

ANNEX

SPECIAL RAPPORTEUR ON THE SALE AND SEXUAL EXPLOITATION OF CHILDREN

CHECKLIST FOR THE PREVENTION OF SALE AND SEXUAL EXPLOITATION OF CHILDREN, THE PROTECTION OF CHILDREN AND THE REHABILITATION OF CHILD VICTIMS

To assist States further in moving towards a more effective implementation, the Special Rapporteur has included a checklist with questions as an annex to the thematic report (A/HRC/49/51). States and other relevant stakeholders are encouraged to use the checklist as a concrete tool in their work to tackle the sale and sexual exploitation of children. The checklist aims to assist States in identifying gaps and providing guidance at the national level to ensure that all children can live a life free from sale and sexual exploitation.

I. PREVENTION

<i>LEGAL FRAMEWORK</i>	YES	NO	COMMENTS
<i>i.</i> Does your national legislation expressly criminalize the sale of children, including for the purposes of child marriage and child sexual exploitation?			
<i>ii.</i> Are all forms of child marriage completely prohibited without exception?			
<i>iii.</i> Is it prohibited for someone who has committed an offence against a child to avoid prosecution by marrying that child?			
<i>iv.</i> Is the minimum legal age to marry equivalent to the age of majority? Is the legal age to marry different for girls and boys?			
<i>v.</i> Are the offences of the sale of children and the trafficking of children defined and criminalized as separate offences in your national legislation in accordance with international legal provisions such as the Optional Protocol to the CRC on the Sale of children, child prostitution and child pornography (OPSC) and the Palermo Protocol?			
<i>vi.</i> Does your national legislation prohibit and criminalize all forms of sexual exploitation of a child, including for the purpose of any kind of prostitution, for the inclusion of the child in child sexual abuse material, and whether the acts are carried out online or offline?			
<i>vii.</i> Is it expressly provided in your national legislation that a child can never consent to their own sexual exploitation, and that any			

	child involved in prostitution or pornography is a victim of sexual exploitation?			
viii.	Does your legal framework explicitly define and criminalize the sexual exploitation of children in travel and tourism? Does it vest the national courts with jurisdiction over such offences committed abroad by a national or resident of your country?			
ix.	Has your Government ratified the Framework Convention on Tourism Ethics?			
x.	Does your national legislation provide for the offences of sexual exploitation and sexual abuse of children committed online or facilitated by ICTs?			
xi.	Does your domestic legislation require businesses such as technology companies and other private actors to work actively to prevent the sale and sexual exploitation of children which might be facilitated through their services?			
<i>POLICY FRAMEWORK</i>				
xii.	Is there any national strategy and/or national action plan in place to coordinate efforts to tackle the sale and sexual exploitation of children in your country?			
xiii.	Are there any specific policies and other measures in place to prevent child marriage?			
xiv.	Are there any specific policies, measures or strategies in place to prevent the sexual exploitation of children in prostitution, in travel and tourism, and online?			
xv.	Are there any policies in place that require or strongly encourage the tourism sector in your country to join the Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism or similar initiatives or take other actions to prevent the sexual exploitation of children in the context of travel and tourism (SECTT), including by training travel and tourism staff?			
xvi.	Is there any policy, regulation and/or code of conduct in place for private travel and tourism actors such as private accommodation rentals?			
<i>LAW ENFORCEMENT</i>				
xvii.	Are there any protocols in place for law enforcement officials to observe in the detection and investigation of suspected cases of sale and sexual abuse of children?			
xviii.	Are law enforcement officials provided with specialized training on child protection?			
xix.	Is there any specific budgetary allocation for law enforcement officials responsible for preventing, detecting and investigating the sexual abuse and exploitation of children?			
<i>EDUCATION</i>				
xx.	Does your government ensure free and compulsory primary and secondary education for all children, both boys and girls?			

xxi.	Are there adequate facilities and services in place to prevent school drop-outs and ensure that children who are married and/or give birth get to continue to attend school?			
xxii.	Does your national education policy provide for the teaching of children's rights and online safety as part of educational curricula? At what level of school education are these subjects taught?			
xxiii.	Are there any provisions in your national education policies that provide for comprehensive sexual education and places to turn to for guidance, advice or help?			
<i>AWARENESS RAISING</i>				
xxiv.	Do you have programmes in place that provide for continuous awareness raising and education for communities across the country about laws prohibiting child marriage and its negative effects? Are community members of the community directly involved in these activities?			
xxv.	Are there any measures in place to educate and raise awareness on what amounts to sexual exploitation of children in prostitution?			
xxvi.	Are there measures in place to raise public awareness on SECTT?			
xxvii.	What type of information do you have in place to raise awareness on online safety and specifically on online child sexual exploitation (OCSE) and how to report it and seek help?			

II. PROTECTION

<i>PROTECTING CHILD VICTIMS AND CHILDREN AT RISK</i>		YES	NO	COMMENTS
i.	Does your legal framework recognize victims of child marriage as victims of (sexual) exploitation or of sale of children?			
ii.	What measures are in place to support and assist children who refuse to marry or who escaped after being married off?			
iii.	What measures are in place to ensure that girls who are or have been victims of child marriage still have access to the educational system?			
iv.	What measures, if any, are in place for pregnant victims or young mothers to access the educational system?			
v.	Are children in prostitution recognized as victims of sexual exploitation? Are they protected from prosecution or any criminal charge of prostitution?			
vi.	Does the law recognize children who take nude or sexualized material (images, videos, audio files or other) of themselves as victims of sexual exploitation where such images are shared online?			
<i>INVESTIGATION, PROSECUTION AND COOPERATION</i>				

vii.	Have there been instances where cases of sale of children have been detected and resulted in a successful prosecution and conviction?			
viii.	Have there been instances where cases of trafficking of children have been detected and resulted in a successful prosecution and conviction?			
ix.	Have you carried out investigations and prosecutions for the sexual exploitation of children in travel and tourism? If yes, have you done so for offences carried out abroad by a national or resident of your State, and for offences carried out abroad against a child victim who is a national of your State or finds themselves on your territory?			
x.	Is there any active and functioning international cooperation with neighboring States and/or organizations in place to share information and detect, report and investigate cases of children being sold and/or trafficked, notably for the purpose of sexual exploitation in prostitution?			
<i>DATA COLLECTION</i>				
xi.	Do you have a centralized national data collection system for sexual offences against children, which disaggregates data by sex and age of victims and offenders, as well as by type of offence?			
<i>CHILD AND COMMUNITY PARTICIPATION</i>				
xii.	Do you have in place a system where children, including child victims, are actively engaged and involved in the design of child protection policies and programmes? Do you ask them what their priorities are, what type of help and support they require, or how they would prefer to be treated in order to more easily disclose sexual exploitation and abuse?			
xiii.	Are communities consulted and actively involved in designing, implementing and evaluating programmes aimed at ending child marriage and child sexual exploitation, for instance through community councils which include representatives from all genders, ages and social layers?			
<i>CHILD PROTECTION POLICY</i>				
xiv.	Is it mandatory for all public and private institutions, organizations and associations that work for and with children to adopt a child protection policy? Do these policies include common ethical and professional principles to ensure the rights, well-being and safety of all children? Are schools, child care institutions, alternative care facilities, sports and leisure organizations also part of the entities that need to have such a policy in place?			
<i>PROFESSIONAL TRAINING</i>				
xv.	Is it mandatory for all professional groups working with and for children and in all regions of your country to undergo training on child protection issues, including legal professionals (lawyers, prosecutors, judges, and also law clerks and other legal staff who may come into contact with			

	children); police and other law enforcement professionals; teachers and other educational personnel; pedagogical and nursery staff; medical and social care staff?			
xvi.	Does such training provide knowledge about children's rights, signs to detect and report suspected cases where children are being abused or exploited, and how to talk to a child?			
xvii.	Are border security officials, the police and other professionals regularly and adequately trained to detect suspected cases of cross-border sale and trafficking of children, as well as SECTT?			
xviii.	Are there obligations on the travel and tourism industry in your country to adopt a child protection policy and train staff to detect signs of SECTT, as well as to report any suspected cases of child sexual exploitation occurring through their services or within their premises?			
xix.	Is it mandatory for professionals in the education sector to undergo training in online safety and digital education?			
xx.	Do you provide regular training for professionals and awareness raising campaigns to the general public on issues relating to child sexual abuse material (CSAM) and how to report it?			
<i>REPORTING</i>				
xxi.	Do you have in place 24/7 help centres and help lines? Are these services publicized and accessible to all including children at risk or victims of sexual exploitation or abuse? Do such services exist in multiple languages depending on the population and the languages spoken in the country?			
xxii.	Do all service providers for child victims, including psycho-social support mechanisms, shelters, reporting mechanisms, have a sufficient presence online, e.g. through age-targeted messages and advertisement informing child internet users where and how to seek for advice, support or assistance in case of OCSE?			
xxiii.	Are there widely known and easily accessible help centres and help lines available 24/7 to parents, caregivers and other adults concerned about a child's well-being or situation?			
xxiv.	Do you have in place awareness raising campaigns for members of the public, particularly travelers and tourists, with information on how and where to report suspected cases of child sexual exploitation?			
xxv.	Do you have in place national hotlines where CSAM can be reported? Does at least one such hotline have the authorization to proactively search for CSAM and request its removal from internet platforms?			
xxvi.	Are there helplines and hotlines available in different languages for children and other persons wishing to report a situation of OCSE or ask for help or advice?			
<i>MONITORING AND EVALUATION</i>				
xxvii.	Do you have in place any independent and qualified entity with a legal mandate to monitor all places			

	where children reside or spend time, such as alternative care facilities, residential facilities for migrant children, educational institutions and medical facilities, including child psychiatric care? Is there a system in place for these facilities to be regularly monitored and without prior notice?			
xxviii.	Do you have a system in place to periodically evaluate and update the laws and policies in place that protect children from sale and sexual exploitation? Are children and local communities invited to participate actively in such evaluations?			
<i>VICTIM IDENTIFICATION</i>				
xxix.	Does law enforcement in your country collaborate with Interpol or Europol or any other international initiative to share information, detect cases and identify victims of OCSE and CSAM?			
xxx.	Is there any budgetary allocation dedicated for identifying and rescuing child victims depicted in online CSAM?			

III. JUSTICE AND REHABILITATION

<i>ACCESS TO JUSTICE AND CHILD-FRIENDLY JUSTICE SYSTEMS</i>		YES	NO	COMMENTS
i.	Does the law provide all children with access to free legal aid that includes protection, information, representation of their interests in court and before other public authorities, and preparation of procedural documents?			
ii.	Do you have a system in place which ensures that child victims of sale and sexual exploitation are adequately informed about their rights in a language that they can understand and that is adapted to their age and level of maturity?			
iii.	Do child victims have access to child-friendly, child-sensitive and trauma-informed services provided by specially trained professionals?			
iv.	Is the right of the child to be heard respected and are the views of child victims taken into account on the services proposed to them?			
v.	Do you have laws and a system in place that ensures that the child's right to participate in judicial proceedings is guaranteed? Does the child have the right to choose not to participate in judicial proceedings?			
vi.	Are all children in contact with the justice system entitled to a representative who understands the specific situation of the child and who represents them and defends their rights?			
vii.	Does the child have a right to be accompanied at all times by a trusted person of their own choice, in addition to their legal representative?			
viii.	Are there facilities in place to conduct child-friendly proceedings in which a child victim is heard in a safe space outside the court room, for instance through video recording or video link, and is not obliged to meet their offender?			

ix.	Does the justice system aim to minimize the number of times that a child victim has to be heard and recount their experience? For example, ensuring that different stakeholders including the police and justice professionals and the medical professionals, are brought together for a multi-disciplinary interview, which centralizes forensic interviewing and forensic medical examination of victims in a single facility.			
x.	Have statutes of limitations been extended for sexual offences against children? Such statutes of limitations should not start running before the child has reached the age of majority, at the earliest, and should take into account the fact that many victims of child sexual exploitation only speak up about it many years after the crimes was committed.			
<i>COMPENSATION</i>				
xi.	Are there procedures in place for child victims to seek compensation or reparation from those legally responsible?			
xii.	Are compensation claims conditioned by the child's participation in a criminal process against an offender?			
xiii.	Are child victims abroad also entitled to compensation if an offender is apprehended and convicted in your country?			
<i>REHABILITATION OF CHILD VICTIMS</i>				
xiv.	Are support services freely available to all child victims, independent of whether or not they participate in law enforcement investigations or criminal proceedings against their offenders?			
xv.	Are support services freely available also to foreign children, including if they are considered illegal immigrants in the country?			
xvi.	Do safe shelters exist for child victims who cannot stay with their families or care givers?			
xvii.	Are services to child victims holistic, meaning that they range from basic services such as food and shelter, to medical and psycho-social support and education and training opportunities?			
xviii.	Do support services for child victims have a child-friendly and trauma-informed approach and are they provided by qualified and specially trained professionals to avoid the secondary traumatization of the victims?			
xix.	Does your country have in place a children's house or center, which centralizes all services provided to child victims under one roof, and where the child is at the center of inter-disciplinary specialized care interventions?			
xx.	Do you provide health and psycho-social services, all across your country, to children at risk of child marriage or child brides? Are such services, if any, free of charge?			
xxi.	Are health and service providers aware of and trained in how to handle cases of child marriage?			
xxii.	Are the long term negative effects of child sexual exploitation fully recognized and do support			

	services for child victims remain available to them over a long term time frame?			
xxiii.	Do support services remain available to child victims at any time, taking into account that not all child victims show signs of distress or trauma right away, but that such effects may reveal themselves only later in life?			
xxiv.	Are OCSE offences considered as serious and harmful to victims as in-person sexual offences in your country, and are specialized services available for child victims of OCSE?			
<i>ALTERNATIVE OPPORTUNITIES</i>				
xxv.	Are there any initiatives to provide alternative paths, including educational and professional opportunities, for children who were supposed to be married, or who were married and then divorced?			
xxvi.	Are there any publicly funded projects and programmes to enable child victims of sexual exploitation in prostitution to develop life skills and professional capacities in order to make a living and gain economic independence?			
xxvii.	Are there any initiatives in place to encourage the active participation of child victims and survivors in policy programmes or in social activities to raise awareness, educate and positively impact other children and young people, in order for them to use their negative experiences for something positive and become agents of change?			
<i>COOPERATION AND CAPACITY BUILDING</i>				
xxviii.	Does your country collaborate through international cooperation agreements on cases in which either an offender or a victim is a national or resident? Such cooperation may include collaborating on international sale, trafficking or SECTT investigations, prosecutions or identifying and providing services to victims, including compensation where appropriate?			
xxix.	Do you provide and/or receive any form of resource sharing with or from other States, e.g. information, training or training materials?			