

PREVENTING THE SEXUAL EXPLOITATION OF CHILDREN

*One child's reality, everyone's responsibility -
an ever present and demanding challenge*

by

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Working Paper

July 2010

Published as supporting paper for the ACYA report
to the United Nations Committee on the Rights of the Child
"Children and Youth in Aotearoa 2010"

Action for Children and Youth Aotearoa Incorporated



ISSN 1177-7656 (print)
ISSN 1177-7664 (online)

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ACYA is very appreciative to the J R McKenzie Trust which has made possible the printing and distribution of this report.

ECPAT is a global network of organizations and individuals working together for the elimination of child prostitution, child pornography and the trafficking of children for sexual purposes.

It seeks to encourage the world community to ensure children everywhere enjoy their fundamental rights free and secure from all forms of exploitation.



Background

The New Zealand Governments 3rd & 4th Periodic Report to the Committee on the Rights of the Child addressed the issue of sexual exploitation of children as the paragraphs listed below:

Child prostitution at paragraphs 8.29/30,

Child pornography at paragraph 8.31

Child trafficking at paragraph 8.32.

The New Zealand Government report can be accessed at:

<http://www.myd.govt.nz/working-with-young-people/uncroc/uncroc-in-nz-3rd-and-4th-periodic-report-full.pdf>

The NGO report *Children and Youth in Aotearoa 2010* prepared by ACYA addressed those issues at the paragraphs listed below:

Child prostitution at paragraphs 8.27/8

Child pornography at paragraph 9.2/3

Child trafficking at paragraph 8.14.

The abovementioned paragraphs are annexed to this Working Paper in Appendix 1

The purpose of this Working Paper is to expand upon and provide further background information on each of these issues.

Child Prostitution

Child prostitution is prohibited under the Prostitution Reform Act (PRA) 2003¹ under Part 2 Section 20-23 and under the Crimes Act 1961² Section 98 AA and again Sections 127-144

The Ministry of Justice established a Prostitution Law Reform Review Committee to study the impact of the PRA over a five year period. The Committee issued a Report in May 2008³. The Report contained four recommendations in regard to child prostitution under Section 7.12

- A collaborative approach between Police, The Ministry of Social Development. The Ministry for Youth development and relevant NGOs should be taken to assist at risk young people.
- The Ministry for Youth development and the Ministry for Social Development deliver increased funding to community-based organizations working with at risk youth.
- The Committee supports the amendment of section 48 of the Children, Young Persons and Their Families Act 1989, to include young people aged 17 years.
- The Ministry of Social Development should ensure when approached by or on behalf of young persons at risk, that they are adequately supported to prevent the young person being used in prostitution in order to survive.

An enquiry addressed to the Minister of Justice in 2010 requesting information demonstrating the progress on these Recommendations was ultimately referred to the Minister of Social Development and has not yet been responded to.

The New Zealand Government currently has a Child and Family Protection Bill in the Committee⁴ stage. The Optional Protocol against the sale of children, child prostitution and child pornography⁵ is contained within this Bill. When the Bill is passed the Optional Protocol that was signed in 2000 will be ratified by the Government.

The Select Committee Report is due in August 2010. The Ministry of Justice issued a New Zealand Plan of Action Against Sexual Exploitation of Children "Protecting Our Innocence" in 2001⁶. Pages 1-9 deal with child prostitution. This National Plan was reviewed in 2006 in conjunction with ECPAT NZ and titled 'The Stocktake'⁷

ECPAT Child Alert conducted a survey among child street prostitutes in south Auckland and published a booklet *Speaking for Ourselves*⁸ containing their stories and giving some recommendations.

Child Pornography

A preferred definition for child pornography is child sex abuse images. Legislation regarding child sex images is contained in the Film, Video & Publication Classification Act 1993⁹ and within the Crimes Act 1961 Sections 123-126, 127,130, 131B, 132 &134.

The advent of the Internet has led to a rapid and alarming increase in the promulgation of child sex abuse images and it is now a major commercial activity spanning the globe.

ECPAT Child Alert has made a browser plug-in available free for computer users¹⁰. Only a small number have become aware of the service as yet but over 600 suspect sites have been reported in the first twelve months.

The Department of Internal Affairs (DIA) has implemented a Digital Child Exploitation Filter System (DCEFS)¹¹ to filter Internet traffic at the ISP level. ISP's volunteer the filtering of their traffic and it allows the DIA Censorship Compliance Unit to block access to previously identified illegal child sex abuse sites. The clicks (attempts) in New Zealand to gain access to illegal child sex abuse sites during the trial of this system with only two small ISPs on the system revealed over one million attempts over a two year period. Other trial results indicated some tens of thousands off clicks daily. This is a gross and obnoxious exploitation of real children whose images may stay on the Internet forever.

The Ministry of Justice issued a New Zealand Plan of Action Against Sexual Exploitation of Children "Protecting Our Innocence" in 2001. Pages 9-12 deal with child pornography. This National Plan was reviewed in 2006 in conjunction with ECPAT NZ and dubbed 'The Stocktake'.

Child Trafficking for Sexual Purposes

Child sex trafficking for sexual purposes includes child sex tourism. This activity has increased as the ease of travel and degree of tourism has increased. Most popular tourist destinations globally have elements of child sex abuse associated through both local and overseas offenders.

New Zealand has an extraterritorial law that provides for prosecution of the offender either in the country where the offence occurs (host country) or the offender's country of citizenship. In practice however it is very difficult to gather substantive evidence and witnesses to secure a conviction.

The Minister of Immigration released a New Zealand Plan of Action to Prevent People Trafficking in 2009¹². It is described as an 'across-government' initiative that allocates certain responsibilities to various government ministries. The Plan resulted from a consultation process with the NGO sector. The Department of Labour is charged with the implementation of this Plan.

The United States of America Department of State Trafficking in Persons Report 2010 classifies New Zealand in Tier 1¹³ but make the following observation –

"New Zealand is a source country for underage girls subjected to trafficking in persons, specifically forced prostitution, and a destination country for foreign men and women in forced labor. In the past New Zealand had reportedly been a destination country for women from Hong Kong, Thailand, Taiwan, China, other Asian countries, and Eastern Europe trafficked into forced prostitution, but no new information about such cases was reported in the past year. Of all persons in the legal sex industry, approximately 1.3 percent are children, some of whom are victims of sex trafficking. Some of these girls under 18 years old engage in prostitution occasionally on the street without the obvious control of a third party. Child trafficking victims, however, are found engaging in prostitution illegally in brothels, and other teenage girls who engage in prostitution on the street are closely controlled by local gangs."

There is no substantive evidence given for this statement.

The report recommends New Zealand:

"Develop and implement a visible anti-trafficking awareness campaign directed at clients of the legal and illegal sex trades; identify child trafficking victims engaged in commercial sexual activity; continue to train law enforcement and labor officials to proactively identify trafficking victims in other vulnerable populations such as adults in prostitution and foreign laborers; and investigate and prosecute employment recruiting agencies or employers who subject foreign workers to positions of involuntary servitude or debt bondage."

The Ministry of Justice issued a New Zealand Plan of Action Against Sexual Exploitation of Children "Protecting Our Innocence" in 2001. Pages 13-16 deal with child sex tourism and pages 16-18 deal with child trafficking. This

National Plan was reviewed in 2006 in conjunction with ECPAT NZ and dubbed 'The Stocktake'. The Plan has thirteen Objectives and the Stocktake identified that only five of these had been completed at that date. ECPAT Child Alert is requesting a further review of this Plan to ascertain the current status of the remaining Objectives.

Conclusion

The United Nations Convention of the Rights of the Child 1989 (UNCROC); Clauses 32-37 provide the mandate for the prevention of sexual exploitation of children. There have been three World Congress Conferences arising from UNCROC - Stockholm, Sweden (1996)¹⁴ ; Yokohama, Japan (2001)¹⁵ and Rio de Janeiro, Brazil (2008)¹⁶. 161 countries adopted the Agenda for Action arising from the Stockholm Congress but to date only approximately one quarter of those have actually established a National Plan of Action (NPA) to prevent the sexual exploitation of children.

The global income from illegal sex industry activities is estimated to be in region of \$US32 billion dollars per annum and is second only to illegal drug trading. Over 2.5 million people are trafficked in the world each year and an estimated 1.2 million of these are under the age of 18 years¹⁷. Much remains to be done to free children from sexual exploitation and New Zealand is not exempt. It requires public awareness and joint action of government, NGOs and individuals to prevent this type of abuse.

APPENDIX 1

CHILDREN AND YOUTH IN AOTEAROA 2010.

The following extracts are taken from the above NGO report to the United Nations Convention on the Rights of the Child, June 2010

Prostitution Law Reform Act

8.27 The Prostitution Law Review Committee presented its report on the Prostitution Law Reform Act to the Associate Minister of Justice in May 2008. In general, the report concluded that the Act had been effective and had not made prostitution an attractive potential occupation for young people. The Committee also found that current powers available to Police under the Children, Young Persons and their Families Act 1989 are sufficient to safeguard young people under the age of consent. The Committee did not support recriminalising under-age people involved in prostitution, or extending Police powers to demand age verification of young people suspected of being involved in prostitution. A ten year review of the Act was recommended.

8.28 The Committee made four recommendations to the Government, including amendment to the Children, Young Persons and their Families Act 1989 to allow police to uplift any child or young person aged under 18 to align with the Prostitution Law Reform Act. A 2010 request by ECPAT NZ to the Minister of Justice for information demonstrating the progress on these Recommendations has not yet been responded to. We have not been able to establish any Government policy or programme regarding support services available to young people who may have been involved in under-age prostitution.

CHILD PORNOGRAPHY

9.2 ECPAT New Zealand has recently taken the initiative to offer free internet protection software. ECPAT Child Alert introduced a computer Hotline to enable computer users to easily and safely report Internet sites suspected

of containing offensive and illegal child sex abuse images. This facility allows a computer user to click on a browser icon if offensive material is observed. The software will remove the screen from sight and capture the URL and Internet Service Providers details. This is encrypted and sent through an ECPAT filter to the Censorship Compliance Unit of the Department of Internal Affairs for inspection and appropriate action.

9.3 The Department of Internal Affairs is implementing a Digital Child Exploitation Filtering System. This will allow Internet Service Providers to voluntarily allow their traffic to be filtered against a DIA database of sites already identified as containing illegal child sex abuse images.

CHILD ABDUCTION AND TRAFFICKING

8.14 In September 2009 the Minister of Immigration released a New Zealand “Plan of Action To Prevent People Trafficking”. This Plan is a whole-of-government response to people trafficking and is said to represent the combined efforts of government agencies and the advocacy of non-government agencies. Implementation of this Plan rests with the Department of Labour. However, the Plan neither mentions nor addresses the trafficking of children nor recognizes the special risks pertaining to children under its structure of Prevention, Protection and Prosecution.

ENDNOTES

¹ Prostitution Reform Act 2003; Public Act 2003 #28; Date of assent 27 June 2003

² Crimes Act 1961; Public Act 1961 #43; Date of assent 1 November 1961

³ Report of the Prostitution Law Review Committee on the Operation of the Prostitution Reform Act 2003; Published Ministry of Justice; May 2008

⁴ New Zealand Parliament Child and Family Protection Bill; Bills Digest # 1713; 14 October 2009

⁵ Optional protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography; Adopted by General Assembly resolution A/RES/54/263 May 25 2000; entered into force 18 January 2002

⁶ Protecting Our Innocence; New Zealand’s National Plan of Action Against the Commercial Sexual Exploitation of Children; Ministry of Justice; December 2001; ISBN 0-478-20167-2

⁷ Protecting Our Innocence; A Stocktake of the National Plan of Action against the Commercial Sexual Exploitation of Children; Ministry of Justice; May 2006; ISBN: 0-478-29024-1

⁸ <http://www.ecpat.org.nz/Projects/Speaking-for-Ourselves.aspx>

⁹ Films, Videos, and Publications Classifications Act 1993; Public Act 1993 # 94; date of assent 26 August 1993

¹⁰ Child Alert Hotline; www.childalert.org.nz

¹¹ Digital Child Exploitation Filtering System; Censorship Compliance Unit; Department of Internal Affairs; January 2010

¹² Plan of Action to Prevent People Trafficking; Department of Labour; July 2009; ISBN: 0-478-33375-6

¹³ <http://www.state.gov/g/tip/rls/tiprpt/2010/>

¹⁴ Stockholm Agenda for Action; ECPAT International; http://www.ecpat.net/EI/Global_stockholm.asp

¹⁵ Yokohama Global Commitment 2001; www.ecpat.net

¹⁶ The Rio de Janeiro Declaration and Call to Action 2008; www.ecpat.org

¹⁷ ILO & UNICEF 2007