The rate of movement to urban areas within countries of the Region is particularly high among children and young people.

Whilst according to UNICEF the percentage of international migrants under the age of 20 is low globally (13% of migrants), data indicate that the Latin American Region has the second-highest number of international migrants under the age of 20 (18%), second only to Africa (24%).<sup>26</sup> It is estimated that one in five migrants from the Region is a child or adolescent<sup>27</sup>, but no estimates of the scale of internal and intra-regional child migration are available.

***Few Latin American countries have adopted specific measures to ensure the rights of migrant children. This results in a lack of protection, social services and specialised care of children on the move, and increases child vulnerability to harm and all forms of exploitation, including sexual exploitation.***

Moreover, it is well known that Central America serves as a passageway from South to North America for traffickers of illegal substances, persons, weapons and other goods. This situation tends to facilitate child trafficking for sexual purposes and commercial sexual exploitation by providing an environment where criminal networks can operate freely and are socially accepted, due to corruption and the increased resources they often provide to local areas.<sup>28</sup>

Much attention has recently been focused on the massive flow of unaccompanied children migrating to the United States through Mexico. Even though such crossings have been constant over many years, the current situation is receiving particular attention because of the increased number of children making this dangerous journey alone (mainly from El Salvador, Honduras and Mexico). In its report on the situation, the Inter-American Commission on Human Rights expresses concern, as the “...situation includes homicides, kidnappings, disappearances,



acts of sexual violence, human trafficking, migrant smuggling, discrimination, and the detention of migrants without due process guarantees and judicial protection. The extreme vulnerability to which migrants and other persons fall victim in the context of human mobility in Mexico is one of the worst human tragedies in the Region today.”<sup>29</sup>

As outlined in other sections, states in the Region have not taken specific measures to address the needs of child migrants in origin, transit or destination countries. That said, the abovementioned situation is a consequence of unaddressed structural problems, not migration itself. Along with those in indigenous and Afro-descendant communities, children in migrant settlements are highly vulnerable to CSEC, as reported by ECPAT groups in countries such as Colombia, Guatemala and Mexico. This issue was recently raised at the Civil Society Forum as it prepared for the Organisation of American States (OAS) Pan-American Congress in August 2014. In the Forum’s final declaration, NGOs from throughout the Region recognised the importance of addressing structural causes of problems affecting child migrants, including CSEC, and urged OAS Member States to take immediate action.<sup>30</sup>

## Gangs and armed conflicts

Gang violence affects the lives of adolescents in most countries. Although some are older, most gang members are typically 12–14 years old. Children – mainly boys – join gangs for a variety of reasons, including family expulsion, parental neglect, poverty, social exclusion and lack of educational opportunities. For gang members, peers can become like families, offering emotional support; yet in these circumstances girls are frequently subjected to sexual violence as well as being forced into combat and other roles.

During armed conflicts, there is an increased tendency for acts of sexual violence, especially against women and girls. For example, in Colombia, a survey looking at the armed conflict ongoing from 2001 to 2009 found that close to half a million females were victims of sexual violence. Girls involved in irregular armed groups (such as guerrillas and paramilitary groups operating both in rural and urban contexts) often faced gender-related pressures, such as being forced into sexual liaisons with leaders or others.

## Traditional and changing practices

A number of traditions and customs have contributed to make children and adolescents vulnerable to sexual abuse and exploitation. In Latin America, the longstanding tradition of *padrinazgo* (tutelage/godfather)<sup>31</sup> is observed commonly in rural communities where the family entrusts their child to live with a third party who is expected to provide room and board, education and an all-round better standard of living. Unfortunately, in some cases the person entrusted to care for the child facilitates or carries out sexual abuse and exploitation. Historically in Bolivia, “*criadas and ahijadas*” (maids and goddaughters) were orphaned girls or those from extremely poor backgrounds and indigenous backgrounds who received tutelage from upper-class families to work as domestic servants. The employers (*patrones*) agreed to serve their employees “godfathers” so that they could “adopt” their children and use them as domestic servants. The biological parents believed their children would be educated and their living conditions would improve; however many children ended up as victims of child labour and sexual exploitation.<sup>32</sup>

## Intersecting vulnerabilities leading to CSEC

The literature shows a series of often-linked factors that contribute to children's increased vulnerability to commercial sexual exploitation in Latin America, including: poverty, inequality, social exclusion, discrimination based on ethnicity or gender, lack of access to education and protection from family and institutional environments, as well as sexual abuse and intra-family violence. Other root causes, such as lack of employment opportunities, forced migration and repression exacerbate the potential for CSEC.<sup>33</sup>

For example, the preliminary results of a qualitative study on factors facilitating CSEC in the Dominican Republic show that more than 67% of the families interviewed lived below the poverty line in Puerto Plata and more than 36% in Santo Domingo. Eleven percent of the children who participated in the study had been victims of sexual abuse (especially girls), and 57% of those interviewed said they left their homes due to domestic violence. Upon leaving, these children became vulnerable to sexual exploitation by criminals.<sup>34</sup> In this case, at a minimum the linked factors of poverty and domestic violence and abuse increased girls' vulnerability to CSEC.



**SECTION 2.  
CSEC MANIFESTATIONS  
AND EMERGING TRENDS  
IN LATIN AMERICA**

Commercial sexual exploitation of children in Latin America has increased over the past years. Despite very limited, or non-existent, information systems and reliable evidence by public entities, more victims are being identified by ECPAT groups in the countries of the region. The way children are victimised has also changed, and emerging trends such as on-line sexual exploitation remain poorly addressed and understood.

***The use of children in prostitution is common across Latin America. The presence of open, tolerated zones and facilities for the sex trade catering to adults often facilitates the use of children. In most cases, these businesses are controlled by, or have close relationships, with criminal groups and networks involved in drug smuggling and trafficking of persons.***

Recruitment of children for CSEC is increasing in environments meant to be safe, such as schools, communities and families. Public tolerance of CSEC is also reported in all countries, and child victims are typically subject to public rejection and perceived as criminals rather than victims, both in communities and by authorities. In countries such as Bolivia, Colombia, Guatemala and Nicaragua children from indigenous and Afro-descendant communities have been found to be the most vulnerable – a serious concern in a Region that hosts more than 100 million children from these communities<sup>35</sup>. ECPAT Groups in Chile, Colombia, Guatemala, Mexico, Nicaragua and Peru have reported that children from migrant, indigenous and Afro-descendant communities are more vulnerable to CSEC; which is more a consequence of socio-economic structural barriers than of specific cultural traditions.

According to the United Nations Office on Drugs and Crime (UNODC)<sup>36</sup> 17% of the victims of trafficking in persons in the world are girls and 10% are boys. In the Americas, UNODC estimates that 27% of victims of trafficking are under 18 years of age, and more than 50% are trafficked for sexual purposes. Despite implementing measures aligned with the

UN Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography (OPSC), only limited steps have been taken by Latin American states to protect children from trafficking for sexual purposes and to assist child victims. This dearth of measures – combined with the high levels of mobility in the region, the use of several routes for transnational crime (drug and weapons trafficking, smuggling of immigrants, etc.), and increasing demand in the sex market in destinations all over the Region – facilitates the trafficking of children for sexual purposes. Victims are trafficked internally or across borders to neighbouring countries, taking advantage of open or poorly controlled borders.

***Increases in the use of information and communication technologies, as well as rapid improvements in connectivity in the Region, have laid the groundwork for emerging trends in child sexual exploitation.***

The average global Internet penetration is 34.3%; in South America it reaches 48.2% and in Central America 32.6%.<sup>37</sup> Users of third-generation mobile networks increased from zero to 117 million between 2004 and 2012.<sup>38</sup> Although official information systems are not active in any Latin American country, governments have reported a recent increase in reported cases of child abuse images being shared through *peer-to-peer* technology, as well as practices such as “sexting” and grooming.<sup>39</sup> ECPAT groups in the Region also report that the early use of mobile technology such as cell phones and tablets has facilitated taking pictures and videos with sexual content by young people for further sharing, exchange and bullying.

According to the Inter-American Development Bank (IDB)<sup>40</sup>, tourism in Latin America grew by 50% during the last decade, representing on average around 6% of national incomes in the Region. Improved tourism infrastructure in most countries has led many foreign travellers to consider Latin America as a preferred destination and spurred increased domestic and regional tourism by Latin Americans.

***This massive flow of tourists to destinations with high levels of inequality has reportedly led to increased demand for sexual activity with children, especially by tourists from European countries and the United States. Tourism destinations tend to be permissive, facilitating contact with sex markets where adolescents can be contacted (brothels and surrounding areas) or permitting child sex abuse by tourists in hotels or rented apartments.***

Such activities may even be offered as part of the tour package. In recent years, authorities in some countries have implemented measures to identify the presence of underage persons in these locations. But this has had the effect of hiding the victimisation, as exploiters use cell phones and Internet to arrange contact between children and abusing tourists. ECPAT groups have reported this as a barrier for identifying victims, both for authorities and civil society organisations. This change in *modus operandi* has also made the investigation and prosecution of offenders much more difficult.

Child marriage as a form of CSEC in Latin America is another serious concern. By the beginning of the last decade, 11.5% of girls between 15 and 19 years of age in Central America and the Caribbean were married;<sup>41</sup> a similar trend was detected in South America. According to the United Nations Population Fund (UNFPA) worldwide estimates suggest that if current trends in child marriage continue, by 2020 around 142 million girls will have married before reaching age 18.<sup>42</sup> In this context, the permissive nature of legislation in Latin American countries demands attention. Children with parental consent can marry as young as 12 years old in Uruguay, and as early as 14 in Mexico, Venezuela, Guatemala, Nicaragua, Panama and Bolivia. Argentina, Chile, Costa Rica, Colombia, Dominican Republic, and Paraguay set the bar at 15 or 16 years.

The following sub-sections provide further details on different manifestations of CSEC and recurring and emerging trends in the Latin American region.

## Exploitation of children in prostitution

*The use of children in prostitution is defined in the OPSC as “. . . the use of a child in sexual activities for remuneration or any other form of consideration.”<sup>43</sup> Although no reliable official data are available, it has been estimated that around 2 million children between 11 and 17 years of age are sexually exploited in Latin America.<sup>44</sup> According to information provided by ECPAT groups in the region, most cases involve third parties who profit from the situation and are generally associated with nightclubs and tied to criminal networks.*

“...The use of young girls and adolescents in places where alcoholic beverages are served has been identified; here they incite clients to consume more in exchange of a percentage on the revenue (...) These girls are known as *jaladoras* (“pullers”) or ‘client callers’...”

The age and gender of the child defines the location where abusing clients contact victims in both rural and urban areas<sup>45</sup>. The majority of cases involve girl children and adolescents, who are often contacted in public settings offering sex with adults. In Colombia adolescents are easily disguised as being over 18 years of age through the use of false identifications, and avoid authorities by hiding when raids take place<sup>46</sup>. Both adolescent women and younger girls are contacted in open public locations, mainly at night. Similar trends were identified across countries in the Caribbean, Central and South America. In the Dominican Republic, for example, children are contacted by abusers in public parks, streets surrounding night entertainment areas and hidden places, such as under bridges.<sup>47</sup> Likewise, in Uruguay children are contacted in ports and near industrial areas where local workers and truck drivers spend their free time.<sup>48</sup> Areas such as streets and parks are also used to make contacts with boys and adolescent males. Given the strong prejudices in Latin America

against homosexuality, victimisation of male victims tends to be more clandestine and abusing clients prefer to avoid public exposure<sup>49</sup>, except when establishing contact in entertainment locations for the LGBTI community. In Guatemala, ECPAT has identified cases of male adolescents offered as escorts to women through online announcements, chats and websites.<sup>50</sup>

To reduce the public visibility of the child sex trade, increased use of cell-phone contacts for pre-arranged encounters with male and female children was recently detected in Colombia, Guatemala, Nicaragua and Peru. In Nicaragua<sup>51</sup> this practice is referred to as ‘*Servicios a Domicilio*’ (home delivery service) and in Colombia<sup>52</sup> ‘*Prepagos*’ (pre-paid, as in pre-paid cell phones). This situation has made it more difficult to identify the perpetrators: both “customers” and pimps. It has also increased the dangers and exposure of child victims, as sexual encounters take place in private settings such as apartments and hotel rooms.

As noted earlier, from Mexico to Argentina children and adolescents of African and indigenous descent, along with those living in rural areas and migrant settlements, are at higher risk of being commercially sexually exploited and trafficked.<sup>53</sup> According to UNICEF, Latin America and the Caribbean is home to around 200 million persons from indigenous and Afro-descendant communities, 50% of whom are children.<sup>54</sup> Most of these communities are located in rural areas, with limited access to state services, although their presence in urban areas increased during the past decade.<sup>55</sup> In Chile, Colombia, Guatemala, Mexico, Nicaragua and Peru ECPAT member organisations have reported that children belonging to these groups are more vulnerable to sexual exploitation. Children from indigenous and Afro-descendant communities often migrate to urban areas with foster caretakers who may not always provide care and attention, increasing children’s exposure to pimps and abusers.<sup>56</sup>

## Trafficking of children for sexual purposes

*In Latin America, trafficking in persons is not a well-understood phenomenon, not only because of its complexity but also because there are other connotations of the word “trata” in Spanish (trafficking). Poor understanding of the issue has made it difficult to gather accurate data for research.<sup>57</sup> According to UNODC, 1,600 cases of children trafficked in the Latin America Region were reported between 2007 and 2011; more than half were female children trafficked for sexual exploitation. In some countries children constitute the majority of identified human trafficking victims.<sup>58</sup>*

### Routes of Trafficking of Children for Sexual Purposes

In Quintana Roo (Mexico) there are two trafficking circuits, for both drugs and persons:

1. To the north, by sea, through Isla Mujeres bound for Tulum and Cancun. Main victims in this route are children and adults of Cuban origin. On the same route, but by air, victims from Eastern Europe, Southeast Asia and South America have been identified.
2. The second circuit is in southern Mexico, between the municipalities of Felipe Puerto Carrillo and Chetumal. By sea, they arrive at the beaches of Mahahual and Chetumal, by air through the Chetumal International Airport and by land by crossing the border with Belize. Most of the victims in this circuit (including children) come from Central and South America.

Source: “Trata y Explotación Sexual Comercial de Niños, Niñas y Adolescentes en la Trata Frontera de México con Belice,” ECPAT

In a study published by ECPAT Guatemala in 2014, of the 116 cases of trafficking identified in five cities, only 5% of children and youth migrated with a family member, while 18.5% did so with an unknown person after receiving a direct job offer or responding to employment advertisements in flyers or radio spots.

Latin American countries are considered source, transit and destination countries for human trafficking. Porous borders in both Central and South America contribute to cross-border trafficking of arms, drugs and people. In Colombia, Guatemala and Mexico, ECPAT groups report heavy involvement by gangs and organised armed groups that also control trafficking in drug and weapons. According to available information, these illegal groups do not always directly manage the venues of exploitation in destination countries, instead exercising territorial control with indirect power over human trafficking.

In most countries, female child victims of trafficking do not receive adequate support for their recovery and often suffer from drug addiction and abandonment.<sup>59</sup> In the Dominican Republic the ECPAT group identified cases of children as young as five years who had been trafficked from Haiti for sexual exploitation in Dominican urban centres.<sup>60</sup> A similar situation was detected in Guatemala, where 36% of individuals surveyed in five cities were aware of at least one case of trafficking for sexual purposes, the majority of which (76.9%) involved a child victim.<sup>61</sup>

Child trafficking for sexual exploitation is also a reality in the Southern Cone, partly as a result of free trade agreements that facilitate the movement of people across the tri-national border between Argentina, Brazil and Paraguay.<sup>62</sup> However, most child trafficking cases identified by ECPAT groups in the Region involved internal, or domestic, trafficking. A similar pattern can be seen in Central America. In Nicaragua, for instance, domestic trafficking takes place from the Atlantic coast to the capital city

of Managua. In recent years the number of cases detected increased by more than 80%.<sup>63</sup> In Paraguay, girls are taken from remote, usually impoverished, areas and trafficked to urban centres. In many cases the girls are recruited through promises of jobs as domestic workers and leave with the consent of their families, not knowing that they will end up being sexually exploited.<sup>64</sup> In Colombia, women and children are trafficked from rural to urban areas in the Departments of Antioquia, Valle del Cauca and Bogotá, with nationwide destinations.<sup>65</sup>

ECPAT groups have noted in this regard that the UN Palermo Protocol established guidelines for prosecution of trafficking as a crime, but not as a violation of human rights, since the Protocol is embedded within the UN Convention against Transnational Organised Crime. Thus national implementation of the Palermo Protocol ignores the need to understand and effectively address the internal trafficking of persons, as well as to create and implement specific measures for child victims. Throughout the region, moreover, victims are still being treated as criminals for illegal activities committed while they were being victimised (i.e. document fraud, burglary)<sup>66</sup>.

In addition, the implementation of measures aligned to the Palermo Protocol remains insufficient. In the last report of the US Department of State (USDS) on Trafficking in Persons (TIP)<sup>67</sup>, countries are categorised in tiers, in accordance with their commitment and implementation of effective measures against TIP:

- Tier 1: fully complying with minimum standards
- Tier 2: not fully complying, but efforts are recognised
- Tier 2 Watch List: additional to criteria for Tier 2, victim number is increasing, has not taken enough efforts and makes specific recommendations to improve response
- Tier 3: countries that do not fully comply at all with minimum standards<sup>68</sup>

In the past, few changes in the grading occurred, as countries have put in place legislative reforms to adjust their internal frameworks to the Palermo Protocol. Nevertheless, in 2014 the USDS highlighted that countries usually leading actions against TIP (such as Colombia) were not putting enough effort into the implementation of measures to protect victims and prosecute the crime. Compared to the same report in 2013, Bolivia and Panama were downgraded from Tier 2 to Tier 2-Watch List, Venezuela was downgraded from Tier 2-Watch List to Tier 3 and Colombia from Tier 1 to Tier 2. The only countries upgraded were Honduras (off the Watch List) and Chile, which rose from Tier 2 to Tier 1.

## CSEC in travel and tourism

*Countries in North, Central and South America have all experienced CSEC in tourism, albeit in different ways and to varying degrees. Often, “child sex tourism” (CST) in the Region has followed the industrialised-to-developing-country pattern, with Canadian and American nationals travelling to Central and South America to take advantage of their wealth and engage in CSEC. Some destinations have experienced the phenomenon of CST for over 20 years (e.g. Mexico and Brazil), while others, such as Colombia, have only begun to experience it in recent times.<sup>69</sup>*

The Americas welcomed 163 million international tourists in 2012, up by 7 million (5%) from the previous year. International tourism receipts in the Region reached US\$ 213 billion, an increase of 6% in real terms. Central America (+8%) led growth in international tourist arrivals, followed by South America.<sup>70</sup> Tourists travel to Latin America’s beautiful beaches, such as Cancun (Mexico) and Punta Cana (Dominican Republic); to astonishing volcanoes and glaciers like Poas (Costa Rica) and Perito Moreno (Argentina); archaeological sites, colonial cities and cultural events such as Copan (Honduras), Cartagena

(Colombia), Machu Picchu (Peru) or Rio de Janeiro’s Carnival (Brazil).

***While contributing to the economic development of these countries, this mass flow of tourists to destinations characterised by sharp inequalities is reported to be increasing the demand for sexual activity with children.***

Research carried out by Gurises Unidos in Uruguay showed that there is no common profile of travelling sex offenders.<sup>71</sup> This conclusion coincides with UNICEF’s research on sex consumers, showing that those who “consume” sex (with women and adolescent girls) are a heterogeneous group. In Central America it is very common to find child sex tourists from Canada, Germany, Spain and the U.S.<sup>72</sup>

In Costa Rica, parallel with the eco-tourism boost, an increase in child sex tourism has been reported, due to the fact that the country is promoted as one of the key tourism destinations in Latin America. It is very common to see young girls in bars and along beaches with foreign men in the provinces of San Jose, Guanacaste, Limon and Puntarenas.<sup>73</sup>

A new phenomenon observed in Nicaragua is the emergence of “tour guides” (disguised purveyors of sexual services in tourist cities: Granada, Leon, Chinandega Estelí, San Juan del Sur and the Caribbean coastal area).<sup>74</sup> Also, in the city of Granada two foreigners were charged for offering massages to men (tourists) by adolescent males through a webpage.<sup>75</sup>

In the colonial city of Antigua, Guatemalan children who work in the informal sector or brothels are contacted by intermediaries or via Internet. The brothels operate under the façade of “businesses” and are well known by local intermediaries who recommend them to the clients/abusers. A new trend in Guatemala is to access a portal that offers a tourist guide who provides tips on issues ranging from security to the price of a prostitute and even tells the reader how to procure a sexual experience



in the country. These illicit businesses function via individuals, organised crime networks and local networks that offer the services of persons involved in the sex trade.<sup>76</sup>

Colombia has also increasingly emerged as a destination country for CSEC in tourism. The phenomenon mainly affects coastal cities like Cartagena de Indias and Barranquilla, but large urban centres such as Medellin and Bogotá have also been identified as destinations for CST.<sup>77</sup> In Colombia social acceptance, the complicity (by omission or otherwise) of authorities and tourism services providers, as well as the frequent complicity of families constitute key obstacles in the fight against CSEC. The Colombian Government has adopted legal and policy measures in an attempt to combat CST. Businesses in the tourism sector are obliged to adhere to a Code of Conduct for the prevention of sexual tourism, but the authorities rarely supervise the effectiveness of implementation. Fundación Renacer/ECPAT Colombia have promoted the signing of the Code of Conduct for the Protection of Children in Travel and Tourism<sup>78</sup> in Bogota and Cartagena, which has proven very successful. ECPAT members in Costa Rica, the Dominican Republic, Mexico and Peru have taken similar steps. The Code, along with measures involving police and child protection authorities, has helped with prevention and awareness-raising; community and tourism leaders have become advocates for protecting children.

At large resorts in the Dominican Republic there is more control over who enters the compounds; however, this does not stop the abusers, who often have access to intermediaries (hotel employees, taxi drivers, street or beach salespersons) who match demand with supply. A growing trend is for child sex tourists or paedophiles to rent or own condominiums where they have parties, inviting children with the aim of sexually exploiting them and using them in pornography.

In July 2013, in Playa Dorada, Puerto Plata, a travelling sex offender from Spain was found with two boys in his hotel room. The Public Prosecutor's office requested a year of imprisonment, however the judge let the criminal leave on bail for 50,000 Dominican pesos, equivalent to US\$1,145.48.<sup>79</sup>

In a survey carried out in the Dominican Republic, of 422 children interviewed (322 boys and 100 girls), 30% of those aged 12-15 could not read or write, 20% had children and 90% of the "clients" were men. In Santo Domingo and Santiago the "customers" were mainly locals (70%), while most were foreigners in Puerto Plata (65%) and Boca Chica (88%). In the interviews, the girls reported that they were introduced to prostitution by their peers; while most boys entered of their own accord.<sup>80</sup>

In South America children are sexually exploited by both national and international travellers. National travellers include, for example, those who work in the construction industry on large infrastructure projects like ports, stadiums and hydroelectric dams. When these men settle in new locations, they sexually exploit children. This group may also include truck drivers who cross regions, countries and borders, engaging in sexual exploitation of children along the way.

International child sex tourists are those that purposely travel to tourism destinations, including mega events like Carnival and world-class sporting events, to engage in sex with children. For instance, Brazil undertook large-scale efforts to prevent CST during the World Cup and the Olympic games. One of these initiatives is a nationwide campaign to warn children about the dangers of sexual exploitation by travelling sex offenders. Some multi-country initiatives have also emerged, such as the 'Don't look away' campaign, designed to prevent the demand for sex with children and promote prevention measures and training of human resources. This initiative is being coordinated by ECPAT France (on

behalf of ECPAT's European Groups), Brazil's Social Services for Industry (SESI) and local Brazilian child rights coalitions.

As observed, CSEC in tourism affects children all over Latin America, especially those from socially and economically vulnerable groups including those suffering from poverty, social exclusion and lack of education, and who may have already been victims of sexual and domestic violence. Increased tourism in the Region underlines the importance of stressing CSEC prevention in travel and tourism.

## Sexual exploitation of children on-line

*The advent of new technologies and the growth in Internet access in Latin American countries, while bringing many benefits, have also greatly facilitated online child sexual abuse and exploitation by networks of commercial buyers, traffickers, child sex tourists and other sexual predators. As a result of the expansion in information and communication technologies (ICTs), combined with the increased popularity of cyber cafés and the lack of child protection measures, more and more Latin American children and adolescents are now exposed to online threats and vulnerabilities endangering their safety, including grooming for online and offline exploitation and "sexting".*

During the last decade the number of Internet users in Latin America and the Caribbean increased steadily, due in part to the rapid development and implementation of ICTs in the region. Internet penetration (the number of Internet users in a country as a percentage of its population), rose from 8.2% in 2002 to 18.8% in 2006, and was expected to reach 39.5% by the end of 2013 (Internet World Stats, 2011). These figures represent an almost 500% increase in one decade.

*A study by the United Nations Conference on Trade and Development found that government programmes developed to facilitate children's access to the Internet do not always provide comprehensive mechanisms (e.g. policies and guidelines, online safety tools and training, etc.) to prevent situations where children are at risk of being victims of sexual exploitation online or where children may harm other children online.*

The Inter-American Children's Institute (IIN), a specialised entity of the OAS (see section below on "Coordination and Cooperation"), conducted a study on 'Commercial Sexual Exploitation of Children and the Internet' in 2011 that provides insights into this phenomenon in several Latin American countries. The study reported that in Costa Rica and El Salvador, engaging children in pornography is achieved often by advertisements for models and TV programmes with text messages at the bottom of the screen featuring mobile numbers of individuals, mostly men, stating their age and wish to meet girls of 15 years or older to start a friendship or engagement.<sup>81</sup>

In Guatemala, according to the Ombudsman's Office<sup>82</sup>, pornography involving children has been reported in the regions of Huehuetenango, Jutiapa, Retalhuleu and Guatemala City, among others. The majority of underage victims are recruited as masseurs or masseuses through advertisements in newspapers. Pornographic pictures and videos featuring these children are then taken and posted on the Internet or distributed/sold by the children to their clients. The UN Special Rapporteur stated that of 524 child pornography-related complaints received by the Public Prosecutor's Office between 2009 and 2012, 61 judicial proceedings were opened and 10 convictions made. Some 700 pornographic videos featuring adolescents were seized by the Court for Children and Adolescents in Coatepeque; an anti-human trafficking unit was created within the Public Prosecutor's Office, with a mandate, inter alia, to investigate child pornography.<sup>83</sup> ECPAT

Guatemala has noted that in Guatemala it is now common for male adolescents to make videos of their girlfriends and publish or sell these videos on the Internet or share them among friends (a new phenomenon known as “sexting”).<sup>84</sup>

According to ECPAT member MAIS, the use of children in pornography and child abuse images has risen in the Dominican Republic, where children are recruited in schools and intermediaries or exploiters use these children to recruit their classmates.

ECPAT member Casa Alianza Nicaragua sought to prosecute gang members (two women and two men) in 2011 who were found to have used Costa Rican girls for pornographic pictures. The gang had told the mothers that the girls would model dresses, however the girls ended up modelling swimsuits in sexually suggestive ways; the images produced were sold online. Unfortunately, cases of child abuse images like this one in Nicaragua are often discovered by the authorities too late, after the children have been exploited.<sup>85</sup>

ECPAT International (EI) recently conducted a study to improve understanding of the use of ICTs by children in relation to their risks and vulnerabilities in five Latin American Countries (Chile, Guatemala, Mexico, Peru and Uruguay). The study found that the availability of cybercafés is both a “blessing and a curse.” Children who do not have access to Internet at home or want to avoid parental control will use these Internet cafes. Cybercafés in Latin America are often permissive, offering little or no information on safe use of the Internet. The study also found that even in countries like Peru and Uruguay, where the government has adopted laws regulating Internet cafés in order to protect children, the regulations are not implemented. Internet café operators in Guatemala explained that they knew little about online risks, while those in Mexico indicated that they were making efforts to educate their customers about online safety and

risks. Despite these efforts, the study notes, young customers were able to pose in sexually suggestive ways for café webcams.<sup>86</sup> Parents interviewed in the five countries did not seem to be concerned about their children’s Internet safety. Few had set rules on their computer and cell phone usage. In fact, many children have access to Internet at home, despite the fact that their parents know little or nothing about it.<sup>87</sup>

Child pornography is being produced, disseminated and downloaded throughout the region, from Mexico to Argentina. In 2010, Mexico was ranked third highest in the world for the exchange of child abuse files.<sup>88</sup> In Peru, the Computer Crime Investigation Division of the National Police registers an average of 15 child pornography cases each year. Regrettably, these cases are not always resolved. Victims of child abuse for pornography in Peru are often recruited through phony modelling advertisements.<sup>89</sup> In Colombia, a Technical Investigation Team under the Office of the Attorney General registered an increase in the number of child pornography cases investigated in 2011 compared to the previous year; the children involved were mainly aged 13-15.<sup>90</sup> In Uruguay, a recent study found that in 2012 the country ranked first in Latin America for the downloading of child abuse materials from the Internet, followed by Venezuela and Argentina.<sup>91</sup> Child abuse images are viewed by people from all social classes and backgrounds. Adults from middle- to upper-class backgrounds are more likely to report this crime. Uruguay has a specialised police force that deals with cybercrime and has tools to effectively detect child pornography and compile evidence to prosecute on-line abusers.

A major child pornography case occurred in Argentina in 2010. A 26-year-old male was arrested and accused of grooming and raping a 14-year-old girl he contacted through Facebook. In July 2011, President Cristina Fernandez signed decree 936 on the “Elimination of the messages and images that stimulate or promote CSEC in the media.” Within

two years, this decree has led to an 80% reduction in advertisements hosted by monitored media related to commercial sexual exploitation, thanks to the work of a specialised office at the Interior Ministry created to monitor these cases.

Regarding law enforcement against child pornography/child sexual abuse rings, Brazilian police broke one ring that used file sharing to distribute pornography in at least 34 countries, including Canada, Saudi Arabia, the UK, the US and Venezuela.<sup>92</sup>

In spite of efforts to combat this phenomenon in the region, children have become a target of paedophiles because child pornography websites are not monitored as thoroughly by law enforcement agents in Latin America as they are in the United States and Europe, according to the United Nation's Internet Governance Forum.<sup>93</sup>

***“Latin America runs the risk of turning into an Internet paradise for the world's paedophiles.”***

***--Thiago Tavares, Safernet Brazil<sup>94</sup>***

## **Child marriage**

***Early marriage is still a common practice in many parts of Latin America, especially among adolescents from rural areas and indigenous communities (particularly Bolivia, Ecuador, Guatemala and Peru). Early marriage and common law unions are motivated by culture and tradition, with the purpose of obtaining social and economic benefits for those living in poverty.***<sup>95</sup>

In Central America and the Caribbean, according to a UNICEF report entitled “Early Marriage: Child Spouses”, 11.5% of girls aged 15-to-19 are married.<sup>96</sup> The organisation *Girls not Brides* reported that the percentage of women 20-to-24 years old who were married or in union before the age of 18 was 41% in Nicaragua, 40% in the Dominican Republic and 39% in Honduras. These three countries are among the 20 countries with the world's highest prevalence of child marriage.<sup>97</sup>

According to a study carried out by UNFPA, “if the current trend of child marriage continues (where one of the parties is younger than 18), in the decade 2010-2020, 142 million girls will marry before 18.” Between January and May 2013, 1,570 marriages were celebrated in Guatemala involving girls aged 14-to-18, according to the National Registrar's Office.<sup>98</sup> In the Dominican Republic, the proportion of early marriages rose from 30 to 38% during the early 1990s.<sup>99</sup> MAIS reports that many Haitian girls are trafficked to the Dominican Republic and forced into early marriage.<sup>100</sup>

One consequence of child marriage is an increase in the teen pregnancy rate, which also contributes towards increased vulnerabilities leading to exploitation. In Guatemala, during 2012 the national health system registered more than 3,100 cases of pregnant girls from 12-14 years old.<sup>101</sup> According to the Deputy Minister of Health in Guatemala, in the first two months of 2013 alone, 73 cases were registered requiring assistance and protection for child “brides”.<sup>102</sup>

Child marriage is often utilised to improve the living conditions of the girl's family.<sup>103</sup> Coming from impoverished families, the girls are forced to abandon school upon marrying, perpetuating the cycle of poverty. This is very common in the rural areas such as Chiapas, in Mexico and rural, heavily indigenous regions of Guatemala (such as Quiche, Huehuetenango and Quetzaltenango), as well as in small rural communities in Uruguay.<sup>104</sup>

As noted, child marriage in Latin America is common and most countries have set the age limit “18 or above with exceptions”. According to current legislation, children with parental consent can marry as young as 12 years old in Uruguay, as early as age 14 in Bolivia, Guatemala, Mexico, Nicaragua, Panama and Venezuela. Argentina, Chile, Costa Rica, Colombia, the Dominican Republic and Paraguay set

the age limit at 15 or 16 years. In the Ecuadorian legal system, girls are allowed to marry at age 12 and boys at age 14. The Working Group for the UPR Report on Ecuador (2012) reported on this violation of the rights of the child and recommended that the minimum age should be 18 for both males and females.<sup>105</sup>



## **SECTION 3. ADDRESSING CSEC IN THE REGION**

CSEC in its different and evolving forms remains pervasive across Latin America; to date, measures to control the problem are generally insufficient. Whilst most Latin American countries have reformed their legal frameworks to criminalise CSEC-related behaviours, CSEC continues to be commonly ignored or misunderstood by law enforcement and justice operators. Countries such as Argentina, Bolivia and Mexico have included CSEC-related measures in laws intended to address trafficking in persons, in line with the Palermo Protocol<sup>106</sup>; local ECPAT groups report that this often creates confusion for authorities when dealing with both complex phenomena (human trafficking and CSEC), leading to limited measures to specifically assist child victims. This is reflected in the implementation of the laws in the region.

With few exceptions (such as Argentina and Mexico) most countries in Latin America designed National Plans of Actions against CSEC, but their implementation either focused on law enforcement actions (without measures to detect and assist victims), or was not carried out in the field. Plans of Action that were passed between 2003 and 2008 have not been updated or renewed. The OAS, through its specialised institute on children and adolescents, IIN, reports challenges in most countries regarding detection and assistance to victims, data collection systems and lack of measures to address CSEC in tourism and on-line<sup>107</sup>.

## NATIONAL PLANS OF ACTION

***By agreeing to the Stockholm Agenda for Action, governments committed to adopting National Plans of Action (NPAs) against CSEC; thus NPAs represent the first tangible indication of a country's commitment to ending the sexual exploitation of children. NPAs are multidisciplinary documents intended to provide a working plan to augment action against commercial sexual exploitation of children at all levels of society.***

***More specifically, NPAs: ensure that all aspects of child exploitation and abuse are addressed through concrete strategies, programmes and activities; outline specific actions a country will take and who will be responsible for them; establish a timeframe and provide indicators to monitor progress; and provide information on the allocation of resources and estimated costs.***<sup>108</sup>

With support from UN agencies such as UNICEF and in collaboration with child rights NGOs, including ECPAT member groups, several countries in Latin America have designed and implemented NPAs to address CSEC:

- Chile developed the II Plan of Action against CSEC through 2014, with support from ONG RAICES, an ECPAT network member. Law 20.507 allowed the Ministry of Internal Affairs to reactivate the Inter-Institutional Committee against CSEC and invites civil society to participate in the planning process. The operational plan has yet to be monitored and evaluated to learn what progress has been made against CSEC, as the Government of Chile tends to focus more on the prosecution of offenders than on the recovery and reintegration of victims.<sup>109</sup>
- In 2011, Uruguay evaluated and reformulated its NPA entitled '*National Plan for the Elimination of Commercial Sexual Exploitation and Non-Commercial Sexual Exploitation*'. Its main goal is to guarantee children the right to protection from all forms of sexual exploitation. The plan looks at effective implementation of existing legislation, ensures prevention, protection, care and psychosocial rehabilitation for CSEC victims and prosecution of offenders.<sup>110</sup>
- The Nicaraguan NPA expired in 2008; however there have been advances in terms of development of new laws related to trafficking in persons, placing crimes in different categories. In spite of these advances, ECPAT network member Casa Alianza Nicaragua acknowledges the urgency of developing a new plan.

- In the Dominican Republic the NPA for the elimination of abuse and CSEC expires in 2014; however the Government has a strategic plan to eradicate the worst forms of child labour (2006-2016), which includes commercial sexual exploitation.
- Paraguay has adopted a new NPA against CSEC covering the period 2011-2016,<sup>111</sup> while Panama,<sup>112</sup> Colombia<sup>113</sup> and Honduras<sup>114</sup> had plans valid until 2011; it remains unclear whether they have been updated.
- Costa Rica's National Plan against Commercial Sexual Exploitation of Children and Adolescents 2008-2010 was integrated in the National Development Plan and was singled out as a best practice in this area.<sup>115</sup> According to the U.S. Department of Labor, current efforts relating to CSEC form part of the Roadmap towards the Elimination of Child Labour in Costa Rica.<sup>116</sup>
- In Brazil the National Plan to Combat Sexual Violence against Children and Adolescents lays out a strategy for combating sexual violence and commercial sexual exploitation.<sup>117</sup>
- In Peru, the annual plan of action against CSEC is being implemented in the framework of the National Plan of Action for Children and Adolescents 2012-2021.<sup>118</sup>

As observed in these examples, and based on information provided by ECPAT network members in the region, the implementation status of NPAs against CSEC differs from country to country. In a number of countries, initiatives to combat trafficking in persons - a common threat throughout the Region - have led to the development of national anti-trafficking strategies that also contain measures to address trafficking of children for sexual purposes. A review recently published by UNODC suggests that countries that have adopted anti-trafficking NPAs include, *inter alia*: Brazil, El Salvador, Guatemala, Mexico, Nicaragua, Panama, Peru and Venezuela.<sup>119</sup>

It was noted above that several Latin American countries have also developed NPAs against the worst forms of child labour that have a bearing on CSEC.<sup>120</sup> Other examples of strategies that complement NPAs to end CSEC in the Region include the Protocol of Action to Protect Vulnerable Haitian Children as a Consequence of the Earthquake adopted in 2010 by the Government of Haiti, which includes the protection of children from traffickers, and Guatemala's National Policy on the Prevention of Youth Violence and the Public Policy on Comprehensive Protection (2004-2015), which calls, *inter alia*, for involvement by the media, communities and the public in general in efforts to prevent child sexual abuse and exploitation.<sup>121</sup>

#### *Areas of concern:*

Whilst Latin American countries have spearheaded consistent efforts to develop national action plans against CSEC and other violations of children's rights, a number of shortcomings and challenges continue to hinder their implementation, effectiveness and impact. A review of Concluding Observations on the Convention on the Rights of the Child (CRC) and the OPSC, along with analysis of reports by country missions undertaken by the Special Rapporteur on the Sale of Children, Child Prostitution and Child Pornography, permit identification of several recurring constraints:

- Some NPAs are not comprehensive enough to cover all manifestations of CSEC, especially the new forms of victimisation, such as through ICTs;
- In countries where more than one policy addresses CSEC or aspects of it, there is a lack of complementarity and synergy among them, as well as an absence of integrated and coherent child protection strategies. There is also often no central institution in charge of coordination and policy implementation at the national and local levels.



- Many NPAs lack sustainability and are ineffective due to the short-term nature of the policies and the limited budgetary and human resources allocated to ensure their implementation;
- The absence of adequate indicators and monitoring and evaluation mechanisms affects the outcome of the policies, to the detriment of the children they aim to protect.<sup>122</sup>

## COORDINATION AND COOPERATION

***Coordination and cooperation are crucial for an efficient and effective fight against CSEC. In accordance with the Stockholm Declaration, close interaction and cooperation between government and non-government sectors is necessary to effectively plan, implement and evaluate measures to combat CSEC. At an international level, effective cooperation is required between countries and both regional and international organisations to ensure that a concerted and coordinated approach is taken to eliminate CSEC.***

### National and local level

As in other regions of the world, there has been increasing recognition in Latin America that a ‘systems’ approach is required to ensure effective and integral protection of all children, including those vulnerable or subject to commercial sexual exploitation. The importance of adopting a holistic view to interventions – calling for key stakeholders to simultaneously attend to the complex economic, social, demographic, political, environmental and community contexts in which the child lives and develops – has led to the development of child protection systems in several Latin American countries. A study published last year by UNICEF and CEPAL (Economic Commission for America Latina and the Caribbean) noted that national systems for the protection of children have been established

through a set of laws and children’s codes (for example, in Argentina, Brazil, Ecuador, El Salvador, Costa Rica, Dominican Republic and Venezuela). The majority of child welfare codes and laws establish decentralised protection systems, delegating part of the political and technical responsibility to regional, departmental and municipal governments for the development of public policy for children and adolescents, its implementation and oversight. The involvement of NGOs, especially in providing direct care and support services to children, is also foreseen and explicitly regulated. In Brazil, the Dominican Republic and Ecuador, for example, the system is governed by a pluralistic and deliberative body involving various ministries and civil society organisations.<sup>123</sup>

***In addition to inter-agency collaboration for child protection systems, further cooperation has been established in several countries focused especially on CSEC, human trafficking and child labour.***

Coordination mechanisms have been set up to oversee and facilitate the implementation of the various NPAs adopted in recent years (see sub-section above), often with branches at the local level (such as in Colombia). In addition to government institutions, the various commissions, working groups and other multi-stakeholder mechanisms may include, *inter alia*, local authorities, UN agencies, NGOs, employers’ and union representatives and representatives from the private sector. In some countries responsibility for coordinating the development, follow-up and implementation of strategies and national policies to protect children from sexual exploitation falls to a single national child protection agency (such as Costa Rica’s National Commission to Combat the Commercial Sexual Exploitation of Children and Adolescents), while in others multiple inter-agency bodies deal with CSEC (as is the case, for example, in El Salvador). Policies and actions against CSEC are also sometimes coordinated by government commissions dealing more generally with child and adolescent issues (as is the case in Argentina and

Ecuador), rather than by specialised inter-agency bodies.

A 2011 survey on sexual exploitation of children on the Internet conducted by the OAS, through the IIN, identified a number of inter-institutional agreements and partnerships to address this specific manifestation of CSEC. For example, in Colombia, state and civil society agencies have worked jointly to establish criteria to classify CSEC-related content, which are then used by relevant authorities to classify websites. Multi-stakeholder initiatives have also been undertaken to prevent Internet-facilitated sexual offences against children (see section on Prevention).<sup>124</sup>

According to ECPAT International's survey of network member groups within the Latin America region, coordination and cooperation at the national level occurs primarily among non-governmental organisations and governmental bodies, but also involves other actors. Specifically, ECPAT members have established fruitful collaboration with different ministries, the police, the judiciary, local and municipal administrations, inter-agency bodies responsible for addressing CSEC and independent monitoring mechanisms (such as Human Rights Commissions). ECPAT member groups have also built successful partnerships with other NGOs, community-based organisations and national child protection networks, the private sector (see section on Prevention) and the media, as well as UN agencies, international child rights organisations and regional networks (see sub-section below on Coordination at regional and international level).

#### *Areas of concern:*

Although each country has identified distinct challenges to be addressed, some of the recurring loopholes and shortcomings in the area of collaboration and cooperation in Latin America include:

- The absence of monitoring mechanisms for measuring or comparing levels of efficiency and effectiveness among different child protection systems in Latin American countries, as well as to evaluate their impact on children at risk of, or victimised through, commercial sexual exploitation;
- Child protection systems are relatively new, under-resourced and poorly coordinated and do not specify the different responsibilities of the sectors involved, often leading to inconsistent responses;
- In countries where policies and actions against CSEC are coordinated by state commissions dealing more generally with child and adolescent issues, insufficient attention is devoted to CSEC manifestations;
- Where multiple institutions deal with CSEC, coordination among the various bodies and with other stakeholders may be weak;
- Some coordinating bodies active specifically against CSEC may not effectively carry out their mandate at all levels, including the regional and local level, due to a lack of human and financial resources; The absence of clear terms contributes to an institutional overlap that slows processes, creates administrative confusion and may result in a waste of already limited human and financial resources;
- Lack of coordination between institutions at the local (rural) and central (capital) levels remains a problem, impacting adversely on the referral of and assistance to child victims;
- The mandate of interagency entities may overlap with, or substitute, that of existing government institutions responsible for providing services to children, and thus lead to competition for funding and other resources;
- Although many countries have established inter-sectoral agencies to address the problem of sexual violence against children, certain key actors in

ICT-mediated exploitation, such as ICT ministries, agencies for the protection of information or representatives of the technological industry, are not always present in these settings.<sup>125</sup>

## Regional and international level

As described by Carmen Madriñán in her analysis of Latin America, a number of institutions impact on children's right to protection from commercial sexual exploitation in the region.<sup>126</sup> She noted that "The framework and instruments for promotion and protection of rights at regional level was firmly established with the creation of the Inter-American system of human rights."<sup>127</sup> The OAS is a regional inter-governmental body that aims to strengthen democracy and cooperation in the Americas. Its 35 Member States from North, Central and South America and the Caribbean work together to promote human rights, defend common interests, and discuss other major issues facing the region.

In addition to two general human rights mechanisms addressing children's rights (i.e. the Inter-American Court of Human Rights and the Inter-American Commission on Human Rights, which established the Special Rapporteur on Children), the OAS integrates the Inter-American Children's Institute, a specialized body responsible for promoting and protecting child rights throughout the American continent. IIN plays a key role in addressing CSEC in the region. In compliance with OAS General Assembly Resolution AG/RES. 1667 (XXIX-O/99) of 7 June 1999, the Inter-American Children's Institute drafts an annual report on the measures undertaken by member states to combat CSEC in the Americas, which is submitted to the Secretary General of the OAS.<sup>128</sup>

In 2008 the Institute was mandated to develop an 'Inter-American Programme for the Prevention and Eradication of Commercial Sexual Exploitation and Smuggling of and Trafficking in Children' (www.

annaobserva.org). The ANNAObserve Programme is organised into three working areas:

- 1) Compilation and update of information regarding CSEC in the region, to be made available to States Party
- 2) Generation of information and knowledge on the subject of CSEC, which will aid States Party in the design and implementation of their policies and action in addressing this problem
- 3) Training human resources and providing specialised technical assistance to States party.

A significant aspect of programme development and circulation of information was the creation of a network of technical liaison officers appointed by their respective states. This network covers many states in the Inter-American system; a recent achievement was the inclusion of the Caribbean.<sup>129</sup>

***Another major activity is the organisation, since 2010, of a cycle of sub-regional meetings with the purpose of exchanging specific experiences developed in the Region in relation to prevention, protection and restitution of rights in the face of CSEC, reflecting on these practices and deriving lessons in order to strengthen the capacity of the states and of societies to watch over the rights of persons affected by CSEC and related activities.***<sup>130</sup>

The programme has also been particularly successful in building capacities of different actors on these issues. More than 800 governmental and non-governmental operators involved in the protection of children and adolescents against CSE participated in training courses during the last five years.<sup>131</sup>

As part of the ANNAObserve Inter-American Programme, an Observatory was created which provides technical resources and information on CSEC, including country specific information, case examples of good practice, norms and standards, information on legislation and policies, monitoring data and other material. The Observatory was

designed following a study by ECPAT and Save the Children, which examined similar initiatives in the Region to ensure complementarity and maximize impact.<sup>132</sup> However, Madriñán notes a need for updating the information offered by the Observatory on its site.<sup>133</sup>

It is important to note that the IIN's work agenda is mainly based upon an Institutional Action Plan drawn up by Member States every four years. The current plan of action for the period 2011-2015 envisages a number of activities against CSEC, including, *inter alia*: the updating of the Observatory, a review of standards for intervention and restitution of rights for CSEC survivors across the Region (underway<sup>134</sup>) and the implementation of a virtual campaign against CSEC, with child participation.<sup>135</sup>

The Southern Cone Common Market (MERCOSUR), an economic and political bloc of 12 South American states,<sup>136</sup> implements the Nin@Sur initiative, which aims to promote implementation of the Convention on the Rights of the Child. One of its specific objectives is to encourage coordination between states on such thematic issues as sexual exploitation, trafficking, child pornography, child labour, and migrant workers and their families.<sup>137</sup> In the framework of this initiative, the project entitled 'Regional Strategy to combat trafficking and smuggling of children and adolescents for sexual exploitation in MERCOSUR', also known as PAIR. MERCOSUR, is being implemented with financial support from the Inter-American Development Bank. The purpose is to raise awareness, build organisational capacities and promote international cooperation between 15 twin cities in the border areas of Brazil, Argentina, Uruguay and Paraguay. Activities implemented to date include diagnostic interviews, workshops, trainings and developing plans of action. As a result of this collaboration, social awareness on the issue of CSEC in these cities has increased and two municipalities in Argentina approved ordinances that include Child Rights Protection Systems. In addition, challenges and opportunities have been identified for combatting trafficking of children.<sup>138</sup>

MERCOSUR also works to reduce the incidence of trafficking in persons, including child trafficking, in its member states. As well as adopting the Montevideo Declaration against Trafficking in Persons in Mercosur and Associated States in 2005, a plan of action against trafficking was approved a year later, which was executed afterwards through an ad hoc project. In 2008, the First International Congress of MERCOSUR and Associated States on Trafficking in Persons and Child Pornography was held, followed by the adoption of the "Conclusions and Recommendations" of the Congress. Among most recent activities is the development of a regional action guide for the early detection of cross-border cases of trafficking in persons in MERCOSUR and associated states which emphasizes, *inter alia*, the importance of meeting the special needs and rights of children, including their right to safe shelter and education.<sup>139</sup>

Joint initiatives to tackle trafficking in persons in the area covered by MERCOSUR have also been promoted by civil society organisations. For example, the RATT MERCOSUR & Associated countries "Unite Against Human Trafficking" network, launched in 2011, is a permanent regional forum for coordination of civil society actors dealing with human trafficking. The network seeks to promote and develop joint projects among civil society groups to mobilise MERCOSUR countries and the public about all forms of trafficking, raise awareness of the issue, report on the status of implementation of international commitments and facilitate the exchange of experiences, knowledge and practices in the fight against this crime.

A number of efforts to address trafficking in persons, including child trafficking, have received support from the IDB. One successful example is the project entitled 'Regional Framework for a Comprehensive Approach to Trafficking in Persons in Central America'. Involving Costa Rica, El Salvador, Guatemala, Honduras and Nicaragua, this three-year project sought to contribute to the definition of standards, policies and procedures to combat trafficking in persons and strengthen assistance to

victims, especially women and children. The project, which in Guatemala was been conducted by the ECPAT member group in the country since 2009, resulted in the development of a comprehensive regional strategy for care of trafficking victims and a regional communication strategy for the prevention of human trafficking.<sup>140</sup> Since 2006, the IDB has also been working with the International Organisation for Migration and the Ricky Martin Foundation to raise awareness about human trafficking in the Region through public service announcements, promotional materials, and the creation of hotlines to report abuse. This collaborative campaign, known as 'Call and Live', was implemented in Colombia, Costa Rica, Nicaragua, and in the state of Mexico, Mexico.<sup>141</sup>

Some Latin American countries have worked to strengthen bilateral cooperation against CSEC and trafficking. For instance, Guatemala and El Salvador have a bilateral memorandum of understanding on the protection of victims of trafficking in persons and migrant smuggling.<sup>142</sup> Likewise, Colombia signed bilateral agreements with Panama, Peru and Mexico to strengthen efforts against human trafficking, smuggling and other crimes. In 2010 Honduras signed a memorandum of understanding with the government of Mexico to ensure the safe repatriation of unaccompanied children.<sup>143</sup>

Bilateral and regional cooperation has also been fostered among police forces. An example is the U.S.-Mexico Human Trafficking Bilateral Enforcement Initiative, a collaboration between the U.S. Department of Homeland Security and Mexican law enforcement counterparts, which has developed high-impact bilateral investigations and prosecutions to dismantle international human trafficking networks and led to landmark convictions in coordinated prosecutions under both U.S. and Mexican law.<sup>144</sup> In the area of child abuse materials, Interpol plays an essential role in the dismantling of child pornography rings, as demonstrated by the 2013 Interpol-supported operation targeting online

offenders, leading to the arrest of 100 individuals across Latin America.<sup>145</sup>

Civil society organisations and UN agencies have facilitated the development of collaborative schemes to address the cross-border nature of CSEC.

***An interesting and promising programme is currently being implemented by Fundación Paniamor, the ECPAT member organisation in Costa Rica, and the International Bureau for Children's Rights, an international NGO based in Canada. The project aims to create a synergistic model of bilateral cooperation between a country of origin (Canada) and a destination country (Costa Rica) for CSEC in tourism, with the aim of reducing demand.***<sup>146</sup>

At the regional level, some ECPAT members have developed close collaboration with the private sector in relation to the implementation of the 'Code of Conduct for the Protection of Children in Travel and Tourism', working with hotels, tour agencies, associations and syndicates of tourist services. For example, in Brazil, ECPAT USA works in cooperation with ECPAT Brazil to reduce vulnerability of local children to sexual exploitation. In this context, trainings were conducted for local law enforcement, tourist agencies, hotels, and other service providers.<sup>147</sup>

Among UN agencies, the International Labour Organisation (ILO) and UNICEF have conducted several sub-regional programmes to address CSEC. Activities conducted by ILO over the years have often involved ECPAT groups in the Region as implementing partners and have included awareness-raising, research, capacity building, etc.<sup>148</sup> With support from Italian cooperation, the UNICEF Regional Office for the Americas and Caribbean (UNICEF-TACRO) has been implementing the project "A Strategy to Combat Abuse, Sexual Exploitation and Trafficking of Children and Adolescents in the Central

American Isthmus” involving Nicaragua, Guatemala, El Salvador and Honduras. The programme has contributed, among other things, to: strengthening justice systems; enhancing prevention of trafficking for sexual exploitation, child abuse images on-line and CSEC in tourism; and improving the effectiveness of social policies and protection systems for affected children.<sup>149</sup> In July 2013 UNICEF signed an agreement with the Central American Integration System to collaborate on policy and technical issues related to regional integration, regional security, welfare, children’s rights and prevention of abuse and trafficking and exploitation of children.<sup>150</sup>

*Areas of concern:*

- There is insufficient international cooperation, especially through multilateral, regional and bilateral arrangements, for the prevention, detection, investigation, prosecution and punishment of those responsible for CSEC crimes, as well as for the protection and assistance of victims;
- Despite the signing of some bilateral cooperation agreements, children vulnerable or subject to trafficking are often repatriated, even when this is not in their best interest. Furthermore, according to ECPAT groups in the region, most of these cooperation agreements have not been implemented, or function only due to strong partnerships among civil society organisations in the countries involved, rather than as a result of institutional collaboration. In addition, efforts spearheaded in this framework focus on law enforcement operations, while measures to assist victims are weak or non-existent.
- The lack of initiatives fostering regional cooperation against online sexual exploitation of children, despite growing concern about this issue in the region; collaboration with Interpol has not been fully developed;

- Platforms for the exchange of successful experiences and practices in addressing CSEC among countries in and outside the Region remain limited;
- Projects/programmes supported by international partners and funding agencies usually lack sustainability.

## PREVENTION

*The effective prevention of CSEC requires multi-faceted strategies and policies that simultaneously address the different elements of the problem. These strategies should target both vulnerable children and those who engage in sexual activities with children, while also addressing root causes of CSEC, such as poverty and lack of education. Long-term prevention strategies include improving the status of children who are most vulnerable to CSEC by implementing policies to reduce poverty and social inequality and improving access to education, health and social services.*

*Effective short- to medium-term strategies include awareness-raising campaigns and education and training initiatives for the general public, vulnerable groups and government officials. The resources, expertise and influence of the private sector, particularly the tourism and IT industries, should also be engaged in prevention measures, in particular in awareness-raising activities. Furthermore, information, education and outreach programs should be directed at those engaging in the commercial sexual exploitation of children (e.g. users of children forced into prostitution) to promote changes in social norms and behaviour and reduce the demand for CSEC.*

## Raising awareness: Campaigns, community mobilisation and communication

Numerous “sensitisation activities” have been conducted across the Latin American region. Reaching out to different target groups (including vulnerable and exploited children, parents, care-givers, educators, government officials, communities, the general public, policy makers and media), such activities have taken multiple forms, from public dialogues and community-level awareness seminars to production/dissemination of information and other materials (t-shirts, posters, comic strips for children, handbooks, etc.), media activities (e.g. radio and television announcements) and campaigns. Education and training initiatives were also organised, involving mainly government officials (police officers, judges, social workers and other professionals working with child survivors), the media, communities and children and young people.

National campaigns to prevent CSEC and its specific manifestations have been launched successfully in several Latin American countries, as can be seen from the examples below:

On CSEC in general:

- The ‘*No hay excusas*’ (‘No Excuses’) campaign is geared towards demystifying stereotypes about CSEC in Uruguay, addressing “excuses” such as: “I didn’t know he/she was a minor”, “she needs money so I helped her”, “there are girls who look older and they deceive you”, “adolescents are prostituted because they chose it and they like it”. The campaign used a variety of communication tools including, videos, banners, posters, stickers and the website: <http://www.nohayexcusas.org.uy/excusas.html>. This prevention initiative is a result of successful collaboration between the National Committee against CSEC, INAU and UNICEF.

- The World Childhood Foundation continues to run a nationwide programme (called ‘*Na Mão Certa*’ (‘On the Right Track’), which aims at mobilising governments, companies, and third-sector organisations to confront, in a more effective manner, child and adolescent sexual exploitation on Brazilian roadways. In addition to offering a website and magazine and organising discussion groups, events, and the spreading of best practices, the programme develops campaigns to communicate and inform truck drivers and other stakeholders about the need to protect children and adolescents from sexual exploitation.<sup>151</sup>

On child trafficking:

- ‘*Los Caminos de la Vida*’ (‘Paths of Life’) campaign warns children and youth about the dangers of human trafficking by exposing some of the risks and methods used to entice them, so that children and young people can not only recognise the crime, but feel empowered and able to protect themselves. This campaign was recently launched in Nicaragua, Honduras and El Salvador, and has received positive media coverage.<sup>152</sup>

On CSEC in tourism and during mega sporting events:

- The National Alliance of Adolescents (ANA) connected to a ‘World Cup without Violence’ virtual campaign was launched in Brazil with the purpose of strengthening youth participation in prevention before, during and after the mega sporting events. This was a joint effort by ECPAT Brazil, the National Committee against CSEC, the National Secretariat for Human Rights and the Violes Research Group at the University of Brasilia.<sup>153</sup> Following this effort, ECPAT France (leading ECPAT groups from Spain, Italy, Luxembourg, Germany, Poland and Netherlands) and Brazil’s SESI also implemented the ‘*Don’t Look Away*’ campaign both in Europe and Brazil,

aiming to prevent CSEC during the World Cup, with a focus on airlines and hotels.

ANA is the name of the virtual girl who leads mobilisation activities online. The character ANA is 12 years old and a student at a public school from rural Pernambuco, where a stadium was being built). Although Ana does not have a computer at home, she goes online at her local cyber café where she shares observations, questions, and information and connects with adolescents and adults from all over Brazil.<sup>154</sup>

- The 'La Muralla soy yo' ('I am the wall') campaign in Colombia, created and promoted by ECPAT Colombia/Fundación Renacer, has worked with the media to sensitise communities and expose myths and cultural practices that support CSEC in travel and tourism in the city of Cartagena. Government agencies, NGOs, private sector organisations and international organisations have joined together to promote ethical and sustainable tourism and prevent CSEC.

On child pornography/child abuse materials and sexual exploitation of children through ICT:

- In Chile, the national child services agency (SENAME) together with the Romero y Nalegach agency, has undertaken the challenge of designing and implementing a national dissemination campaign focusing on the prevention of grooming by means of self-care strategies, aimed at pre-adolescents and responsible adults.<sup>155</sup>
- In El Salvador, INTERVIDA, a private foundation, broadcast 392 radio spots for the national campaign on 'La Pornografía Infantil no es un juego, es un delito; denúnciala al 911' ('Child pornography is not a game, it is a crime; report it to 911'), as well as distributing flyers and posters and placing key messages on the backs of buses. Additionally, the Salvadoran Institute for the Comprehensive Protection of Children and CARE El Salvador carried out a campaign called 'Mi

*Cuerpo Me Pertenece*' ('My Body Belongs to Me') with a strong local component, in an attempt to familiarise people in various areas of the country with this problem.<sup>156</sup>

- In Peru, the Ministry for Women and Social Development carried out a campaign aimed at prevention, related to the use of ICTs: 'Chatea Seguro, Chatea pensando' ('Chat Safely, Think When you Chat'). The purpose of the campaign was to raise awareness among younger members of the population with regard to the risk present on the Internet (sexual violence, abuse and sexual exploitation), in an effort to protect the moral and physical integrity of child Internet users.<sup>157</sup>

ECPAT member organisations have also conducted local prevention and community mobilisations initiatives in Latin American countries. The following examples reflect the high level of youth participation and involvement in local campaigns in Peru:

- Tejiendo Sonrisas has been active in community mobilisation for the prevention of CSEC in the Lima Sur area in Peru. Prevention activities focus on identification of CSEC victims and providing support services for victims. Also, awareness-raising efforts aim to discover high-risk areas and to motivate communities to report CSEC cases and suspicious activities. Activities are coordinated with the local government, civil society organisations and private sector stakeholders committed to the protection of children. These efforts are led by youth that use a variety of tools, including street theatre, workshops, training sessions and exhibits at street fairs and festivals.<sup>158</sup>
- NGO REDES in the province of Junín, Peru, developed a youth network that mobilises young people to raise awareness in schools in the city of Huancayo. Youth leaders organise school campaigns on child trafficking for sexual purposes, train peer supporters and warn children about CSEC-related risks when using ICTs.



- In Maynas Province in the Peruvian Amazon, a community mobilisation initiative reached 600 children and 91 teachers. The campaign featured four signed agreements with local schools; 12 of which participated in a drawing contest. Four workshops, geared towards teachers and public servants (municipality personnel, Ombudsman's office) were also held on the identification and referral of victims or potential victims of CSEC.<sup>159</sup>

Some media initiatives have been successful in the area of CSEC prevention in the region; radio and television series have been used to raise awareness of holistic child protection and prevention of child trafficking for sexual purposes. The radio series "ESCAPE" and the TV series "Sexto Sentido" and "Contracorriente" were broadcast in Nicaragua, while "Rompe el Silencio" was broadcast in Honduras.<sup>160</sup>

### Strategies to reduce vulnerability

Effective prevention of CSEC, as stressed earlier, requires multi-faceted strategies and policies that simultaneously address different elements of the problem, including such root causes as poverty and lack of education. An example of this type of vulnerability-reduction strategy, at work in the Dominican Republic, is the '*Programa Progresando*' (*Advancement Programme*), which both raises awareness on trafficking and offers income-generation opportunities to parents of children at risk for commercial sexual exploitation and trafficking. The programme also encourages parents to keep children in school and out of hazardous work. A similar prevention strategy, established by the Costa Rican government, is the conditional cash transfer programme '*Let's Get Ahead*', which encourages low-income families to keep their children in school and out of exploitative work. The programme is executed by the Social Welfare Institute at the regional level and in 2011 served 185,000 beneficiaries.

### Hotlines and codes of conduct

Whilst sexual exploitation of children through ICT is becoming rife all over Latin America, functional hotlines for reporting illegal online content, including child abuse materials, have been established only in Colombia and Brazil. The Colombian hotline 'Te protejo' was set up in 2012 through the joint efforts of the Ministry of Information Technologies and Communications, Colombian Institute for Family Welfare (ICBF) Foro Generaciones Interactivas, Red Papaz, and Fundación Telefónica. It receives complaints of illegal content, including child sexual abuse online and child sexual exploitation, and is an official member of INHOPE.<sup>161</sup> Brazil's National Cybercrime Reporting Centre was established in 2006 and is now operated by the NGO SaferNet Brazil for reports concerning human rights cyber crimes and violations in the country, including reports regarding child sexual abuse content. To help receive and trace complaints from the public, the SaferNet Brazil Hotline signed memoranda of understanding with telecom/mobile operators such as Telecom Italia Mobile, Brazil Telecom, Telefonica and internet content providers such as Google, MySpace, etc.<sup>162</sup> Though not a hotline, a reporting mechanism for child pornography websites has also been set up in the Dominican Republic as part of the "Internetsano" programme implemented by the Dominican Telecommunications Institute, in collaboration with other government and non-governmental actors (see [www.internetsano.do](http://www.internetsano.do)).

In addition to hotlines, a number of self-regulatory initiatives have been launched by the mobile and ICT industry. For example, Telefónica, a Spanish broadband and telecommunications provider which has become the lead operator in Argentina, Brazil, Chile and Peru, is a founding member of the Mobile Alliance Against Child Sexual Abuse Content. Thanks to this Alliance, Telefónica proactively obstructs the use of the mobile environment by individuals or organisations wishing to consume or profit from child sexual abuse content in all countries where it operates.<sup>163</sup>

Other private sector actors are actively engaged in preventing child sex tourism, as reflected in the significant accomplishments in promotion of the Code in Latin America. The Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism is an industry-driven, multi-stakeholder initiative with the mission of providing awareness, tools and support to the tourism industry to combat the sexual exploitation of children in contexts related to travel and tourism.

ECPAT member organisations serve as local representatives of the Code in Colombia, Costa Rica, the Dominican Republic and Peru. Other tourism organisations have also promoted the Code in Belize and Venezuela; in Brazil the Ministry of Tourism in the state of Pernambuco trained its personnel throughout the whole state.<sup>164</sup> Other highlights on using the Code as a prevention tool in the Region include:

- In Mexico, Volaris became the first Latin American airline to sign the Code – in the middle of a flight from Mexico City to Cancun. This resulted in significant media attention on CSEC prevention and trafficking in children for sexual purposes. During its first year of implementation (2013-2014), the airline reached “top member status” for its outstanding commitment and work in preventing CSEC in tourism.
- The Campaign “*La Muralla soyyo*” has encouraged many hotels, restaurants, taxi drivers and street sales people to prevent CSEC in the Colombian city of Cartagena and to apply the Code.
- In Costa Rica, The Ministry of Tourism, Association of Hotels and Restaurants, Association of Tour operators, and Paniamor have joined efforts to promote implementation of the Code in the entire country.

*Areas of concern:*

- Socioeconomic services – including adequate food, housing, education and health care – for children at risk and their families, as well as support through social welfare systems that offer a full range of alternative care services and assistance within child protection systems, remain generally insufficient throughout the region;
- Vulnerable and marginalised children often have no information on available preventive measures or may encounter difficulties in accessing them;
- Awareness-raising campaigns in schools and communities, including rural and remote communities, by all forms of media (including information and communication technologies such as social networking tools) and with the meaningful involvement of children and young people, are limited, often localised and not sustained;
- Although school provides a key platform for empowering children and adolescents against CSEC, in most countries in the Region sex education and sensitisation on the issue has not been integrated into school curricula for primary or secondary schools’ students;
- Increased channels for reporting online child sexual exploitation are needed;
- In spite of the above-mentioned examples, there is much work to be done in Latin America to promote the implementation of the Code. By endeavouring to meet the six criteria of The Code, tourism companies can integrate child protection into their business operations and combat this crime. The six criteria convert child protection principles into concrete prevention measures.

## PROTECTION: STATUS OF CSEC LEGISLATION IN DOMINICAN REPUBLIC, MEXICO, CENTRAL AND SOUTH AMERICA

### Status of ratification of relevant international legal instruments

The Dominican Republic, Mexico, Central American States and South American States (the “Region”) have all ratified the ILO Convention 182. The *Optional protocol to the CRC on the sale of children, child prostitution and child pornography* (OPSC) and the *Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children* (Trafficking Protocol) have also been ratified by all of these national governments. However, only Bolivia and Costa Rica have ratified the *Optional Protocol to the CRC on a communications procedure* (OP3 CRC). This new Optional Protocol has so far been ratified by 11 countries worldwide<sup>165</sup>, and entered into force in April 2014.

ECPAT International and other international and national child rights NGOs have joined the *International Coalition for the OPCRC on a communications procedure*, which is committed to achieve rapid ratification and entry into force of the OP3CRC. The Coalition provides its members with periodic information about advocacy opportunities and targets and new advocacy material to promote the OP3 CRC. No ECPAT groups from Mexico, Central America and Dominican Republic have joined the Coalition yet. Therefore, like ECPAT affiliates in Argentina, Burkina Faso and Uruguay, ECPAT member organisations in the Dominican Republic, Mexico, Central American States and South American States should consider joining the *International Coalition for the OPCRC on a communications procedure* to acquire access to technical support and guidance on advocating for the ratification of the new Optional Protocol in their respective countries.

### Child Prostitution

OPSC Article 2 (b) defines ‘child prostitution’ as “*the use of a child in sexual activities for remuneration or any other form of consideration*”. All countries in the region, with the exception of Paraguay and Peru, have legislation that specifically addresses child prostitution.

However, only eight countries provide a comprehensive definition of utilisation of children in prostitution (Chile, Colombia, Costa Rica, Dominican Republic, Ecuador, El Salvador, Guatemala and Uruguay). The OPSC requires all State Parties to ensure that their legislation criminalises the *offering, obtaining, procuring or providing of a child for child prostitution, or attempts to do so* (Article 3.1(c)). The same eight countries prohibit all of these acts.

In all Latin American countries, the utilisation of children in prostitution is addressed under criminal law, either as a section relating specifically to children, or as a subsection of an offence related to adults, where it is an aggravating factor if the victim is a child. However, consensus is lacking in relation to the age of a child who must be protected from prostitution. In Guyana females below the age of 21 are protected, whereas in Ecuador and Bolivia, child victims under 14 are considered as an ‘aggravating factor’, and in Colombia, El Salvador, Honduras, Mexico, Nicaragua and Panama protection is offered up to the age of 18.

In all countries except Colombia and Costa Rica, children are not explicitly exempted from punishment for crimes related to their victimization in prostitution. This is partly because region-wide, prostitution is not illegal (except in Guyana and Suriname).

## Child Pornography

'Child pornography' is defined in the OPSC (Article 2 c) as "any representation, by whatever means, of a child engaged in real or simulated explicit sexual activities or any representation of the sexual parts of a child for primarily sexual purposes".

All countries in the Region have legislation specific to child pornography, the only exceptions being Belize and Guyana, where Criminal Codes simply refer to 'obscene materials'. Most countries with child pornography legislation include a definition of child pornography, with the exception of Guatemala, Honduras, Panama and Peru. Suriname's criminal law was amended to prohibit child pornography in 2009, but this amendment is not currently available online.

The OPSC definition of child pornography refers to 'any representation', which includes virtual pornography, i.e. representations of child pornography through media such as computer generated images, cartoons, art, and sculpture. Virtual child pornography is included in the definition of child pornography in Argentina, Bolivia, Colombia, the Dominican Republic, Ecuador, El Salvador and Uruguay.

The OPSC definition of child pornography also prohibits possession of child pornography and the downloading of images online. However, mere possession is not prohibited in Argentina, Belize, Bolivia, Ecuador, Paraguay, Uruguay or Venezuela, and accessing, viewing or downloading child pornography is not prohibited in any country in the region. Online solicitation of children for sexual purposes is also not prohibited in any Latin American country, with the exception of Brazil and Colombia. The OPSC (Articles 3.1 & 3.2) requires each State Party to ensure that the following activities, or attempts to carry out these activities, are fully covered under its criminal or penal law:

***Producing, distributing, disseminating, importing, exporting, offering, selling, or possessing child pornography for the purpose of:***

- a) Sexual exploitation of the child***
- b) Transfer of organs of the child for profit***
- c) Engagement of the child in forced labour***

Fifteen of the countries in the Region prohibit all of the acts required by the OPSC. Bolivia, Ecuador, and Venezuela fulfil all of the requirements except for explicitly prohibiting the possession of child pornography with the intent of distribution.

## Child Trafficking

All countries in the Region except Paraguay have legislation governing child trafficking; child trafficking is defined in all countries.

However even where specific legislation exists, problems of definition can arise. In Brazil, human trafficking is specifically defined as being for purposes of prostitution<sup>166</sup>, thus excluding other forms of sexual exploitation. In Uruguay, apart from the promotion and facilitation of child trafficking<sup>167</sup>, none of the activities listed in the Protocol are prohibited, and internal trafficking is not addressed in the law. The consent of the child is often a determining factor in child trafficking cases in all countries except Colombia, Mexico, Peru and Uruguay, where the law clearly states that the consent of the victim is irrelevant. The Palermo Protocol requires that it be specifically stated that the consent of the child is immaterial to the definition of child trafficking.

Further, the Palermo Protocol requires that child trafficking be explicitly defined to encompass *any means used*. In 13 countries the definition of child trafficking includes *any means used*<sup>168</sup>, but in others specific means are mentioned. For example in Bolivia, the Dominican Republic, Honduras, Paraguay and Peru the law requires proof of coercion, threats,

deception, or some kind of abuse of power to prove that a child was trafficked. Guatemalan and Uruguayan laws do not refer at all to the means used, while in Mexico the law states clearly that it is not required to prove the means used in cases of child trafficking victims.

## Extraterritorial legislation

Extraterritorial legislation addressing CSEC offences is in place in 17 countries in the region, but absent in the Dominican Republic, Guyana and Uruguay.

The Committee on the Rights of the Child recommends that double criminality should not be a prerequisite for conviction under extraterritorial legislation, even though this requirement is not set out in the OPSC. Double criminality means that the offence must be prohibited in both the home country of the perpetrator and in the jurisdiction where the offence took place. In countries where the criminal or penal code demands double criminality, a national can travel to another country with a less child-friendly legal framework to engage in child sex tourism without any consequence.

Perpetrators can rely on the defence that the child sexual exploitation that would be a crime in their own country was not illegal in the jurisdiction where it took place. In 12 countries in the Region that have extraterritorial legislation addressing CSEC offences in place, there is no requirement for double criminality.<sup>169</sup> Brazil, Ecuador, Mexico, Peru and Suriname do require double criminality. Extraterritorial legislation in Paraguay and Venezuela only addresses trafficking offences and does not include child prostitution, child pornography or child sex tourism.

None of the countries in the Region make prosecution conditional upon the filing of a complaint by the victim or on a formal request by the State of which

the victim is a national. This is commendable because although the Protocol does not deal with this issue, such a requirement generally hinders the judicial process, allowing for bribery or intimidation of victims and their families, or simply creates too many hurdles for the victim to overcome before they can pursue a conviction.

## CSEC in tourism

Nine Latin American countries have specific legislation in place addressing CSEC in tourism: Colombia,<sup>170</sup> Costa Rica,<sup>171</sup> Ecuador,<sup>172</sup> Guatemala,<sup>173</sup> Mexico,<sup>174</sup> Nicaragua,<sup>175</sup> Panama<sup>176</sup> and Peru<sup>177</sup>.

## SUPPORT SERVICES

*Child sexual exploitation has far-reaching emotional and physical implications that can permanently affect both the development and wellbeing of a child. This highlights the need for support services that help with the recovery and reintegration of child survivors of CSE. Further, research indicates that child victims of exploitation have distinct support needs that are different from those of adults.<sup>178</sup> Therefore, strategies for the recovery and reintegration of victims of CSE should contain both immediate and long-term policies for child-specific support in order to enhance child protection and wellbeing. Immediate support services may include medical and psychological care and the provision of adequate shelter and legal assistance. Long-term assistance for child victims could include return to the family or community when possible, reintegration into the education system of the respective state and concrete plans for social and economic rehabilitation.*

Article 39 of the UN Convention on the Rights of the Child requires member states to: take all appropriate measures to promote the physical and psychological recovery and social integration of children who have been victims of any form of neglect, exploitation or abuse, torture or degrading treatment or armed conflict.<sup>179</sup>

The Inter-American Children's Institute recently devoted substantial attention to the issue of restitution of rights of child victims of sexual exploitation, focusing on three key aspects of this process: care for the child whose rights have been infringed, protection of their rights, and punishment of the offender or violator of those rights.

In this connection research was conducted on the different strategies and models adopted by OAS Member States to ensure comprehensive care of CSEC victims, with a view to identifying good practices, lessons learned and challenges to be addressed and proposing a framework of reference. In general terms, research suggests that some progress has been made regarding the consolidation of interventions on CSEC. Based on information received from 11 Latin American member states, it appears that victim-care projects and programmes are being implemented in most countries, with the state serving as project executor, technical supervisor and funder.

***Care plans are executed both in capital cities and other parts of the country, and envisage the provision of various services (i.e. social, psychological, legal, health, educational, artistic and labour-related activities). The programmes list no requirements for the entry of children beyond an age restriction (under 18) and having been (or continuing to be) victims of CSE.<sup>180</sup>***

In all of the states surveyed, children enter the care and restitution programmes through referrals from the judicial system or the health, education or

social service systems, although in Brazil, Colombia, Costa Rica, the Dominican Republic, Ecuador, El Salvador and Uruguay the programmes also carry out their own recruitment, either in the streets or through other services. In Argentina, Brazil, Chile and Ecuador support services are provided to all children and adolescents subject to CSE, including LGBTI community.<sup>181</sup>

Residential institutionalisation of child victims is used in all of the states surveyed when: a situation exists that may jeopardize the child's right to life, security and/or well-being; there is a need for intensive therapy; the family is involved in exploitation or there is no protective family group; or there is a court order. The time frame for residential institutionalisation varies from country to country. In Panama and the Dominican Republic it is less than six months; in Costa Rica and Peru, between six months and a year. In Argentina, Brazil, Chile, Ecuador, El Salvador and Uruguay there is no fixed limit.<sup>182</sup>

Children participate in different ways in the project or programme work process. In Argentina, Brazil, Costa Rica and the Dominican Republic, participation occurs during the production of the personal care plan, for which children's opinions are sought. Families can also participate in the recovery process, so long as they have not been involved in the exploitation. In Brazil, for example, families (as well as children) are involved in the design of individual care plans and activity schedules, and take part in monthly meetings, parties and evaluations.<sup>183</sup>

All countries in the Region provide coordination and referral between public and private institutions in different fields (health, education, employment, housing, food, etc.). In some cases (Argentina, Dominican Republic, Panama and Uruguay), these relationships occur through inter-institutional coordination, often on the basis of a protocol. In others (Colombia and Ecuador), through committees, boards or established networks, whereas in still others (Brazil, Chile, Costa Rica, El Salvador and Peru) both formats are present.<sup>184</sup>

A number of good practices have been identified in the field of victims' recovery and assistance, many of which are being conducted by ECPAT member organisations:

- In Peru, the *'Prepárate para la vida'* ('Prepare Yourself for Life') project implemented by CHS Alternativo, Cedro and Fe y Alegría in the city of Iquitos focuses on four key areas: awareness-raising, prevention, rescue and sustainability. Specifically, the purpose of the "Rescue" focal point is to provide care for children involved in sexual exploitation through a care service focused on the provision of food, education and healthcare, enabling child victims to return to the education system and/or develop occupational skills. The multidisciplinary team includes two psychologists, a social worker, two teachers in charge of school support and ten students;<sup>185</sup>
- In Chile, ONG RAICES and PAICABI, both ECPAT member organisations, manage centres where support services in the area of recovery and reintegration are offered to CSEC victims. ONG RAICES runs two centres/shelters offering specialised help in the capital city of Santiago. The methodology used by ONG RAICES in the process of recovery and reintegration is innovative, centred on therapeutic theatre for victims to work through their own traumas. PAICABI manages several centres that also provide assistance to CSEC victims, particularly vocational skills to children nearing adulthood to prepare them to live on their own;
- In Colombia, despite a lack of government-sponsored support services specialising in recovery and reintegration, ECPAT Colombia has established specialised care centres in Bogota and Cartagena for child victims of CSEC that support children's recovery and reintegration. Support services are generally offered in collaboration with civil society organisations that provide accommodation, travel, and food to victims, since the State does not effectively provide this type of assistance;<sup>186</sup>
- In Paraguay, Luna Nueva has designed a project to improve the physical and psychological health of female child victims of sexual exploitation in the city of Asunción. Team members recruit mainly girls and female adolescents for assistance. The gender perspective is incorporated into an approach that focuses on the mental and physical health of adolescents and young girls as part of a process of dissociating them from CSE, with a particular focus on sexuality and maternity;<sup>187</sup>
- In Costa Rica, shelters managed by the Child Welfare System (PANI) provided assistance to 75 CSEC victims during 2011. The National Commission against Commercial Sexual Exploitation (CONACOES) continues to promote inter-institutional and multi-sectoral work through the local network strategy. In addition to institutional protocols, the approach is guided by "Inter-institutional Guidelines for the Restitution of the Enjoyment of Rights";<sup>188</sup>
- Uruguay has centres that offer specialised assistance in the capital city;
- Nicaragua's Office of the Prosecutor has one specialised unit to provide care for CSEC victims.

Training activities to build and enhance capacities of those dealing with CSEC victims during the recovery process have been organised in a number of countries, including Chile, Colombia, Costa Rica and El Salvador.<sup>189</sup> ECPAT International has updated a training guide<sup>190</sup> for supporting the recovery of children who have been victims of CSEC. The ECPAT guide is geared towards caregivers, however professionals from other fields could benefit from using it; in fact ECPAT International held two training of trainers (in Guatemala and Peru) that were attended by professionals from other fields, including medical personnel, psychologists, social workers, lawyers and law enforcement officers. It is expected that this tool will improve the knowledge and skills of personnel involved in supporting CSEC victims in the region.

### Areas of concern:

- With regard to care settings, whilst trafficking in persons and the commercial sexual exploitation of children in prostitution are beginning to be addressed jointly, other forms of exploitation (child sex tourism and child pornography) receive low priority. In this context the lack of specialised services for child victims of sexual exploitation through ICTs is particularly worrying;
- Despite progress to date, there are too few specialised centres and trained personnel dealing with children who have been victimised via commercial sexual exploitation. Where services do exist, the effective implementation of care programmes is hindered by lack of staff and financial resources, high turn-over of personnel and broad territories to be covered;
- Discriminatory attitudes towards CSEC victims in their environment and throughout societies hamper both labour integration and the return to education, as well as integration within peer groups;
- With regard to victims of cross-border trafficking, there are seldom policies in place to aid victims in the countries of destination or enable them to settle there; they must usually return to their countries of origin in circumstances that are unfavourable to their interests or that place their lives, or that of their families, at risk;
- Approaches to CSEC in the Region lean heavily towards police and judicial mediation, rather than actions to provide care for victims. This is reflected in the limited number of projects involving child survivors of CSE in the recovery process, compared to those working mainly on the basis of referrals from the judicial system.

## CHILD AND YOUTH PARTICIPATION

*Children and young peoples' participation is one of the four main principles of the United Nations Convention on the Rights of the Child, along with survival, development and protection.<sup>191</sup> Article 12(1) of the CRC ensures children's right to express their own views in all matters affecting them.<sup>192</sup> ECPAT International believes in the importance of children's participation in combating CSEC. As children are the victims of CSEC crimes, their participation in designing prevention methods and awareness-raising strategies and outreach for experience-sharing amongst peers has proven critical.<sup>193</sup> Nevertheless, EI acknowledges that children should not be obliged to participate in CSEC prevention when they have been victimised.*

Taking into consideration the CRC Article mentioned above, EI established the Youth Partnership Programme (YPP) in different countries. In the case of Latin America, it was established by ECPAT Guatemala, ECPAT Mexico and PAICABI (Chile). The programme involved children and young people as stakeholders influencing the development and implementation of research, projects, programmes, advocacy and policy.<sup>194</sup> The YPP also allowed children's voices to be heard, as a result of their participation in advocacy projects, production of prevention tools (such as a board game produced in Mexico), conducting research (YPP conducted research into the use of ICTs) and providing support to peers. Children and youth in Chile, Guatemala and Mexico who participated in this initiative felt empowered to prevent CSEC and support their peers.



Other ECPAT member groups in Latin America have motivated youth to participate and contribute to the fight against CSEC in their countries and protection of their rights. Children and youth have actively engaged in awareness-raising, prevention and peer support programmes. In addition to the examples provided earlier on youth participation in Peru (see Prevention section), other examples of programmes with youth involvement include:

- Dominican youth participated in the prevention of CSEC through youth networks based in Puerto Plata (43 youth), Sosua (76 youth), and Cabarete (207 youth). These youth groups are convened by MAIS, an ECPAT member organisation, and are committed to combating CSEC. In 2012 they supported the Zero Tolerance Campaign, an initiative that involved young people visiting businesses and approaching people at the beach, raising awareness by talking to people, handing out pamphlets and participating in a drawing contest. Members are aged 12-19 years old, meet weekly and work on developing life skills; at school they support their peers. UNICEF in the Dominican Republic has been also promoting child rights and participation through municipal youth groups.
- In Brazil, children and youth actively raise awareness about CSEC issues every year on 18 May, when they organise and parade against Commercial Sexual Exploitation of Children. In cities like Rio de Janeiro, Recife/Olinda and Fortaleza, ECPAT Brazil member organisations promote youth leadership and participation by involving young people in all activities. As mentioned earlier, the ANA virtual campaign was designed to strengthen youth participation during the Brazil's mega sporting events.<sup>195</sup>

Active child and youth participation in Latin America is evident in initiatives like REDNNYAS (Red Latinoamericana y Caribeña de niñas, niños y adolescentes). REDNNYAS is an active youth

network committed to monitoring human rights and is composed of national networks from all Latin America. National networks are committed to three principles:

1. Taking a human rights-based approach
2. Working for the best interest of the child
3. Fostering and maintaining equity and respect for diversity.

Members work closely with NGOs and REDLAMYC, a network of networks for the protection of children's rights in Latin America. Other recent initiatives to fight for children's rights emerging in the Region include efforts by the National Union of Child Workers in Bolivia to incorporate a proposal they developed into the national Code of Children and Adolescents. Also, the group Protagonistas helps children organise themselves into unions and collectively bargain for better protection from their employers.<sup>196</sup>

#### *Areas of concern:*

- In Latin America, although youth-led children's movements are growing across the region, cultural acceptance and recognition of children's rights as subjects with rights remains low. Children are viewed as requiring protection and help from adults, but are not necessarily given the right to participate in discussions about issues concerning their welfare. This cultural view of children has impeded efforts to increase child and youth participation in the region.<sup>197</sup> For instance, despite government-led programmes like *Colombia Joven* (Young Colombia), there is no social movement for children, and some research indicates that children are not clear on how to participate.<sup>198</sup> Also, in recent evaluation of initiatives against CSEC in Chile, child participation was noted as a challenge in the regions of Punta Areas, Bio-Bio and Valparaiso.<sup>199</sup>



## **SECTION 4. CONCLUSION AND WAY FORWARD**

Whilst the true scope of CSEC in Latin America remains unknown, there is evidence that this serious violation of children’s rights has intensified in recent years, reaching alarming proportions and evolving into new forms. Estimates suggest that 2 million children are sexually exploited in the Region as a result of multiple economic, social, cultural and individual factors. With the active involvement of organised crime, child trafficking to meet the demand for sex with children from both locals and foreigners continues unabated across borders and especially domestically. Likewise, the extent to which children and adolescents are used in prostitution is disturbing, as are signs that it has become less visible –and thus more difficult to control and prosecute – in recent years due to increasing reliance on the Internet and mobile phones to market and sell sex services. The growing access to new ICTs has also opened up new opportunities for sex exploiters to abuse children online or to groom them for offline exploitation. Alarming, preliminary studies conducted by ECPAT groups and other actors show that children and adolescents have begun to engage in unsafe behaviours (such as “sexting”) in their online interactions and, in the absence of specific child protection measures, there is a risk that Latin America will become a “safe haven” for online sex exploiters. Foreign sex offenders continue to consider Latin American countries as preferred destinations, and as a result of the permissive approach adopted by authorities in these locations, sexual contact with adolescents in brothels and surrounding areas and their sexual exploitation in hotels or rented apartments is being offered as part of the tour package.

As the overview presented above clearly shows, children in Latin America face a number of challenges in realising their right to be protected from sexual exploitation, and despite joint efforts by Governments, non-government organisations, UN agencies and other stakeholders to address this issue, much more needs to be done to end this scourge in the region. As a leading organisation in this field, ECPAT, through its dedicated network (currently active in 12 Latin American countries),

must play a leading role in advancing child protection from sexual exploitation in the region, particularly by addressing the remaining gaps in prevention, policy and legal frameworks, coordination and cooperation, recovery and reintegration and child and youth participation. The list of priority areas and strategies proposed below illustrates the potential for more vigorous and effective action against CSEC in Latin America that ECPAT, in collaboration with its partners, should explore in coming years to ensure a better future for Latin American children and adolescents.

## Coordination and Cooperation

To date, there are no official information systems on CSEC in Latin America, and States rarely make use of evidence-based decision-making. Research carried out by multilateral entities and non-governmental organisations is scattered and rarely provides in-depth analysis of the national or regional contexts where CSEC occurs. Major donors rarely promote and support research on CSEC to inform further interventions.

Non-governmental organisations have information on trends and dynamics related to CSEC based on their experience in the field. However, with few exceptions, dialogue between authorities and civil society is not fluid, and rarely takes place when major legal changes or policy design are being discussed. Furthermore, civil society organisations have increasingly fewer resources for examining the situation of CSEC; advocacy is mostly limited to monitoring changes in policies or procedures.

On the positive side, academia has been gradually taking a more active role in knowledge building on CSEC. However ECPAT groups and academia have acknowledged that, respectively, they lack methodological research skills and specialised knowledge on CSEC. This has fostered recent partnerships at the national level that need to be further promoted and enhanced.

Both at the regional and national level, cutting-edge knowledge is required to set the agenda against CSEC for the coming years. Most countries in the Region have committed to establishing information systems on CSEC, but to be useful the information gathered must be not standardised. Moreover, with few exceptions, the compiled information is usually not analysed and used for decision-making or re-orienting processes. Not surprisingly, there is no record of instances in the Region where National Plans of Action were assessed and evaluated during and after their implementation. In light of these gaps:

- It is vital for ECPAT to continue to foster partnerships between CSOs and academia. This has to be supported by donors (through support for emerging processes) and decision-makers, who will benefit from the expanded knowledge base on CSEC, as research findings are used to inform policies and strategies.
- A significant amount of work is needed in the Region to put in place standardised information systems to keep track of the different manifestations of CSEC. At the regional level, standardised information categories and variables should be agreed, to provide common ground when coordinating efforts. This will facilitate technical cooperation with specialised entities, and involve states in south-south cooperation schemes.

In addition to the OAS, which covers the entire American continent, sub-regional bodies such as MERCOSUR<sup>200</sup>, the Central America Integration System (SICA)<sup>201</sup> and Union of South American Nations (UNASUR)<sup>202</sup> are also important forums for advocacy on CSEC. Of these, only MERCOSUR has a strategy (NIÑ@SUR), where a sub-regional agenda on promoting child rights has been discussed and some CSEC-related strategies have been implemented.

ECPAT groups have had varying levels of involvement with both MERCOSUR and SICA. In relation to MERCOSUR, ECPAT groups in Argentina (CASACIDN) and Uruguay (Gurises Unidos) have actively engaged

in NIÑ@SUR and identified opportunities for sharing experience with larger bodies such as UNASUR. With regard to SICA, ECPAT Guatemala was contacted by the organisation's Secretariat to explore possibilities for work on CSEC. To support this ongoing process, ECPAT could consider implementing the following strategies:

- A south-south cooperation scheme should be designed to advocate in UNASUR, through ECPAT groups, to create sub-regional spaces where measures on CSEC are developed and implemented.
- The ECPAT Secretariat should provide technical support to ECPAT Guatemala (in coordination with other Central American ECPAT groups) to engage with SICA and explore possibilities for supporting this entity in the creation of specific measures against CSEC in this sub-region.

As highlighted in the body of this report, little or no coordination exists between countries in designing and implementing bilateral or multilateral measures on CSEC, in particular regarding trafficking of children for sexual purposes. The agenda over the past decade focused on reforming domestic legal frameworks, but has mostly failed to focus on programmes or projects to foster cooperation among or between countries. Except for isolated cases in the Southern Cone and Central America, ECPAT groups have not promoted these actions in a sustained manner. In 2014, the EI Secretariat created a Regional Coordination office based in Latin America to facilitate communication and coordinated strategies within ECPAT's network in the region, as well as to facilitate links with key regional entities. This is raising expectations among network members and external stakeholders, as CSEC is currently not part of the mission of the major child rights organisations in the Region. In light of this:

- ECPAT should engage in *regional* actions against the different manifestations of CSEC. This needs to be done in coordination with groups in the countries, empowering them in advocacy and international programme development. Taking

advantage of potential partnerships with child rights organisations active at the regional level, specific programmes should be designed addressing topics such as CSEC in tourism and sexual exploitation on-line.

- Stakeholders such as UNODC, INTERPOL and the International Centre for Missing and Exploited Children (ICMEC) are willing to explore possibilities for implementing regional projects against trafficking in persons. There is also interest in enhancing law enforcement and judicial authorities' capacity to work in such transnational endeavours. ECPAT might consider partnering with these groups.
- Regional cooperation strategies should be developed to ensure victims' access to justice. Through south-south cooperation schemes, ECPAT can facilitate technical assistance between governments and CSOs.

## Prevention

Most prevention strategies carried out by governments in Latin America have focused on information and awareness-raising. Significant financial and logistical resources have been invested in media and events, with very limited impact on reducing children's risk of being sexually exploited. Root causes of CSEC have been addressed by ECPAT groups through interventions on the ground. Nevertheless, given the high cost implicit in community interventions, the scope of these initiatives remains insufficient and many areas where urgent action is required (such as supporting the protective role of families and communities and gender-based social transformations) have not been explored.

As in the case of CSEC in tourism, multi-actor partnerships involving the private sector, CSOs and local governments have proven to be successful and sustainable. In relation to emerging trends such as sexual exploitation on-line, stakeholders from

the information and communications technology industry have shown interest in joining efforts for better prevention and counteraction. As we move forward, the following actions should therefore be considered:

- Successful prevention strategies implemented at the local level should be documented and shared with decision-makers to demonstrate the existence of effective alternatives to preventing CSEC and explore the possibility of scaling them up.
- At the regional level, specific prevention strategies aimed at tackling pull and push factors should be designed and implemented. This could be undertaken in conjunction with other ongoing strategies being implemented by other organisations (such as the UN Women's strategies for tackling male-centred culture and UNFPA's actions on sexual and reproductive health and empowerment in schools).

## Protection

To date, the benchmark international legal instrument used by States and CSOs to address CSEC has been the OPSC. It has, however, been argued by many actors that this treaty, though still necessary, is out of date and inadequate for addressing emerging trends in sexual exploitation. Efforts to promote changes in the OPSC would represent a significant investment of resources on a global scale.

Currently, the Inter-American system has no treaty addressing CSEC, unlike the European Union, nor are there bilateral instruments that commit countries to specific actions to tackle CSEC. Therefore:

- Taking into account that the OAS Pan-American Congress will take place in December 2014, with strong civil society involvement, a motion for a regional treaty on CSEC should be encouraged and presented.

## Recovery and Reintegration

As outlined above, assistance for victims of CSEC still needs to be improved in the region. In most countries, despite the existence of a general protection system for children, specialised assistance is not available, and public officials lack knowledge and resources to understand and address the particular needs of CSEC victims. To date, there is no evidence of compensation for CSEC victims as a result of administrative processes after an offender is convicted, although in isolated cases some monetary compensation was reportedly given as part of pre-trial agreements with prosecutors.

Responsibility, liability and accountability when victims are exploited in a foreign territory, or in their country of origin but by a foreign offender, have not been defined or ensured in the region. A number of cases in which victims lacked access to their right to justice and reparation, given legal misunderstandings about extraterritorial jurisdictions, have been identified and reported. Taking these gaps into account:

- ECPAT should consider partnering with legal think tanks and academia to discuss legal improvements to ensure victims' access to compensation.
- Health professionals (including mental health specialists) should be involved in the design/reform of policies and procedures to ensure the successful recovery and reintegration of victims. International resources and standards can be used to promote this discussion, and further technical support programs for governments should be implemented in the short-term.

## Child Participation

As a general rule, Latin America has not integrated child and youth participation into decision-making processes; participation has been promoted vaguely and with a limited number of youth in some countries. There is no record of meaningful spaces in the Region where children's opinions have been heard and taken into account when designing laws, policies or strategies that affect them.

In relation to CSEC, some local experiences have taken place in countries such as Brazil, Chile, Colombia, Guatemala and Peru, focusing mainly on promoting participation of youth groups (between 16 and 25 years of age) in awareness-raising campaigns. Even though these efforts have often achieved media coverage, their impact in terms of legal and policy reform at the local and national level has been negligible. Children under 15 years of age are rarely involved in these activities and, except for isolated cases identified in Colombia and Guatemala, child victims of CSEC are seldom involved in these processes.

- Taking advantage of ECPAT's Global Programme on Child and Youth Participation, ways and means of bringing the voice of children to decision-making forums should be identified. Using platforms such as the Pan-American Congress and the reporting mechanisms to the UNCRC and UNHRC, mechanisms should be agreed with ECPAT groups to ensure that the voice of children, in particular those of victims, is included in these spaces.

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