



**SUPPLEMENTARY HUMAN DIMENSION
MEETING**

**“ON COMBATING THE SEXUAL EXPLOITATION
OF CHILDREN”**

FINAL REPORT

Vienna, 18-19 October 2007

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I. SUMMARY

The third OSCE Supplementary Human Dimension Meeting for 2007 was devoted to addressing sexual exploitation of children. The Meeting took place on 18-19 October in Vienna, bringing together 159 participants, including 39 representatives of 36 non-governmental organizations.

A number of child rights stakeholders, including ECPAT (End Child Prostitution, Child Pornography and Trafficking in Children for Sexual Purposes), the International Centre for Missing and Exploited Children (ICMEC), the regional programmes of Save the Children and Terre des Hommes, UNICEF, the International Programme on the Elimination of Child Labor of the ILO (ILO-IPEC) and key local non-governmental and civil society actors from the OSCE region contributed their expertise towards setting the agenda for this Meeting. The main objective of the Meeting was to revisit progress and challenges in the fight against commercial sexual exploitation of children (CSEC) by looking at three key areas: Understanding and addressing vulnerability to exploitation (session 1), legislation and its implementation (session 2) and good practices in prevention and protection (session 3).

The Meeting raised awareness about the issues relevant to the CSEC and responses to it. It also aimed to allow for a discussion of practices and challenges in this field and assist participating States in taking stock of their progress in the implementation of commitments in this area. To this end, the active participation of civil society stakeholders and their field experience from throughout the OSCE region was essential.

In his opening remarks, the ODIHR Director set the framework for discussion by emphasizing the need for participating States to address the vulnerability of children to all forms of exploitation. He underlined the importance of implementing measures that tackle the marginalization of certain social and ethnic groups and the lack of opportunities and discrimination that give rise to these groups' vulnerability and that of their children. He underlined that there was no lack of international law and standards on this issue, but that the practical implementation of such standards and commitments at the national and local level was sometimes wanting. This Meeting provided a timely opportunity to enhance efforts to prevent the exploitation of children and ensure their protection. Such efforts had sometimes been subordinated to improving the criminal justice response to the problem, which failed then to deal comprehensively with the issues.

In **Session 1**, participants highlighted that certain factors make children vulnerable to exploitation and abuse generally rather than solely to commercial sexual exploitation. A lack of opportunities from early childhood could already lead to vulnerability. Factors include, an absence of parental care, violent and abusive family environment, poverty, lack of education, social exclusion and marginalization and inadequate access to mainstream public services. There was a general consensus that in order to address vulnerability adequately, children need to be listened to and included in the design,

implementation and evaluation of measures taken to tackle child exploitation. There is also an urgent need to strengthen the capacity of parents and state actors (such as health, education and social services) to identify and address situations of vulnerability and exploitation. In some cases this would require action to address problems arising in the broader family or community context, including poor living and employment conditions, and sometimes requiring long-term social responses.

Session 2 concluded that an appropriate legal framework, encompassing all relevant areas of the law, had to underpin an effective response to the CSEC. However, criminal law responses alone were not considered sufficient and should not be pursued at the expense of social protection measures. An overarching focus on combating crime in practice often proves harmful to the child and counterproductive to effective crime reduction. This has been noted in cases of abused children who themselves came into conflict with the law (due to for instance their begging or involvement in petty crime) and were then treated as offenders instead of identified and assisted as victims of abuse and exploitation.

Participants agreed that political commitment to understand the issues in its entirety and offer sustainable social (rather than politically convenient) responses is needed. This requires a review of the protection available and establishing an effective referral system for assistance which aims at securing a durable solution for the individual child. States should also review and enhance the protection and assistance provided to children during and after criminal proceedings. Criminal justice actors should closely cooperate with social and health services to ensure that the best interests of the child are protected at all stages of intervention.

During **Session 3** participants shared and discussed a number of state responses. There was general agreement that an effective response to CSEC cannot be left to one government agency, such as the police, but that cross-sectoral action is needed to ensure durable solutions for the child. Countries should develop national plans of action on abuse, exploitation and violence against children and put in place effective referral mechanisms. This requires identifying who is responsible to do what and when in prevention, early identification, assessment and registration of cases and understanding the different service options for children who are victims of violence and abuse. Such plans need to be developed with all actors, including children and young people. It was emphasized that peer education – which has proven to be a useful tool in reaching out to children – should be strengthened across the OSCE region. At all stages, the best interests of the child should be paramount when planning and implementing interventions.

II. SYNOPSIS OF SESSIONS AND RECOMMENDATIONS

This chapter summarises the discussions that took place in the course of the three sessions and highlights concrete recommendations proposed during the Meeting by delegations of OSCE participating States, international organizations, and NGOs. They are broad in nature and address various actors, including OSCE participating States, OSCE institutions and field operations, as well as other international organizations and NGOs. These recommendations however have no official status, are not based on consensus, and their inclusion in this report does not suggest that they necessarily reflect the views or policy of the OSCE. Nevertheless, they provide useful markers on the progress made and measures still needed to combat the commercial sexual exploitation of children.

General recommendations from the opening and closing plenary:

General recommendations to the OSCE participating States:

- OSCE participating States should tackle the marginalization of certain social and ethnic groups and the poverty and discrimination that gives rise to their vulnerability and that of their children to exploitation generally.
- OSCE participating States should adopt national plans of action to address abuse, exploitation and violence against children and ensure that these set concrete policies and programmes and are supported by adequate funding.
- OSCE participating States should provide a ‘continuum of services’ and an effective referral system for children. This requires clarifying who is responsible to do what and when in prevention, early identification, referral, assessment and registration of cases, and what the different assistance options are for abused and exploited children. At all stages the need to find a durable solution in the best interests of the child should be paramount.
- OSCE participating States should pay special attention to the precarious position of migrant children, particularly those who are undocumented and without a protective environment, when developing and implementing strategies that address child exploitation, including commercial sexual exploitation of children.
- OSCE participating States should include all actors, including civil society, children and youth in the development of policies and programmes.
- OSCE participating States should support the creation of a centre for missing and exploited children which could serve as a national contact point. They should also establish national points of contacts within the police.
- OSCE participating States should intensify, at the local and national level, cooperation with civil society organisations in prevention and protection work.
- OSCE participating States should ensure that all professional groups working with children are provided with regular training and resources to be able to adequately identify and address all forms of CSEC. Training on combating sexual abuse and exploitation of children should be mainstreamed into the curricula and continuing professional education of all adults working with children: health workers, teachers, the police, the judiciary and social services.

- OSCE participating States should ensure that all forms of CSEC are criminalized and should harmonize their laws within the OSCE region. This includes ensuring that possession of child pornography is criminalized and that extra-territorial jurisdiction applies in the prosecution of child exploitation cases.
- OSCE participating States should regularly monitor and review the protection and prevention mechanisms in place for exploited minors. States should consider establishing independent Child Ombudspersons to monitor the implementation of child rights policies and to give children more voice.
- OSCE participating States should ensure that specialised support services are in place for child victims of exploitation, including reintegration and rehabilitation programmes.
- OSCE participating States should conduct and fund research nationally and regionally based on commonly designed methodologies and comparable data to allow for an in-depth understanding of the phenomenon of CSEC.

General recommendations to the OSCE institutions and field missions:

- OSCE institutions and field missions should seek advice from child rights experts and children and young people in their work on child exploitation, including CSEC.

General recommendations to other intergovernmental and NGOs:

- Intergovernmental organisations and civil society actors have an important role in contributing to a better understanding of situations of vulnerability and exploitation and in adequately documenting the issue of CSEC. This is crucial for the development of appropriate responses.
- Intergovernmental and civil society organisations should seek advice from child rights experts and children and young people in their work on child exploitation, including CSEC.

SESSION 1: Understanding and addressing vulnerability to exploitation

Moderator: **Maia Rusakova**
Director, NGO Stellit, St. Petersburg

Introducer: **Maria Antonia di Maio**
Regional Programme Adviser, Save the Children South East Europe

A lack of opportunities and options from early childhood makes children particularly vulnerable to exploitation and abuse in general rather than solely to commercial sexual exploitation. The absence of parental care, a violent and abusive family environment, poverty, lack of education, social exclusion and marginalization, and lack of access to mainstream services all contribute to this vulnerability. Foreign minors and minors in

educational institutions and detention centers have been identified as particularly vulnerable to multiple forms of exploitation and abuse. The particular vulnerability of minors either as migrants themselves or as those left behind by migrating parents was raised by various actors from countries of destination and countries of origin. In this regard, it was stressed that participating States need to ensure that the human rights of these children do not take second place to immigration or crime control interests.

The Coalition for Children's Rights from Baku pointed out that a recent study in the country had revealed that children in state residential institutions, orphanages, boarding schools and street children were most vulnerable to sexual exploitation. The NGO "Vzaimodeistvie" from Tiraspol stressed the heightened vulnerability of children in crisis zones, in particular due to a lack of social welfare and protection systems and identification documents. The NGO Stellit from St. Petersburg emphasized the importance of preventive work with schools and parents. For prevention work to be effective, certain taboos need to be challenged and misperceptions addressed, such as awareness raising and sex education for boys, as well as depicting sexual offenders as strangers, when in fact they are in the majority of cases relatives or acquaintances of the child.

Responses need to recognize the complexities of vulnerability and focus on enhancing social protection in general as well as on specific areas of child protection. Participating States and experts emphasized that certain prevention and protection work needs to reach those children who generally would not be seen to fall into the category of highly vulnerable. Research shows that prevention work is often perceived by children as scare-mongering and confusing rather than seen as being of practical relevance to their lives. There was agreement that this needed to be addressed, and it was stressed that prevention and protection workers need to find a language that children understood and could relate to. The need for capacity building and guidance for front line workers in social and health work, law enforcement as well as for parents was emphasized to ensure that situations of vulnerability could be identified and addressed appropriately.

Recommendations to the OSCE participating States:

- OSCE participating States should reflect in their responses to CSEC the links between the different forms of exploitation to which children are subjected.
- OSCE participating States should ensure that particular target groups, such as ethnic minorities or vulnerable social groups, are included in the development of preventive and protective responses.
- OSCE participating States should ensure that child helplines are available and easily accessible in each country.
- OSCE participating States should refrain from undermining the rights of children in the name of security or immigration control.
- OSCE participating States should pay greater attention to identifying and providing assistance to exploited minors in their fight against CSEC.

- OSCE participating States need to ensure that institutions that work with children, including children who have come into conflict with the law, are able to identify, refer and adequately address situations of abuse and exploitation.
- OSCE participating States should explore ways to improve the ‘life skills’ of children, including particular vulnerable groups, as a way of reducing their vulnerability.

Recommendations to the OSCE, its institutions and field operations:

- The OSCE, as a regional organization, should define its role in implementing the recommendations from the United Nations Secretary General’s Study on Violence against Children¹ at the regional level.
- The OSCE should assist in developing prevention and protection mechanisms for conflict areas within the OSCE which generally lack child protection mechanisms.

Recommendations to other intergovernmental and non-governmental organizations:

- Intergovernmental organizations and civil society organizations should play a role in the implementation of recommendations from the United Nations Secretary General’s Study on Violence against Children

SESSION 2: Legislation and its implementation: Social Protection and Criminal Law

Moderator: **Ms. Muireann OBriain**, ECPAT consultant and former ECPAT Executive Director

Introducer: **Ms. Aina Mee Ertzeit**, Member of the Committee of Experts on the Council of Europe Convention on Sexual Exploitation of Children, Ministry of Justice, Norway

Mr. Ernie Allen, Director of the International Centre for Missing and Exploited Children (ICMEC)

There was agreement that while a variety of relevant international standards exist, such as the UN Convention on the Rights of the Child and its Optional Protocol on the Sale of Children, ILO Convention on Worst Forms of Child Labour Convention (182), the Palermo Trafficking Protocol, the Council of Europe Conventions on Trafficking in Human Beings and Sexual Abuse and Exploitation of Children, OSCE commitments, national implementation of these standards need to be improved.² In many participating States this meant closing gaps and loopholes in national laws, including criminal laws, with a view to harmonizing standards across the region. In the context of child pornography, the importance of criminalizing the possession of pornographic material

¹ For the study and background information see www.violencestudy.org/r25

² For full name of conventions see Annotated Agenda (Annex II).

was reiterated as well as the the need for specialized training for criminal justice actors, in particular the police. Participants agreed that criminal law is an important tool to combat sexual exploitation of children, but many pointed out that participating States need to better ensure that the protection of victims is guaranteed by law and in practice.

With regard to the protection of victims, the need to enhance assistance and protection to exploited minors, and where necessary to their families, during and after criminal proceedings was highlighted. Civil society organizations pointed to socially marginalized groups, such as foreign minors or minors of a certain ethnic origin, for example Roma and Sinti, who often faced prejudices and discrimination by criminal justice actors. These attitudes need to be addressed to make progress. Government and civil society representatives emphasized the importance of monitoring the protection of the rights of children during proceedings and to review legislation and practices accordingly.

It was also acknowledged that criminal justice responses alone were not sufficient to combat CSEC. Numerous civil society organizations pointed out that currently the welfare of exploited minors is often not a priority, with little or no mid- and long-term support available to them. In fact, exploited minors often end up being criminalized because of their irregular status in the country, involvement in prostitution (which is illegal in some countries), begging or petty crime and are returned without risk assessments to their countries of origin. In other cases, authorities do not keep track of what happens with exploited minors as the focus is the identification of the perpetrators. This has resulted in minors being returned to an exploitative environment. Participating States need to review and adapt their legislation, policies, practices and budgets around social protection in general and specific areas of child protection in particular. Specifically, attention needs to be paid to ensuring that policies are also applicable to marginalized and socially excluded groups. It was generally agreed that cooperation between social service providers, civil society organizations, law enforcement and juvenile justice institutions is crucial to ensure the identification and response to exploitative situations in the best interests of the child.

Recommendations to OSCE participating States:

- OSCE participating States should review and strengthen their laws and policies in connection with social protection in general and child protection in particular to address prevention and protection needs in the fight against child exploitation and abuse.
- OSCE participating States should adopt the 2007 Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse.
- OSCE participating States should review their laws and their implementation to ensure that exploited children receive assistance and protection during and after criminal proceedings.
- OSCE participating States should ensure that their laws and practices do not punish or criminalize, but protect exploited minors who are in conflict with the law. This will facilitate the reporting of exploitative situations and enable exploited minors to come forward.

- OSCE participating States should use existing model legislation in reviewing their national laws to combat CSEC, for example that developed by the International Centre for Missing and Exploited Children and Interpol.
- OSCE participating States should subscribe to existing training courses to increase the capacity of their law enforcement agencies to combat CSEC, including the trainings developed by ECPAT and ICMEC. This should also include skills for working with children and in particular exploited children.
- OSCE participating States should ensure that their social and health services are adequately trained and equipped to provide specialized short-, mid- and long-term assistance to exploited minors.
- OSCE participating States should consider adopting child protection acts and action plans at the national and local level.
- OSCE participating States should consider setting up registers of sex offenders.
- OSCE participating States should ensure that anti-corruption measures are implemented in the fight against CSEC.
- OSCE participating States should review all relevant laws and their implementation in order to take stock of their efforts to combat CSEC at the national and local level.

SESSION 3: State responses – good practices

Moderator: **Mr. Ahmet Ozirmak**, Chief Technical Adviser for ILO’s International Programme on the Elimination of Child Labour (IPEC), Regional Programme in Central and Eastern Europe

Introducer: **Ms. Colette Clement-Barthez**, Legal Advisor to the “Defenseure des Enfants”, France

The discussion highlighted a number of good practices from across the OSCE region. The monitoring of identification and protection mechanisms for exploited minors in a number of countries has been instrumental in exposing gaps and shortcomings and instructive in making responses more effective. Some countries have established special institutions such as that of a child ombudsperson to monitor child rights issues. The periodic reporting to treaty bodies related to the rights of the child was raised as an important way for countries to evaluate implementation at the national level. Certain countries have developed special cross-sectoral child protection action plans at the local level to emphasize the responsibility of all authorities in the protection of the rights of the child.

The commitment of local and national governments to work with and fund civil society organizations to reach out to exploited minors and vulnerable groups was considered essential in the fight against commercial sexual exploitation. Outreach and street work has been identified as of particular importance, for prevention and protection purposes, for marginalized and socially excluded groups who often do not have access to educational institutions or to mainstream social services (such as street children, undocumented migrant children, children in institutions and minority groups). To be

effective, prevention and protection efforts for exploited minors from marginalized groups need to provide real solutions for their life situation. This includes educational and work opportunities for minors, and where appropriate, for their families in order to address their particular needs.

Strengthening cooperation between various professional groups, such as police officers, juvenile justice actors, social services, health services, educational institutions and civil society organizations has proven beneficial. However, reforms of these sectors and capacity building for the various professional groups are needed in certain countries to adequately address the issue of commercial sexual exploitation. This includes counseling and mentoring to prevent the burn-out of professionals.

Peer education and cultural mediation were seen as important tools in the work with minors in a number of countries. The contributions of children and youth were also instrumental in shaping effective prevention and protection measures and enhancing outreach to vulnerable and exploited minors.

Recommendations to OSCE participating States:

- OSCE participating States should review CSEC in their countries and identify gaps and recommendations for action at national and local level.
- OSCE participating States should ensure that monitoring mechanisms are in place, allowing for a regular independent review of laws and practices.
- OSCE participating States should involve children and youth at all stages of policy development in the fight against child exploitation.
- OSCE participating States should support peer education as an effective way of outreach to children.
- OSCE participating States should encourage and support research that goes beyond general perceptions about CSEC in their countries and analyses new or ‘hidden’ phenomena, such as boys in the sex industry.

Recommendations to the OSCE, its institutions and field operations:

- The OSCE institutions should ensure that they involve children and youth in their work against child exploitation and CSEC in particular.

Recommendations to other intergovernmental and non-governmental organizations:

- Intergovernmental organizations and civil society organizations should ensure that they involve children and youth in their work against child exploitation and CSEC in particular.

III. ANNEXES

ANNEX I. AGENDA

Day 1

18 October 2007

15.00 - 16.00

OPENING SESSION:

Opening remarks

A representative of the OSCE Chairmanship

Ambassador Christian Strohal

Director of the OSCE/ODIHR

Eva Biaudet

OSCE Special Representative on Combating
Trafficking in Human Beings

Keynote speeches

1. Ms Anne-Marie Lizin

Vice President, OSCE Parliamentary Assembly

2. Ms Jo de Linde

Ecpat International representative to UN agencies
and NGOs in Geneva

Technical information by the OSCE/ODIHR

16.00 - 18.00

Session I: Vulnerability to Exploitation

Introducer:

Ms. Maria Antonia Di Maio

Regional Programme Adviser, Save the Children, South
East Europe Child Trafficking Response Programme

Moderator:

Ms. Maia Rusakova

Director, NGO Stellit, St. Petersburg, Russia

Discussion

18.00	Reception by Chairman-in-Office
Day 2	19 October 2007
09.00 - 12.00	<p>Session II: Legislation and its implementation: Social Protection and Criminal Law</p> <p><i>Introducers:</i></p> <p>1. Ms Aina Mee Ertzeid Member of the Committee of Experts on the Council of Europe Convention on Sexual Exploitation of Children, Ministry of Justice, Norway</p> <p>2. Mr Ernie Allen Director, International Centre for Missing and Exploited Children</p> <p>Moderator: Ms Muireann O Briain ECPAT</p> <p><i>Discussion</i></p>
12.00 - 14.00	Lunch
14.00 - 16.00	<p>Session III: State responses - good practices.</p> <p><i>Introducer:</i></p> <p>Mr Ahmet Ozirmak</p> <p>Chief Technical Advisor, ILO International Programme for the Elimination of Child Labour, regional programme in Central and Eastern Europe</p> <p><i>Moderator:</i></p> <p>Ms. Colette Clement-Bartez Magistrate and Legal Advisor to the ‘Defenseure des Enfants’, France</p>

Discussion

16.00 - 16.30

Break

16.30 - 17.30

CLOSING SESSION:

Reports by the Working Session Moderators

Closing Remarks

Mr. Jean-Claude LeGrand

Regional Child Protection Adviser, UNICEF

Ambassador Christian Strohal

Director of the OSCE/ODIHR

17:30

Close of Day 2

ANNEX II. ANNOTATED AGENDA

Commercial sexual exploitation of children is not a new phenomenon. It manifests itself in a variety of settings represented by instances of children held in captivity and subjected to rape whilst in other cases children unrestricted in their freedom of movement but seemingly making choices to earn money through commercial sex. New communication technologies, such as the internet, have also been seen to be associated with an increased risk of sexual exploitation of children including through the production and distribution of child pornography.³

Over the last two decades, the international community has intensified the fight against the sexual exploitation of children. The adoption of the Convention on the Rights of the Child⁴ by the United Nations General Assembly in 1989 and its entry into force in September 1990 represented an important landmark in the protection of child rights. The Convention calls on governments to protect children against all forms of sexual exploitation and abuse and to ensure that all measures possible are taken to ensure that children are not abducted, trafficked or sold.⁵ In 1999, the General Conference of the International Labour Organization adopted the Worst Forms of Child Labour Convention (ILO Convention No. 182) and the Worst Forms of Child Labour Recommendation (ILO Recommendation No. 190).⁶

In 2000, the UN General Assembly adopted the Optional Protocol on the sale of children, child prostitution and child pornography⁷ and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime⁸. In 2001, the Council of Europe adopted the Convention on Cybercrime which includes action against child pornography on the internet. Finally, in July this year, the Committee of Ministers of the Council of Europe adopted the Convention on the Protection of children against sexual exploitation and abuse.⁹

In addition, the First World Congress against Commercial Sexual Exploitation of Children in 1996 in Stockholm and the Agenda for Action adopted by 122 countries that

³ See the Secretary General's report on Violence against Children, October 2006, UNGA A/61/299 at para 77.

⁴ Thereinafter CRC.

⁵ See CRC Articles 34 and 35.

⁶ The term "worst forms of child labour" includes amongst others the use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic performances (Art. 3b). For Convention No 182 and Recommendation No. 190 see www.ilocarib.org.tt/childlabour/legislation.htm

⁷ See A/RES/54/263 of 25 May 2000. The Optional Protocol entered into force on 18 January 2002. The Optional Protocol draws special attention to the criminalization of these serious violations of children's rights and emphasizes the importance of fostering increased public awareness and international cooperation in efforts to combat them. Importantly, the Optional Protocol is interpreted in light of the original treaty and thus guided by the principles of non-discrimination, best interests of the child and child participation.

⁸ The Protocol entered into force on December 25 2003.

⁹ Adopted by the Committee of Ministers 12th July 2007. It will be opened for signature at the 28th conference for European Ministers of Justice, Lanzarote, 25-26 October 2007.

followed it as well as the Second World Congress in 2001 in Yokohama and the Yokohama commitment to adhere to the Stockholm agenda for Action played an important role in putting the issue of commercial sexual exploitation of children on the international political agenda.¹⁰

OSCE commitments relevant to combating sexual exploitation of children date back to Copenhagen 1990 when participating States decided to accord particular attention to the recognition of the rights of the child, including their right to special protection against all forms of violence and exploitation.¹¹ In 1999 in Istanbul the OSCE participating States agreed in the Charter for European Security to prevent violence against children, sexual exploitation and trafficking, through, amongst others, the adoption or strengthening of legislation to hold accountable persons responsible for such acts and through the strengthening of protection for victims.

In the Action Plan to Combat Trafficking in Human Beings (Maastricht 2003), participating States agreed to give special attention to the issue of trafficking in children, including for the purpose of sexual exploitation, and to recognize the particular vulnerability of unaccompanied children.¹² In Sofia, the Ministerial Council encouraged participating States to counter factors which contribute to making children particularly vulnerable to trafficking in human beings, including discrimination, exploitation, poverty, lack of education and displacement. It also agreed to strengthen addressing demand, including combating child sex tourism. Finally it tasked the Permanent Council to elaborate an addendum to the OSCE Action Plan to Combat Trafficking in Human Beings on addressing the special needs of child victims of trafficking for protection and assistance.¹³ The Addendum was adopted by the Permanent Council in July 2005 and endorsed by the Ministerial Council in December 2005 in Ljubljana.¹⁴ Amongst others, it calls for effective national policies and programmes to prevent trafficking in children, and reducing children's vulnerability by promoting a protective environment in general through strengthening relevant institutions and regulations, reducing poverty and preventing violence against children.¹⁵ Importantly, last year's Ministerial Council in Brussels adopted a decision on Combating Sexual Exploitation of Children.¹⁶

While condemning sexual exploitation of children in all its forms, the Brussels Ministerial Council Decision makes particular reference to forms of commercial sexual exploitation of children (CSEC), ie child prostitution, child pornography and trafficking

¹⁰ For the Stockholm Declaration and Agenda for Action see www.oit.org/public/english/comp/child/standards/resolution/stockholm.htm. For the Yokohama Global Commitment see www.mofa.go.jp/policy/human/child/congress01-y.html. For conference documents of both World Congresses see www.csecworldcongress.org/en/index.htmThe ECPAT Global Monitoring report is monitoring the implementation of the Agenda for Action.

¹¹ See Document of the Copenhagen meeting of the Conference of the Human Dimension of the CSCE. www.osce.org/documents/odhr/1990/06/13992_en.pdf

¹² See MC.DEC/2/03

¹³ See MC.DEC/13/04

¹⁴ See MC.DEC/13/05.

¹⁵ See paragraph 2.

¹⁶ See MC.DEC/15/06

of children for sexual exploitation (para 1). It calls on States to conform their legislation to international commitments and obligations (para 2) and urges them to take a holistic approach to addressing root causes and contributing factors by developing comprehensive measures to prevent sexual exploitation of children (para 3). It also calls on participating States to facilitate the legal protection, care and rehabilitation of child victims (para 6) alongside urging increased co-operation among participating States for the detection, investigation, prosecution and punishment of those responsible for the sexual exploitation of children (para 10).

Practice shows however that despite many commitments undertaken at the national and international level, implementation is often inadequate and governments face serious challenges in transforming commitments into sustainable action.¹⁷ This Meeting therefore provides an opportunity to raise and review key issues and challenges in tackling commercial sexual exploitation of children. Strengthened international co-operation and exchange of information between States and with international organizations and civil society organisations working on these issues is crucial. Such exchange and cooperation is reflected in the preparation of this meeting which benefited from the valuable contributions of key child rights stakeholders, including ECPAT (End Child Prostitution, Child Pornography and Trafficking in Children for Sexual Purposes), the International Centre for Missing and Exploited Children (ICMEC), the regional programmes of Save the Children and Terre des Hommes, UNICEF and the International Programme on the Elimination of Child Labor of the ILO (ILO-IPEC) and a number of local non-governmental and civil society actors from the OSCE region.

The meeting is divided into three working sessions. Working session I focuses on understanding and addressing vulnerability to exploitation, emphasizing the importance of preventive measures including adequate child protection systems and social welfare. A discussion of adequate legal frameworks, including criminalizing offences and prosecuting perpetrators and adequate laws and policies related to social, educational and labour issues follows in working session II. Finally, working session III is devoted to consideration of responses to the sexual exploitation of children and will provide an opportunity for participating States and civil society to share lessons and good practices on protective and preventive measures.

Session I: Understanding and addressing vulnerability to exploitation

A number of structural, cultural and individual factors make children vulnerable to sexual exploitation. Frequently the same factors make children vulnerable to other forms of exploitation too. Crisis situations in the sense of economic, social, or political instability compound these risks as human security becomes more precarious. Session I explores the key factors that make children vulnerable to exploitation, particularly commercial sexual exploitation. This session will provide the basis for discussing adequate responses, with a

¹⁷ With particular focus on action against commercial sexual exploitation see the ILO/UNICEF/Work Bank study on *The Assessment of Commercial Sexual Exploitation of Children: A review of Methodologies, Understanding Children's Work (UCW) Project*, 2003.

focus on law enforcement and targeted and adequate child care policies and structures on day 2 of the meeting.

Vulnerability often stems from children's need for survival strategies due to poor access to education and care and social and economic marginalization which in turn results from their exposure to poverty and discrimination. Traditional harmful practices within particular communities such as those that result in girls being left without education and vocational training and forced into marriages adds to this vulnerability. Equally there are particular circumstances in individual families that make children vulnerable to commercial sexual exploitation later in life. This includes families in which domestic violence occurs, in particular sexual and physical abuse of children. Vulnerability also increases where institutionalised care, such as that provided through orphanages and children homes, is inadequate and even abusive.

Migration, or rather the context in which it often occurs, makes children vulnerable to exploitation. This is particularly the case where children are separated from a protective environment, accompanied by abusive adults, undocumented, and marginalized in the place they migrate to. Measures taken to make migration (and return) safe must therefore be part of preventive and protective measures in tackling commercial sexual exploitation of children.

Issues that could be discussed:

1. What mechanisms are in place in participating States to assess the vulnerability of children to exploitation? Which state institution is responsible for such assessment at the local and national level?
2. How do participating States assess and address the heightened vulnerability of particular groups, such as separated minors, children without parental care, children in institutions and with special needs, children suffering from abuse and neglect, minority children, socially and economically marginalized children and families. How do they ensure that these groups are empowered and benefit from preventive and protective measures?
3. Which are the main challenges participating States face in alleviating these vulnerabilities to exploitation and where would they need more support?

Session II: Legislation and its implementation: social protection and criminal law

Few would argue that there is a need for new international standards on combating commercial sexual exploitation of children. Standards exist: on the rights of the child, on combating exploitation and abuse of children, on sexual exploitation in all its specific forms, such as child pornography on the internet. What is often lacking however is effective implementation of these international standards at the national and local levels.

The focus of the fight against commercial sexual exploitation of children and legislative responses at the national and international level has so far been on the criminalization of related offences and the prosecution of offenders. In recent years, the importance of preventive and protective measures has been emphasized more, in particular in view of

the limited deterrent effect of criminal law. Therefore targeted preventative and protective measures are essential, for children and their environments in general as well as for specific vulnerable groups and children at-risk. These include the adoption of law and policy on education, social and child protection, health and labour.

In the area of criminal law, the main task is to address remaining gaps in national legislation and to ensure that criminal justice systems are effective and its actors adequately equipped and trained to implement the law.¹⁸

In the area of preventative and protective measures, a review and enhancement of child protection systems, including related regulatory frameworks, at the local and national level are needed. In particular with regard to child pornography on the internet, the need to focus more on victim identification and assistance, often neglected in the past, has been noted.¹⁹

Issues that could be discussed:

1. What measures have participating States taken to identify and address loopholes in their national legislation to ensure that perpetrators are prosecuted?
2. Have participating States provided clear definitions of what constitutes child pornography?
3. How do participating States ensure that minors in prostitution are not punished or criminalized by national law or its implementation?
4. Which social protection measures have participating States introduced at the national and local level to ensure that particularly vulnerable groups and victims are identified and assisted?
5. What are the main challenges that participating States still face in developing and implementing adequate regulatory frameworks to combat commercial sexual exploitation of children?

Session III: Good practices in prevention and protection

Policies and measures to combat commercial sexual exploitation of children must be guided by child rights standards rather than for instance migration or public security concerns. Migrant children, in particular those who are separated from a protective family environment, are undocumented or have precarious residence titles, are at particular risk of exploitation and abuse.²⁰

¹⁸ See ECPAT Global Monitoring Report on the status of action against commercial sexual exploitation of children, country reports. Available on: www.ecpat.net/eng/A4A_2005/login.asp. See also ECPAT Europe Law Enforcement Group, Joint East-West Research on trafficking in children for sexual purposes in Europe: the sending countries, Amsterdam 2004. Specifically on child pornography see International Centre for Missing and Exploited Children (ICMEC), Child Pornography: Model Legislation & Global Review, 2nd Edition, 2006.

¹⁹ See E/CN.4/2005/78, 23 December 2004, paragraph 125

²⁰ See Council of Europe, Commissioner for Human Rights, „Children in migration deserve better protection“, Viewpoint, August 6, 2007, available at

Children subject to commercial sexual exploitation often suffer further victimization by those who are responsible to help them. This is true for both girls and boys, national and foreign minors. Participating States need to ensure that exploited children are not subjected to further abuse, such as criminalization, deportation, violence, stigmatization or discrimination. Responses tackling commercial sexual exploitation of children need to aim at empowering those that are exploited or vulnerable. For some minors this means access to education for others access to vocational training and work opportunities.²¹ The best interests and needs of the individual child should always be at the centre of any decision making. The active participation of children at all stages of development and implementation of child protection responses is also an important safeguard in this respect. Equally, quality of care standards for caregivers are fundamental to ensure that children are cared for appropriately. Basic features of such standards include the rights and protection of a child, functional operational guidelines, ethical principles of practice, basic requirements for a child's physical and psychosocial well-being; the responsibilities of managers and caregivers; and effective case management.²²

Issues that could be discussed:

1. How have participating States adapted their existing child protection mechanisms in order to be able to adequately respond to commercial sexual exploitation of children? This includes amongst others adopting quality of care standards for child-care facilities; rapid response programmes and assistance guidelines for care givers, social workers, health personnel and law enforcement agencies; outreach work; peer and life skills education.
2. How do participating States ensure that responses reach national and foreign minors alike and take into account the best interests and needs of the individual child?
3. Which good practices have participating States developed to ensure that children actively participate in the development and implementation of child responses?
4. What role do Child Ombudsmen and civil society actors play in participating States in the prevention and protection efforts?

www.coe.int/t/commissioner/Viewpoints/070806_en.asp. See also International Federation Terre des Hommes, Kids as commodities? Child Trafficking and What to do about it?, 2004.

²¹ See reports submitted by Juan Miguel Petit, Special Rapporteur on the sale of children, child prostitution and child pornography. E/CN.4/2003/79 on January 6 2003, E/CN.4/2004/9 on January 5 2004 and A/HRC/4/31 of December 26, 2006.

²² See John Frederick, Rehabilitation, Recovery, Reintegration: Raising Standards of Care, ECPAT International Newsletters, Issue No 44 1/July/2003. See ILO-IPEC, Standards and Guidelines for the care of the sexually abused and sexually exploited, in ILO-IPEC, Creating a Healing Environment, Volume I, Geneva 2002 and ILO-IPEC, Child Friendly Guidelines for the Recovery and Integration of Trafficked Children, Regional Project on Combating Child Trafficking for labour and sexual exploitation, Bangkok 2006. The guidelines are based on experience in Asia, are however universally relevant and applicable. They have also been used as standards and framework for work in Europe. See for example, International Federation Terre des Hommes, Kids as Commodities?, Chapter 16.

ANNEX III. KEYNOTE SPEECHES

Keynote speech by Ms. Anne-Marie Lizin, Vice President, OSCE Parliamentary Assembly

(written statement)

Monsieur le Président,
Excellences,
Chers Collègues,
Mesdames, Messieurs,

Je suis heureuse de m'adresser à vous aujourd'hui à propos d'un thème qui a toujours été au centre des préoccupations de l'Assemblée parlementaire de l'OSCE. Vous constaterez en effet que ces dernières années, les résolutions que l'AP a adoptées ont, de façon récurrente, mis l'accent sur la protection des enfants de manière générale et plus particulièrement en matière d'abus sexuels. C'est le plus souvent à l'occasion de nos débats sur les flux migratoires et la lutte contre la traite des êtres humains qu'est soulignée la vulnérabilité des enfants, leur exposition au harcèlement sexuel, aux mauvais traitements et aux discriminations. Nous exhortons régulièrement les Etats participants à établir des plans d'action et à renforcer la coopération internationale pour lutter contre ces fléaux, en mettant entre autres l'accent sur la formation du personnel chargé d'identifier les enfants qui en sont victimes et de s'en occuper. En juillet dernier à Kiev, nous avons une nouvelle fois mis l'accent sur la nécessité pour tous les Etats participants de mettre en place des lignes téléphoniques permettant de signaler des disparitions d'enfants mais aussi d'aider les enfants victimes d'exploitation sexuelle, de la traite, de la pornographie ou de la prostitution.

Comme nous sommes conscients de la nécessité pour les pouvoirs publics de coopérer efficacement avec les ONG, j'avais pris l'initiative d'inviter mon ami Ernie Allen lors de la session annuelle de l'AP qui s'est tenue à Bruxelles en juillet 2006. En tant que Président de l'International Center for Missing and Exploited Children, il est venu sensibiliser les parlementaires à la nécessité de législations harmonisées et d'une coalition financière pour éradiquer la pornographie sur internet. Je n'évoquerai pas le travail de l'ICMEC qui vise notamment à mettre en place un réseau de nouveaux centres nationaux, opérationnels dans le monde entier. Les organisateurs de cette conférence ont en effet eu l'excellente idée de convier mon ami Ernie Allen à vous faire un exposé. Pour ma part, je continuerai à exhorter mes collègues de l'AP à tenter de relever un défi qui me paraît réaliste : créer un centre pour les enfants disparus et exploités sexuellement dans chaque Etat participant de l'OSCE et intégrer tous ces centres dans ce réseau international qu'est l'International Center for Missing and Exploited Children. Il me semble en effet que faire progresser les droits de l'enfant est une des tâches essentielles des parlementaires.

Cela dit, tout le monde a encore en mémoire les drames qu'a vécus la Belgique depuis l'affaire Dutroux et l'on m'a demandé de vous entretenir brièvement des adaptations apportées à la législation belge en matière de lutte contre les abus sexuels visant les

enfants. Certes, depuis cette dramatique affaire, notre pays a intensifié ses efforts pour lutter contre la pédophilie et a créé Child Focus, Centre européen pour Enfants disparus et sexuellement exploités, qui travaille en étroite collaboration avec les services de police et le ministère de la Justice et sur le rôle duquel je reviendrai. Mais il est clair que le législateur belge s'était déjà penché sur la délinquance sexuelle envers les mineurs bien avant l'affaire Dutroux.

En effet, il y avait notamment été stimulé par la Convention internationale des droits de l'enfant, ratifiée par notre pays . Le Sénat belge avait d'ailleurs opté, au cours de la législature 1999-2003, pour la création d'un groupe de travail parlementaire qui se penche exclusivement sur les droits de l'enfant et formule des recommandations visant à permettre une bonne évaluation de l'application et de la mise en œuvre de la Convention dans notre pays. Notons au passage, qu'à une exception près, seules des femmes parlementaires se portèrent candidates pour participer au groupe de travail qui aboutit notamment au vote par le Sénat de propositions de loi visant à faciliter l'accès des enfants à la justice et de leur donner l'occasion d'être entendus par le juge dans les affaires qui les concernent. Le groupe de travail s'est entre autres longuement penché sur la situation des mineurs non accompagnés, qui reste à ce jour problématique.

A cette même époque, la Commission de l'intérieur a formulé une série de recommandations approuvées en séance plénière visant à mieux organiser la lutte contre la pornographie infantile sur l'internet. Il nous semblait indispensable d'intensifier la coopération entre les pouvoirs publics et les associations citoyennes qui contribuent aussi aux campagnes de sensibilisation du public ; de souligner l'utilité d'une formation continuée et d'une amélioration du fonctionnement des services de police chargés de traquer la criminalité informatique et d'accroître la coopération internationale.

Dès le 13 avril 1995, la loi relative aux abus sexuels à l'égard des mineurs a inséré de nouvelles dispositions concernant la prescription de l'action publique en cas de délit sexuels sur des mineurs ainsi que des dispositions relatives à l'audition des mineurs victimes de certains délits ; plusieurs dispositions du Code pénal ont été introduites relatives à la répression de la traite des êtres humains et de la pornographie infantile et punissant également la diffusion d'images de pornographie infantile sur l'Internet. Le texte introduit aussi l'interdiction faite aux délinquants sexuels d'exercer certaines fonctions les mettant en présence d'enfants, la surveillance de ces délinquants, l'obligation pour eux de suivre une thérapie après leur libération et reporte la prescription de l'action publique à la majorité du mineur victime.

En 2000, le Parlement belge a adopté une nouvelle disposition constitutionnelle relative aux droits de l'enfant et a doté la Belgique d'une nouvelle loi relative à la protection pénale des mineurs en matière d'exploitation sexuelle qui complète les dispositions insérées au Code pénal en 1995. L'insertion dans notre Constitution, d'un nouvel article 22bis visant à garantir à chaque enfant le droit au respect de son intégrité morale, physique, psychique et sexuelle est plus que symbolique. Elle est l'affirmation claire de la volonté de garantir aux enfants les protections spécifiques en raison de leur vulnérabilité et de leur plus faible discernement face à différentes menaces, en ce compris les abus

sexuels. Les libertés individuelles des adultes s'arrêtent là où commencent les droits imprescriptibles des enfants.

La loi relative à la protection pénale des mineurs est le fruit de recommandations de la Commission nationale contre l'exploitation sexuelle des mineurs mise en place en 1996 à la suite de l'affaire Dutroux comporte des dispositions relatives à la protection des enfants et à la limite d'âge en matière de majorité sexuelle. L'adaptation du code à la société d'aujourd'hui et le renforcement de la protection pénale des mineurs en matière d'agressions sexuelles se traduit par différents types de mesures : établissement de circonstances aggravantes liées à la minorité de la victime ; modifications de certaines limites d'âge ; alourdissement de certaines peines pour mieux tenir compte de leur degré de gravité notamment pour les faits d'enlèvement de mineurs d'âge. En matière d'agressions sexuelles, un âge de référence a été dégagé (quatorze ans) : en dessous de quatorze ans il existe une présomption irréfragable d'absence de consentement et des circonstances aggravantes ont été prévues liées à la personne de l'auteur de l'infraction lorsqu'il est ascendant ou adoptant, en situation de confiance vis-à-vis de la victime ou ayant autorité sur elle ; ou s'il l'a abusée alors qu'elle était confiée à ses soins .

Il est à noter que le même texte de loi a introduit dans le Code pénal un article relatif aux mutilations sexuelles des organes génitaux d'une personne de sexe féminin. La nouvelle disposition incrimine sans ambiguïté les mutilations sexuelles et le consentement de la personne n'enlève rien au caractère punissable de l'acte. Elle vise non seulement les personnes qui pratiquent les mutilations mais aussi celles qui mettent en place des circuits pour organiser la pratique de ces mutilations, y compris par le déplacement vers un pays étranger où elles pourraient être facilitées.

Il est clair que depuis les années 90, il y a eu un intérêt accru du législateur pour les droits de l'enfant mais l'arsenal législatif et la protection pénale ne peuvent tout résoudre. Il doivent s'accompagner de mesures proactives en vue d'une prévention des abus, de diverses initiatives d'éducation et de sensibilisation de manière à accroître le souci collectif et individuel du respect de la protection de l'enfant.

En matière de lutte contre la pornographie infantile sur l'internet, l'autorégulation des acteurs de l'Internet et l'élaboration de codes de bonne conduite permet d'améliorer l'éthique sur le réseau. Il s'agit là d'une deuxième réponse qui traduit une démarche positive et pragmatique qui démontre la volonté des acteurs de participer à l'élaboration d'un état de droit. La mise à disposition de points de contacts qui donnent la possibilité aux citoyens de signaler les dérives, présente une avancée considérable. Dès 1996 un point de contact national a été créé au sein de la police judiciaire belge. Il s'agit de la cellule nationale «pornographie infantile sur Internet ». La création de ce point de contact officiel a permis de centraliser les informations des différents points de contacts belges issus d'initiatives privées.

A côté de ce point de contact officiel, le rôle de Child Focus et des délégués généraux aux droits de l'enfant sont aussi essentiels.

Child Focus, le Centre Européen pour Enfants Disparus et Sexuellement Exploités, est une fondation de droit belge reconnue d'utilité publique. Depuis 7 ans, 7 jours sur 7, 24 heures sur 24, tant sur le plan national qu'international, le Centre met tout en œuvre pour retrouver des enfants disparus et pour combattre leur exploitation sexuelle. Le Centre n'a pas seulement pour mission d'apporter un support actif dans les enquêtes de disparition, d'enlèvement ou d'exploitation sexuelle d'enfants mais aussi d'organiser la prévention et la lutte contre ces phénomènes. Child Focus appuie et stimule l'enquête ainsi que les démarches judiciaires, s'assure du suivi des cas qui lui sont confiés et participe à l'encadrement des victimes. Il collabore de manière complémentaire avec les acteurs officiels et privés concernés.

Sur base de son activité, Child Focus acquiert une expertise lui permettant de stimuler et de développer des initiatives qui ont pour but d'améliorer la situation des victimes et de faire évoluer le cadre légal, les mentalités et les comportements. Child Focus a aussi été à la base, en juin 2000, d'un regroupement, à l'échelle européenne, de différentes ONG actives en matière de disparition et/ou d'exploitation sexuelle d'enfants : la Fédération Européenne pour Enfants Disparus et Sexuellement Exploités.

Dans le cadre de la lutte contre la pédopornographie sur l'internet, Child Focus a lancé dès mars 2000, la campagne de prévention "Surf Safe". Le but de cette campagne était d'inciter les enfants (groupe-cible : 10 à 13 ans) à la vigilance face aux dangers potentiels de l'Internet en leur inculquant certaines règles de sécurité. De plus, une adresse électronique (surfsafe@childfocus.org) a été mise en place afin de collecter des témoignages relatifs à des abus de nature pédosexuelle sur l'Internet et des plaintes qui s'y rapportent.

Après deux ans d'expérience dans le traitement de ces signalements et la rencontre de l'ensemble des acteurs opérant dans la lutte contre la pédopornographie sur Internet, Child Focus a décidé de créer un site spécifique à cette problématique. Ce site a été créé avec le soutien de la Commission Européenne dans le cadre de son Plan d'Action pour un Internet plus sûr.

"www.childfocus-net-alert.be" est un point de contact civil belge. L'objectif de ce site et de la campagne de sensibilisation est de responsabiliser les utilisateurs d'Internet en leur fournissant des informations utiles concernant la problématique de la pornographie infantile sur Internet et en leur permettant le signalement de ces faits, anonymement s'ils le souhaitent. Child Focus n'effectue aucune enquête mais travaille en collaboration avec les autorités policières et judiciaires belges notamment avec le Federal Computer Crime Unit et le Service Traite des Etres humains de la Police fédérale.

Les appels au Centre se font via le numéro d'urgence 110 en Belgique (+3224754499 depuis l'étranger), qui est gratuit et peut être joint 24 heures sur 24. Des opérateurs spécialisés sont à l'écoute des appelants ayant été confrontés à des images à caractère pédopornographique et ayant des questions à ce sujet. Les signalements de contenu

préjudiciable mettant en danger l'intégrité des enfants peuvent être transmis à www.childfocus-net-alert.be.

Les Communautés flamande et française disposent désormais aussi chacune (depuis 2004) d'un Délégué général aux droits de l'enfant . Chargés de veiller à la sauvegarde des droits et des intérêts des enfants, ils peuvent notamment : informer des droits et intérêts des enfants et assurer la promotion des droits et intérêts de l'enfant ; vérifier l'application correcte des législations et des réglementations qui concernent les enfants ; recommander au Gouvernement, au Parlement et à toute autorité compétente à l'égard des enfants toute proposition visant à adapter la réglementation en vigueur en vue d'une protection plus complète et plus efficace des droits et intérêts des enfants ; recevoir les informations, les plaintes ou les demandes de médiation relatives aux atteintes portées aux droits et intérêts des enfants .

J'ai tenté de vous brosser un tableau général de l'arsenal de mesures mises en place dans mon pays, en guise de conclusion, je rappellerai le point de vue défendu par l'Unesco lors d'une réunion d'experts qui s'est tenue à Paris, en 1999 sur le thème de l'exploitation sexuelle des enfants : « l'esprit des enfants est le terreau de la paix pour la génération de demain. Et si de très jeunes enfants sont moralement corrompus et leur sens éthique dévoyé à un âge si tendre, qu'en sera-t-il des adultes de demain ? ».

Keynote speech by Ms. Jo de Linde, ECPAT International representative to UN agencies and NGOs in Geneva

(written statement)

“Reach for the stars”

1. OPENING

Ladies and Gentlemen,

I would first like to express my personal thanks to the OSCE for inviting me to speak this afternoon on behalf of ECPAT, and for providing such a broad range of partners with the opportunity to raise and review key issues and challenges in tackling the sexual exploitation of children.

2. INTRODUCTION

Space travel is 50 this month!

In a recent editorial headed “reach for the stars...” the New Scientist Magazine commented:

“In this relatively short time, we have put people in orbit, walked on the moon and created a permanent encampment in space. We have surrounded Earth with satellites looking inwards and outwards, our spacecraft have visited every planet in the solar system...”

The editorial goes on to list some of the real benefits – economic, scientific and technical – of space exploration, but then asks:

“What value do we place on a sense of pride, a stirring of the spirits?....”

We might ask that same question with the world’s children in mind.

As with space exploration, treating children as beings in their own right, with their own particular needs, is a relatively recent development. The UN Universal Declaration of Human Rights, adopted by the General Assembly in 1948, introduced the idea that mothers and children are entitled to special assistance. The UN’s 1959 Declaration states in a preamble that “mankind owes the child the best it has to give.”

Efforts by the international community to protect children have intensified over the past two decades. The landmark Convention on the Rights of the Child, adopted by the United Nations General Assembly in 1989, has been reinforced by a number of Conventions and Optional Protocols that deal with specific aspects of child abuse and exploitation such as, the worst forms of child labour, the sale of children, child prostitution and child pornography, trafficking in persons, especially women and children, and cybercrime.

At regional level, protecting children from all forms of violence is a top priority. The recent Council of Europe Convention on the Protection of Children against sexual exploitation and abuse will be opened for signature soon after this meeting. It will be open to accession also by states that are not members of the Council of Europe.

(Adopted by the Council of Ministers, 12th July 2007; opened for signature at the 28th Conference for European ministers of Justice, 25-26 October 2007.)

OSCE commitments to combat the sexual exploitation of children date back to 1990. Member States agreed to recognize in their domestic legislation the rights of the child as affirmed in the international agreements to which they are Parties

(Copenhagen meeting of the Conference on the Human Dimension of the CSCE)

http://www.osce.org/documents/odihr/1990/06/13992_en.pdf

Despite the existence of such powerful protection mechanisms, children today continue to be abused and exploited in a number of different ways.

The degree of vulnerability of children to abuse and exploitation, including their commercial sexual exploitation is directly related to the level to which their rights are guaranteed. If Children today are abused and exploited sexually in a whole range of situations, it is because we have failed them. The essential element of vulnerability is betrayal of trust.

3. MAIN FORMS of the sexual exploitation of children

While it is practically impossible to know the true extent of the problem, given its illegal nature, the International Labour Organization (ILO) estimates that there are as many as 1.8 million children exploited in prostitution or pornography worldwide. While the age that a child becomes involved may be quite young, 15- to 17-year olds are most affected.

In many Western European countries, the sexual exploitation of children is organized in informal settings, which makes it all the more difficult to detect.

In countries such as Poland, Serbia or the Czech Republic, the prostitution of minors still takes place on motorways and at railway and coach stations. Children who have migrated to cities, who live and work on the street or who are forced to work in exploitative environments, lacking family or community support, are especially vulnerable to commercial sexual exploitation.

However, knowledge and research on the situation of prostituted children in Europe remains patchy. so that it is extremely difficult to draw a clear picture of what is really happening in the region.

Recent research carried out by ECPAT – the international NGO working to end the commercial sexual exploitation of children – shows that in Europe and the CIS countries, the main manifestations of this particular form of abuse are:

- trafficking in children for sexual purposes

- child sex tourism
- the production, distribution, viewing and possessing of child abuse images via new technologies.
- early or forced marriages in a number of CIS countries where some ancient traditions have been revived following the collapse of the Soviet Union.

Emerging forms of sexual exploitation among children and young people include

- boy prostitution
- sexual services provided in exchange for consumer goods, security or “in-kind favours”
- the risks of abuse and self-victimization linked to the use of information and communication technologies by children.

Trafficking in children for sexual purposes

The UN estimates that some 1.2 million children are trafficked across the world each year. The human trafficking trade now generates an estimated £5 billion a year worldwide, making it the second biggest international criminal industry after the drugs trade.

Sources, destinations and routes for trafficking are constantly evolving in the face of global changes in supply, demand and the regulatory environment.

Regarding Central and Eastern Europe, the most reliable figures are provided by the International Organization for Migration (IOM). They suggest that the percentage of child victims among the victim population differs widely from country to country and ranges from 6-7% for Belarus to 30% for Moldova. However, even these figures have to be understood as representing only those victims who have been identified and offered a process of return to their own countries.

As in other regions of the world, research shows that child trafficking for sexual purposes in Europe is increasingly linked not only to child prostitution, but also to other forms of sexual exploitation. In some countries, such as the Ukraine, Belarus, the Czech Republic and Russia, children who have been trafficked are used in the making of pornographic images.

Child sex tourism

International tourism receipts combined with passenger transport currently total more than 575 billion US\$ - making tourism the world's number one export earner (*ahead of automotive products, chemicals, petroleum and food*).

The (UNWTO) forecasts that international tourism will continue growing at the average annual rate of 4 %.

The countries of Western and Eastern Europe and the CIS struggle with different problems where the sexual exploitation of children in tourism is concerned.

The growth of tourism infrastructure means that Western tourists can travel to emerging destinations in Eastern Europe for sexual contact with children. These can be in neighbouring countries, for example German nationals travelling to the Czech

Republic and Poland, or Finns to Northern Russia; or to more distant destinations with nationals from England or France travelling to the Balkan countries or Russia. The Black Sea area is also facing a new development of child sex tourism in Romania (and potentially in Bulgaria) and in the Ukraine from both nationals and foreign visitors to coastal areas during the summer months.

South-East Asia, Eastern, Western and Northern Africa and South America remain the prime destinations for Western Europeans seeking sex with children.

Child pornography

The growth of the Internet is creating more opportunities for child exploiters and pornographers. New technologies are facilitating the development and reach of distribution networks. Street children from Russia, the Ukraine and Romania have been used to manufacture child abuse images, often linked with sex tourism activities and modeling agencies.

In France, Switzerland, Luxembourg and the Netherlands there have been cases of intra-family sexual abuse having been filmed and the images circulated.

Reports from various hotlines in Spain, the U.K., Denmark and the Netherlands suggest that the distribution and viewing of child abuse images is rapidly spreading in this region. Advances in communication technologies mean that the situation is constantly shifting and changing, and differs according to national situations and cultures.

The commercial sexual exploitation of children must be considered against this backdrop as emerging trends and developments impact profoundly on families and their capacity to provide for and protect their children. They also affect the responses of other duty-bearers and the children themselves to claim their rights.

4. Some RESPONSES

A multi- faceted, pluri-disciplinary, multi-sectoral response is called for.

In this respect, a National Plan of Action is crucial, as it allows for multiple responses and for measurement of achievement. It obliges countries to address prevention as well as protection, to focus on sexual abuse and exploitation – not just abuse - and to include children and young people.

A good plan will also include steps to tackle reintegration and repatriation and many of the other sensitive issues related to trafficking in children.

It should also involve children and young people in its development and implementation.

Nearly all countries have developed national agendas or plans of action based on the UN Convention on the Rights of the Child,

the Optional Protocol on the Sale of Children or the UNGASS outcome document – “A World Fit for Children”.

However, such plans tend to lack specific provisions for protecting children from sexual exploitation and are therefore frequently vague in terms of policies and programmes. Several countries adopted plans of action against human trafficking, but they treat the problem broadly with insufficient attention given to trafficking in children for sexual purposes. As a result, the appropriate care and protection measures are missing.

(ECPAT found that from a sample of 23 countries, 14 have a dedicated National Plan of Action against the Commercial Sexual Exploitation of Children, but 6 out of those 14 are only partial.)

Unfortunately, not all national laws comply with the standards set by the international legal instruments. And, in any case, legislation is only one response. Although a very necessary and welcome one, it will be ineffectual if not implemented vigorously and backed up by other measures.

5. RECOMMENDATIONS

Recommendations from the ECPAT research carried out in Europe are grouped under three main headings - Research, Training and Support Services for children.

1) Research

In-depth research needs to be conducted nationally and regionally, based on commonly designed methodologies in order to provide detailed and comparable data on vulnerability factors, root causes, new challenges and other related elements.

The demand for sex with children needs to be investigated to understand what specific measures should be designed to prevent it.

This research should also include a detailed list of services available to children with contact points. The information should be made available widely throughout the region to promote and facilitate collaboration

2) Training

The various elements that constitute the sexual exploitation of children with all its implications need to be mainstreamed into general police and social work training. Training on child protection and information about child exploitation should also be included in the general curriculum of potential child protection partners, including the media, the Information and Communication industry and the tourism and travel industry professionals so that they can also play their part in prevention work.

3) Specific support services for the child victims of sexual exploitation – including setting up processes for reintegration into mainstream services and society and

establishing centres of knowledge to provide specialist advice, support and assistance to professionals working with victims - are also needed.

A regional Focal Point should mirror the work of national focal points to facilitate and strengthen the collaboration and coordination of activities.

A very recent, interesting initiative is the Child Trafficking Advice and Information Line set up by the NSPCC in the UK with Government and private funding. Its aim is to help people working with children, such as immigration officers, the police, social workers, teachers, and health workers, to identify and protect child victims better. It will also shed light on the scale of child trafficking in the UK.

6. CONCLUSION

The New Scientist editorial ends with a question the American scientist and astronomer Carl Sagan, asked:

“...Isn't it possible to make a better life for everyone here on Earth and at the same time to reach for the planets and the stars?”

I believe it is possible if there is the determination at all levels to transform the commitments made into sustainable action with adequate financial and human resources to do the job properly.

This meeting is a unique opportunity to put the painful and shameful question of the sexual exploitation of children on the political agenda. We have all been invited not only to attend, but to contribute actively in seeking ways in which commitments and legislation can be improved.

So let us reach for the stars. We will be failing ourselves and the world's children if we aim any lower.

Thank you.

ANNEX IV. INTRODUCTORY SPEECHES TO WORKING SESSIONS

SESSION 1:

Introductory speech by Ms. Antonia di Maio, Regional Programme Advisor, Save the Children South East Europe.

Child Sexual Exploitation: Risk and Resilience Factors in the Context of Trafficking

Structure

- Sexual Exploitation ↔ Trafficking
- Risk and Resilience
- Children's Perception
 - Living/working on the street
 - Living in institutions
 - Internally displaced/migrant
 - Poverty-stricken/socially marginalized

What do they know?

- Different sources
 - “First of all I heard about it from my father and mother but also I have seen many TV shows about it. Also, a very long time ago, when I was going to the kindergarten, some police officers came there and told us the dangers from strangers, they also taught us how to cross the street safely and things like that” (Kosovo, 13-year-old boy, school child)
- Mixed messages
 - “They take a child, cripple him and make him beg... They cut their hand or their leg off. They make them into invalids so they have to mooch all their life” (Serbia, 15-year-old girl, street child)
- Warning without explanation
 - “You know parents think only about the bad side, they say something could happen or you can not go out because you can get raped in the night by someone but they don't talk about the problem itself, about the consequences and the parents should talk about all that, not just tell the children don't go out and that's it” (Kosovo, 15-year-old boy, school child)
 - “My dad accompanies me to school and I come back with a friend of mine who lives here. Maybe there is no reason to be afraid but sometimes even a word is enough to scare you” (Albania, 15-year-old girl, internal migrant)
- Distant reality
 - “We have heard something about that, in school but only superficially. I understood those were children who had nowhere to go... and that it was risky for us high school

girls. I didn't entirely understand why but, like, they may offer you something and then take it all away and mistreat you. I think that's terrible. But I didn't pay attention, I don't know, I can't believe that can happen to someone I know" (Montenegro, 15-year-old girl, institution)

"I have never thought that it might happen to me" (Bosnia-Herzegovina, 17-year-old girl, street child)

"If you are smart it cannot happen to you" (Romania, 18-year-old girl, institution)

- Self-protection

"Well, there are activities being done in schools, and there is talk on TV. So we know all about it but we don't know how to protect ourselves. That's one thing, and I don't think that either our instructors or our teachers know much about that. And they should" (Montenegro, 17-year-old girl, institution)

"You must know who to turn to when you are in trouble, because there are plenty of people who can help you" (Romania, 18-year-old girl, institution)

Do we listen to them?

- Listended to/responded

"I think when someone wants to help children have a better life or cares how children live, then it is necessary to talk to children. All those who came to our camp talked to the adults, nobody talked to us. Nobody asked us what we liked" (Montenegro, 14-old-boy, IDP camp)

"We need to know what children want, because the one's buying them must be using that line" (Montenegro, 17-year-old girl, institution)

Needs and wants

- "Tricked" or "cheated" with offers...

- Adventure, fun and entertainment
- Material goods and employment
- Escape through migration
- Marriage or intimate relationship
- Attention and care
- Education

Which options do they have?

- Adventure, fun and entertainment

"Everything is very boring. Everyday I do the same things. I get bored. I do not know. I feel powerless to change and why should I change something that has been like this for

years”

(Albania, 16-year-old girl, internal migrant)

“It is quite hard to be a kid here because there are no proper conditions that a child needs... because we don’t have any football field or anything like that, where to go out or where to do things that children do” (Kosovo, 15-year-old boy, street child)

“Children may feel better if they are given some attention and some interesting things to do, instead of just hanging around on the streets, where they can be lured into all kinds of things” (Montenegro, 15-year-old girl, institution)

- Material Goods and employment

“At first, these people promise them all kinds of things, you’ll get this, you’ll get that. And so they lure them into it” (Montenegro, 17-year-old girl, institution)

“First they see what does the child need or want and then they tell them for examples come with us and we will give you a job that pays well” (Kosovo, 16-year-old boy, school child)

“If a girl is from a poor family then she is deceived easier because they tell them “I will find you a job abroad” and then he or she doesn’t think much because of the poor living conditions and accepts” (Kosovo, 15-year-old girl, school child)

- Working children

Now, there are children who understand that and they want to work and help out and even if they don’t like that they keep quiet and work. There are children who don’t want to and don’t like to and are very unhappy about having to work and there are children who get beaten when they come back from the town without bringing anything home” (Montenegro, 15-year-old boy, IDP camp)

- Harmful working conditions

“My father and I work every day. Father searches the containers and collects whatever he can find to sell later and people throw everything away. Sometimes he even finds bread and when we don’t have any money for food, we eat bread from the container. I beg with my friends around the town and bring some money home and when I do, we buy bread and things at the shop, and we all eat...” (Montenegro, 11-year-old boy, IDP camp)

“I go out everyday and I work from 16:00 to 23.00. My dad is ill so I have to help him because we are quite poor, only the social assistance helps us, so the child must work and help the family” (Kosovo, 9-year-old girl, street child)

- Being forced to work/exploited

“They have to be about the town all day or dig in the containers or beg about the town till the evening, they get tired till they come back home and bring the money they’ve earned. I see they have to do that even when it’s cold and there’s rain... If those children don’t like to work and it’s hard for them, and someone makes them go out and earn money each day, then these people can only make them unhappy” (Montenegro, 13-year-old girl, IDP camp)

“They think they are going to work there but they are forced into prostitution instead” (Romania, 17-year-old boy)

- Offers to travel abroad

“We came from Kosovo. We had to come to Podgorica and leave all we had there: our house, cattle, garden, and a way of life that we could not resume here. I am a refugee now, or rather what they say is the correct term – a displaced person. We live here in this trash and this unbearable stench. It’s a wonder that all of the children are not sick with various infections and poisoning” (Montenegro, 17-year-old boy, IDP camp)

- Explore new places

Because it is better there, there are toys, the air is clean, there are lot of good things there” (Albania, 10-year-old girl)

“I would love to go on trips or in a youth camp... other places, other cities. I went to Germany two years ago and I stayed there for a month. It was very beautiful there. I went there with people from the centre, a social worker and people from other placement centers. It was so great that I didn’t want to come back to Romania. I would love to go there again” (Romania, 14-year-old boy, institution)

- Escape poverty

“Well if I have a better payment I would definitely go. This is something important and can attract me” (Bulgaria, 14-year-old girl, school child)

“You can see there is no way out here. The salaries are too low and there will be no work when we get into the European Union” (Bulgaria, 15-year-old girl, school child)

- Escape persecution and conflicts

“I would like to go somewhere where there is peace...” (Kosovo, 9-year-old boy, school child)

“I divide my life into before and now. We lived a completely different life there. We had a nicer life there and we all felt OK and were sort of happier there. My father went to work, I went to school, I had my friends and we had nice time together... Life is hard here, there is no work, we have no conditions for nice life, there is no water except the tap over there, and we haven’t had hot water since we have come, we had to heat it on the stove...” (Montenegro, 16-year-old boy, IDP camp)

- Run away from home

“Well, some children run away from home because of their parents. There are some children who run away from home because they don’t have anything to eat and drink.

There are some children who run away from home because of their friends. There are some who, for instance, do it for drugs. There are different... I run away because of my parents and because of friends” (Serbia, 16-year-old girl, street child)

“If there are family problems, they can be solved only abroad, in France, Spain, Germany, all these countries” (Romania, 17-year-old girl, institution)

“Well, I am in a foreign country now, I don’t know anybody here, I don’t know where to go, who to turn to” (Kosovo, 17-year-old girl, street child)

- Marriage or intimate relationship

“She may meet a guy who’ll tell her all nice things and make promises and she believes him and he deceives her” (Montenegro, 14-year-old boy, IDP camp)

“They might propose to marry her. She falls in love, she dreams of a peaceful, carefree life and she is trapped. I have heard that traffickers’ goal very often is to make the girls fall in love with them. They put a spell on them, they fascinate them...” (Romania, 17-year-old girl, institution)

- Arranged marriages

“Some parents sell their children and if a man who wants to buy a girl shows up then her parents sell her and she marries the man. When they are sold, the girls must earn all the money people gave for them” (Bosnia-Herzegovina, 16-year-old girl, street child)

“How can you sell your own child? I’d cut that person’s throat. I don’t know how someone can sell his own child, I’ve never heard of that. I’ve heard of people selling their daughter to a husband, never about other things” (Montenegro, 14-year-old boy, IDP camp)

- Attention and care

“In my family everyone is focused on me, while here neither the instructor and especially not the director, can know where each child is and what they are doing...” (Montenegro, 13-year-old boy, institution)

“I’d like someone to be proud of me at least a little, someone to tell me I’m good at something; you see, those people who are involved in selling children could use that and manipulate children that way” (Montenegro, 17-year-old girl, institution)

“Well, that may happen to any girl, but in a way they think we belong to no one and they can have their way with us” (Montenegro, 17-year-old girl, institution)

“Nobody pays attention to the people on the streets, as if they don’t exist” (Montenegro, 17-year-old girl, institution)

“Traffickers look for poor children, street children who sleep in the streets, children who run from their homes. They look for these kind of children because it is easy to traffic them and to cheat them. They are found on the streets, in the hidden alleyways or for example in bus or train stations where children could sleep in” (Kosovo, 16-year-old boy, school child)

“Street children are more at risk because they have no parents to care about them” (Serbia, 18-year-old boy, street child)

- Education

A man says to the family: “Give me your son to work together, I will take him to school”, so the kidnappers lie to parents who on their part decide to give the child” (Albania, 13-year-old girl)

“They would go to schools and they would get more information about children on how to deceive people easier, and then they would steal the children by deceiving them” (Kosovo, 16-year-old girl, street child)

“You don’t do anything in school except study, which is what I am least interested in, I am a practical type of person” (Montenegro, 16-year-old girl, institution)

“What could be done? That’s easy, any child could tell you that you get money and build people some houses, give them work, some factories or crafts. All women and all men get employed and children go to school, and there’s a nice and healthy environment, with no trash, with hospitals, children sleeping in clean beds and eating good food. That’s what

needs to be done, and it takes will and money and the ones who are in charge should make decisions” (Montenegro, 13-year-old girl, IDP camp)

- Further information and contacts

• Save the Children, *Children Speak Out. Trafficking Risk and Resilience in Southeast Europe*, 2007

• Save the Children/Separated Children in Europe Programme, *Position Paper on Preventing and Responding to Trafficking of Children in Europe* (forthcoming)

• Save the Children: Child Trafficking Response Programme in Southeast Europe (CTRP)

→ CTRP Regional Advisor: madimaio@savealbania.org

→ Save the Children’s website: www.savethechildren.net

SESSION 2:

Introductory speech by Ms. Aina Mee Ertzeit, Member of the Committee of Experts on the Council of Europe Convention on Sexual Exploitation of Children, Ministry of Justice, Norway.

(written statement)

The Council of Europe Convention on the Protection of children against sexual exploitation and sexual abuse

Need for a new instrument?

Review of the implementation of existing instruments

- Need for a consolidated instrument on the protection of children against sexual exploitation and abuse
- Gaps in existing standards and instruments, e.g.
 - Child-friendly justice processes
 - Exemption from dual criminality
 - Minimum age for sexual relations

Purposes of the new convention

- prevent and combat sexual exploitation and sexual abuse of children;
- protect the rights of child victims of sexual exploitation and sexual abuse;
- promote national and international co-operation against sexual exploitation and sexual abuse of children.

Overview of the convention

- Chapter 2 Preventive measures
- Chapter 3 Specialised authorities and coordinating bodies
- Chapter 4 Protective measures and assistance to victims
- Chapter 5 Intervention programmes or measures

- Chapter 6 Substantive criminal law
- Chapter 7 Investigation, prosecution and procedural law
- Chapter 8 Recording and storing of data
- Chapter 9 International co-operation

Key elements

- New offences
- Extra-territorial jurisdiction
- Statute of limitation
- Child-friendly investigation and criminal proceedings
- Principles for intervention programmes for sexual offenders
- Preventive measures

New offences – articles 18 -22

- Sexual abuse
- Corruption of children
- Solicitation of children for sexual purposes
- Some new aspects of offences concerning child prostitution, child pornography and pornographic performances

Extra-territorial jurisdiction – article 25

- Offences committed by one of its nationals or by a person who has his or her habitual residence in its territory
- Exemption from dual criminality for offences concerning sexual abuse, child prostitution, production of child pornography, pornographic performances.
- Reservations possible

Statute of limitation – article 33

- The statute of limitation for initiating proceedings shall continue for a period of time – sufficient to allow the efficient starting of proceedings after the victim has reached the age of majority
- and which is commensurate with the gravity of the crime in question
- Applies to sexual abuse, recruiting, causing, coercing, profiting from or otherwise exploiting a child for prostitution or in pornographic performances

Child-friendly procedures

- Article 30 – Principles
- Article 31 – General measures of protection
- Article 35 – Interviews with the child
- Article 36 – Criminal court proceedings

Preventive measures – chapter 2

- "Screening" of candidates to professions whose exercise implies regular contacts with children
- Preventive intervention measures or programmes
- Education, training, awareness raising

- Involvement of civil society, children, private sector etc. in the development and implementation of policies to prevent and combat sexual exploitation and abuse of children.

Intervention programmes for sexual offenders – chapter 5

- Each Party shall ensure or promote, in accordance with its internal law, effective intervention programmes or measures ... with a view to preventing and minimising the risks of repeated offences of a sexual nature against children
- Such programmes shall be accessible at all times during the proceedings
- All such programmes and measures shall be based on consent
- Recipients: persons prosecuted or convicted, children who sexually offend

Challenges

- Prevention of sexual exploitation and sexual abuse
- Identification of victims

Introductory Speech by Mr. Ernie Allen, Director, International Centre for Missing and Exploited Children

(written statement)

I am honored to be with you and speak about a problem of growing urgency, the sexual exploitation of children in child pornography. I had the pleasure of participating in meetings surrounding the OSCE Parliamentary Assembly in Brussels in July 2006, at which time the Assembly unanimously adopted a strong, important “Resolution on Combating Trafficking and the Exploitation of Children in Pornography.”

We are encouraged about the progress. The Resolution was a positive step toward changing the laws of many countries as we seek to better protect the world’s children. I want to express my particular thanks to the Helsinki Commission, the US Commission on Security and Cooperation in Europe, and to the leaders and representatives of France and Belgium, who have been such fervent proponents of these important changes.

Today, I return to the OSCE to again ask for your help. Let me begin by telling you what we now know.

- We know that the problem of child pornography has exploded with the advent of the Internet, and that it is touching every country.
- A survey conducted by ECPAT International and the Bangkok Post estimated that there were 100,000 child pornography web sites in 2001.
- In 2003, the National Criminal Intelligence Service in the United Kingdom estimated that child pornography web sites had doubled worldwide.

- The National Center for Missing & Exploited Children (NCMEC) in the United States has seen an increase in child pornography and child sexual exploitation reports to its CyberTipline from 24,000 in 2001, to 525,000 today.
- We know that commercial child pornography has become a multi-billion dollar industry and that children have become a commodity for sale or trade.
- In one recent case, at the time of their arrest, the operators of a child pornography website had 70,000 customers, paying \$30 per month and using their credit cards to access graphic images of young children being raped and sexually assaulted.
- We know that younger and younger children are being victimized, and that images are becoming more graphic and more violent. Of the offenders identified to date by NCMEC, 39% have had images of children younger than six years old, 19% had images of children younger than 3.
- We know that most of those who view these images also commit actual, physical offenses against children. Fewer than 25% of incarcerated, child pornography offenders at the U.S. Bureau of Prisons admitted to physical acts against children at the time of their arrest (“they just looked at the pictures”). However, after participation in the Bureau’s program, the number climbed to 85%. Most of the offenders also admitted to having multiple victims. We do not know if this can be generalized to a broader population. However, we are convinced that for most of those who view child pornography, this becomes a compulsion and in most instances evolves into physical acts with real children.

Child pornography is misunderstood and even misnamed. It really isn’t “pornography” in the traditional sense. More accurately, these are images of child sexual abuse. They are “crime scene photos.”

Why has this problem become so attractive to organized crime and others?

- (1) Children are plentiful and easily accessible;
- (2) Child pornography is easy and inexpensive to produce;
- (3) There is a huge consumer market for it;
- (4) It is enormously profitable; and
- (5) There is virtually no risk, far less than traditional commodities like drugs, guns, and tobacco.

Through our International Centre for Missing & Exploited Children, we have launched a global campaign against this insidious crime.

- In 2002 we brought together leaders of international law enforcement and others in Ireland. We adopted a 10-point strategy called the Dublin Plan.

- In 2003, thanks to Microsoft, we began an international effort to build law enforcement capacity worldwide. To date, in partnership with Interpol, we have trained law enforcement officials from 106 countries, and have held seminars in many OSCE countries, including Bulgaria, Croatia, France, Greece, Lithuania, Norway, Poland, Romania, Russia, Spain and Turkey. We have also held this training in several countries which are OSCE Partners for Cooperation, including Japan, Jordan, Morocco and Thailand.
- In 2006 we launched a Financial Coalition Against Child Pornography with a goal of eradicating commercial child pornography. Today, 29 major financial and Internet companies are working with us to follow the money, stop the payments and shut down these businesses. In two years, we have witnessed a virtual elimination of the use of the credit card to purchase this content, though the criminals are evolving and using more covert methods of payment. We are in pursuit. Among the participating companies are MasterCard, Visa, American Express, Standard Chartered Bank of Singapore, Citigroup, Bank of America, HSBC, Deutsche Bank, PayPal, Microsoft, America Online, Yahoo, Google and others.
- And in 2006, we released a report reviewing the child pornography law in the 186 member nations of Interpol.

I want to speak with you briefly about that report. Our researchers evaluated the law in the 186 member nations of Interpol, asking five basic questions:

- (1) Does each country have specific child pornography legislation?
- (2) Does each country define child pornography by law?
- (3) Does each country expressly criminalize computer-facilitated offenses?
- (4) Does each country make the simple possession of child pornography a crime, regardless of the intent to distribute? and
- (5) Does each country require Internet Service Providers to report suspected child pornography to law enforcement or some other mandated agency?

We recognize that a lack of specific child pornography legislation does not mean that the country does not have law addressing other forms of child sexual exploitation and child abuse. We also recognize that there are countries in which there is a general ban on all pornography, whether adult or child. However, it is not enough unless there is an enhanced criminal penalty provided for offenses committed against a child victim.

There is a difference between adult and child pornography, and national legislation must recognize that. The images of child pornography are nothing less than the photos of the sexual abuse or assault of a child. No country is immune. Our goal is to ensure that there

is a more consistent legal platform around the world. Our goal is also to ensure that no country becomes a “safe haven” for this insidious practice.

Let me report to you on our findings.

We found that the majority of countries have no laws at all on child pornography. And, in many other countries, the existing laws are inadequate.

Our study found that in **95** countries, there are no child pornography laws.

In **136** countries, the possession of child pornography is not a crime.

In **122** countries, there is no law that specifically addresses the distribution of child pornography via computer and the Internet.

In **150** countries, the term “child pornography” is not sufficiently defined.

There are **63** countries that have some law on child pornography, but meet few of the criteria we recommend.

Only **23** countries were in substantial compliance (most of them are represented in the room today – we are grateful for your leadership). The legislation in these countries meets all but the last criteria of ISP reporting. We recognize that the ISP reporting recommendation is difficult in many countries. So, our emphasis is on the first four elements: Every country should make child pornography a crime, define it, address computer-facilitated child pornography, and make simple possession a crime.

Just **5** countries have laws in all 5 recommended categories: **Australia, Belgium, France, South Africa, and the United States.**

Of the 56 OSCE countries represented here this week, let me report on what we found:

7 have no law at all

17 do not address the use of a computer in this crime, and

23 do not make the simple possession of child pornography a crime.

Europe is taking this problem seriously. Let me cite a few specific examples:

Criminalization of Virtual Child Pornography

By December 20, 2008 all 27 EU Member States must enact legislation that includes the following language in the definition of child pornography: “‘Child Pornography’ shall mean pornographic material that visually depicts or represents realistic images of a non-existent child involved or engaged in sexually explicit conduct, including lascivious

exhibition of the genitals or the pubic area of the child.” Belgium, France, Portugal, the Netherlands, and the United Kingdom have already complied with this directive and have thereby criminalized virtual child pornography.

Moreover, the Council of Europe Convention on CyberCrime states that “the term child pornography shall include pornographic material that visually depicts realistic images representing a minor engaged in sexually explicit conduct.” Of the 21 ratifying countries, only Iceland and the United States have included reservations not to apply the above mentioned provision. In the US, the Supreme Court has held that “virtual child pornography,” where an actual child is not harmed in its production, is protected speech under the First Amendment of the US Constitution.

Reverse Burden of Proof

The Dutch Parliament is currently discussing an amendment to the penal code which would shift the burden of proof to the defendant. Under this proposal, producers, possessors, and distributors must prove that the individual depicted in the pornographic images is not a child (*i.e.*, is 18 years of age or older).

Active Filtering and Blocking

Denmark, Finland, Sweden and the United Kingdom have taken action to block access to known illegal child abuse material. However, challenges remain in this area, especially when filtering content that has not already been examined and pre-classified as harmful.

Creative Prosecution

In the Netherlands, trafficking provisions may be used to prosecute those charged with online child pornography offenses. The legal concept is that disseminating child pornography images of children on the Internet is the virtual trafficking of children.

Your countries are doing far better than the rest of the world, but even among your countries, we believe that far more can and should be done.

For example, there has been fierce debate in the Parliament of the Czech Republic about whether simple possession of child pornography should be criminalized. Earlier this year, the Chamber of Deputies voted to make simple possession a crime; however the proposal was defeated in the Senate amid concerns that innocent people could be charged with a crime if they were to receive child pornography spam emails.

While Czech law does prohibit producing and distributing child pornography, it is equally important to outlaw the possession as well. In recent years new technology has revolutionized the possession of child pornography. Every image of child pornography that is acquired encourages further growth of this illicit industry.

Child pornography is not a victimless crime and, by taking the necessary steps to criminalize simple possession of child pornography, governments not only help curb industry growth but also prevent further incidents of sexual abuse.

49 Interpol Member Countries and 33 OSCE Participating States have banned the possession of child pornography. And they have done so without violating the rights of the innocent by using phrases such as “knowingly possess” or “knowingly download.” Incorporating a requirement of knowledge or intent as an element of the crime protects an unaware individual from being successfully prosecuted.

Without criminalizing simple possession, the Czech Republic and other countries risk becoming safe havens for consumers of child pornography.

We have prepared Executive Summaries of our child pornography legislative research for you, limited to the OSCE Participating States. We have translations of the Executive Summary in the six OSCE languages. I hope you will examine the report, and then allow us to work with you as you address these issues in your country.

Now that we have developed recommended legislation, what is next?

We are distributing the report to governments, NGOs, and others who can make a difference. We are urging parliaments to enact these laws. We are working with interested countries to raise the issue of child pornography higher on the political agenda and we are helping draft the necessary legislation. We are also continuing to update our research as more nations act.

Already, there is progress. A working group in the Bulgarian Parliament is drafting amendments to child pornography legislation. The proposed changes include a definition of “child pornography” and a provision to mandate reporting of child pornography to law enforcement by Internet Service Providers.

In July the President of Costa Rica signed a new law that criminalizes the possession of child pornography. India, the Philippines, South Korea, and Turkey are assessing and amending their child pornography legislation.

We believe that enacting “model legislation” is crucial to successfully combating child pornography. Only by joining together and combining our efforts, will we be able to secure a safer future for our children.

It is time for the leaders of every nation to act. Let us know how we can help.

SESSION 3: Ms. Colette Clement-Barthez

(written statement)

Bonnes pratiques en matière de prévention et de protection dans l'exploitation sexuelle commerciale des enfants

Je voudrais d'abord adresser mes remerciements à votre organisation pour avoir invité Madame Dominique VERSINI, Défenseure des enfants, à témoigner auprès de vous de son action et des positions de la France dans la lutte contre l'exploitation sexuelle commerciale des enfants. Madame VERSINI m'a chargée de la représenter. Je suis moi-même magistrat et conseillère juridique auprès d'elle.

Avant d'aborder le sujet important qui nous réunit aujourd'hui, je voudrais vous présenter rapidement **l'institution de la Défenseure des enfants** : elle a été créée par une loi du 6 mars 2000. Les parlementaires français ont voulu donner aux 15 millions d'enfants et d'adolescents en France davantage de possibilités d'être informés de leurs droits, de les faire valoir et de les faire respecter, dans tous les domaines de leur vie.

Il s'agit d'une autorité administrative indépendante dont la mission consiste à défendre et promouvoir les droits de l'enfant tels qu'ils sont définis par la Convention Internationale des Droits de l'Enfant et dans le droit interne.

La Défenseure des enfants est nommée pour 6 ans par décret du Président de la République, pris en conseil des ministres. Madame Dominique VERSINI est la seconde Défenseure des enfants, après Madame Claire BRISSET.

Ses missions sont au nombre de 4 :

- Elle reçoit des courriers des enfants, de leurs parents, d'associations, faisant état de situations d'enfants qui n'ont pas été résolues de manière satisfaisante par les institutions sociales, médicales, scolaires, judiciaires. Bien que n'intervenant pas dans des procédures en cours devant la justice, la Défenseure des enfants peut amener par ses observations à une compréhension différente ou un traitement plus respectueux de l'enfant
- Elle peut ainsi identifier des dysfonctionnements d'ordre général faisant obstacle à l'application du droit des enfants
- Elle peut donc proposer des réformes législatives ou des modifications de pratiques professionnelles pour que ces droits soient mieux respectés
- Enfin elle fait connaître la Convention Internationale des droits de l'enfant et sa mise en œuvre par des interventions auprès de différents publics

Chaque année, à l'occasion de la journée internationale des droits de l'enfant, le 20 novembre, la Défenseure des enfants remet au Président de la République française son rapport annuel d'activités et un rapport thématique sur un sujet spécifique ; en 2006 ce rapport traitait du droit de l'enfant à maintenir des liens affectifs avec les personnes qui avaient pris soin de lui de façon durable et étaient intervenues positivement dans sa vie,

indépendamment de ses parents ; un projet de loi est à l'étude pour concrétiser cette orientation; en 2007, ce rapport portera sur la souffrance psychique des adolescents et sur les dispositifs pluridisciplinaires à mettre en place pour y remédier.

Outre son équipe composée de 25 personnes, elle s'appuie

- sur un réseau de correspondants territoriaux qui la représentent dans chacun des départements français et relaient ses missions.

-sur un réseau de jeunes ambassadeurs, qui sont des jeunes de 21 à 25 ans qui font un service civil volontaire pendant un an et interviennent dans les établissements scolaires auprès de jeunes de 13 à 14 ans, pour les informer et susciter leurs réflexions sur les droits des enfants dans le monde ; Mme VERSINI s'est d'ailleurs inspirée d'un dispositif semblable déjà en vigueur en Autriche.

-et enfin sur un groupe d'une vingtaine d'adolescents de 15 à 18 ans, représentatifs de la diversité sociale, qui donnent à la Défenseure leurs points de vue sur différents sujets d'actualité concernant les enfants.

Pour introduire le débat, je dirai d'abord quelques mots sur l'évolution de la législation en France, puis j'aborderai les moyens de lutte dans les différents domaines de l'exploitation, c'est à dire la prostitution, les mariages forcés, la pédopornographie, le tourisme sexuel et plus globalement la traite des êtres humains.

L'évolution de la législation en France

La lutte contre la violence qui est faite aux enfants sous toutes ses formes, notamment l'exploitation sexuelle économique est bien évidemment une préoccupation constante de la Défenseure des enfants. Il s'agit d'une forme de violence particulièrement préjudiciable aux enfants, qui comprend, sous le terme général de la traite des enfants, la prostitution infantine, la lutte contre les mariages forcés, la pédopornographie, le tourisme sexuel.

Selon l'UNICEF, deux millions d'enfants dans le monde seraient victimes de l'exploitation sexuelle économique, dont 10 000 à 20 000 victimes de la pédopornographie. Il est certain que les enfants sont plus vulnérables lorsque leur famille et eux-mêmes sont dans une position économique précaire, ce qui rend nécessaire le repérage des populations fragiles pour exercer une prévention sur leurs enfants.

Ce phénomène a une telle ampleur qu'il a fait l'objet de très nombreux textes internationaux et européens. Ceux-ci développent essentiellement quatre points

- Le 1er point, c'est la volonté que chaque Etat partie incrimine les comportements conduisant à l'exploitation sexuelle économique des enfants et qu'il y ait in fine une harmonisation des législations de manière à ce que les auteurs de cette exploitation ne puissent pas trouver de refuge derrière une frontière en bénéficiant des différences de législation entre Etats

- Le 2^{ème} point vise le développement de mesures particulières de protection pour les enfants victimes de l'exploitation.

- Le 3^{ème} point porte sur la mobilisation des professionnels

- Le 4^{ème} point concerne la coopération internationale

Bien sûr, il est très facile de se convaincre que l'exploitation des enfants, c'est ailleurs, c'est plus loin, en tout cas pas dans notre propre Etat, ou pas en Europe...Mais l'exploitation sexuelle économique des enfants est un phénomène mondial ; l'essor des nouvelles technologies abolit les frontières ; avec le développement des moyens de transport et du tourisme, il n'y a plus d'enfants qui ne soit inaccessible aux prédateurs. C'est pourquoi tous les Etats sont concernés, que l'exploitation se déroule sur leur propre sol ou qu'elle se déroule à des milliers de kilomètres.

En France, la législation d'incrimination et de protection s'est surtout développée, depuis 10 ans, par rapport à des situations de violences sexuelles où l'agresseur est un proche de l'enfant. Néanmoins tous les dispositifs qui ont été mis en place dans ce cadre peuvent s'appliquer également aux mineurs victimes d'exploitation sexuelle économique. Ainsi l'obligation d'enregistrer le témoignage de l'enfant victime de violences sexuelles et d'effectuer une expertise pour déterminer l'ampleur du préjudice sur le développement de la personnalité ont été étendues par la loi du 4 avril 2006 aux enfants victimes de proxénétisme.

La France est l'un des pays européens dont la législation est la plus complète en matière de lutte contre les violences sexuelles et l'exploitation sexuelle commises contre les enfants. Un dispositif d'aide aux victimes, d'accès gratuit, recouvre tout le territoire avec des associations reliées à chaque tribunal. Néanmoins la mise en œuvre concrète des dispositions nécessite une détermination et une coordination très importante.

L'élaboration de textes internationaux n'est pas que formelle, elle conduit les Etats à modifier progressivement leur législation ; ainsi la décision-cadre de l'Union Européenne du 22 décembre 2003 relative à la lutte contre l'exploitation sexuelle des enfants et la pédopornographie a été transcrite en droit français par la loi du 4 avril 2006.

Depuis 1998 la France a eu le souci constant d'améliorer constamment sa législation pour que les victimes de violences sexuelles, et plus particulièrement les plus vulnérables, les enfants, soient traitées le plus humainement possible tout en respectant les nécessités de la procédure judiciaire.

La loi du 17 juin 1998 a replacé l'enfant au cœur de la procédure judiciaire en prévoyant l'audition enregistrée de son témoignage par les enquêteurs, mais elle comporte également des dispositions concernant le traitement judiciaire de l'auteur, et l'appréciation de sa personnalité pour déterminer une sanction adaptée.

Cette obligation d'enregistrement du témoignage a été assez diversement respectée, pour des raisons financières, mais surtout par méconnaissance des enquêteurs et des magistrats sur l'importance de cette disposition, à la fois pour les conséquences dans la procédure, mais aussi sur le plan psychologique pour l'enfant. Il fallait que l'enfant consente à cet enregistrement, mais il est très facile de convaincre un enfant et ses parents de renoncer à cette disposition en ne leur expliquant pas les conséquences de leur refus. En 2007 une nouvelle loi a supprimé ce consentement. Nous espérons ainsi augmenter sensiblement le nombre d'enregistrements et supprimer les inégalités de traitement entre les enfants victimes

Depuis 10 ans, les dispositions dans ce domaine ont régulièrement impliqué plusieurs ministères : Justice, Santé, Education nationale, Secrétariat d'état à la Jeunesse et aux sports..., ce qui contribue à donner de la solidité et de la cohérence aux textes de lois et

aux circulaires d'application qui en découlent. La préoccupation a toujours été une approche globale de la situation de l'enfant et de ses besoins.

Ces dispositions, essentiellement conçues à l'origine pour les enfants victimes dans leur environnement familial et social, s'appliquent également aux enfants victimes d'exploitation sexuelle à des fins commerciales.

Les moyens de lutte dans les différents domaines de l'exploitation :

-en matière de prostitution enfantine :

L'exploitation sexuelle des enfants à des fins commerciales ou trafic d'enfants paraît faible en France ; L'Office Central pour la Répression de la Traite des Etres Humains a ainsi dénombré, en 2006, 12 mineurs, proches de la majorité, victimes de proxénétisme aggravé.

Cependant il est très difficile de chiffrer le phénomène de la prostitution des mineurs en France car il n'y a pas de source fiable sur ce point. Beaucoup d'associations s'occupent de prostitution, mais aucune n'a axé son action sur la prostitution enfantine, parce qu'elle n'est pas suffisamment importante ; c'est lorsqu'elles approchent des prostitué (e)s adultes, ou à l'occasion d'enquêtes de police qu'on peut découvrir des prostitués mineurs.

Il est certain que les mineurs étrangers non accompagnés sont particulièrement vulnérables à cet égard et peuvent facilement être exploités économiquement et sexuellement. Là encore il est difficile de chiffrer cette population des mineurs étrangers isolés sur le territoire français (en nombre et en flux), ce qui nuit à l'élaboration d'une réelle prévention à leur égard.

Dans les années 2001 à 2003 il a été constaté un nombre alarmant de mineurs, notamment de garçons roumains, ou de jeunes filles africaines se prostituant dans certains quartiers de Paris ; cela a donné lieu à une loi en 2003 pour mieux lutter contre cette prostitution ; mais elle a, en fait, eu pour conséquence de disperser les enfants victimes désireux d'échapper avec leurs clients à des contrôles, de sorte qu'il est plus difficile maintenant de les détecter et de les protéger (il en a été de même pour les prostituées adultes). Cela ne signifie pas forcément que leur nombre a baissé, mais que ceux qui les exploitent sont devenus plus prudents.

Il n'est pas possible non plus d'affirmer que ces enfants sont victimes de réseaux d'exploitation ; ils sont victimes d'adultes, certes, et parfois de membres de leur famille, mais pas forcément d'adultes constitués en réseaux organisés, au sens où le droit français définit la criminalité organisée.²³

On touche là, une première difficulté, celle des définitions ; selon la définition française du crime organisée, nous pouvons affirmer qu'il n'y a pas en France d'enfants victimes de réseaux organisés d'exploitation ; mais si on se réfère à la définition d'un autre Etat, peut-être que cette affirmation pourrait être contestée... Il y a donc un travail important à faire entre Etats pour savoir si nous parlons des mêmes notions et avec quel contenu sous les mots.

²³ Article 132-71 du Code Pénal : « Constitue une bande organisée au sens de la loi tout groupement formé ou toute entente établie en vue de la préparation, caractérisée par un ou plusieurs faits matériels, d'une ou de plusieurs infractions ».

La situation des mineurs roumains prostitués en 2001 a abouti à un accord signé en 2002 entre la France et la Roumanie pour faciliter leur retour, vers leur pays et leur famille. Une cinquantaine d'enfants, seuls en France, ont pu bénéficier de cet accord, toutes les précautions étant prises pour évaluer les conditions de leur retour afin qu'ils ne soient pas de nouveau exposés à un réseau d'exploitation.

Cet accord doit être prochainement renouvelé et validé par le Parlement français, dans un contexte différent, puisque la Roumanie a intégré depuis l'Union Européenne. Le contenu de l'accord sera donc également différent ; toutefois la Défenseure des enfants souhaite que les conditions de ce retour continuent de présenter des garanties suffisantes pour la protection de l'enfant et que les exigences pour cette protection ne soient pas amoindries ; nous encourageons également la Roumanie à progresser dans ses efforts afin de garantir cette protection à ses ressortissants de retour sur son propre territoire.

La Défenseure des enfants a, en effet, de manière continue dans ses rapports annuels, attiré l'attention du gouvernement sur la précarité de la situation des mineurs étrangers isolés, qui représentent une proie facile pour l'exploitation économique et sexuelle ; trois foyers d'accueil spécifiques²⁴ ont été créés depuis 2001, d'autres dispositifs non spécialisés assurent la protection de ces mineurs au sein d'établissements accueillant toutes sortes d'enfants en danger ; une prise en charge leur est assurée jusqu'à leur majorité. Néanmoins il reste encore beaucoup à faire pour préparer leur autonomie lorsqu'ils seront adultes, qu'ils restent sur le territoire français ou qu'ils le quittent.

-pour ce qui concerne **les mariages forcés**, une proposition conjointe du Défenseur des enfants et du Médiateur de la République le 29 mars 2005, avec l'avis favorable de la Commission Nationale Consultative des Droits de l'Homme du 23 juin 2005, a abouti au vote de la loi du 4 avril 2006 fixant l'âge du mariage de manière identique pour les filles et les garçons à 18 ans (il était de 15 ans pour les filles auparavant) ; en repoussant l'âge du mariage, l'Etat entend protéger les mineurs contre des formes d'exploitation déguisées sous des aspects légaux.

-concernant **la pédopornographie**, la France a développé de multiples actions de prévention pour informer les enfants et les parents des dangers d'internet. La législation s'est développée pour coller aux progrès de la technologie: l'utilisation d'internet pour approcher des enfants de moins de 15 ans en vue de propositions sexuelles, ainsi que la simple consultation d'images pédopornographiques sont les dernières infractions incriminées et réprimées.

Une opération importante de police judiciaire vient d'être menée sur l'ensemble du territoire français la semaine dernière sur le fondement de renseignements venant de l'Italie : 310 personnes détenant ou consultant des images pédopornographiques ont été interrogées ; certaines ont reconnu en outre des agressions sexuelles contre des enfants ; ce type d'opération est mené régulièrement en France.

Un site spécifique a été créé où n'importe quel citoyen peut signaler des messages, des photos ou des films pédopornographiques qu'il aurait rencontré sur internet ; une cellule de veille, qui fonctionne 24 heures sur 24, traite ces signalements, de même que toutes les

²⁴ Le lieu d'accueil pour mineurs étrangers isolés (LAMIE) de Metz en 2001, le lieu d'accueil et d'orientation de la Croix-Rouge de Taverny (LAO) en 2002, le centre d'accueil et d'orientation des mineurs isolés demandeurs d'asile à Boissy Saint-Léger (CAOMIDA) en 2004,

images exploitées par les services d'enquête judiciaire, afin d'identifier si possible les enfants ou de recouper les informations avec des services d'enquêtes d'autres Etats. Ainsi récemment les enquêteurs ont pu identifier en arrière plan d'une photo d'un enfant un sac en plastique portant le nom d'un supermarché ; cette enseigne n'existait que dans une région géographique limitée, ce qui a permis d'identifier l'enfant et d'arrêter les auteurs. Une campagne d'information télévisée a été menée en avril 2007 pour avertir les enfants des risques encourus sur Internet, car un parent sur quatre, seulement, en France utilise un filtre de contrôle parental, bien que celui-ci soit mis gratuitement à disposition par le fournisseur d'accès.

Cependant, les possibilités de poursuites judiciaires contre les hébergeurs devraient être développées car, actuellement, ceux-ci ne peuvent pas être tenus pour responsables du contenu de leur site, alors que les éditeurs le sont, mais étant dans d'autres pays, qui n'ont pas ratifié la Convention de 2001 sur la cybercriminalité du Conseil de l'Europe ils sont difficiles à poursuivre. Ce vide juridique permet le renouvellement constant de la diffusion des images et vidéos pédopornographiques.

-concernant **le tourisme sexuel**, le gouvernement français, avec l'appui de l'ONG ECPAT-France (End Children Prostitution Asian Tourism) a développé des actions d'information à destination des personnes se déplaçant vers certains pays aux fins de les mettre en garde contre le tourisme sexuel et les condamnations qui le répriment, avec l'appui de compagnies aériennes ou de transports ferroviaires ou maritimes ; il a développé également des actions de formation vers les étudiants et les professionnels du tourisme. Ainsi 17 des principaux opérateurs touristiques français ont signé en mai 2005 une « Charte pour un tourisme respectueux des droits de l'enfant en France et à l'international » ; grâce à l'OSCE, cette bonne pratique a déjà pu être appliquée dans d'autres pays.

Pour mieux lutter contre l'exploitation sexuelle, les dispositions légales sur l'extraterritorialité ont été à plusieurs reprises élargies :

En matière de violences sexuelles ou de proxénétisme ou d'exploitation sexuelle contre un mineur, la loi française permet de poursuivre les crimes et les délits commis à l'étranger par un ressortissant français ou une personne vivant habituellement sur le territoire français, ou par une personne morale (par exemple s'il était démontré qu'une agence de voyages organise délibérément une forme de tourisme sexuel). Il n'est pas nécessaire que l'infraction soit punie dans le pays étranger, ni que la victime ou ses parents aient porté plainte ; les conditions pour permettre des investigations et des poursuites sont donc très larges.

Néanmoins il y a eu jusqu'à maintenant assez peu de procès en application de ces dispositions particulièrement favorables aux poursuites et à la protection des jeunes victimes ; il est en fait difficile d'avoir connaissance de ces infractions et de recueillir des éléments de preuve lorsque les faits se déroulent dans plusieurs Etats. La Défenseure des enfants recommande que les postes consulaires à l'étranger soient mieux informés des enjeux pour qu'ils puissent détecter et signaler les comportements d'exploitation d'enfants.

L'exploitation sexuelle économique des mineurs s'inscrit de manière générale dans **la traite des êtres humains** ; cette infraction est inscrite dans la loi française depuis 2003. On rencontre en France des manifestations d'esclavage domestique qui allient l'exploitation économique et l'exploitation sexuelle et qui touchent des mineurs de nationalité étrangère ; ces situations sont très difficiles à détecter et ne sont portées à la connaissance des autorités qu'après que l'enfant soit devenu majeur et ait acquis la maturité et le courage pour dénoncer sa situation. Si quelques procès retentissants ont eu lieu, ils ont été fondés sur des qualifications ne permettant que de faibles condamnations et non sur la qualification de traite des êtres humains, car la rédaction actuelle pose un problème juridique qui rend son utilisation délicate : l'article de loi prévoit de punir la personne qui, en échange d'une rémunération, transporte, transfère, héberge ou accueille une personne, *pour la mettre à disposition d'un tiers*, afin qu'elle soit soumise au proxénétisme, aux agressions sexuelles, à l'exploitation économique, etc... Cette formulation permet de poursuivre le recruteur, mais qui est souvent dans un autre pays et difficile à atteindre, mais pas l'exploiteur, en France.

Cette loi contre la traite des êtres humains n'a en fait été utilisée qu'une seule fois pour réprimer en 2006 un trafic portant sur 22 bébés bulgares en vue d'adoption par des couples roms en France (les peines, prononcées en février 2007, ont été de 2 à 6 ans d'emprisonnement pour les trafiquants).

La loi prévoit des dispositifs de protection pour les victimes de la traite ; le décret vient de paraître trois ans ½ après la loi, le 13 septembre 2007 ; mais les dispositifs de protection ne concernent que les victimes de la traite ; si la poursuite judiciaire a été effectuée sur un autre fondement juridique, la victime ne peut pas prétendre à cette protection ; par ailleurs le texte est très peu explicite pour la protection des mineurs.

Il n'existe en effet pas de dispositif de protection spécifique pour les enfants victimes de l'exploitation sexuelle. Ils relèvent du régime commun de la protection des enfants par le biais du juge des enfants, qui met en place des mesures de placement et des mesures éducatives ; il peut, si besoin est, éloigner l'enfant pour qu'il ne puisse être localisé par les exploiters.

La protection des mineurs devrait être détaillée davantage, surtout s'agissant de mineurs étrangers, afin d'encourager les dénonciations dès leur minorité.

Par ailleurs la création en 2005 de l'Agence Française de l'Adoption a clarifié les procédures d'adoption d'enfants étrangers, précisément pour éviter tout trafic déguisé.

Bien entendu, la coopération judiciaire internationale est essentielle pour lutter contre l'exploitation économique sexuelle des enfants. La France participe à toutes les réunions internationales sur ce thème permettant d'harmoniser les législations et les pratiques. Elle a ainsi été très présente dans l'élaboration de la dernière Convention pour la protection des enfants contre l'exploitation et les abus sexuels du Conseil de l'Europe, Convention qui sera ouverte dans quelques jours à la signature.

La France a ratifié tous les textes internationaux de protection de l'enfance et de lutte contre l'exploitation sexuelle, notamment

- le 15 avril 2003 le protocole additionnel de la CIDE concernant la vente d'enfants, la prostitution des enfants et la pornographie mettant en scène des

- enfants ; le gouvernement français a rendu compte le 26 septembre dernier devant le Comité des droits de l'enfant de Genève de la mise en œuvre de ce protocole
- le 19 mai 2004 le protocole additionnel à la Convention des Nations Unies contre la criminalité transnationale organisée visant à prévenir, réprimer et punir la traite des personnes, notamment des enfants.

La France s'apprête à ratifier la convention du Conseil de l'Europe de Varsovie de 2005 sur la lutte contre la traite des êtres humains ; ce sera la 10^{ème} ratification, qui permettra la mise en œuvre de cette convention.

En conclusion, et puisque mon intervention doit permettre d'ouvrir un débat, je dégagerai trois niveaux sur lesquels l'attention doit être portée :

1) Un travail en réseau des Etats pour aboutir à la transcription en droit interne des textes internationaux de protection de l'enfant et de mutualisation des moyens de lutte par le biais de la coopération judiciaire, ainsi que l'harmonisation des législations, ce qui représente déjà un travail considérable

2) Au sein de chaque Etat, un travail en réseau entre ministères concernés et entre institutions et services concernés : cela concerne la mise en œuvre du droit interne, car un texte non-appliqué ou mal appliqué est un texte inutile pour la protection des enfants

3) Enfin, pour aboutir à de bonnes pratiques, il faut aussi un travail en réseau des différents professionnels, notamment sur un même territoire géographique : il faut susciter une meilleure sensibilisation des professionnels, par la formation initiale, par la formation continue, par des réunions de travail: en effet la prise en charge des mineurs victimes de l'exploitation ne doit pas être compassionnelle ; c'est un travail technique qui doit réunir plusieurs compétences autour de l'enfant avec un véritable projet pour son avenir. Et avant de les prendre en charge, il faut aussi détecter ces enfants : en France, nous avons encore une perception très familiale et environnementale de l'enfant victime de violences et il faut que nous progressions, en particulier à travers un effort soutenu de formation dans la capacité des professionnels à détecter les mineurs qui sont isolés de leur famille et victimes d'exploitation dans un contexte plus large.

Pour la Défenseure des enfants, cette nécessité de renforcer les formations professionnelles et d'y introduire le thème de l'exploitation des enfant est une priorité.

Par ailleurs, comme l'a recommandé le Comité des droits de l'enfant des Nations Unies, la présence d'un médiateur consacré aux droits des enfants au sein de chaque Etat, autorité indépendante, ne peut que contribuer à une plus grande vigilance et au renforcement de la protection des enfants victimes.

La lutte contre l'exploitation économique sexuelle des enfants passe donc par plusieurs niveaux d'action qui doivent tous être menés de front.

Je forme des vœux pour que votre travail de réflexion aujourd'hui contribue fortement à renforcer la lutte contre la traite des êtres humains et notamment l'exploitation sexuelle économique des enfants, partout dans le monde.

Je vous remercie de votre attention.

ANNEX V. BIOGRAPHICAL INFORMATION ON KEYNOTE SPEAKERS, INTRODUCERS AND MODERATORS

Keynote speakers:

Ms. Anne-Marie Lizin

Ms. Lizin is a senator with the Belgium Senate and was President of the Senate of Belgium from July 2004 to July 2007. She is Vice-President of the OSCE Parliamentary Assembly and the Special Representative of the President of the OSCE PA, Alcee Hastings, on Guantanamo. Ms. Lizin is a Former Chairwoman of the Committee of Foreign Policy and Defense of the Belgian Senate and a Former Independent Expert for the Commission on Human Rights in extreme poverty (from 1998 to 2004). She is Professor of the *Institut d'Etudes Politiques (Sciences-Po)* of Paris. Her academic experience includes tenures as external professor at the University of Liège (European economic relations) and the 2^o institut des Etudes Politiques (Sciences Po) in Paris (Masters programme in international relations, seminar on international organisations).

Ms. Jo de Linde

Josephine de Linde was born and educated in England, but has lived most of her life abroad, in India, Hong Kong, and now, in France. While in India, she worked as a volunteer for Mother Theresa in her home for dying destitutes in Calcutta. Ms de Linde lived in Hong Kong for seven years (from 1970 to 1977) where she had a variety of jobs and played an active role in the community working as a volunteer and on the Board of the Heep Hong Society for Handicapped children, and the Cheshire Homes. Since moving to Paris in 1977, Ms. de Linde has worked as a translator for various publishing houses, French television networks and several major NGOs. She served as a member of the Executive Committee of ECPAT (End Child Prostitution, Child Pornography and the Trafficking of Children for Sexual Purposes) from 1994 to 1996. She was elected chairperson in September 1999 and served two terms. Her present role is to represent the organization at the United Nations and liaise with NGOs in Geneva.

Moderator, Session I: Maia Rusakova

Maia Rusakova is the Director of the Regional NGO Stellit which is involved in a variety of social projects. Among its projects, it implements activities on combating child pornography in the CIS countries and on supporting children victims of commercial sexual exploitation through the development of a prevention and rehabilitation system for street children in St. Petersburg. She has a Ph.D. in Sociology, is a Member of the Expert Council on Drug Addiction Issues under the Government of St. Petersburg, and a Member of the Association of the Sociologists of St. Petersburg and of the International Sociological Association. Since 1998 Maia Rusakova works as an assistant scientist with the Sociological Institute of the Russian Academy of Science and since 2003 she is a reader of the Sociological Department of the Saint Petersburg State University.

Moderator, Session II: Ms. Muireann O BRIAIN

Muireann O Briain practised law in Ireland for 25 years, first as a Barrister and later as a Senior Counsel. During that time she was also for ten years the Legal Advisor to the Irish industrial relations tribunal, The Labour Court. In 1998 she left Ireland to manage ECPAT International, and the ECPAT Foundation in Thailand, where she stayed until 2002. She is currently Legal Manager of the largest Irish teaching hospital, St. James's, in Dublin. Ms. O Briain has worked as a Consultant on legal and human rights matters for a variety of NGOs and organisations, including Dienste in Ubersee, Germany, Defence for Children International, Netherlands, the World Tourism Organisation, and Save the Children, Norway. Since 2003, Ms. O Briain has participated as author, editor and advisor in projects to combat child trafficking of the ECPAT Europe Law Enforcement Group. She has contributed to a number of academic, educational and legal journals and publications. She is a Board member of PLAN, Ireland, and the Irish Centre for Parentally Abducted Children.

Moderator, Session III: Mr. Ahmet OZIRMAK

Mr. Ahmet Ozirmak, a Turkish national, has worked with refugees and migrant communities in Australia for over 15 years. Upon returning to Turkey in 1994, he joined UNICEF as senior National Programme and Planning Officer, responsible for the development and implementation of the UNICEF country programme for children. He then worked in the same capacity for the United Nations Population Fund (UNFPA) Turkey overseeing the implementation of the Country programme on Reproductive Health and Population issues. In 2001, he was invited by UNFPA HQ in New York to help set up its 'Humanitarian Response Unit'. He joined ILO in 2004 as the Chief Technical Adviser for ILO's International Programme on the Elimination of Child Labour (IPEC), managing a number of child labour and trafficking programmes in Pakistan. Currently, he is working in the same capacity based in Romania, managing an anti-trafficking and child labour elimination programme being implemented in six countries, including, Albania, Bulgaria, Serbia (Kosovo), Moldova, Romania and Ukraine.

Introductory speaker, session I: Ms. Maria Antonia DI MAIO

Maria Antonia Di Maio is an anti-trafficking expert with substantial field experience in South-East European and former-Soviet Union countries, combined with an academic background in international development. She has experience in design, management, as well as monitoring of anti-trafficking programmes. In Moldova, she has been working directly with trafficking victims as well as women "at risk" of trafficking, trying to support their labour and social reintegration through income-generating schemes. In Kosovo, Ms. Di Maio has been working with IOM as Advisor to the Kosovo Anti-Trafficking Coordinator at the Office of the Prime Minister, providing support and expertise in building anti-trafficking institutional responses. She is currently working with Save the Children as Regional Advisor for its "Child Trafficking Response Programme in Southeast Europe", providing coordination and technical support to 7 country-teams in developing and implementing programme and advocacy interventions.

Introductory speaker, session II: Ms. Aina MEE ERTZEID

Aina Mee Ertzeid is an adviser in the Legislation Department in the Norwegian Ministry of Justice and the Police. She is a lawyer, specialized in criminal and procedural law, in

particular victims' rights and sexual offences law. She is a member of the Committee of Experts on the Council of Europe Convention on Protection of Children Against Sexual Exploitation and Sexual Abuse and represented Norway during the negotiations on the new Convention. Ms. Ertzeid teaches master level courses in criminal law and criminal procedural law at the University of Oslo. She is also a lecturer at various up-grading courses for lawyers. She has published a book on Revenge and punishment in 2005 and an article on rape in 2006. She is a member of the editorial board of The Norwegian University Law Review and The Norwegian Journal for Criminal Law. Until recently she was secretary for the Norwegian Association for Criminalists.

Introductory speaker, session II: Mr. Ernie Allen

Mr Allen is the President and Chief Executive Officer of the International Centre for Missing & Exploited Children (ICMEC), a private, non-governmental organization (NGO). He is leading the effort to create new missing and exploited children's centers around the world, with centers already established in Belgium, Romania and South Africa. In 2002 he convened a summit in Ireland, resulting in the adoption of the "Dublin Plan," a global strategy to attack child pornography. A key element is building law enforcement capacity. Thus, in partnership with Interpol and supported by Microsoft, ICMEC has trained police officials in 100 countries in the investigation of computer-facilitated crimes against children, including Brazil, China, Croatia, India, Jordan, Morocco, Poland, Russia, South Africa, Thailand, Turkey, and many others.

Introductory speaker, session III: Ms Colette Clement-Barthez

Ms. Barthez was a clinical psychologist from 1970 to 1990 engaged in counseling, teaching, vocational training, research and expert opinions at the Montpellier appeal court. Since 1991 she has been a judge at the General Prosecutor's Office, responsible for minors and sexual violence. From 2000 to 2003, Ms. Clement-Barthez was president of a victims assistance association in one 'departement'. She is currently legal adviser to the French Child Ombudsperson.

Closing remarks: Mr. Jean-Claude Le Grand

Mr. Le Grand has worked with UNICEF since 1993, mainly in the field of child protection. Since October 2007, he has been Child Protection Adviser for the UNICEF Regional Office for CEE and CIS. From 2002 to 2007, he was UNICEF Regional child protection advisor for West and Central Africa. From 1997 to 2001, he was UNICEF's senior advisor for children in armed conflict, based in New York. Prior to joining UNICEF, Mr. LeGrand worked with various NGOs (such as Medecins sans Frontiers, International Rescue Committee, Oxfam) mainly in situations of emergency and armed conflicts. Before that Mr. Le Grand was a sociology lecturer in France. His academic background is sociology and law.

ANNEX VI. OPENING AND CLOSING REMARKS by Ambassador Strohal, ODIHR Director

OPENING REMARKS

Ladies and Gentlemen,
Excellencies,

I have great pleasure in addressing you today at the opening of this important event for the OSCE. It is important in my mind for two reasons: because the issue under discussion is one which demands the most serious attention, since the health and happiness of our children today determines the kinds of societies that we will inhabit tomorrow. And secondly because this issue, although touching on specialized areas of the work of my Office, such as anti-trafficking, is not in fact dealt with in its entirety by any part of the Organisation. In preparing for this meeting therefore, we have learnt much and have benefited from the expertise of colleagues from other international organizations and NGOs who are engaged exclusively on this topic. I am therefore very pleased to see that they are well represented at this meeting and will, I hope, enlighten and contribute to our discussions.

In these brief opening remarks therefore I would just like to highlight some of the key challenges that lay ahead of the OSCE if it is to take work on this issue further.

Firstly the need for States to address the vulnerability of certain children to exploitation generally. The Brussels Ministerial Decision on combating sexual exploitation of children adopted last year makes particular reference to the commercial sexual exploitation of children including child prostitution, child trafficking and child pornography. But it is clear from expertise in this field that the factors constituting vulnerability to exploitation through begging, delinquency or forced labour are the same as those underpinning vulnerability to sexual exploitation.

Preventive measures need to be seriously pursued. These measures need to tackle the marginalization of certain social and ethnic groups and tackle the poverty and discrimination that gives rise to their vulnerability. In this we cannot fail to recognize the responsibility of States where social welfare cutbacks in some cases have further entrenched the marginalization of certain groups, exposing them to new risks in their search for survival strategies, including sexual exploitation. At the same time the precarious position of migrant children, particularly those who are undocumented and unaccompanied and in need of a protective environment needs to be addressed, since this is a group clearly identified as vulnerable to exploitation of whatever kind.

We are also aware that organizations emphasize the vulnerability of nationals to commercial sexual exploitation as a result of domestic abuse. They also report that a large proportion of child pornography results from the actions of direct relatives of the child; a finding also reflected in the recent SPMU Expert Conference on Improving Law Enforcement Responses to Combat Sexual Exploitation of Children on the Internet (20-21st September 2007). Such a fact calls into question our frequent preoccupation with organized crime in this domain and reminds us of the importance of research to better understand these diverse phenomena and to inform our responses.

In terms of legislation in this field, it appears that there is no shortage of activity and international standards. We are very pleased to see that after a long period of negotiation the Committee of Ministers of the Council of Europe adopted the Convention on the Protection of Children Against Sexual Exploitation and Sexual Abuse in July of this year, and that tomorrow one of the members of the Committee of experts for that Convention will present to us. [This Convention is intended to enhance the protection afforded by the United Nations Convention on the Rights of the Child and its Optional Protocol on the sale of children, child prostitution and child pornography. It also of course follows in the wake of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the Transnational Organised Crime Convention and the International Labour Organisation Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour.]

By way of OSCE commitments, the Organisation has recognized the rights of the child and their right to special protection from violence and exploitation since Copenhagen in 1990. This was followed in 1999 in Istanbul where, in the Charter for European Security, participating States agreed to prevent violence against children, exploitation and trafficking. Measures have been further developed in the Action Plan to Combat Trafficking in Human Beings and its addendum to address the special needs of children, adopted in Ljubjana in 2005. Last year the Ministerial Council in Brussels urged States to take further their measures to prevent sexual exploitation of children.

The general consensus appears to we have sufficient international law and standards – but what we lack is the transferal of such standards and commitments into sustainable action at the national level.

Finally, what further responses are still called for? Different international fora call for Action Plans to tackle the sexual exploitation of children. But Action Plans are only as good as the political will and resources devoted to implement them. We have a certain amount of experience of Action Plans on Trafficking, some of which specifically address child trafficking. But paper tigers are not enough – they must translate into concrete action.

We also would do well to heed some of the lessons learnt from our anti-trafficking work where we have witnessed a scramble to introduce new criminal laws and equip law enforcement to the detriment of both preventive measures and adequate protection for

victims. This was also one of the messages from the SPMU meeting which recognised that law enforcement cannot resolve the issue on its own and the need for appropriate social measures alongside the identification and protection of victims is paramount. Protection of adolescent victims can be problematic, where such individuals may be seen as anti-social rather than the victim of exploitation and abuse. Our roundtable in Tirana last September on building the capacity of Roma communities to Prevent Trafficking in Human Beings also emphasized the importance of tailoring social interventions to protect victims of exploitation and in particular respecting the choices and agency of adolescents by avoiding a ‘one size fits all’ model of protection for all minors.

And finally, we need to listen to the needs of the children themselves, both in terms of developing appropriate responses in individual cases and in developing appropriate policies generally. In this regard, we are very glad that some of the organizations that we are supporting through our project-related activities can present some of their important work on peer to peer education and that also some of the youth representatives from the ECPAT network are also participating. We hope that all will contribute to the development of future positive action on this important issue.

Thank you.

CLOSING REMARKS

Ladies and Gentlemen,
Excellencies,

There is no need for me to elaborate much on the key issues that have been so well summarized by the moderators of the three working sessions on vulnerability, legislation and good practices and the closing remarks by UNICEF. Let me just summarize a couple of points which are key from the perspective of my office. To combat sexual exploitation of children, including commercial sexual exploitation of children, governments must take a comprehensive approach and not just one that focuses on criminal justice. Although legislation is clearly key, we have heard that victims often don't want to participate in the criminal process and proceedings should not be pursued at the expense of the welfare of the child. At the same time legislation needs to address the risk groups that we heard about in the first working session and cover issues relevant to education, health, migration and social protection.

The protection of those vulnerable and exploited must be key to all efforts. They must not be punished or criminalized. Child friendly mechanisms to facilitate childrens' reporting of abuse should be developed, including the possibility to report to peers or youth groups. Such reporting should be confidential and lead to assistance provision first and foremost. Where the child fears expulsion as a irregular migrant or punishment for involvement in prostitution this also creates obstacles to reporting and assistance. Durable solutions must be developed in the best interests of the child which satisfy their concrete needs, including educational and work opportunities - whether this be in the country of destination if they are migrant children or in their home country. Also countries of destination for migrant children need to diversify their responses to the exploitation of migrant children and not just resort to repatriation which sometimes fosters further abuse of these children.

For particularly vulnerable and marginalized groups efforts must not stop at the individual child, but include action to integrate and empower their communities and families. A need for parental education and intervention programmes has also been highlighted. Key recommendations have also included the need for states to develop national action plans with the contribution of young people and with specific provisions on protection measure of children. States should create focal points on exploitation of children to coordinate regional and local action.

I would like to thank all of you for your very active participation and in particular for the concrete experiences, challenges and good practices on the policy and working level you shared with us. Such a concrete and active interaction between civil society and governmental stakeholders is definitely something we consider a "good practice". Finally, a special thanks to the child rights experts and practitioners from civil society, governments and international organizations without whose contribution this event would not have been possible.

Thank you.

ANNEX VII. OPENING REMARKS by the OSCE Chairmanship, Ambassador Carlos Sánchez de Boado

Ladies and Gentlemen,
Excellencies,

Practice has shown that despite many commitments to combat sexual exploitation of children, governments face serious problems in transforming those commitments into sustainable action. This conference intends to look at how international co-operation and exchange of information can be strengthened in order to prevent and protect children from being sexually exploited.

The meeting has been divided into three working sessions. The first session focuses on understanding and addressing vulnerability to exploitation, emphasizing adequate child protection systems and social welfare. The second session discusses legal frameworks, including criminalizing offences and prosecuting perpetrators and laws and policies related to social, educational and labor issues. Thirdly the conference provides an opportunity to share lessons and good practices on protective and preventive measures.

As most of you already know, the OSCE has recognized the rights of the child and their right to special protection from violence and exploitation since commitments adopted in Copenhagen in 1990. This was followed in 1999 in Istanbul where, in the Charter for European Security, participating States agreed to prevent violence against children, exploitation and trafficking. Measures have been further developed in the Action Plan to Combat Trafficking in Human Beings and its addendum to address the special needs of children, adopted in Ljubljana in 2005. Last year the Ministerial Council in Brussels urged States to take further measures to prevent sexual exploitation of children.

Even though the international community has in these occasions shown interest and commitment to this issue, it seems that more can be done to prevent sexual exploitation.

First of all, the vulnerability of children to exploitation can be better addressed. Vulnerability to all forms of exploitation stems from the poverty and discrimination that marginalizes certain social and ethnic groups. In particular unaccompanied migrant children are in special need of protection since they constitute a particularly vulnerable group in our societies. Therefore, the subject goes beyond the very same act of exploitation and touches upon other issues related to social integration and movement of populations. It is therefore reasonable to say that a better understanding of the phenomenon of sexual exploitation as a whole, its root causes and implications, may lead to the development of more effective policies to prevent it.

Secondly, more can also be done to identify and protect victims. This was also one of the lessons we took away from the SPMU Expert Conference on Improving Law Enforcement Responses to Combat Sexual Exploitation of Children on the Internet (20-

21st September 2007) held here less than a month ago. Law enforcement cannot resolve these issues on its own – there is an urgent need for appropriate social measures alongside the identification and protection of victims.

At the beginning of this year, many participating States expressed a strong interest in ensuring that the mentioned Ministerial Council Decision enjoyed proper follow-up. Though the particular issue of sexual exploitation of children counts on a less developed body of OSCE commitments, the Spanish Chairmanship judged relevant to include it in the agenda of 2007 Human Dimension Events.

Indeed, sexual exploitation of children is an issue that affects all participating States, be them countries of origin, transit or destination.

In particular, the Spanish authorities have actively responded to such a threat. Spain was the first European country to ratify the the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography. Through the Observatory of the Children, organ ascribed to he Ministry of Labor and Social Affairs, proper follow-up and co-ordination of public policies affecting children takes place. Under the framework of the Observatory, various National Plans for combating Sexual Exploitation of Children have been elaborated. I am confident that, in presenting our own experiences, the Spanish experts from the Minsitry of Labor and Social Affaires will be enriching the discussions held at this meeting.

On that note, the Spanish Chairmanship sincerely hopes that the privilege of counting today with so many experts from capitals will lead to a fruitful exchange of practice, the identification of obstacles that participating States face in the implementation of policies, as well as to the recommendation of concrete steps in the furtherance of the international efforts to fight sexual exploitation of children.

ANNEX VIII. OPENING REMARKS by Eva Biaudet, OSCE Special Representative on Combating Trafficking in Human Beings

(written statement)

Mr Chairman, Excellencies, dear Ladies and Gentlemen,

It is a privilege for me to address you with a few opening remarks on the important issue we have on our agenda today. Sexual exploitation of children, the abuse of innocent and defenceless girls and boys, takes many different forms in our societies. One of its most brutal manifestations is trafficking in children for sexual purposes.

Although I am well aware that the accuracy of estimates on the scope of trafficking is a controversial subject, I do want to mention the 2006 UN Study on Violence Against Children, because the figures are so horrifying that even if they would be severely over estimated, it means that we still are dealing with violations of fundamental rights of our children that are of immense proportions.

Dear colleagues, the UN Study estimated 150 million girls and 73 million boys under the age of 18 experienced forced sexual intercourse or other forms of sexual violence during year 2002. The same study further estimated that in year 2000 1.8 million children were exploited in prostitution and pornography, and 1.2 million children were victims of trafficking. This means that the childhoods of millions of innocent girls and boys are every year are being destroyed by adults, as a result of grave sexual abuse.

But, we are of course not operating only on the basis of assumptions. When designing responses to this problem, we indeed already have some accurate data enabling us to make enlightened policy decisions. One valuable source is the global database of the International Organisation for Migration, which shows that almost 50 % of all identified and assisted victims of trafficking have been children.

The underlying reasons for these horrendous numbers are of course that child trafficking is a very lucrative business linked to trans-national organised crime and corruption, and that the risks of traffickers being prosecuted and punished still are relatively small.

The awful truth is that there is a high demand for exploitation of children for all sorts of purposes also in Europe, primarily of course because children are cheap and obedient. And unfortunately combating this exploitation becomes more challenging every day as trafficking patterns constantly change, new routes are established and the methods used by traffickers become more sophisticated.

When looking at the magnitude of sexual exploitation of children, child trafficking unfortunately only represents the tip of the iceberg. The majority of all the sexual assault takes place within families, or in the domestic environment, and the most frequent

perpetrator is the father, brother, close relative, friend or caretaker. This abuse is the hardest to detect and respond to, regardless whether we are talking about incest or abuse by other person close to the family. Abusive experiences make children vulnerable for future abuse. Trafficked persons many times have a long history of abuse, prior to being trafficked as an adult.

Trafficked children often face multiple forms of exploitation. For example, the same children that are exploited in prostitution are also used in child pornography. Technical innovations such as the world wide web, which we normally praise, unfortunately has made abuse and distribution of pornographic materials much easier and has lead to that the financial profits that can be made from this disgusting business are enormous.

Children used in the pornographic industry are getting younger and younger and the images are becoming more graphic and violent. A recent study made by the International Centre for Missing and Exploited Children, in the U.S. shows that 83% of arrested child-pornography possessors had images of children between 6 and 12 years old; 39% had images of children between 3 and 5 years old; and 19% had images of infants and toddlers under the age of 3 years. 92% had images of minors focusing on genitals or showing explicit sexual activity; 80% had pictures showing the sexual penetration of a child, including oral sex; and 21% had child pornography depicting violence such as rape, bondage, and torture. Most of these images involved children who were gagged, bound, blindfolded, or otherwise suffering sadistic sex.

Because the internet plays such a crucial role in the commercial sexual exploitation of children, we need to involve the private sector, the big multinational server providing companies and the banking industry facilitating payments over internet in this fight. Based on the briefing I received when visiting the National Centre for Missing and Exploited Children in Washington DC last week, I am convinced that there are huge steps we can take if we put the necessary funds and efforts into stemming the spreading of child pornography on the web. And the business community, I am convinced, will do their part in this fight, in collaboration with our authorities.

An important factor making our work harder is that the identification of child victims of sexual exploitation is very difficult. This is often a result of fear, threatening and a lack of self-identification. Children do not understand that they are abused and do not see themselves as victims of severe criminality. Add to this the financial and psychological dependency, lack of alternatives and sometimes lack of assistance meeting the specific needs of these children, and we clearly see why identification is a problem.

We have to start recognising the urgent need to overcome the gap between legal rights and commitments we have taken to protect our children and the reality we face. We need a concerted approach by States, international organisations and NGOs to bring forward a clear message in the whole OSCE region that our children have the right to a life without fear and abuse.

We have to get better at designing prevention strategies that take the views of children into account. Service providers, whether they are authorities or NGOs, should listen to and take account of the voices of children, in particular to know better who is “at-risk” of trafficking and all kinds of abuse, in order to ensure that responses are developed which address the realities these children face. Children should be actively involved in assessing the impact of our interventions, through meaningful consultation on measures that have affected them.

In order to be able to respond effectively to sexual exploitation of children, the focus of preventive and protective interventions has to be on the intended exploitation of the child. For example, in the case of children in the sexbusiness, we have to remember that the question of a possible consent of the child is irrelevant. Since the case almost without distinction is that these children are exploited not only by the sex buying customer, but also by a pimp. No coercion, fraud or deception, or any other form of abuse is needed in addition, in order for the child to be considered a trafficking victim. This shift to a preventive perspective would be very helpful since it would maximize the protection of children within or outside a trafficking scenario.

Furthermore, I want to stress that to reduce the vulnerability of the children in our societies, stemming out of social and economic marginalisation, gender based violence and migration policies putting children at risk, we do have to make a stronger effort and simply put more money and trained personnel into child protection measures.

A specific group at risk are the unaccompanied children, who often arrive in our countries as asylum seekers. Their vulnerability is often not recognised. They are generally only perceived as smuggled and therefore not provided adequate protection. Research shows that these children are likely to be on the way to be exploited in sex-trade or domestic servitude in their destination countries. Experiences in countries such as Norway, where compulsory child protection measures have been taken in order to protect these children, have shown positive results.

No country is free from child trafficking and child pornography. All societies are affected and all countries have to respond to these abhorrent crimes. But so far, the emphasis, though it is an important aspect, has been on criminalisation instead of focusing on preventive measures.

We have to pull our strengths together, in order to stop this disgusting abuse. As adults, in all our different functions, we have a special responsibility to actively protect all children from sexual exploitation. To create protective structures, be it education, family support or helplines, is a responsibility of all States. The protection from abuse and sexual exploitation is a fundamental right for all children!

Thank you ladies and gentlemen for your attention!

IX. CLOSING REMARKS by Mr. Jean-Claude LeGrand, Child Protection Advisor, UNICEF Regional Office for CEE/CIS

Dear Ambassador Strohal,

We welcome this important initiative of OSCE / ODIHR to address the issue of sexual exploitation and abuse of children. It reflects the willingness of States to address the vulnerability of children to exploitation generally. The OSCE has an important mandate in the fight against human trafficking. If we want to succeed in combating child trafficking we need to address the other side of the same coin, being child commercial sexual exploitation, child pornography and other forms of vulnerability and exploitation. Partnership is critical to address such complex issues requesting comprehensive responses. This is why I have consulted NGOs and partners as much as I could in order to ensure that these final remarks do not represent the sole views of UNICEF.

A) Vulnerabilities

Certain factors have been identified that make children vulnerable not just to commercial sexual exploitation, but to labor exploitation, trafficking, coming into conflict with law etc.

- Being without parental care / institutionalized (and in Eastern Europe, we still have 1.2 million children in public care, 600,000 of them in residential care).
- Previous history of violence and abuse in the family environment.
- Poverty.
- Social Exclusion and membership of marginalized groups such as Roma or refugee / IDP.
- Poor School attendance / drop out.
- Children from refugee, migrant and socially excluded communities (i.e. Roma) may be especially vulnerable to not being identified because of their lack of contact with mainstream services such as education and social services.

These situations of vulnerability are combined with rapid changes in traditional family values, migration (migration of children but also migration of adults leaving the children behind), the impact of the economic crisis creating social stress and an increase in the number of dysfunctional families.

The recent UN Study on Violence against Children has revealed that domestic violence has a huge impact on children in the region even if it remains a hidden problem due to lack of proper research and documentation. Studies conducted at country level in South-East Europe have shown that social services of health, education and social welfare are failing to identify victims of domestic violence at an early stage. Such failure to enforce the rights of these children leads them to become even more vulnerable to sexual exploitation and child trafficking.

B) Lack of data / difficulties in documenting scale of problem

A better understanding of these situations of vulnerability will not only allow us to better assess the magnitude of the problem but also to develop more effective responses to prevent and address these situations. Some of the researches presented during the lunch break (focusing on the sexual exploitation of boys) have shown the importance to understand what is really happening and the need to deconstruct some of the misleading representations to develop appropriate responses.

What we know allows us to identify some patterns:

- Evidence suggests that children who have been exploited in one form / means are likely to move on to other forms of exploitation.
- Children who are abused or neglected within the family will be the first victims of child pornography.
- Victims of sexual exploitation are often made to feel ashamed and stigmatized, and are likely to avoid reporting their problems themselves because of this.
- In many cases, children have left home early to avoid abuse and violence and so are reluctant to bring themselves to the attention of police or social services for fear of being returned to an abusive situation, even if the alternative is to expose themselves to sexual exploitation in order to survive.
- But... there are huge gap in our knowledge:
- We need to mark our disappointment regarding the difficulties in documenting the scale of the problem and call governments to reinforce research and systematic data collection on these interrelated issues.
- The demand for sex with children needs to be investigated to understand what specific measures should be designed to prevent it.
- Data collection and in-depth research needs to be conducted nationally and regionally based on commonly designed methodologies and comparable data.
- To combat the sexual exploitation of children effectively, we need to ensure that children and young people are involved at all levels and at all stages, starting with research.
- NGOs colleagues are calling for the creation of an International Fund for child and Youth participation in combating the sexual exploitation of children.

C) Legal Responses – Social Protection and Criminal Law

Apparently we should not be concerned by the legal responses as there exist many international instruments. Let me mention:

- The Convention on the Rights of the Child
- The Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography.
- The ILO Convention 182
- The Palermo Protocols
- The Council of Europe Convention on Trafficking and the upcoming convention on Sexual abuse and exploitation of children:

These instruments recognize the vulnerabilities of children and oblige states to undertake measures in the fields of prevention, protection and Prosecution.

But the discussions today have shown that there is a need to assess the effective translation into national laws of these international instruments and to monitor the effective implementation of these laws as sex abusers systematically exploit gaps in the law.

We have seen as well through some examples that there is still a need to harmonize the different laws related to this issue (we have heard some examples on the age of consent for example).

The importance of implementing extraterritoriality laws for crimes of sexual exploitation against children is also critical to address a global issue. You do not protect children if you look at the situation only in your country. This is critical regarding cyber crime.

The role of independent institutions such as ombudsperson or “defenseur des enfants” are critical to ensure that the protection of children is effective.

D) Effective State Responses / Best Practices

This meeting and the rich discussions have allowed us to better identify some of the key responsibilities of the states to fight the sexual exploitation of children.

States cannot only address the symptoms but need to create the conditions for preventing abuse and exploitation

States have a primary responsibility to avoid the marginalisation of minority groups, as such marginalisation exposes children to higher risks of exploitation and abuse.

Prevention and Protection are interlinked: Early identification of children at risk, and children in vulnerable situations, can reduce their vulnerability to *all* forms of abuse and exploitation, and early identification of victims of sexual exploitation can ensure their protection and prevent further victimization.

We heard today good examples of governments assuming their responsibilities in monitoring the dissemination of child pornography through internet.

Training on combating the sexual abuse and exploitation of children should be mainstreamed into the curricula of all adults in contact with children: health workers, teachers, the police, the judicial and social work training.

As well as being trained in recognising signs and indicators of sexual abuse and exploitation, these professionals need to be accountable for reporting suspected cases.

Such training must be extended to the media, the information and communication industry and tourism and travel professionals to allow them to play a critical role in prevention.

States have the responsibility to ensure that specific support services are in place for child victims, including setting up processes for reintegration and rehabilitation into mainstream services and society.

An effective response cannot be left only to police and social workers but require a coordinated approach and response. Countries should have a national plan of action to address abuse, exploitation and violence against children and put in place an effective 'Continuum of Services'. This requires clarifying who is supposed to do what and when in prevention, early identification, assessment and registration of cases, early intervention and referral and what are the different service options for children who are victims of violence and abuse.

Such plans need to be developed with all actors, including children and young people.

It requires putting in place a good referral system, aiming at finding a durable solution in the best interests of the child. Prosecution of perpetrators of abuse and exploitation is important, but should not be the primary consideration. At all stages, the best interests of the child should be paramount. NGOs, governments and UN agencies (including UNICEF) need to seek advice from children and young people as they have first hand experience as victims, but also as activists, peer counsellors and in many circumstances they have a better access to most vulnerable children

Governments have specific responsibility for ensuring appropriate coordination of the different actors. NGOs play an important role and provide critical support services for children and families affected by sexual exploitation, their role needs to be clearly defined and carefully monitored by the state.

The responses developed under the leadership of governments need to go beyond addressing symptoms and narrow groups of victims but needs to contribute to reinforcing the child protection global capacity on behalf of vulnerable children and to be solidly entrenched within the development of social policies to address the root causes of social exclusion, and child and family poverty.

A solid evaluation system needs to put in place to measure the effectiveness of the responses put in place.

Thank you.

ANNEX X. SIDE EVENTS

The Helsinki Document of 1992 (Chapter IV) called for increasing the openness of OSCE activities and expanding the role of NGOs. In particular, in paragraph (15) of Chapter IV the participating States decided to facilitate during CSCE meetings informal discussion meetings between representatives of participating States and of NGOs, and to provide encouragement to NGOs organizing seminars on CSCE-related issues. In line with this decision, NGOs, governments, and other participants are encouraged to organize side meetings on relevant issues of their choice.

The opinions and information shared during the side events convened by participants do not necessarily reflect the policy of the OSCE/ ODIHR.

FRIDAY, 19 OCTOBER

Time: 12.00– 14.00

Venue: Ratsaal

Title: Drawing up a Framework Action Protocol on Child Abuse in Bosnia and Herzegovina as a result of the Catalan experience

Convenor: Catalan Ombudsman Office

Language: English, Serbian, Croatian

Summary: The Catalan Ombudsman Office is implementing a cooperation project in Bosnia and Herzegovina (BaH) whereby it conveys the Catalan experience to the relevant Bosnian institutions involved in the protection of abused children, namely ministries, judiciary, prosecutors and Ombudsman institutions. The project is focused on drawing up a Framework Action Protocol to be followed by all relevant institutions in BaH in order to coordinate their actions in the best interest of abused children. The Protocol is also aimed at preventing the consequences of secondary victimization of the child. The Catalan Ombudsman promoted such an initiative in Catalonia, where a Framework Action Protocol has already been adopted.

Time: 12.00– 14.00

Venue: Bibliotheksaal

Title: Boys in Sex Industry

Convenor: ODIHR

Language: English, Russian

Summary: Given the dramatic expansion of the sex industry on an international scale in recent years, it is not surprising that there is now an extensive academic, legal and policy literature on prostitution, pornography and sex trafficking. Yet, as valuable as such discussions have undoubtedly been, it is quite striking how the focus remains firmly on women and girls. Indeed the sex industry is frequently presented in gendered and heterosexual terms, with most commentators referring as a matter of course to sex workers as 'women' or 'women and children'. This serves not only to marginalise the significant number of sex workers who are male but also to shape the way in which debates about sex work are framed. Research in different countries on the prostitution of

boys has revealed that it is a much larger problem than previously recognized. It has also revealed a degree of silent acceptance at all levels of society, on the sexual exploitation of boys. As such, initiatives to address these violations and to provide support for boy victims remain peripheral to other efforts that address gender violence in these countries. There is an urgent need to challenge the social indifference that allows these practices to continue unquestioned. More targeted actions in the area of prevention and victim's assistance are required to address this serious violation of children's rights.

This event brings together researchers and NGOs from Italy, Russia, South Asia and the UK to present their views on issues relevant to boys in the sex industry.

ANNEX XI. STATISTICS ON PARTICIPATION

The SHDM was attended by a total of 159 participants, including 98 delegates from 43 of the 56 OSCE participating States. One representative of the OSCE Parliamentary Assembly (Belgium) and two representatives of OSCE Partners for Co-operation (Algeria) were also present.

There were six representatives from four OSCE field missions present (Presence in Albania, Mission to Bosnia and Herzegovina, Office in Minsk and the Project Co-ordinator in Ukraine).

The Meeting was attended by 12 representatives from 9 international organizations: the Council of Europe, the Council of Europe Parliamentary Assembly, the International Centre for Migration Policy Development, the International Federation of Red Cross and Red Crescent Societies, the International Labour Organisation, the International Organization for Migration (Austria), UN Office on Drugs and Crime and the United Nations Office of the High Commissioner for Refugees (Branch Office in Austria) and UNICEF.

39 representatives from 36 non-governmental organizations participated in the Meeting.

The list of participants can be found in Annex XII.

ANNEX XII.

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Mrs. Anne-Marie	LIZIN	Keynote Speaker of the Opening Session
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