



Global Monitoring

status of action against commercial sexual exploitation of children

SOUTH KOREA



2nd EDITION

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CONTENTS

Glossary	4
Foreword	5
Methodology	6
South Korea: Introduction	8
National Plan of Action	12
Coordination and Cooperation	13
Prevention	16
Protection	18
Child and Youth Participation	28
Priority Actions Required	30
Annex	32
Endnotes	42

GLOSSARY OF TERMS AND ACRONYMS

- **CIS:** Commonwealth of Independent States
- **CRC:** United Nations Convention of the Rights of the Child
- **CSEC:** The commercial sexual exploitation of children, which consists of criminal practices that demean, degrade and threaten the physical and psychosocial integrity of children. There are three primary and interrelated forms of commercial sexual exploitation of children: prostitution, pornography and trafficking for sexual purposes. Commercial sexual exploitation of children comprises sexual abuse by the adult and remuneration in cash or in kind to the child or third person or persons.
- **ECPAT:** End Child Prostitution, Child pornography and Trafficking of Children for Sexual Purposes.
- **EU:** European Union
- **GDP:** Gross Domestic Product
- **Grooming:** Preparing a child for sexual abuse or exploitation
- **ILO:** International Labour Organization
- **IOM:** International Organization for Migration
- **KCSC:** Korean Communications Standards Commission
- **MIHWFA:** Ministry of Health, Welfare and Family Affairs
- **NEC:** National Election Commission
- **NGO:** Non-governmental organization
- **NPA:** National Plan of Action
- **OSCE:** Organization of Security and Cooperation in Europe
- **OPSC:** Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography
- **UN:** United Nation
- **UNDP:** United Nations Development Programme
- **UNICEF:** United Nations Children's Fund

FOREWORD

The 2008 Rio de Janeiro Declaration and Call for Action to Prevent and Stop Sexual Exploitation of Children and Adolescents (CSEC) represents a broad societal alliance that builds on more than twenty years of global action. The First World Congress against Commercial Sexual Exploitation of Children was held in 1996 in Stockholm, Sweden. It marked the first public recognition by governments of the existence of CSEC and resulted in a commitment to an Agenda for Action adopted by 122 governments.

Since 1996, many actors around the world have focused their efforts around this common agenda, and more government and non-government entities have joined in to advance positive change for children and to protect their right to live free from sexual exploitation.

However, the increasing sophistication of resources available to those who seek to exploit children has grown in equal measure. Responding to these challenges, and particularly to new CSEC manifestations such as exploitation using the Internet and mobile technologies, requires new partnerships, and more coordinated and targeted efforts to address a borderless crime.

Experience demonstrates that the level of responsibility and role that a government takes to set and uphold standards of protection determines the nature, quantity and quality of what the country achieves overall for its children. Unfortunately, country actions have not been uniform, and far more urgent work must be done. In particular, the Rio Declaration highlights the increased vulnerability of children in a less stable world.

This is why I welcome the publication of second editions of ECPAT International's Agenda for Action (A4A) Country Reports Monitoring the Status of Action against the Commercial Sexual Exploitation of Children.

We are confident these unique publications will support governments to take prescribed actions to protect children from such heinous violations, which are still perpetrated with impunity in many countries. They also have the potential to stimulate the exchange of experience and knowledge among different actors to create a dialogue that can enhance our collective efforts against CSEC.

Over the years, ECPAT's A4A reports have become a baseline of information on actions taken and a roadmap for addressing gaps in each country based on the framework of the Stockholm Agenda. The reports succeeded in their goal of providing a basis for more systematic assessment of progress on implementation of country commitments. Moreover, we know they provide an important support to the implementation of other international mechanisms that exist to protect children's rights, such as the *Convention on the Rights of the Child (CRC)* and the *Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography*. Today, 193 countries have ratified the CRC, and 143 the OPSC.

Production of such comprehensive publications requires global collaboration. ECPAT International would like to thank all those who participated in the work and contributed their inputs. This includes ECPAT member groups, local experts and organisations, as well as the dedicated staff and interns in the Secretariat of ECPAT International. We acknowledge the generous support of donors who back these efforts. The A4A reports would not have been realised without their support and solidarity.



Kathleen Speake
Executive Director, ECPAT International

METHODOLOGY

The Agenda for Action against Commercial Sexual Exploitation of Children provides a detailed framework and categories of actions to be taken by governments in partnership with civil society organizations and other relevant actors for combating commercial sexual crimes against children. Broadly, these actions are focused on: 1) Coordination and Cooperation; 2) Prevention; 3) Protection; 4) Recovery, Rehabilitation and Reintegration; and 5) Child Participation. The Agenda for Action is thus the formal and guiding structure used by governments that have adopted it and committed to work against CSEC. As such, the Agenda for Action is also the main organising framework for reporting on the status of implementation of the Agenda as seen in the World Congress II of 2001, the Mid-Term Review meetings held between 2004 and 2005 and the World Congress III in 2008. It has been used in the same way to structure and guide the research, analysis and preparation of information presented in these reports on the status of implementation of the Agenda in the individual countries.

Preparatory work for this 2nd Edition report involved a review of the literature available on sexual exploitation for each of the countries where ECPAT works. A number of tools were prepared, such as a detailed glossary of CSEC terms, explanatory literature on more difficult themes and concepts and a guide to relevant CSEC-related research tools, to assist researchers in their work and to ensure consistency in the gathering, interpreting and analysing of

information from different sources and parts of the world.

Desktop research has shown a continuing lack of information in the areas of Recovery, Rehabilitation and Reintegration. After extensive efforts to collect information relevant to these areas for each of the countries covered, it was decided that as this information was not consistently available, the reports thus focus only on those areas of the Agenda for Action where verifiable information can be obtained. Thus, the report covers: Coordination and Cooperation; Prevention; Protection and Child and Youth Participation, and where information on recovery, rehabilitation and reintegration, was available, it has been included under the country overview. These 2nd Edition Reports also reflect a greater focus on integrated and inter-sector collaboration for the realisation of the right of the child to protection from sexual exploitation, including the need nationally for comprehensive child protection systems.

Research of secondary sources, including CRC country and alternative reports, OPSC country and alternative reports, the reports of the Special Rapporteurs, as well as research and field studies of ECPAT, governmental and non-governmental organizations, regional bodies and UN agencies, provided the initial information for each report. This information was compiled, reviewed and used to produce first draft reports. In-house and consultant specialists undertook a similar process of review to generate information on

specialised areas of the reports, such as the legal sections. Nevertheless, researchers often encountered a lack of information. While sources also included unpublished reports and field and case reports of ECPAT and other partners, many countries lacked up-to-date data and information on areas relevant to this report.

Despite these limitations, sufficient information was gathered to provide a broad overview of the situation in each country. Subsequently, first drafts were prepared and shared with ECPAT groups, which then supplemented the information with other local sources and analysis (taking care to identify them and source appropriately). Upon receipt of these inputs, a series of questions were generated by the ECPAT International team for deeper discussion, which involved ECPAT groups and specialists invited by them. The information from these discussions was used to finalise inputs to each of the reports. These consultations proved to be invaluable for analysis of the country situation. They also served as a measure for triangulating and

validating information as different actors offered their perspective and analysis based on their direct work.

As previously noted, the information of each country report is organised to correspond to the structure of the Agenda for Action. Thus all the 2nd Edition reports feature updated information in relation to: (i) an overview of the main CSEC manifestations affecting the country; (ii) analysis of the country's National Plan of Action (NPA) against CSEC and its implementation (or the absence of an NPA); (iii) overview and analysis of coordination and cooperation efforts during the period under review; (iv) overview and analysis of prevention efforts; (v) overview and analysis of protection efforts, which includes detailed information on national legislation related to CSEC (see www.ecpat.net for further details); (vi) overview and analysis of country's efforts incorporate participation of children in youth in the development and implementation of efforts to combat CSEC and (vii) priority actions required.



SOUTH KOREA

INTRODUCTION

Over the past four decades South Korea has achieved incredible growth to become a high-tech industrialised economy,¹ whose development process is often referred to as the ‘Miracle on the Han River.’² The growth achieved over the last decades has increased the quality of life for many South Korean families, with the South Korean economy ranked 14th out of 194 countries in the world, based on GDP.³ South Korea also ranks 15th out of 187 countries on the 2011 UNDP Human Development Index.⁴ Given its significant growth, South Korea has evolved as a model case for newly industrialised countries in the world since its independence in 1945.⁵

Economic growth has been accompanied by changes in South Korean society. South Korea has seen a significant rise in the number of foreign workers, mostly from poorer Asian countries. Men and women from Thailand, Philippines, Cambodia, North Korea, Mongolia, Russia, Colombia, Uzbekistan and other Southeast Asian countries are reported to be trafficked into South Korea for forced prostitution and labour.⁶ Concurrently, there has been a marked shift towards urbanisation in South Korea with women’s presence in the public sphere, particularly in the labour force, also growing. Although women’s participation in the work force and education is reported to be progressing, as indicated in a study conducted by the Korean Institute for Women and Politics,⁷ South Korea still lags far behind many other industrialised countries.⁸ South Korea is also reported

to have the lowest level of social welfare spending on children of all Organisation for Economic Co-operation and Development (OECD) countries. A 2007 report indicated that government spending on families with children accounted for just 0.2 percent of the gross domestic product, the lowest level among the 30 OECD member countries, where the average was 2.4 percent.⁹

A 2004 study conducted by the Korean Institute of Criminology found that nearly 20 percent of men between the age of 20 and 64 visited prostitutes, on average 4.5 times every month, spending approximately 130 U.S. dollars each time. Public calls to address the issue of increasing numbers of Korean men participating in the overseas sex trade have periodically surfaced in the political arena.¹⁰ South Korea is increasingly recognised as a source, destination and transit country for sexual trafficking of women and children, with some evidence that South Korean nationals also travel to Southeast Asian countries to engage in the sexual exploitation of children.¹¹

The prevalence of sexual violence against children in South Korea is not well known. According to the National Police Agency, the number of cases increased from 5,159 in 2006 to 6,782 in 2009. However, Legislator Young-hee Choi argues that reported cases represent only 10% of the actual number of cases of sexual violence against children reported, meaning the true total could be around 50,000.¹²

A 2010 study by the Department of Women and Family, which included 9,102 subjects (youth that had been victims of sexual abuse and exploitation), found that the average age of children and youth involved in prostitution was 16.5 years.¹³

Following the 1996 Stockholm and the 2001 Yokohama World Congresses against Commercial Sexual Exploitation of Children, South Korea reaffirmed its commitment to combat these crimes by attending the

World Congress III against the Sexual Exploitation of Children and Adolescents, in November 2008 in Brazil. The World Congress III endeavoured to renew global commitment and promulgate international resolve to combat the sexual exploitation of children and adolescents. In total, more than 3,000 individuals took part in the three-day gathering, including representatives from government, the private sector and civil society as well as 300 children and adolescents from around the world.¹⁴

Child prostitution

Prostitution, formerly available only in a contained set of red lights districts, is now available in many establishments.¹⁵ Sexual services are offered at barber shops, massage parlours and karaoke bars on almost all of the major streets and through online social networking sites.¹⁶ Over 95% of commercial sexual arrangements involving children are reportedly orchestrated via the Internet.¹⁷

In 2006, a survey was conducted by the Pusan Metropolitan Police Agency, which studied 85 teenagers exploited in the sex trade. According to the survey, a small minority of the teenagers were under the age of 12 when first sexually exploited through prostitution, while 17.6% were between the ages of 13 and 14 when they entered the sex trade. A 59% majority were between 15 and 16 years of age when they were first sexually exploited, while 22.4% were first exploited at the age of 17 or 18. The survey indicated that most of the teenagers were runaways who had fled home because of domestic and parental conflicts and were relying on prostitution to survive, while the others engaged in prostitution to buy consumer goods.¹⁸

A new form of prostitution termed “compensated dating” (‘wonjo gyoje’ in Korean language) is reportedly practised in South Korea at an alarming rate. It

involves male clients compensating young women with gifts in exchange for sex.¹⁹ A study conducted by the Ministry of Gender Equality and Family in a female secondary school in Busan revealed that 33.4 percent out of the 2,012 female students interviewed expressed that they had received online offers for prostitution and 20 percent among them were engaged in the sex trade. The reasons cited for the high rates of online sex transactions were easy accessibility, anonymity and less fear of being caught by the police.²⁰ Childhood experience of sexual violence, poverty, lack of support from family and pressure from schools are some of the contributing factors to the phenomenon of compensated dating, as well as greater fixation on luxury items.²¹

This practice of ‘compensated dating’ was first noted in Japan, but is now evident in neighbouring countries and beyond. It is reported that many of the young women who are involved in compensated dating do not feel that it is a form of prostitution, stating that they can choose their clients, remain in control and are free to terminate the ‘date’ whenever they so feel. It is reported that in South Korea, the majority of compensated dating is arranged through the Internet,²² evidenced by the fact that 58.7 percent of the contact involving teenage prostitution is made through Internet chatting, 13.2 percent

via telephone, 9 percent through mobile communications, 7.2 percent through an acquaintances and 5.7 percent through other

means as reported in a study conducted on teenage prostitution in South Korea.²³

Trafficking for sexual purposes

South Korea is a source, transit and destination country for human trafficking. Male and female victims of human trafficking come from Russia, Uzbekistan, Kazakhstan, Morocco, Colombia, Mongolia, China, the Philippines, Thailand, Cambodia, North Korea, Vietnam, Japan and other Southeast Asian countries.²⁴ Foreign victims are lured to South Korea with false promises of employment, through entertainment visas or marriage opportunities, but are ultimately forced into exploitation, often under the guise of ‘working off’ debt bondage accumulated after the broker who arranges their travel takes up to US \$ 20,000 from the victim’s “employers.”²⁵ South Korean women are forced into prostitution domestically or are trafficked to the United States, Canada, Japan and Australia.²⁶ Brokers also lure and deceive impoverished women and runaways into human trafficking by paying off their debts and then using such debt repayment as leverage to force women into commercial sexual exploitation as a means of repaying the

debt to the broker.²⁷

According to 2009 statistics, it is reported that over 5,000 women and children have been trafficked to South Korea from the Philippines, Russia and Eastern Europe and forced into prostitution in bars, many of which serve the U.S. military.²⁸

There have also been studies’ indicating that US military forces or the United Nation Peace keeping forces are responsible for establishing and maintaining a military oriented sex industry in countries where they are based, particularly in Japan, the Balkans, The Philippines and South Korea. Undercover investigation reports in the past have affirmed the participation of US military forces stationed in South Korea in the commercial sex industry. Some commentators have argued that the US military presence in Korea is responsible for promoting an exploitative prostitution sector, involving trafficked women and girls.²⁹

The US Department of State annually releases a Trafficking in Persons Report which categorizes countries into different “tiers” based on the extent of government action to combat human trafficking. Countries that have the highest level of compliance with the Trafficking Victims Protection Act’s Minimum standards for the elimination of trafficking are placed on Tier 1. Those who have made “significant efforts” to meet the standards are placed in Tier 2 and countries that are not making significant efforts to combat human trafficking are placed in Tier 3.

In the 2011 report, South Korea was placed in Tier 1.³⁰

Child pornography and exploitation of children over the internet

South Korea remains one of the world's most significant contributors to child pornography. In October 2006, the Internet Watch Foundation ranked South Korea 6th on the list of host countries for child abuse websites.³¹ Three years later, the Canadian Centre for Child Protection ranked South Korea 5th among the top 5 countries hosting websites with child abuse images.³²

New technology invented by Microsoft and researchers from a South Korean University automatically detects and deletes any items of child pornography and reports the uploader to the authorities. The technology in partnership with National Centre for Missing and Exploited Children is expected to be used to scan Bing, Facebook and SkyDrive for child pornographic images.³³ With current IT infrastructure and the large number of people accessing the Internet for child pornography, the invention is essential to help combat the growing problem of child pornography.

Exploitation over the Internet is also a major problem. The South Korean government has noted that around 85% of underage prostitution originates from chat rooms, concluding that the growing access of young people to the Internet has made South

Korean children increasingly susceptible to grooming for sexual purposes.³⁴

Monitoring these websites has become increasingly difficult with the expansion of broadband and Internet access throughout the country. A 2010 report from OpenNet Initiative found that over 77 percent of South Koreans over the age of six are now using the Internet, with over 90 percent of households using broadband, making it the most accessed broadband market in the world. This growth has prompted increased legislation and filtering, with a specific focus on the youth protection.

Currently, regulation of Internet content is carried out by the Korean Communications Standards Commission (KCSC) and the National Election Commission (NEC). KCSC determines whether information found online is 'harmful' to youth under the Juvenile Protection Act, and recommends action against Websites containing such information or illegal content, including pornography. OpenNet Initiative testing conducted in 2007-2008 confirmed an increase in filtering from previous years, including three Korean ISPs testing trial selective filtering of Korean-language pornography.

Sexual exploitation of children in tourism

Men from South Korea are a source of demand for sexual exploitation of children in tourism in Southeast Asia and the Pacific Islands³⁵. South Korean fishermen reportedly travel to the Pacific Island nation of Kiribati to buy sex from women and children. A study conducted by the National Youth Commission in the North of Fiji revealed that seven out of the 24 Kiribati women interviewed had been involved in prostitution with Korean clients, all seven

were under the age of 18, and one among them was only 14.³⁶ The problem became so severe that the Kiribati government closed its port to Korean ships between 2005 and 2006; after reopening the port the behaviour continued as before. Rates of HIV/AIDS on the island have been increasing among the affected population of women and girls. The absence of criminal provisions on child sex tourism in South Korea and laws against prostitution in Kiribati provides a major

impediment in combating the problem, and it is reported that every year increasing numbers of young Kiribati women engage in prostitution.³⁷

Another piece of research in 2007 identified incidences of Korean men travelling to Cambodia to seek sex with virgins.³⁸ Concern has also been raised over the number of Korean men who travel for commercial sex to the Philippines, some of whom were reported to abuse prostitutes. The Filipino government

has urged the South Korean Government to tackle this problem.³⁹

In February 2011, the Philippines Bureau of Immigration arrested a Korean male national for operating a “sex tour business” in Manila.⁴⁰ The man organised ‘sex tours’ and acted as a ‘tour guide’ to other male Korean tourists visiting Manila, and it is believed that the travel agency was a cover for facilitating numerous illegal activities linked to criminal syndicate groups.⁴¹

NATIONAL PLAN OF ACTION

South Korea has in place several national plans of action (NPA) that are relevant to the commercial sexual exploitation of children. The most significant of these is the 2004 Comprehensive Plan for Preventing Sex Trafficking (the “Plan”), adopted to prevent the commercial sexual exploitation of women and children and protect victims.⁴² The Plan was initiated to raise public awareness on sex trafficking and develop concrete measures to address different types of victims of sex trafficking. The Plan also focused on eliminating illegal businesses that employed minors. The Plan mandated public disclosure of the identity of child sex offenders resulting in the amendment of relevant laws.⁴³

In 2007, the Plan was updated to combat new challenges, such as the rise of disguised brothels, online prostitution, and overseas sex trafficking. The Plan contains policies addressing prevention, protection and prosecution relating to CSEC and instructs governmental bodies on how to proceed in addressing these phenomena.⁴⁴

South Korea also has several other NPAs that affect prevention of CSEC and rehabilitation of victims. For example, in relation to social services for children, ‘the

Comprehensive Plan for Child Protection and Development’ was established in 2002 with the aim of ensuring social services to provide basic livelihood for children. The Government has also introduced the ‘Fourth Basic Plan on Youth Policies (2008 – 2012)’ in an effort to promote rights and expand the opportunities for participation in policymaking for youth (See Child and Youth Participation section below).⁴⁵ Similar goals were set out with the adoption of the 2007 National Action Plan for Protection and Promotion of Human Rights.⁴⁶

The government is reportedly developing a Five-Year Basic Plan on Child and Youth Policies, which will incorporate strategies conducive to providing an environment for each child to realise rights provided by the CRC to the fullest extent. The Plan would serve as a guide to state-wide efforts to ensure child rights.⁴⁷

There is a conference meeting in Seoul scheduled for April 5, 2012 regarding this subject, initiated by the Ministry of Gender Equality and Family (the Minister will also participate). This Fifth Plan should be implemented in 2013 to guide youth-related policies for a period of five years. Generally,

these Basic Plans are set for five years at a time and provide guidelines and goals in determining concrete policies in this matter. The Fourth Basic Plan on Youth Policies focused on (i) education based on experience and character to develop the potential of youths; (ii) reconstitution of roles of the family and coordination of family-related and youth-related policies; (iii) effective action regarding single-parent families, North Korean refugee and immigrant youths; (iv) active measures against harmful environments such as Internet game addiction and sex crimes; (v) measures to solve legal blindspots regarding youths' rights.⁴⁸

Though these plans do exhibit concern on the part of the Korean government to formulate a systematic policy response to CSEC issues, there is still an unfortunate lack of a comprehensive national plan to address all CSEC issues. Furthermore, the Korean government continues to provide sparse funding for social development and welfare, ranking last out of 26 countries in the Organisation for Economic Cooperation and Development (OECD) in 2009. Furthermore, there appears to be a large inequality in resources available to different regions within the country.⁴⁹

COORDINATION AND COOPERATION

Coordination and cooperation are crucial for an efficient and effective fight against CSEC. In accordance with the Stockholm Declaration, close interaction and

cooperation between government and non-government sectors is necessary to effectively plan, implement and evaluate measures to combat CSEC.

Local and National Level

Although the South Korean Government has established departments for the development of child policies, it has been criticised for poor cooperation and coordination as responsibility relating to children's rights is scattered in different ministries. Moreover, there exists no centralised administrative body responsible for child policy. It has been further observed that even within a single ministry the level of communication across sections is poor.⁵⁰ The downward trajectory of coordination with regard to the implementation of policies focused on children's rights is a key concern in South Korea.⁵¹

In 2004, South Korea established the Child Policy Coordination Committee to cooperate among relevant government

ministries, and monitor and evaluate policy implementation. The committee was composed of 24 members, 12 from the governmental sector and 12 from the private-sector, and operated under the provisions of the UN CRC until 2008. The committee did not have a secretariat and only met once or twice a year to discuss child policy progress and implementation.⁵² The Child Policy Coordinating Committee has not functioned since 2008, and in 2010, policies relating to children and youth were divided between the Ministry of Health and Welfare for Children and the Ministry of Gender Equality and Family.⁵³ Though there does appear to be a similar committee within the Ministry of Health and Welfare (called the Child and Youth Policy Committee), this body's role is limited to child welfare departments under

the Ministry of Health and Welfare and considering that policies relating to children are divided between this ministry and the Ministry of Gender Equality and Family, there is now no coordinating body charged with handling all the relevant issues.⁵⁴

The government has taken some action in response to child sex tourism involving South Korean nationals. An inter-ministerial team was established to address some specific issues, namely local agents organising sex travel abroad and those who help South Korean girls obtain visas to sell sex abroad. However, these initiatives are insufficient as they have not yet been systematised within institutions and do not address the sexual exploitation of boys.⁵⁵

There are also examples of coordination focused on the issue of trafficking, including the conference of Government agencies for anti-human trafficking, hosted twice annually by the Ministry of Justice, in which representatives from the Prosecutor's Office, Police Agency, Ministry of Labor, Ministry of Gender Equality, and the U.S. Embassy discuss methods to combat various forms of human trafficking, including prostitution.⁵⁶ Furthermore, the South Korean government has established an inter-ministerial committee to coordinate and monitor the implementation of sex trafficking-related policies. At the local level, the Regional Council and the Committee on Sex Trafficking Prevention have been created to bring local governments, police agencies, and civic society together to cooperate and share data related to policies to prevent sex trafficking and protect victims' rights.⁵⁷

In October 2006, the Government established the Korea Monitoring Center for Children's Rights,⁵⁸ (KMCCR) and appointed a group to accompany the Children's Rights Ombudspersons, to advise on state policies, monitor the implementation

of the Convention on the Rights of the Child, and offer advice on the drafting of the periodic reports.⁵⁹ The first group of Children's Rights Ombudspersons was comprised of 21 adults and 10 children and held office from October 2006 to December 2009, while the second group is currently represented by 10 adults and 10 children.⁶⁰ It is the responsibility of the group of Ombudspersons to independently document the status of the rights of the child in Korea. The adult members are experts in relevant fields, such as child rights, education, law and medicine, whereas the child members are from a variety of socio-economic and familial backgrounds, including children who live with their families, children dependent on institutions, children living in poverty and those requiring additional support needs.⁶¹

However, the CRC has recently identified a number of problems with the KMCCR, insofar as it "lacks an independent, operational mechanism to monitor the implementation of the Convention at the national level, including with regard to:

- (a) The KMCCR not having legal status and being subject to a budget line that is controlled by the Ministry of Health and Welfare;
- (b) The absence of a mandate for the KMCCR for Children's Rights and Ombudsperson system to actively monitor or investigate child rights violations and receive complaints;
- (c) The mandate of the KMCCR being subject to an annual evaluation of its performance undertaken by the State party, with potential implications for its independence and continuity.

The Committee is further concerned at the National Human Rights Commission having been downsized by 21 percent in March 2009.⁶²

The Act on the Protection of Juveniles from Sexual Exploitation was amended in 2008, providing a legal basis for the regular collection of statistics and other data on sexual exploitation of children. The Act on the Protection of Juveniles stipulates that information on sex crimes must be published twice a year.⁶³ The Ministry for Health, Welfare and Family Affairs has also formed networks with relevant government agencies, including the Ministry of Justice and the

Police Agency to collect statistics to be used in policy-making.⁶⁴

South Korea does not have a child policy research institute, uniformly monitoring all children under the age of 18.⁶⁵ Institutes in South Korea that are responsible for data collection mostly focus on child healthcare and welfare, and there is no organisation responsible for data collection.⁶⁶

Regional and international levels

At the international level, effective cooperation is required between countries and international organisations, including regional organisations, to ensure a concerted and coordinated approach is taken to eliminating CSEC. Effective cooperation is stipulated by article 6 and article 10 of the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography, especially for the purpose of collaborative investigations and extradition procedures.⁶⁷

South Korea has sought to strengthen joint international investigations, including with regard to CSEC issues, through signing extradition treaties. South Korea is planning to increase the number of extradition treaties with European partners, and it is expected that this will triple the number of extradition treaties from the present 25 to 70.⁶⁸

South Korea has entered into bilateral

agreements and mutual legal assistance agreements (discussed in greater detail in the Protection section below), which are useful in securing international cooperation to protect against the trafficking of children for sexual purposes. In 2006, South Korea also participated in a workshop in Indonesia on preventing regional human trafficking and protecting victims.⁶⁹ The Ministry of Gender Equality and Family and Ministry of Justice has hosted three Expert Group Meetings on Prevention of International Trafficking since 2003. These meetings also covered prosecution and victim protection.⁷⁰

Though South Korea has increased its contribution to international assistance, such contribution has only reached 0.13 percent of gross national product (GNP), well below the 0.7 percent Korea committed to reaching by 2015.⁷¹

PREVENTION

The effective prevention of CSEC requires multi-faceted strategies and policies that simultaneously address the different elements of these crimes. Effective strategies should both protect vulnerable children and deter persons who engage in sexual activities with children. Furthermore, prevention policies should address the root causes of CSEC, such as poverty and lack of education.

Long term prevention strategies include implementing policies to reduce poverty and social inequality and improve access to education, health and social services for children who are vulnerable to CSEC. Effective short-to-medium-term strategies include raising awareness and providing education and training initiatives for the general public, vulnerable groups and government officials. According to Articles 9.1 and 9.2 of the OPSC, it is a government's responsibility to prevent the offences referred

to in the OPSC and the relevant government must take all necessary measures to educate the public on CSEC and adopt policies to suppress CSEC.⁷²

In view of the resources, expertise and influence of the private sector, it should also be engaged in preventive measures, in particular the tourism and IT industries. Furthermore, information, education and outreach programs should be directed at persons engaging in the commercial sexual exploitation of children (e.g. users of children forced into prostitution) to promote changes in social norms and behaviour and reduce the demand for CSEC.

South Korea has made significant progress to strengthen measures to promote the rights of the child, in accordance with its ratification of the Convention on the Rights of the Child.⁷³

Awareness raising

Fundamental to the prevention of CSEC are initiatives adopted by governments to educate and train citizens on CSEC. In December 2010, the Ministry of Gender Equality and Family distributed training materials on sex trafficking of juveniles in schools to public officials and continued its campaign to raise awareness among vulnerable populations. This campaign, which highlighted the emergency support centre and was available in key foreign languages, was promoted on buses, electronic billboards and subways.⁷⁴ The Ministry also started the 'Youth Keeper' program to encourage children to notify police when Internet sites are used to arrange child prostitution.⁷⁵

Since 2009, ECPAT and The Body Shop have implemented the global 'Stop Sex Trafficking of Children and Young People' campaign, including in South Korea.⁷⁶ Since this programme's inception, many activities have been undertaken to strengthen the public's understanding of CSEC, collect funds for projects aimed at stopping child trafficking and advocate for stronger efforts by the South Korean government against child trafficking. In June 2011, Tacteen Naeil, ECPAT member in South Korea, and The Body Shop presented The 'Stop Sex Trafficking of Children and Young People' campaign petition with 180,000 signatures to the Chairwoman of the National Assembly, Ms. Young Hee Choi. This petition

requested that the South Korean government ratify the UN Trafficking Protocol, foster the reduction of demand for sex services involving children and increase the provision of specialised assistance to child victims of commercial sexual exploitation.⁷⁷

In relation to child rights, the National Human Rights Commission of Korea (NHRCK) develops programmes designed to raise human rights awareness for the public. It also makes recommendations on actual cases of child right violations and provides human rights consultancy services. The NHRCK is represented by a Commission with members from varied backgrounds such as law, academia, and human rights advocacy. A Child Right Focus Group was set up by the Commission to make recommendations on the implementation of the Convention.⁷⁸

On February 22, 2007, South Korea introduced the Anti-Sexual Abuse of Children Day, to raise social awareness of sexual abuse of children within both public and private sectors.⁷⁹ In addition, South Korea launched the “Protect Our Children Campaign” in 2008 with the participation of local government, religious groups and NGOs.⁸⁰

The South Korean government sponsors a range of public awareness campaigns using broadcast and online media to educate the public on the obligation to report child abuse.⁸¹ In 2008, the government funded an NGO to operate campaigns against child sex tourism, including sex tourism, which were hosted at Incheon International Airport.⁸²

Educational materials addressing CSEC are integrated within the school curriculum, with the Government initiating measures to encourage sex education in schools and prevent sexual abuse. The initiative mandates at least ten hours of sex education, which

includes sessions on preventing sexual abuse, and at least one hour of education each school year dedicated specifically to the prevention of prostitution.⁸³ In 2008, the government produced and distributed sex education textbooks across the country, along with web videos on the prevention of student sexual abuse, which were posted on school and local educational office websites.⁸⁴

The Sexuality Education and Counselling Centre for Youth (the “Centre”) aims to provide information about sex and help young people develop healthy sexual identities. The Centre operates an interactive programme engaging sex education specialists from the private sector to help participants recognise the distorted elements in modern sex culture. As of 2008, the Centre consisted of 29 locations nationwide.⁸⁵ Sex crime education is being conducted in schools, as a growing number of sex offenders are teens who may not appreciate the gravity of their crimes. Data provided by the National Police Agency has shown that the number of sexual offences committed by children nearly doubled between 2006 to 2009, with 2,934 cases reported in 2009.⁸⁶ According to a professor at the Korean Institute for Gender Equality Promotion and Education, educating youth on sex may be essential to the reduction of sex crimes.⁸⁷

Although sexual crimes against children in South Korea do not appear to have alleviated, government funding has been decreasing: in 2011, the Ministry of Gender Equality and Family received a budget of 20,412,000,000 KRW, a decrease of 11.6% from the amount budgeted for prevention of sex crimes against children in 2010. Similarly, the budget for prevention and victim support was reduced by 10% from 2010 to 2011 and the budget for operating centres and correction programmes for child sex offenders was reduced by 1 billion KRW.⁸⁸

Deterrence measures and demand reduction

South Korea has developed an educational seminar for men convicted of frequenting prostitutes. By 2007, the Ministry of Justice had opened 29 “John’s Schools,” which require that prostitution-related sex offenders attend workshops on sex trafficking, including testimonies from trafficked victims, with the goal of reducing the demand for commercial sex and increasing clients’ understanding of the consequences of human trafficking for sexual purposes and commercial sex service.⁸⁹ The program was created in 2005 and has continued to increase its outreach.⁹⁰ In 2008, 17,956 first-time offenders arrested by the police attended the workshop.⁹¹ However, during the 2008 review by the CRC of South Korea’s obligations under the OPSC, the committee raised a concern that participants of the John’s School were granted an exemption from criminal sanctions and that this may weaken the deterrence effect of the law.⁹²

The Passport Act of 2008, discussed below, provides for training of travel agency employees as part of the program to deter and prevent sex-related travel.⁹³ Travellers are also warned that soliciting prostitution overseas is subject to punishment under Korean law. The Government supports campaigns in Korean communities overseas,

including “movements to certify healthy business practice in Korean travel agencies, restaurants, bars, and other hospitality service providers.”⁹⁴

In 2009 the Ministry of Health, Welfare and Family Affairs announced that the identities of child sex offenders on the Internet would be made accessible to all adults above the age of 20 from a government website beginning in 2010. Prior to this, the information was available to the district police stations while the public could only access the information on a limited basis. The Government also announced that it was initiating another legal revision which would mail information about sex offenders to all the households having children⁹⁵

The relevant provisions finally took effect in 2011. In the case of sexual offenders committing offences against minors under the age of thirteen and who are considered likely to reoffend, personal information, including name, age, address (limited to their district of residence), height, weight, and photograph, and summary of the offence are disclosed on the Internet. Since the law came into effect on April 14, 2011, the personal information of a total of 1,023 offenders has been disclosed.

PROTECTION

Legislation

South Korea has signed and ratified the principal international treaties relating to CSEC, the Convention on the Rights of the Child⁹⁶ and its Optional Protocol on the Sale of Children, Child Prostitution and

Child Pornography,⁹⁷ as well as the ILO Convention No.182 on the Worst Forms of Child Labour.⁹⁸ Although the Government has signed the Trafficking Protocol, it has not yet been ratified.⁹⁹

Children's Rights Instruments related to CSEC

International instruments		
Human Rights bodies related to Child Rights	Comments	
Charter Based Bodies		
Working Group of the Universal Periodic Review – Human Rights Council	5-16 May 2008 - recommendation to enact anti-trafficking legislation to address both inbound and outbound human trafficking.	
Special Rapporteur on the sale of children, child prostitution and child pornography	No country visit so far.	
Special Rapporteur on trafficking in persons, especially in women and children	No county visit so far.	
Treaty Based Bodies		
Committee on the Rights of the Child	2007 – Key conclusions regarding implementation of the OPSC: <ul style="list-style-type: none"> - improve data collection on CSEC; - ratify the Trafficking Protocol; - strengthen recovery and reintegration initiatives; - improve legal representation for child victims of CSEC. 	
Children's rights Instruments	Date of ratification ¹⁰⁰	Date of submitted reports
Convention on the Rights of the Child – 1989	20/11/1991	2008 -3-4 th periodic report submitted; 2002 – 2 nd periodic report submitted; 1994 – 1 st periodic report submitted.
Optional Protocol on the sale of children, child prostitution and child pornography – 2000	24/09/2004	2007 – 1 st report submitted; 2008 – concluding; observations of the CRC.
ILO Convention on the Worst Forms of Child Labour - 1999 (No. 182)	29/03/2001	2009 – report submitted.
UN Convention against Transnational Organized Crime – 2000	Only signed	
UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and children – 2000 (supplementing the UN Convention against Transnational Organized Crime)	Only signed	
Regional Instruments		
None	N/A	

The Child Welfare Act is the central South Korean statute that provides protection against child abuse. It has been supplemented with several special acts, including the Act on the Prevention of Prostitution, the Act on Prevention of Domestic Abuse and Victim Protection, the Youth Protection Act, and the Act on Protection of Children and Youth from Sexual Exploitation. These acts outline the key measures and punishments for child abuse and sexual exploitation.

Although these provisions have brought South Korea closer to conformity with international standards for combating CSEC, several gaps persist. For example, progress is needed with regard to the enforcement of extraterritorial jurisdiction concerning nationals who have sex with children abroad and the enactment of laws to criminalise the viewing and accessing of child pornography. The legal definition of “child” under the CRC is any individual below the age of 18, though states are allowed to set their own legal definitions at ages other than 18.¹⁰¹ While South Korean laws conform to the minimum threshold set out in the CRC and OPSC, depending on which South Korean law is being applied, the definition of “child” varies. According to the Child Welfare Act, a child is a person under the age of 18. The Juvenile Protection Act and the Act on the Protection of Juveniles from Sexual Exploitation defines a juvenile as an individual below the age of 19, while the Framework Act on Juveniles

and the Juvenile Welfare Support Act defines juveniles as persons between the age of 9 and 24, and the Civil Law defines ‘underage’ as a person under the age of 20.¹⁰² These varying definitions create uncertainty as to how the various laws will be applied and invite a lack of cooperation or lack of uniformity in enforcement by multiple agencies. Such inconsistencies may also make it difficult to enforce the laws by creating uncertainty as to the scope of the protected laws and, accordingly, uncertainty as to what conduct is proscribed.

With regard to the general investigation and prosecution of cases and sentencing of offenders, there have been some encouraging recent developments in Korea that appear to apply to all CSEC offences. The statute of limitations has been changed to start only when the victim becomes an adult, thus facilitating the prosecution of cases in which the victim is not able to file a complaint until years after the offence due to fear or trauma. Additionally, in cases where the victim is a child or juvenile, the case can be investigated and the offender punished regardless of a complaint by the victim. Historically, such proceedings required a victim complaint. In order to prevent recidivism, Korean law also now requires persons convicted of committing a sexual offence against a child or juvenile to undertake courses to prevent the repetition of an offence or programme to treat sexual violence of up to 300 hours.¹⁰³

CHILD PORNOGRAPHY

The Act on Protection of Juveniles from Sexual Exploitation defines “obscene materials using children/juveniles” as material featuring children/juveniles, or anyone who can be recognised as such, engaging in (i) sexual intercourse, (ii) acts similar to intercourse, using objects or body parts such as the anus or mouth, (iii) acts generally arousing sexual humiliation or repugnance, by physical contact or

exposure of all or parts of the body or (iv) masturbation.¹⁰⁴ Pornographic material may include any such actions depicted by, among other things, film, video cassette, video and other electronic games pictures or videos viewed on a computer, or other forms of telecommunication media.¹⁰⁵ Children/juveniles, as previously mentioned, are defined as persons under 19 years of age.¹⁰⁶

The Act on Protection of Juveniles from Sexual Exploitation provides that production, import or export of obscene materials using children/juveniles is punishable by at least five years of penal servitude.¹⁰⁷ Any attempt to produce, import or export such obscene materials shall also be punished.¹⁰⁸ The sale, rental, or distribution of obscene materials using children/juveniles for purposes of gaining profit, or the possession, transportation, display or screening for such purposes is punishable by up to seven years of imprisonment.¹⁰⁹

Distribution or public exhibition or screening of obscene materials using children/juveniles is punishable by imprisonment of not more than three years or by a fine not exceeding KRW 20,000,000.¹¹⁰ As of 2008, simple possession of obscene materials using children/juveniles also makes the possessor strictly liable for a fine of up to KRW 20,000,000.¹¹¹ Those who have introduced a child/juvenile to a producer of obscene materials using children/juveniles, with the knowledge of the latter's intent to produce such obscene materials featuring children/juveniles, shall be punishable by a one to ten-year imprisonment term. Offences covered by South Korean law are indeed more comprehensive than those prescribed in the OPSC, which does not require State parties to criminalise mere possession of child pornography and agents for the production.¹¹¹ However, although there have been a few convictions under this act, its enforcement remains deficient.¹¹²

Online service providers that have not taken the required steps in order to find obscene materials using children/juveniles on their information networks or online service providers that have not immediately deleted and technically prevented or blocked the transmission of such materials are punishable by up to three years imprisonment or a maximum fine of KRW 20,000,000 (approximately USD 17,760), provided, however, this article shall not be applicable to

online service providers that have undertaken considerable effort in discovering such materials or when its attempt to prevent or block the transmission of such materials was not technically possible.¹¹³

In addition to the Act on the Protection of Juveniles from Sexual Exploitation, there are general obscenity laws that may be used to prosecute cases involving child pornography. The Act on the Punishment of Sexual Crimes and Protection of Victims makes it illegal to produce words, sounds, writings, drawings, pictures, images or anything that may cause sexual shame or aversion, which are sent to another person by telephone, mail, computer or other communication medium with the intention of provoking or satisfying that person's sexual appetite.¹¹⁴ Violators may be punished with up to 1 year's imprisonment or a fine of up to KRW 3 million (approximately US\$2,500).¹³ This law also prohibits taking pictures with a camera (or other apparatus) of another person's body, against their will, that are liable to cause sexual stimulus or shame. Punishment for violations may be up to 5 years' imprisonment or up to KRW 10 million (approximately US\$8,400).¹¹⁵ This law does not have any child-specific provisions, however.

The Act on the Punishment of Grooming was adopted in 2008, providing for the punishment of any person soliciting a child or youth for sexual purposes. However, the South Korean government has stated that approximately 85% of solicitation for underage prostitution takes place on the Internet via chat rooms, and thus amended Article 12(1) and (2) of the Act on the Protection of Juveniles from Sexual Exploitation to include the punishment of predators who lure children into sex trafficking in online chat rooms by offering money in exchange for meeting them offline.¹¹⁶ Article 12 states that offences of this nature "(1) Shall be punishable by penal servitude of at least seven years: [...]"¹¹⁷.

Persons whose profession is to facilitate children/juveniles' prostitution or providing information thereof online. [...] (2) Shall be punishable by penal imprisonment of up to seven years or a fine of up to KRW 50,000,000 (approximately USD 44,400): [...] ¹¹⁸. Persons who have facilitated children/juvenile' prostitution or providing information thereof online," the distinction between these two subsections being whether the person in question works on a regular basis (and thus can be qualified as being 'in the business thereof') or as a one-time matter.

Additionally, in December 2010, the Ministry of Gender Equality and Family

launched a child protection online program called "Youth Keeper" to enable children or youth to record computer screen activity in real-time if they are victims of Grooming during online chatting. ¹¹⁹ Under the "Youth Keeper" program, the children can use the evidence recorded from the computer screen to make a report and submit it to the Cyber Counseling Report Center of the National Police Agency. With the Youth Keeper program, the Police will be notified of possible prostitution of children or youth resulting from online Grooming. Since inception through 2010, only 54 cases of Grooming were reported indicating that the "Youth Keeper" program is not widely used or well-known by young Internet users. ¹²⁰

CHILD PROSTITUTION

South Korea has enacted several laws addressing child prostitution, which punish those who engage in sexual activities with children, as well as those who facilitate child prostitution, while ensuring that child victims are not treated as offenders. However, the various laws dealing with child prostitution are not consistent. To afford the best protection to child victims and ensure that consistent sentences are imposed on offenders, the laws should be consolidated and amended for uniformity.

A definition of child prostitution is contained in the Act on the Protection of Juveniles from Sexual Exploitation. The definition includes: acts of purchasing and/or facilitating purchase of sex from juveniles, offering money, monetary profit, service, or convenience to a child/juvenile, broker, or guardian or overseer of a minor in exchange for sexual intercourse, or acts similar to intercourse, using objects or body parts such as the anus or mouth, any indecent or offensive contact or exposure of either part of the body or the full body, masturbation in the company of a juvenile, or inducing a child/juvenile to masturbate. ¹²¹ As noted above, this Act defines juvenile as a person below 19

years of age. ¹²² The age threshold of a child in this framework exceeds the minimum guidelines set in the OPSC.

Article 10 of the Act on the Protection of Juveniles from Sexual Exploitation provides that persons convicted of purchasing sex from children/juveniles are subject to up to five years imprisonment [or] a fine of KRW 30,000,000 (approximately US \$26,640). ¹²³ The Act also provides for imprisonment of up to one year or a fine of no more than KRW 10,000,000 (approximately USD 8,800) for persons who have induced children/juveniles for purposes of purchasing sex or suggested selling sex to children/juveniles. ¹²⁴

In addition to the Act on the Protection of Juveniles from Sexual Exploitation discussed above, child prostitution is also prohibited and punished under the Act on the Punishment of Procuring Prostitution and Associated Acts 2004 (the "2004 Act") and the Prevention of Prostitution and Protection of its Victims Act (the "Prevention of Prostitution Act"). ¹²⁵

In addition to differences in definitions and

scope of application, it appears that there are also discrepancies among the penalties for child prostitution offences provided for under the various Acts. For example, under the 2004 Act, forcing a juvenile to sell sex may be punished by a definite term of imprisonment of at least 1 year¹²⁶ whereas under the Prevention of Prostitution Act, one who forces a person under 20 years of age to prostitute by means of assault, threat, deceptive scheme or a supervisory or protective relationship may be punished by up to 10 years' imprisonment.¹²⁷ Given the existence of overlapping laws and inconsistent penalties, it is unclear which laws take priority in practice or whether they will be applied and enforced consistently.

Children involved in prostitution in South Korea are treated as victims rather than offenders, as the laws exempt them from being prosecuted.¹²⁸ Under the Act on the Protection of Juveniles from Sexual Exploitation, Article 26 provides that notwithstanding provisions of the Act on Punishment of Facilitating the Sale and Purchase of Sex and other Acts and for the purposes of protection and/or rehabilitation, the children/juveniles who are objects of child prostitution are not to be punished.¹²⁹

The Registration and Disclosure of Sex Offenders' Personal Information regulations came into effect in 2008.¹³⁰ These regulations target those found guilty of sexually assaulting minors.¹³¹ The personal information of the 'registered offenders' is made available on the register for 10 years following conviction and is open to inspection by directors of educational institutions or parents of minors who live in the same city, county, or ward as the registered offender.¹³² Additionally, in an effort to make the disclosure process more effective, online disclosure of offenders' personal information is available. According to the Alternative Report Following the 3rd and 4th Periodic Report from the Republic of Korea on the Implementation of the

Convention on the Rights of the Child, online disclosure of the personal information of child sex offenders is only accessible from January 2010, which means that convictions prior to January 2010 have not and will not be registered.¹³³

The 2005 Act on the Protection of Juveniles from Sexual Exploitation places restrictions on the employment of registered child sex offenders, in addition to requiring public disclosure of sex offenders' identities. Child sex offenders are prohibited for 10 years following the termination of a sentence, from employment in "schools, private education institutions, facilities for minors, childcare facilities, children's facilities, apartment management offices (i.e. security guard offices), fitness centers, and other institutions frequented by minors."¹³⁴ Such employers are obliged to report any incidence of sexual crimes on their premises.¹³⁵ The head of the relevant institution must check for any track record of sexual offence of any employment candidate from the district police station.¹³⁶ If a sex offender is found to be employed in such an institution, the institution may be subject to legal sanctions, including request for dismissal, closure, cancellation of registration and authorisation of the institution, and the levying of fines. Recently, following a rise in cases of sexual offences by medical personnel, a bill to amend the law was submitted to restrict the employment of sexual offenders in medical institutions.¹³⁷

In the event an employee of an institution related to children and juveniles (including schools, kindergartens and child welfare facilities), commits a sexual offence against a child or juvenile under his or her protection, supervision or treatment, he or she will be subject to increased sanction of up to 50% of the relevant punishment.¹³⁸

The Act on the GPS Tracking of Specific Sex Offenders was enacted in 2007, initiating GPS (Global Positioning System) tracking of child sex offenders.¹³⁹ This electronic

tagging keeps track of certain offenders who were convicted after September 2008, but seven out of 574 people ordered to wear the tag cut it off and managed to escape.¹⁴⁰

In June 2010, in response to some high profile cases of child rape, the government of the Republic of Korea raised the minimum imprisonment term from 7 to 10 years for rape and 5 to 7 years for other sexual assaults involving a minor 13 years of age or younger.¹⁴¹

Education to prevent recidivism may be

ordered in conjunction with the conviction of persons committing a sexual offence against a juvenile. Such education is comprised of up to 300 hours of courses to prevent the repetition of an offence or a programme to treat sexual disorders.¹⁴² It is commendable that South Korea has exhibited a commitment to comprehensively protecting children and creating innovative enforcement methods; however, the government should work to ensure the relationship between these laws is clear and that laws are either consolidated or there are authoritative mechanisms for choosing among alternatives.

CHILD TRAFFICKING FOR SEXUAL PURPOSES

South Korea signed the UN Trafficking Protocol in 2000, but to date has not ratified it.¹⁴³ By not having ratified the Trafficking Protocol, the government of Republic of Korea is not legally bound to harmonise their legislation with international standards. Therefore, South Korea has not yet held itself internationally accountable for protecting children from trafficking. However, there is civil society movement with regard to this issue. One notable recent campaign by Tacteen Naeil (ECPAT Korea) along with the Body Shop pressured the government to ratify this important instrument.

Though there exists legislation defining and prohibiting trafficking, the standard of protection offered to children is lower than that provided under the Trafficking Protocol. The 2004 Act prohibits trafficking defined as transferring, receiving, recruiting, transporting or harboring a person by means of a deceptive scheme, force or other form of coercion for the purpose of producing sexual photographs or other virtual communication media, forcing a person to sell sex, or forcing a person to perform an obscene act.¹⁴⁴ With respect to juveniles, it is illegal to transfer a juvenile who is subject to control and management to another person by providing or promising money, valuables or property

benefits.¹⁴⁵

In case the person who traffics children or juveniles for sexual exploitation or forces them to take part in such an act is a person with parental rights of the victimised child, it is important to separate the offender from the victim as soon as possible in order to prevent additional offenses or secondary damages. Therefore, the law empowers the investigating prosecutor to request the court to render an adjudication of divestment of parental rights. Protection measures will be taken in respect of the opinions of the victimised child or juvenile, who may be delivered to another person with parental rights or relation or to an institution or facility.¹⁴⁶

Under the 2004 Act, even where the victim of trafficking is a child, the harboring, receiving, recruiting, transporting or transferring of that child will not be deemed trafficking unless force or a deceptive scheme is used. This is not in line with the standards of the Trafficking Protocol, which expressly states that where a child victim is involved for purposes of exploitation, the acts referred to above will be deemed to be trafficking regardless of the consent of the child and the means used.¹⁴⁷

Where the trafficking is for the purposes of prostitution, the punishment may be a definite term of imprisonment for at least three years.¹⁴⁸ This law also provides for protection and assistance for victims of trafficking. For example, victims may be eligible for compensation, and foreign women victims of trafficking are not subject to deportation.¹⁴⁹ Though such services are a positive step, they are not yet sufficient to meet the needs of victims and their limitation to only women, excluding boys, remains problematic.

The U.S. State department noted in a June 2009 Report that one of the challenges in preventing trafficking stems from the recruitment of women from less-developed countries for marriage to Korean men through fraudulent marriage brokers.¹⁵⁰ It is believed that this method is also used to traffic children into South Korea.¹⁵¹ South Korea therefore has taken steps to address this issue by enacting the Marriage Brokerage Act 2008 to regulate international marriage brokers.¹⁵² In November 2007, Amendments to the Civil Code have also

raised the minimum marriage age for females from 16 to 18.¹⁵³ A significant limitation highlighted by the 2009 U.S. trafficking report is that the South Korean laws under which traffickers are prosecuted are also used to prosecute other crimes, but no statistics are kept that distinguish convictions for child trafficking, making the number of prosecutions indeterminable.¹⁵⁴ Sex trafficking statistics, especially for crimes against children, must be kept so that the true extent of the problem, and the enforcement of laws against it, are publicised. The current practice of integrating child sex trafficking crimes with other crimes tends to mask the pervasiveness of the problem.

In 2010, the government of the Republic of Korea conducted 40 trafficking investigations under the Act on the Punishment of Acts of Arranging Sexual Traffic, but only six persons were convicted. This was a decrease from 17 convictions reported in 2009.¹⁵⁵ Only four of the convicted served prison sentences, which ranged from 18 months to 2 years.¹⁵⁶

EXTRATERRITORIAL JURISDICTION RELATED TO CHILD SEX TOURISM OFFENCES

South Korean law provides for extraterritorial jurisdiction that allows South Korea to prosecute South Korean citizens who, while travelling abroad, sexually exploit children.¹⁵⁷ The Criminal Code of the Republic of Korea applies to South Korean nationals who commit crimes outside South Korean territory.¹⁵⁸ The Act on the Protection of Juveniles from Sexual Exploitation provides that where a Korean national commits a sexual crime against a minor outside Korean territory, such crime is subject to criminal punishment under Article 3 of the Criminal Code (Overseas Crime of Nationals), and information on the crime is to be immediately received from the country in which the act was committed to facilitate prosecution. However, despite evidence suggesting that South Korean nationals are

active in travelling abroad to engage in child sex tourism,¹⁵⁹ as of June 2009, it has not been possible to confirm if a South Korean citizen has been prosecuted for child sex tourism.¹⁶⁰

The Amendment of Passport Act, passed in 2008, contains provisions restricting the issuance of passports to nationals who commit offences abroad as well as potentially confiscating existing passports. The establishment of such innovative measures reap great benefits in the prevention of sexual exploitation of children in travel and tourism; however, current measures are discretionary, leaving decisions about the revocation or denial of passports up to particular competent officials.¹⁶¹ Considering the law does not contain provisions specifically

focused on sex crimes, it is unlikely that the provisions will be enforced consistently. Furthermore, they only apply to persons who

have been deported from another country, creating a large gap in the law.¹⁶²

TRAINING LAW ENFORCEMENT PERSONNEL

The Government has introduced child-friendly case administration procedures by operating a dedicated team of prosecutors and police officers.¹⁶³ Police and prosecutors undergo training to identify characteristics of victimised children and to learn proper methods for conducting interviews and investigations. Training workshops occur one to nine times per year. Unfortunately, prosecutors and investigators are often rotated to other departments every one to

two years and sometimes even during trials, creating barriers to maintaining a strong team of specialised personnel.¹⁶⁴

Prior to deployment abroad on international peacekeeping missions, South Koreans are provided with anti-trafficking training. Similarly, persons working in passport control are also trained on how to recognise child victims of trafficking and possible perpetrators.¹⁶⁵

Support services for children

Strategies for the recovery and reintegration of victims of CSEC should contain immediate and long-term policies. Immediate assistance should include medical and psychological care, as well as accessibility to shelters and legal assistance. Longer term support for victims should foster reintegration into school, returning victims to their families (upon the condition that no family members are offenders), financial assistance and vocational training. In relation to child victims of trafficking for sexual purposes, it is also important to have in place procedures for repatriation or other special assistance for non-nationals.

A variety of shelters in operation in South Korea provide assistance to victims of CSEC, such as national youth shelters, help centres for victims of sex-trafficking and youth counselling Centres.¹⁶⁶ In particular, the government has established 10 “Sunflower Children centres”¹⁶⁷ that specialise in providing assistance to children

under the age of 13 who have mental disabilities or have suffered sexual abuse.¹⁶⁸ At the Sunflower children centres, the children receive support from doctors, child psychologists, lawyers and professional sex counsellors.

The government also operates 15 “One-Stop Support Centres” to provide comprehensive medical and psychological treatment to victims of child sexual abuse, school violence and sex trafficking. In addition to medical, psychological and legal support, some shelters provide financial support for vocational training.¹⁶⁹

In 2009, the South Korean government established four new support facilities for victims of abuse. In total, there are 100 centres extending support throughout the state; however, the data on the centres does not specifically identify the number of child victims who receive assistance, making it difficult to assess or quantify the scope of the

problem. Moreover, data is not maintained regarding the efficacy of the assistance. The centres are composed of 43 adult and youth facilities, 29 counselling centres, 10 long term group homes, six rehabilitation centres and three shelters for foreign victims. In 2008, the government eased the process through which victims can enter shelters and increased the maximum shelter stay from one to three years.¹⁷⁰ In 2009, the government of the Republic of Korea allocated 10.9 million dollars in funding for victim support centres. Most facilities are run by NGOs either partially or fully funded by the government; however, the government decreased its funding in 2009 as compared to 2008.¹⁷¹ The Government operates two 24-hour hotlines, which receive reports on child abuse, conduct site visits, and provide other services that support local community networks to prevent child abuse and treat victims of child abuse.¹⁷²

Under the Social Welfare Services Act child welfare facilities must be assessed every three years by MIHWFA. The conclusions from these assessments are taken into consideration when the MIHWFA oversees and assists facilities. The MIHWFA can also transfer children to other institutions if deemed in their best interests.¹⁷³

In cases involving trials, the government often requires underage victims of sex trafficking to attend counselling sessions. Forty hours of customised therapeutic and rehabilitation programs have been developed for this purpose, and implemented in the youth support facilities in four areas across the nation since 2006.¹⁷⁴ Another measure adopted to protect victims from suffering further trauma is the provision for video

testimony to be given in court. According to the Act on the Prevention of Prostitution and Protection of Victims, a child under the age of 16 is allowed to make statements via video. This is also in conformity with article 8.3 of the OPSC, which mandates State Parties to ensure that the procedures followed in the criminal justice system uphold the victim's best interests. However, despite the guidelines for resolving sexual crimes announced on April 16th, 2010, which state that video testimony has the same legal effect as a written statement, courts often question the validity of the video and request that the child victim attend the court hearing and provide in-person testimony.¹⁷⁵ This is a limitation in victim support that must be addressed. As highlighted in a recent report, the refusal to accept video testimony means that child victims are often brought in for cross-examination and forced to confront their offender, against whom there may exist little alternative evidence other than the victim's testimony.¹⁷⁶

The government supports victims of overseas prostitution who return to South Korea by providing protection and self-reliance training networks consisting of support facilities, counselling centres, and the Center for Women's Human Rights.¹⁷⁷ For foreign victims of sexual trafficking who face adversity in their country of origin, the South Korean government may allow them to stay in South Korea; however, while these persons may be granted a G-1 visa, which allows them to apply for work in Korea, they cannot attain permanent residency.¹⁷⁸ Critics have pointed out that such victims often have not been informed of the possibility of attaining a G-1 visa, leaving them vulnerable to returning to dangerous circumstances.

CHILD AND YOUTH PARTICIPATION

According to Article 3 of the Child Welfare Act, the child's best interest should be the focal point of decision-making concerning his or her well being.¹⁷⁹ Furthermore, Article 10 of the Act states that the child's views must be respected.¹⁸⁰ In order to uphold these values, child and youth participation in anti-CSEC activities is essential to ensure that child victims and at-risk youth receive services and law enforcement protection that respond to their immediate needs.

Article 12 of the Framework Act on Juveniles reinforces this notion by stating that "the State shall hold the juvenile ad hoc meeting with juveniles and experts in the field of juvenile issues in attendance to discuss ways to develop, implement, and check the pan-Governmental policy of nurturing juveniles."¹⁸¹ Furthermore, article 3(2) and article 4 of the Juvenile Welfare Act read respectively as follows: "Juveniles have the right to express their views freely and make decisions free of external constraints..."; "As members of the society, juveniles have the right to be part of decision-making process on matters affecting themselves. In respect of their rights, the State and local governments shall engage juvenile representatives in the advisory and review process for juvenile policies, reflect their opinions, and provide procedural guarantees for juvenile participation, so that juveniles can have access to information and express their opinions."¹⁸²

In an effort to promote rights, expand the opportunity for participation in policymaking, and strengthen social services addressing the needs of youth, the government introduced the "Fourth Basic Plan on Youth Policies" (2008 – 2012).¹⁸³ As part of the Plan, the government has incorporated 35 of the 98 proposed initiatives presented by the Special Commission on Youth, a committee composed of youth and professionals from 16 cities and provinces in South Korea which meet annually to discuss policy making surrounding child and youth welfare.¹⁸⁴ This initiative is a strong example of how youth can play an integral role in the policymaking process, and institutional guarantees are said to be in place for children and youth to participate in this process in South Korea.

At the central government level, the Presidential Youth Congress has been established to engage adolescents in forming, implementing, and reviewing youth-related policies. At the local level, the Youth Participation Committee ("YPC") and juvenile steering committees were created. The YPC aims to promote the rights of the youth by organising their participation in the process of forming, executing, and evaluating juvenile policies. In 2008 there were said to be 162 such committees involving approximately 3,000 boys and girls.¹⁸⁵ The Youth Steering Committee aims to involve young people in decision-making processes regarding the operation of youth

facilities such as youth camps and the House of Culture, and programmes run by those facilities.

The other principal institution for child participation is the Korean General Assembly on Children, which has been held annually since 2004 at the request of the child representatives to the 2002 UN Special Session on Children who witnessed active participation of child representatives from other countries. The Congress on Children is a venue to enhance the children's right to participate where child representatives across the nation gather to discuss relevant issues and seek solutions.¹⁸⁶

Despite instances of youth involvement in CSEC initiatives, according to the Ministry of Gender and Equality, youth community participation in Korea as a whole is 0.7%, while countries such as the U.S. and Switzerland evidence youth participation in community activities at a rate of 21.4% and 6.1% respectively.¹⁸⁷ Nevertheless, there may now be a shift towards incorporating youth voices in policymaking, as recently under an initiative by Save the Children Korea, the

Children of the Republic of Korea submitted its first children's report addressed to the UN Committee on the Rights of the Child.¹⁸⁸ Children's rights to voice their opinions and convey their needs are prescribed by Article 12 of the CRC.¹⁸⁹ The report incorporates information obtained from the participation in various surveys and activities of 671 boys and girls between the age of 4 and 18. The report was prepared based on an Internet survey, child rights education programme and in-depth interview. Of the total participants, 564 participated in the Internet survey while the remaining participated in the child rights education programme and interviews. Among the children who had participated in the Internet survey, 68.1% said that they had heard that they have rights, and the majority reported learning them from school.¹⁹⁰ These results reveal encouraging signs about the development of a child rights consciousness in South Korea. Furthermore, the participatory design of the study shows how children and youth can meaningfully contribute to substantive research; this project could serve as a replicable model for further developments in South Korea.



PRIORITY ACTIONS REQUIRED



National plans and policies

- South Korea should ensure that there is consistency and coordination between the various national plans of action that address issues relevant to CSEC to ensure comprehensive coverage that avoids gaps and duplication of efforts.
- Ensure that plans (or one consolidated plan) cover all CSEC issues and receive adequate human, technical, and financial resources to achieve full implementation.
- Create and enforce a clear monitoring mechanism to assess progress and collect relevant data.
- Ensure that the National Action Plan(s) are renewed and updated through consultations with civil society and children.
- South Korea should establish an independent child rights division within the National Human Rights Commission of Korea to serve as a central coordinating body for the implementation of child rights policy.

Coordination and cooperation

- South Korea should cooperate more actively in international efforts to combat sex trafficking and child sex tourism. The South Korean government should also provide mechanisms to ensure better coordination and cooperation among South Korean agencies and governmental departments responsible for providing relevant services to overcome the current overlapping structure that serves to produce ineffective provision of services.
- Police liaison should be established at South Korean Embassies and Consulates within key countries in South East Asia/Asia-Pacific where South Korean nationals are known to engage in child sex tourism.
- The government should clarify the legal status and mandate of the KMCCR and equip it with the resources necessary to guarantee the Centre and Ombudspersons network can fully monitor and investigate violations of children's rights.
- The government should establish a responsible authority for collecting data about CSEC issues, disaggregated by age, gender, and ethnicity, in order to support effective policy responses and assess progress.

Prevention

- South Korea should engage the considerable resources of the private sector in the prevention and monitoring of CSEC.
- South Korea should expand provision of community activities to increase awareness and monitoring.
- Specific campaigns should be created to reduce the demand for sex services involving children, both in South Korea and abroad, including disseminating information about CSEC laws, relevant harms, sex tourism and the enforcement of extraterritorial legislation.

- Prevention activities should target particular vulnerable populations and at-risk communities. Efforts should be supported by strong data and regularly monitored to assess progress.

Protection

- South Korea must urgently ratify the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children – 2000.
- South Korea should amend its definition of child pornography to bring it into line with international standards.
- South Korea should amend legal provisions to clarify that consent is irrelevant in the case of child trafficking offences.
- South Korea should enact further legislation to better prohibit and punish grooming of children and to prohibit and punish knowingly accessing and viewing child pornography.
- South Korea should amend the current laws on child prostitution to conform to with international standards and to eliminate variances and inconsistencies across the current laws. The government should work to ensure the relationship between these laws is clear and that laws are either consolidated or there are authoritative mechanisms for choosing among alternatives. In particular, the legal definition of child under the relevant laws should be made consistent across legal provisions.
- South Korea authorities should work with international counterparts to make a greater effort to investigate and prosecute Korean nationals who sexually exploit children through tourism or facilitate the sex trafficking of children and young people, including via the Internet.
- South Korea should sustain its efforts to provide comprehensive services to victims of CSEC. Recently there has been a decrease in the government's budget allocated to CSEC, which undermines the ability of service providers to assist victims. Increased funding is necessary to protect victims of CSEC.
- South Korea is in need of a research and investigation team that can provide accurate data regarding the current forms of CSEC and their prevalence, as well as the quality and adequacy of existing social services.
- Video testimony should be more readily admitted into courts and children should be safeguarded from having to be cross-examined in front of those who have exploited them.

Child and youth participation

- South Korea must make efforts to ensure youth participation in policymaking, awareness raising, and peer-to-peer support on issues related to child pornography, child prostitution, child sex trafficking and child sex tourism.
- Increased youth involvement in civic and community activities is necessary, especially to deter children from engaging in risky behaviour that can result in increased vulnerability to CSEC. Children need to be able to envision choices and develop a voice for themselves which is often a positive effect from involvement in community activities.

ANNEX

The Rio de Janeiro Declaration and Call for Action to Prevent and Stop Sexual Exploitation of Children and Adolescents*

Note: This is a condensed version. The full Rio Declaration and Call to Action also contains: Preamble; A. Review of progress and outstanding challenges; and B. Declaration.

C. Call for Action

We call on all States, with the support of international organizations and civil society, including NGOs, the private sector, adolescents and young people to establish and implement robust frameworks for the protection of children and adolescents from all forms of sexual exploitation, and we call upon them to:

I - International and Regional Instruments

- (1) Continue working towards ratification of relevant international instruments, including as appropriate the United Nations Convention on the Rights of the Child and the Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography, ILO Convention 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, and the Convention on the Elimination of All Forms of Discrimination against Women.
- (2) Continue working towards ratification of relevant regional instruments, including as appropriate the African Charter on the Rights and Welfare of the Child, the ASEAN Charter,

the Inter-American Conventions on International Traffic in Minors and on the Prevention, Punishment and Eradication of Violence against Women, the SAARC Convention on Preventing and Combating Trafficking in Women and Children for Prostitution, and the Council of Europe Conventions on Action against Trafficking in Human Beings, on Cybercrime and on the Protection of Children against Sexual Exploitation and Sexual Abuse, conventions which can be ratified by States that are non-members of the Council of Europe.

- (3) State Parties should take all necessary measures to implement the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography, taking into due accounts the conclusions and the recommendations of the Committee on the Rights of the Child in the context of its review of State Parties' reports. All countries are encouraged to use this as an important reference.

II – Forms of Sexual Exploitation and its New Scenarios

Child pornography/child abuse images

- (4) Criminalize the intentional production, distribution, receipt and possession of child pornography, including virtual

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

- images and the sexually exploitative representation of children, as well as the intentional consumption, access and viewing of such materials where there has been no physical contact with a child; legal liability should be extended to entities such as corporations and companies in case the responsibility for or involvement in the production and/or dissemination of materials.
- (5) Undertake specific and targeted actions to prevent and stop child pornography and the use of the Internet and new technologies for the grooming of children into online and off-line abuse and for the production and dissemination of child pornography and other materials. Victim identification, support and care by specialized staff should be made a high priority.
 - (6) Conduct educational and awareness-raising campaigns focusing on children, parents, teachers, youth organizations and others working with and for children with a view to improve their understanding of the risks of sexually exploitative use of the Internet, mobile telephones and other new technologies, including information for children on how to protect themselves, how to get help and to report incidences of child pornography and online sexual exploitation.
 - (7) Take the necessary legislative measures to require Internet service providers, mobile phone companies, search engines and other relevant actors to report and remove child pornography websites and child sexual abuse images, and develop indicators to monitor results and enhance efforts.
 - (8) Call upon Internet service providers, mobile phone companies, Internet cafes and other relevant actors to develop and implement voluntary Codes of Conduct and other corporate social responsibility mechanisms together with the development of legal tools for enabling the adoption of child protection measures in these businesses.
 - (9) Call upon financial institutions to undertake actions to trace and stop the flow of financial transactions undertaken through their services which facilitate access to child pornography.
 - (10) Set up a common list of websites, under the auspices of Interpol, containing sexual abuse images, based on uniform standards, whose access will be blocked; the list has to be continuously updated, exchanged on international level, and be used by the provider to perform the access blocking.
 - (11) Undertake research and development, in the realm of the private sector, of robust technologies to identify images taken with electronic digital devices and trace and retract them to help identify the perpetrators.
 - (12) Promote public/private partnerships to enhance the research and development of robust technologies to investigate and to trace the victims with a view to immediately stop their exploitation and provide them with all the necessary support for full recovery.
 - (13) Make technologies easily available, affordable and usable for parents and other caregivers, including to assist with the use of filters to block inappropriate and harmful images of children.
- Sexual exploitation of children and adolescents in prostitution*
- (14) Address the demand that leads to children being prostituted by making

the purchase of sex or any form of transaction to obtain sexual services from a child a criminal transaction under criminal law, even when the adult is unaware of the child's age.

- (15) Provide specialized and appropriate health care for children who have been exploited in prostitution, and support child centered local models of recovery, social work systems, realistic economic alternatives and cooperation among programmes for holistic response.

Sexual exploitation of children and adolescents in travel and tourism.

- (16) Encourage and support the tourism, travel and hotel sectors in adopting professional Codes of Conduct, for example by joining and implementing the Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism; encourage the use of businesses that put in place appropriate child protection-focused corporate social responsibility strategies; and/or provide other incentives for those participating.
- (17) Ensure that all stakeholders pay specific attention to unregulated tourism to prevent domestic and international travellers from sexually exploiting children and adolescents.
- (18) Cooperate in the establishment of an international travel notification system, such as the Interpol 'green notice' system, in accordance with applicable law and human rights standards.
- (19) Ensure investigation and, where sufficient evidence exists, that appropriate charges are brought and vigorously pursued against the State's nationals who are reported or alleged to have sexually exploited a child in a foreign country.

- (20) Prohibit the production and dissemination of material advertising the sexual exploitation of children in tourism; and alert travellers to criminal sanctions that will apply in cases of sexual exploitation of children.
- (21) Monitor new and emerging tourist destinations and establish proactive measures to work with private sector partners involved in the development of tourism services on measures to prevent the sexual exploitation of children and adolescents, including the use of socially and environmentally responsible strategies that promote equitable development.

Trafficking and the sexual exploitation of children and adolescents

- (22) Mobilize communities, including children and adolescents with a view to engaging them in dialogue on and a critical review of social norms and practices and economic and social conditions that make children vulnerable to trafficking, and establish procedures that involve them in developing strategies and programmes where they participate, where appropriate, in the planning, implementation and monitoring of such programmes.
- (23) Pilot and adapt or replicate successful models of community-based prevention and rehabilitation and reintegration programmes for child victims of trafficking.
- (24) Establish policies and programmes that address not only cross-border but also internal trafficking of children and that include, among other elements, a standard operating procedure for the safe repatriation and return of children based on the child's view and on a careful assessment of the needs and risks to the child of returning to her/his place of origin to ensure that the best interests of the child are taken into account.

- (25) Continue strengthening cross-border and internal cooperation of law enforcement officials, for example by establishing coordinating units with a mandate to issue clear guidelines for child centered investigation of cases of trafficking of children and for treating trafficked children not as criminals but as victims in need of protection.
- (26) Take legislative and other measures to ensure that a guardian is appointed without delay for every unaccompanied trafficked child, that an effective system of registration and documentation of all trafficked children is established, and that every trafficked child is provided with not only short-term protection but also with the necessary economic and psycho-social support for full and long-lasting recovery and social reintegration (in line with the UNICEF

Guidelines on the Protection of Child Victims of Trafficking and UNHCR Guidelines on Formal Determination of the Best Interests of the Child).

- (27) Undertake and/or support, with the involvement of civil society and children, the regular evaluation of programmes and policies to prevent and stop the trafficking of children and of legislation that may have a conducive impact on trafficking, for example laws on marriage, free education, adoption and migration, birth registration, accordance of citizenship, refugee or other status.

III – Legal Frameworks and Enforcement of the Law

- (28) Define, prohibit and criminalize, in accordance with existing international human rights standards, all acts of sexual exploitation of children and adolescents in their jurisdiction, irrespective of any set age of consent or marriage or cultural practice, even when the adult is unaware of the child's age.
- (29) Establish effective extraterritorial jurisdiction, abolishing the requirement of double criminality for offences of sexual exploitation of children and adolescents, and facilitate mutual legal assistance, in order to achieve effective prosecution of perpetrators and appropriate sanctions. Make all acts of sexual exploitation of children and adolescents an extraditable offence in existing or newly established extradition treaties.
- (30) Designate a lead law enforcement agency, where appropriate to national circumstances, to proactively enforce extraterritorial laws related to sexual exploitation of children and adolescents.
- (31) Ensure that child victims of sexual exploitation are not criminalized or punished for their acts directly related to their exploitation, but are given the status of victim in law and are treated accordingly.
- (32) Establish special gender sensitive units/ children's desks within police forces, involving when appropriate other professionals like health care and social workers and teachers, to address sexual crimes against children, and provide specialized training to judicial and law enforcement personnel.
- (33) Address corruption in law enforcement and the judiciary, as well as other authorities with a duty of care to children, recognizing corruption as a major obstacle to effective law enforcement and protection for children.
- (34) Establish and implement international, regional and national legal mechanisms and programmes for addressing sex offender behaviour and preventing recidivism, including through risk assessment and offender management programmes, the provision of voluntary extended and comprehensive rehabilitation services (in addition to but not in lieu of criminal sanctions

as appropriate), safe reintegration of convicted offenders and the collection and sharing of good practices and establish where appropriate sex offenders registers.

IV – Integrated Cross-Sectoral Policies and National Plans of Action General

- (35) Develop and implement comprehensive National Plans of Action on the sexual exploitation of children and adolescents, or include these in existing relevant planning frameworks, such as National Development Plans and ensure that these Plans are based in a cross-sectoral approach which brings all stakeholders together in a coherent and comprehensive framework for action. These Plans should incorporate gender-sensitive strategies, social protection measures and operational plans, with adequate monitoring and evaluation targeted resources and designated responsible actors, including civil society organizations for implementation of initiatives to prevent and stop the sexual exploitation of children and adolescents and provide support for child victims of sexual exploitation.
- (36) Promote and support multi-sectoral policies and programmes, including community-based programmes, within the framework of a comprehensive national child protection system to address phenomena that contribute to the sexual exploitation of children and adolescents including, for example, discrimination (including on the basis of sex), harmful traditional practices, child marriage and social norms that condone sexual exploitation.
- (37) Promote and fund meaningful child and youth participation at all levels in the design, monitoring and evaluation of policies and programmes, in campaigns and through peer-to-peer youth programmes, aimed at raising

awareness and preventing the sexual exploitation and trafficking of children and adolescents.

- (38) Initiate and support the collection and sharing of reliable information and cross-border cooperation, and contribute to databases on victims and perpetrators, to enhance assistance to children and address the demand for sex with children, in accordance with applicable laws.

Prevention

- (39) Ensure that all children born on their territory are registered immediately and for free after their birth and pay special attention to not yet registered children and children at risk and in marginalized situations.
- (40) Strengthen the role of educational institutions and staff to detect, denounce and help address sexual abuse and exploitation of children in all forms and sources.
- (41) Emphasize prevention of sexual exploitation of children and adolescents, through e.g. awareness raising and educational campaigns, support for parents and eradication of poverty while reinforcing or establishing multi-sectoral referral mechanisms to provide comprehensive support and services to children who have been victimized in sexual exploitation.
- (42) Support children to gain deeper knowledge of their own rights to be free from sexual exploitation, and the options available to help them to address abuse, so that they are empowered, with the partnership of adults, to end sexual exploitation.
- (43) Engage children in meaningful and critical examination of changing contemporary values and norms and their potential to increase vulnerability

to sexual exploitation; and promote education to enhance children's understanding of these issues in relation to sexual exploitation.

- (44) Undertake research on contemporary patterns of socialization of boys and men across different contexts to identify factors that promote and strengthen boys' and men's respect for the rights of girls and women and engage them in action initiatives that inhibit and discourage them from engaging in sexual exploitation of children and adolescents.

Protection of the child

- (45) Increase efforts to address the sexual exploitation of children and adolescents through the development of comprehensive and integrated national child protection systems, including the necessary budget allocations and based on identifications of settings where children are most at risk that aim to protect children from all forms of violence and abuse.
- (46) Establish by 2013 an effective and accessible system for reporting, follow up and support for child victims of suspected or actual incidents of sexual exploitation, for example by instituting mandatory reporting for people in positions of responsibility for the welfare of children.
- (47) Develop or enhance accessibility of existing telephone or web-based help lines, in particular for children in care and justice institutions, to encourage children and require care givers to confidentially report sexual exploitation and seek referral to appropriate services, and ensure that the operators of such reporting mechanisms are adequately trained and supervised.
- (48) Strengthen existing national child protection services or establish new

ones in order to provide all child victims of sexual exploitation, girls and boys, without discrimination, with the necessary economic and psycho-social support for their full physical and psychological recovery and social reintegration, and when appropriate, family reunification and interventions that support and strengthen families to mitigate the risk of further exploitation; such services to be provided by well trained multi-disciplinary teams of professionals.

- (49) Ensure that these services are accessible, appropriately resourced, comprehensive, child- and gender-sensitive, and reach all children without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, colour, sex (or orientation), and social origin and including children with disabilities, from ethnic minorities, indigenous or Aboriginal children, refugee or asylum-seeking and children in domestic service or living on the streets and children displaced by conflict or emergency situations.
- (50) Develop programs that provide children of sex workers and children living in brothels with support and protection.
- (51) Promote and defend the privacy of the child victims and child perpetrators of sexual exploitation, taking into account relevant national laws and procedures, to protect their identity in investigatory or court proceedings or from disclosure by the media and ensure that these proceedings are child friendly and allow the child to participate in a meaningful way in the process of bringing the perpetrator to justice.
- (52) Ensure that children and adolescents exhibiting acts of sexual violence harmful to others receive appropriate care and attention as a first option through gender-sensitive and child-focused measures and programmes that balance their best interest with

due regard for the safety of others, and ensure compliance with the principle that depriving children of liberty should be pursued only as a measure of last resort, and ensure that those responsible for the care of such children are equipped with relevant and culturally appropriate training and skills.

V – International Cooperation

- (53) Take all necessary steps to strengthen international cooperation by multilateral, regional and bilateral arrangements for the prevention, detection, investigation, prosecution and punishment of those responsible for acts of sexual exploitation of children and adolescents; and for the assistance of child victims in their physical and psychological recovery, social reintegration and, as appropriate, repatriation.
- (54) Establish and/or improve by 2013 concrete mechanisms and/or processes to facilitate coordination at national, regional and international levels for enhanced cooperation among government ministries, funding bodies, UN agencies, NGOs, the private sector, workers' and employers' organizations, the media, children's organizations and other representatives of civil society with a view to enabling and supporting concrete action to prevent and stop the sexual exploitation of children and adolescents.
- (55) Strengthen and improve the effectiveness of existing regional mechanisms for exchange, coordination and monitoring of progress on child protection including against sexual exploitation in order to review progress and strengthen follow-up on the implementation of the recommendations made.
- (56) Provide, when in a position to do so, financial, technical and other assistance through existing multilateral, regional, bilateral and other programmes for addressing the sexual exploitation of children and adolescents; and explore the potential of a fund for child and youth initiatives in this area.
- (57) Develop, where appropriate with the support of UN agencies, NGOs, civil society organizations and the private sector, workers' and employers' organizations, policies and programmes to promote and support corporate social responsibility of enterprises operating inter alia in tourism, travel, transport and financial services, and of communication, media, Internet services, advertising and entertainment sectors; so that child-rights focused policies, standards and codes of conduct are implemented throughout the supply chain and include an independent monitoring mechanism.
- (58) Support and contribute to the Interpol international child abuse images database and nominate a responsible national focal point person or unit to collect and update promptly national data on sexual exploitation of children and adolescents, and systematically share this information with Interpol in order to support cross-border (international) law enforcement action and strengthen its effectiveness, and adopt multilateral agreements especially for police investigation work.
- (59) Undertake national and international coordinated measures to curb and stop the involvement of organized crime

in commercial sexual exploitation of children and bring persons and/or legal entities responsible for this form of organized crime to justice.

VI – Social Responsibility Initiatives

We encourage the private sector, employers' and workers' organizations, to proactively engage in all efforts to prevent and stop the sexual exploitation of children and adolescents, and to use their knowhow, human and financial resources, networks, structures and leveraging power to:

- (60) Integrate child protection, including the prevention of sexual exploitation of children, into new or existing corporate social responsibility policies of enterprises operating inter alia in tourism, travel, transport, agriculture and financial services, and of communication, media, Internet services, advertising and entertainment sectors, and ensure appropriate implementation of such policies and widespread public awareness.
- (61) Incorporate the prevention and protection of children from sexual exploitation in human resources policies, such as Codes of Conduct and other corporate social responsibility mechanisms throughout the supply chain.
- (62) Join efforts with Governments, UN agencies, national and international NGOs, and other stakeholders to prevent the production and dissemination of child pornography, including virtual images and the sexually exploitative representation of children, and stop the use of the Internet and new technologies for the grooming of

children into online and off-line abuse; undertake actions to trace and stop the flow of financial transactions for sexual exploitation of children through the services of financial institutions; support efforts to address the demand for sexual exploitation of children in prostitution and the strengthening of services for children victims and their families, including the establishment of accessible telephone or web-based help lines; and provide support for educational and awareness-raising campaigns targeting children, parents, teachers, youth organizations and others working with and for children, on the risks of sexual exploitation of children, sexually exploitative use of the Internet, mobile phones and other new technologies as well as on protective measures.

VII – Monitoring

- (63) Establish by 2013 independent children's rights institutions such as children's ombudspersons or equivalents or focal points on children's rights in existing human rights institutions or general ombudsperson offices, highlighting the importance for States Parties to the Convention on the Rights of the Child of General Comment No 2 of the Committee on the Rights of the Child; these bodies should play a key role in the independent monitoring of actions taken for the prevention of sexual exploitation of children and adolescents, protection of children from such exploitation and the restoration of the rights of sexually exploited children, in advocating for effective legal frameworks and enforcement and in ensuring, where necessary, that child victims have effective remedies and

redress, including the possibility of filing complaints before these institutions.

We encourage the Committee on the Rights of the Child to:

- (64) Persevere with reviewing progress of States Parties' fulfilment of their obligations to uphold the right of children to protection from sexual exploitation and pay special attention to the recommendations in the Rio Call for Action in its examination of reports under the Convention on the Rights of the Child and its Optional Protocols.
- (65) Adopt as a matter of priority a General Comment on the right of the child to protection from sexual exploitation, trafficking for sexual purposes, and the abduction and sale of children, including detailed guidance to States on the development, implementation and enforcement of national legislation and policies in this regard.
- (66) Continue to work with the Office of the High Commissioner for Human Rights in protecting child rights, and raising awareness of relevant international and regional human rights mechanisms.

We encourage other United Nations human rights treaty bodies, special procedures of the Human Rights Council and special representatives of the United Nations Secretary-General, as well as regional human rights mechanisms, to:

- (67) Pay particular attention to combating the sexual exploitation of children and adolescents, within their respective mandates and during their examination of State Parties' reports, country visits, in their thematic work and/or other activities.

We urge the Human Rights Council to:

- (68) Ensure that the Universal Periodic Review process includes rigorous examination of States' fulfilment of their obligations to children, including preventing and stopping the sexual exploitation of children and adolescents and to respectfully the rights of child victims of such exploitation.

We urge the yet-to-be-appointed Special Representative of the Secretary-General on Violence against Children, the Special Representative of the Secretary-General for Children and Armed Conflict, the Special Rapporteur on the Sale of Children, Child Prostitution and Child Pornography and the Special Rapporteur on Trafficking in Persons, especially in Women and Children, together with other appropriate mandate holders and in collaboration with the Committee on the Rights of the Child, to:

- (69) Work together to avoid duplication and to maximise their impact in preventing and stopping the sexual exploitation of children and adolescents and, through their work, map experiences in the area of prevention and response to sexual exploitation of children and assess their effectiveness.

We encourage UN agencies, NGOs and human rights institutions to:

- (70) Support and provide information on the extent of and responses to sexual exploitation of children and adolescents to these bodies.
- (71) Work with the media to enhance their role in education and empowerment, and in protecting children from sexual exploitation, and to mitigate the harmful potential of the media, including

through the sexualization of children in advertising.

We call on international financial institutions such as the World Bank and the International Monetary Fund to:

- (72) Review their current macro-economic and poverty reduction strategies with a view to counteracting any negative social impact on children and their families, including loan conditionality which essentially limits social services and access to rights and minimizing the risk for children to sexual exploitation.

We call on religious communities to:

- (73) Reject, in the light of their consensus about the inherent dignity of every person, including children, all forms of violence against children including sexual exploitation of children and adolescents and establish, in that regard, multi-religious cooperation and partnership with other key stakeholders such as governments, children's organizations, UN agencies, NGOs, media and the private sector using their moral authority, social influence and leadership to guide communities in ending sexual exploitation of children and adolescents.

C. Call for Action

(1) We commit ourselves to the most effective follow-up to this Call for Action:

- At the national level, inter alia, by biennial public reporting on the measures taken for the implementation of the Rio Declaration and Call for Action and promoting/initiating discussions on the progress made and the remaining challenges to named responsible mechanisms for monitoring implementation while also integrating such requirements into State reporting to the Committee on the Rights of the Child.
- At the international level, by encouraging and supporting coordinated actions by the relevant human rights treaty bodies, special procedures of the Human Rights Council and Special Representatives of the Secretary-General of the United Nations with a view to maintaining awareness of the Rio Declaration and Call for Action and promoting its implementation.

- (2) Encourage the private sector to join the United Nations Global Compact and communicate their implementation progress with regard to addressing the sexual exploitation of children and adolescents and supporting the realization of this platform for coordinated corporate efforts and sharing of best practices.

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