



**Concluding comments by the
Seminar Rapporteur, Ms. Lajla Penanska, MP
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We have come together these past two days to discuss and exchange experiences on parliament's role in preventing and putting an end to sexual exploitation of children and adolescents. Our objective has been to identify key priority areas for action and parliamentary initiatives and strategies to end this form of violence in our countries and region.

We met at a particularly auspicious time, a few weeks after the conclusion of the World Congress III against the Sexual Exploitation of Children and Adolescents, which re-emphasized the urgent need for all actors to address this type of violence as a priority. The World Congress III highlighted new challenges and forms of exploitation to which children are vulnerable - information which has been very useful for our debates here in Tirana.

We began our discussions with a general debate on child protection and our role as parliamentarians to build a rights-based protective environment for children. An adequate child protection system should be multi-sectoral, operate at several levels, and organized as a continuum of integrated and child-friendly services that address prevention and response. Eight key elements help ensure such an environment:

1. Political will and capacity to fulfil children's rights to protection;
2. Establishing and enforcing adequate legislation in conformity with international standards;
3. Addressing harmful attitudes, customs and practices;
4. Open and responsible discussion of child protection issues in the media;
5. Developing children's life skills, knowledge and participation;
6. Enhancing the capacity of families and communities and professionals working with children;
7. Providing essential services for prevention, recovery and reintegration – including child-friendly justice; and
8. Establishing and implementing mechanisms for monitoring, reporting and oversight, including establishing partnerships with the private sector, children's organizations and other key actors.

Sexual Exploitation and Abuse of Children and Adolescents

It is important to begin by recalling two important definitions:

- **Sexual abuse of children** is any kind of sexual activity done to children, especially by someone who is responsible for them, or has power over them, that they should be able to trust (UN Secretary-General's Study on Violence against Children, 2006)
- **Sexual exploitation** is mistreating, abusing and/or taking advantage of someone for personal gain, by involving them in sex work or sexual activity that is illegal or inappropriate.

Sexual abuse and exploitation of children is a rights violation which takes place across borders and in all parts of the world. It can happen anywhere - in the school, the home, the workplace, in the community and on our computer, and anyone can be an exploiter – a teacher, a relative, a religious leader, an employer, an aid worker or a peer.

One new form of sexual exploitation relates to the Internet and telecommunications. We also discussed trafficking, which is a concern for all of our countries. We need to bear in mind that this is just one form of sexual exploitation and it is necessary to address all forms of sexual exploitation and abuse, including within families and communities.

Some of the contributing factors which make children more vulnerable include:

- Social norms and attitudes;
- Gender and other forms of discrimination (children with disability, from ethnic minorities and other marginalized groups, in conflict with the law, refugees and other displaced children);
- Dysfunctional families/broken homes;
- Violence, drugs and abuse in the family and the community;
- HIV/AIDS and other health threats;
- Insufficient knowledge and awareness of the risks;
- Poverty, including lack of livelihood and educational options;
- Conflict and natural disasters;
- Migration and urbanization;
- Demand for sexual services;
- People who want to make a profit and organized crime;
- Globalization and technological advances; and
- Lack of accountability and corruption.

There is often a combination of factors which make children vulnerable. In order to address this complex set of vulnerabilities and risks, a comprehensive response is required across sectors and engaging all actors, both public and private. One specific concern highlighted was the insufficient focus on measures to address the demand for sex with children and adolescents.

Data

There continues to be a lack of reliable, disaggregated, qualitative and quantitative data and information, including on the prevalence of sexual exploitation of children and adolescents. To support our work as legislators, we must have access to comprehensive, sex-disaggregated data. We need to build our national statistical capacities and make use of tools and instruments developed by the international community in this field.

International and Regional Standards

There are a number of legal instruments and human rights mechanisms that help strengthen the protective environment for children, notably the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography and the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse. As members of parliament, we need to make sure that our country is party to the main instruments of international law for the protection of children's rights and regional conventions on trafficking and on sexual exploitation and abuse. We need to raise on a regular basis the question of the validity of reservations to the treaties that were submitted upon ratification by governments and which should not compromise implementation of the treaty. We should also check the status and quality of reports submitted to the UN Committee on the Rights of the Child, provide input to these reports through public hearings and other parliamentary mechanisms, discuss follow-up of the recommendations made by the Committee on the Rights of the child and other human rights treaty bodies, as well as recommendations of special procedures of the Human Rights Council and hold our governments to account in this respect.

Legislation

There are three essential points that need to be taken into consideration when discussing child protection laws. First, there is no ready-made "formula" for law reform and for the nature and quality of the laws that are required. Of course there are standards, and good laws should be enacted, but nations make laws that target their specific needs. Second, while child protection legislation is critically important, it must be recognized that laws in other sectors also have an impact on children. In short, any law reform needs to be holistic, comprehensive and rights-based. Third, thought and care must be given in enacting legislation to protect children, so that no "harm" is done, hence the importance of having a monitoring mechanism to determine how well the desired results are achieved, and to detect any unanticipated and undesirable side effects. Legislation is "alive", and it requires constant review.

When drawing up legislation, members of parliament must bear in mind the need for **coherence** between local, provincial and national legislation and regulations. The same principle applies at the regional level. Particularly in the case of child protection issues of a multinational nature, it is important that laws in neighboring countries set common standards, in conformity with international and regional instruments, in order to avoid loopholes that make national legislation less effective. Therefore, greater cooperation and coordination among countries when drawing up legislation is necessary, though not sufficient.

With regard to a comprehensive approach to law reform as it pertains to sexual exploitation, it is important that all aspects of a response are covered: prevention, response and the accountability of perpetrators. Particular attention should be paid to prevention mechanisms and victim protection, including provision of child-friendly reporting mechanisms, which are often neglected.

Implementation

Without implementation, legislation is meaningless: parliamentarians are not only responsible for the adoption of laws, but also for overseeing their proper implementation. It is up to parliament to demand strict compliance with the law, oversee its observance and denounce all those who by their actions or omissions do not comply, including government.

For legislation to have teeth, many elements are required. Legislation needs to be known and understood so it can be enforced. Awareness-raising campaigns and training of law enforcement agents (such as police and judges), and other professions are necessary to ensure that legislation makes a difference. Children also need to be informed about their rights and ways of laying claim to them through child-friendly and age-appropriate information.

Another critical element of ensuring enforcement of legislation is providing and allocating adequate resources to this end.

It was also demonstrated that providing more information to parliaments enhances their oversight capacity. The exercise requires, however, a certain investment in terms of time, resources, expertise and close collaboration between the various governmental departments and civil society.

Last but not least, law-making for the protection of children only makes sense if we also listen to children and take their views into consideration. That means informing children of laws that are under discussion and inviting them to contribute to the debate and establish mechanisms for continuing dialogue and partnership with children. Several parliaments have done this quite successfully by, for example, inviting children to testify at parliamentary hearings.

Parliamentary mechanisms

Parliamentary mechanisms and structures that address child protection issues also featured on the agenda of the seminar. We discussed the importance of parliaments having the capacity and resources to address child protection issues. Some parliaments have specific committees on children. This is a mechanism that can generate regular parliamentary debate and allows for a thorough focus on child protection issues, effective oversight and coordination of action. Other parliamentary initiatives were discussed, such as informal parliamentary forums, the example of parliamentary fronts in Brazil, and parliamentary investigative commissions that focus on particular themes, etc. All these initiatives are instrumental in promoting children as active citizens.

Ombudsperson

The discussions then moved on to the role of independent mechanisms for child protection, such as the functions of the Ombudsperson and national commissions. These mechanisms are excellent complements to the work that should be carried out by parliaments. Establishing an Office of the Ombudsperson safeguards the best interest of the child by monitoring legislation adopted in parliament. The independent annual reports produced by the ombudsperson are useful for parliament, as they include recommendations for action, and follow up on

recommendation made by the Committee on the Rights of the Child. The Office of the Ombudsperson is also an important institution for children and parents as they can turn to it to ensure respect for their rights. It is important that these different structures cooperate and coordinate their work.

Partnerships

Addressing sexual exploitation of children requires the involvement of all stakeholders. Partnerships and cooperation are essential to progress: there must be cooperation among parliamentarians and with governments, international organizations, law enforcement agencies, NGOs, the private sector, civil society, families and children. Regional and bilateral cooperation must also be encouraged. It is necessary for parliamentarians to learn from each other, to share experiences and best practices, to coordinate efforts and to support one another at the regional if not international level. Initiatives such as this seminar serve as useful vehicles. Other initiatives such as bilateral meetings, regular exchanges, the setting up of regional research centres on child protection issues, virtual resource centres, and access to comparative data, should be considered. These aim to build the capacity of parliamentarians and strengthen a regional dynamic that is necessary to create a protective environment. The outcome document of the World Congress III against the Sexual Exploitation of Children and Adolescents adopted in Rio de Janeiro should guide these efforts.