



JOINT INPUT TO THE ANNUAL REPORT OF THE UN SPECIAL RAPPORTEUR ON THE SALE AND SEXUAL EXPLOITATION OF CHILDREN, INCLUDING CHILD PROSTITUTION, CHILD PORNOGRAPHY AND OTHER SEXUAL ABUSE MATERIAL

Child10 and the 2021 Child10 Awarded Members welcome the opportunity to provide input to the upcoming report on the sale and sexual exploitation of children, including child prostitution, child pornography and other child sexual abuse material.

This submission by the *Child10* and the Child10 2021 Awarded Members from several European countries, namely; *Vatra* in Albania, *Novi Put* in Bosnia and Herzegovina (BiH), *lightup* in Germany, Austria and Norway, *Iroko Onlus* in Italy, *Marta Centre* in Latvia, *Footprint to Freedom* in The Netherlands, *eLiberare* in Romania, *Astra* in Serbia and *Ellencentret* and *Novahuset* in Sweden focuses on the situation across Europe and represents significant differences in regard to the response of their respective governments on these issues, including legislation and its implementation, the interpretation of child exploitation and the treatment of child victims based on their origin and/or ethnicity. Most of the NGOs who have contributed to this input are service providers to victims of trafficking and sexual exploitation and have obtained knowledge through the direct assistance to victims, including information about perpetrators, recruitment and exploitation of victims. The NGOs contributing to this report who do not provide direct assistance have obtained knowledge through preventative work with children and youth, as well as through surveys and research in their countries of operation. This joint input includes some general reflections based on joint workshops and discussions as well as individual examples from some of the countries that the Child10 Awarded Members operate within; it is however not an exhaustive overview of the situation in all the organizations' country of operation. This contribution also partly relies on data collected by law enforcement and other relevant actors.

1. What forms of existing societal norms, practices/behaviours (cultural, social, traditional or other) may explicitly or implicitly involve and/or manifest sale and sexual exploitation of children?

Despite the different cultural, religious and legal contexts that Child10 and the Child10 Awarded Members operate in, our joint experience shows that the sale and sexual exploitation

of children is a gendered crime as most victims that we meet are girls and young women. It is however important to recognize that victims can also be boys and non-binary children and youth and therefore ensure a gender sensitive approach to this issue. It is also clear that demand is driven by men and that sale and sexual exploitation of children is gender-based violence. Gender inequality therefore continues to be one of the driving factors behind sexual exploitation of children.

The sale and sexual exploitation of children is however also driven by other inequalities in society apart from gender inequality, such as inequalities in society between ethnicities, nationalities, residence status and religions, as seen in the overrepresentation of minorities and refugees amongst victims. This makes it important to give particular consideration to these especially vulnerable groups in society.

The ongoing health crisis caused by the *covid19 pandemic* has contributed to an even more rapid digitalisation of society. Unfortunately, this also includes sectors where children and young people are exposed to exploitation and abuse. Abuse material featuring children and young people is no longer only available on the dark web, but is also freely uploaded on the major porn sites. Recent discoveries reveal that abuse material is also available on social media platforms such as *Instagram*, *TikTok* and *onlyfans* and children are increasingly being targeted on mainstream online platforms.

Adolescents' main source of sexual education is pornography, while violent, cross-border and sexist pornography has become mainstream. Violence is mainly directed at girls and women, and consent is almost non-existent. It is thus not surprising that the abuse statistics among young people are only increasing, also online. Mainstream porn reverses gender equality and represents a major challenge in achieving several of the UN's sustainable development goals (SDGs), including goal 5, which is about achieving full gender equality.

This is a trend that needs to be stopped. To overcome this trend it is vital to include young people and survivor voices in policy development on the international level, and implement policies that strengthen the protection of children against the porn industry. Furthermore, it is necessary to strengthen awareness raising initiatives and educate children and youth worldwide about the risks of both online exploitation (e.g. cybergrooming) and offline exploitation (e.g. the loverboy scam), and equipping them with knowledge about how they can be powerful agents of change by avoiding such risks and reducing the cycle of demand through conscious actions and attitudes.

At the same time, there is a need for holistic prevention campaigns to provide young people with knowledge on how to protect themselves against sexual exploitation. The German Conference of Ministers for Gender Equality 2020 emphasised that perpetrators frequently contact young women via social networks and called for more preventive measures to educate and sensitise young people about the loverboy scam and raise their awareness.

Moreover, widespread internet penetration has also created space for misuse of technology. Digitalisation has provided many good and positive opportunities for development and innovation. At the same time, there is no doubt that we will be facing major challenges when the entire Global South, including the last 3 billion who do not yet have access to the internet, become connected online. It is important that our global community does not turn a blind eye to the human rights challenges this entails, including the risk of increased online sexual

exploitation of vulnerable children. In the consideration of the Norwegian parliament report «Digital transformation and development policy», the parliament called for measures to combat sexual exploitation online.

Equally, each nation state and corporation should be held accountable for their investment in the global sex trade. In the example of Norway, there is currently only one bank to our knowledge that has taken a stance against investments in the adult industry as a means to combat exploitation of children giving grounds to question the revenue of the global porn industry and to what extent states worldwide profit off of sexual exploitation of women and children through their investments and equity funds.

When it comes to human and child trafficking across borders, Western Balkan (WB) countries are still predominantly countries of origin of victims of all forms of exploitation, whereas Western and Northern European countries are mostly countries of destination. The role of women and girls in the Western Balkans societies is based on the so-called traditionalist and firmly patriarchal and rigid conservative mindset, which puts women in their “right place”, a place that often has little in common with what the full respect of women’s rights and equal participation should mean¹. Different reports point out that patriarchal traditions such as gender identities and roles, patriarchal authority, adherence to a honor-and-shame system and customs of hierarchal ordering within the family have long shaped violence against women and girls in the Balkans². Implicitly, forms of gender-based violence such as psychological, physical and / or sexual violence, in which men treat women and girls as "property" (in some remote areas), have resulted in children (mainly girls), trying to escape domestic violence, to fall prey to human trafficking by relying on other persons outside the family for "support" and "protection". Moreover, early and forced marriages that take place mainly for economic reasons, as well as due to the traditions and mentality, involve girls under the age of 18, who are exploited and maintained in domestic and sexual slavery.

It is still evident that in most communities preference is given to boys when it comes to education. The experience of the NGOs contributing to this report has shown that parents are still reluctant to speak about sexual reproductive health with their children and they are mostly hesitant to report any form of sexual exploitation of children. The serious and organized crime threat Assessment (SOCTA)³ reported in their 2021 report that there has been a continuous increase in activities related to online child sexual abuse over recent years. Online child sexual abuse likely remains highly underreported, despite the significant presence of the phenomenon⁴. Many victims remain unidentified and their abusers undetected. Child sexual exploitation targets the most vulnerable members of society.

Roma remain the most vulnerable minority in the Western Balkans experiencing major difficulties in accessing different services including healthcare and the labour market. Roma children are likely to become victims of child sexual exploitation more often due to poverty, social exclusion and non-registration of new-born. Roma children are also at higher risk of early and forced marriages. In some European countries, especially those in the Western

¹ <https://kvinnatillkvinna.org/wp-content/uploads/2018/11/WRWB2018.pdf>

² UN Women. (2019). Violence against Women and Girls in Albania 12

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<https://www.europol.europa.eu/activities-services/main-reports/european-union-serious-and-organised-crime-threat-assessment>

⁴ <https://nula49.com/brcko/brcko-zbog-maloljetnicke-pornografije-uhapsena-cetiri-muskarca>

Balkans all forms of exploitation of Roma children has been justified as traditional cultural practices and customs by law enforcement and social workers and often used as an excuse not to undertake any measures to assist victims and prosecute perpetrators. Children from low-income families and/or single-parent families are also very vulnerable to sexual exploitation and production of child abuse material.

2. How is gender and gender identity incorporated in existing legislative and policy frameworks on the eradication and prevention of the sale and sexual exploitation of children?

a. Please provide information on relevant legislation or policy on the implementation of integrating gender dimension in the prevention and eradication of sale and sexual exploitation of children, online and offline.

Gender and gender identity in legislative and policy frameworks related to the sale and sexual exploitation of children differ extensively across Europe.

The Criminal Code (CC) of the Federation of Bosnia and Herzegovina (FBiH) stipulates that any criminal offense committed due to gender or gender identity, as well as due to race, colour, religion, national or ethnic origin, language, disability, sexual orientation of another person, is a criminal offense of hatred, and that such conduct will be taken as an aggravating circumstance.⁵ The FBiH CC prescribes the criminal offense of trafficking in human beings, which includes sexual exploitation of children, but does not prescribe a special criminal offense of trafficking in children. The Strategy for Combating Trafficking in Human Beings in BiH 2020-2023, adopted by the BiH Council of Ministers, states in the guiding principles of the strategy that one of the approaches must be gender-specific, because the specifics of trafficking are particularly reflected in the diversity of trafficking among women and men, which are most pronounced in the forms of exploitation of victims and the manner of recruitment. Also, the Strategy states that the promotion of gender equality, as well as the suppression of gender-based violence, are, among other measures, key instruments for combating the root causes of human trafficking.⁶

In Serbia, many relevant legislations and policies are brought just to tick the box, without a proper understanding of the purpose, effects and impact expected from incorporating gender, gender identity and gender dimension in any document.

Albanian legislation explicitly prohibits sexual exploitation of children. The Criminal Code of the Republic of Albania, in the Article 128/b punishes “Trafficking of Minors” (including for sexual purposes). In this article, external trafficking of children is not specified, as foreseen for the criminal act of “Trafficking of adults”.

⁵ KRIVIČNI ZAKON FEDERACIJE BOSNE I HERCEGOVINE ("Sl. novine FBiH", br. 36/2003, 21/2004 - ispr., 69/2004, 18/2005, 42/2010, 42/2011, 59/2014, 76/2014, 46/2016 i 75/2017)

⁶ STRATEGIJA SUPROTSTAVLJANJA TRGOVINI LJUDIMA U BOSNI I HERCEGOVINI 2020–2023, Bosna I Hercegovina, Vijeće ministara

The Article 117 of the Criminal Code punishes “Pornography” as a criminal act specifying that “...Recruiting, using, forcing, or persuading a child to participate in pornography, or participating in pornography involving children, is punishable by five to ten years in prison” but in this article there are no specifications for online or offline sexual exploitation.

Sale of children is not foreseen as a criminal act in the Criminal Code but it is foreseen in the law no. 18/2017 “On the Rights and Protection of the Children”. Article 26 states that "The child is protected from trafficking, sale and any form of sexual exploitation and abuse..."

In the Albanian legislation it is not explicitly mentioned the gender dimension of sale or sexual exploitation of children, although Albania has ratified several international Conventions and Protocols which addresses this issue. International Law ratified by Albania is considered part of domestic legislation and is binding.

In Sweden, the crime of gross violation of women's rights was introduced in the Criminal Code in 1998 as part of the Women's Peace Reform. The criminal classification is unique in its construction because several individual, in themselves punishable, acts together can constitute a serious crime. The provision focuses on repeated violations in the form of violent, peaceful or sexual offenses committed by a man against a woman in a close relationship. The acts referred to are, for example, assault, unlawful threats, unlawful coercion, sexual or other harassment and sexual exploitation. On 1 July 2013, the law was amended to also cover vandalism and violation of contact bans. The law is designed to facilitate prosecution of perpetrators who have repeatedly violated a close woman. The law is currently under review in order to be updated to reflect today’s situation.

The sex purchase act was passed in Sweden as the first country in the world in 1999 making the act of purchasing sex illegal, acknowledging that prostitution is violence against women. This has contributed to a change in societal norms condemning sex purchase and shifting the blame from the victim to the perpetrator. Also, rape legislation has been consent based since 2018, in part to address the unequal power relations between genders imbedded in society.

b. What are the existing gaps and challenges in incorporating the gender dimension in legislations, policies and practices?

In general our experience across Europe is that in countries where gender and gender identity is being incorporated into legislative and policy framework, implementation continues to be lacking often due to lack of resources and knowledge.

In the WB there are no clear regulations that deal exclusively with eradicating and preventing sale and sexual exploitation of children while taking gender dimension into consideration. Legislation and policies have improved, although, many issues are yet to be tackled. The actual implementation of the current relevant regulations in the WB countries is still very weak and it is influenced by prevailing prejudices and stereotypes about females, especially those of Roma origin, victim blaming and shaming and about sexual exploitation in general. In Serbia a person that engaged in sexual intercourse with e.g. children as young as 13 was

not found guilty before the court of law as reportedly he didn't know he was doing something wrong since he culturally behaved like most members of his community"⁷.

The media, especially tabloids and portals in the WB treat the issues in a sensationalistic manner and hence perpetuate the existing stereotypes, especially about females in general, labelling child sexual exploitation as voluntary prostitution by stating that "*minor girls sell their bodies for 100 Euro*"⁸, even though any sexual intercourse with minors is considered a criminal offence.

Although different national and international reports acknowledge that 90% of all sexual crimes against children in Albania are committed against girls, the national legislation does not acknowledge a gender perspective. Despite sustained lobbying from civil society, Albania also lacks national action plans specific to the sexual exploitation of children as well as incorporation of the child marriage issue into the national programs and strategies of Albanian government.

The National Report on Online Safety of Children and Young People in Albania, published by CRCA Albania in 2019 shows that gender, although apparently does not pose any specific cause for violence, bullying or pornography on the Internet, it actually presents some characteristics that need to be considered, e.g., hate speech and calls for sexual violence in most cases are directed towards girls and very rarely against boys.

In Sweden, an issue that has recently become apparent is the lack of protection of commercial sexual exploitation of children, and in particular girls, above the age of sexual consent. Although considerations to children's agency are important, they are still vulnerable to the societal unequal power structures between genders which is especially evident when there is an age gap. Also, although exploitation of children above the age of sexual consent through sex purchase is illegal, the ability to punish the perpetrator rests on whether or not he was aware of the child's age, which has often depended on the physical features of the child and not on what the perpetrator did to ensure that he was engaging with an adult.

In addition, the protection of children who have visibly undergone puberty is less when it comes to documented child sexual exploitation and abuse as only those watching and possessing pictures and films of children who have not visibly undergone puberty is punishable by law.

3. Please provide contextual information on any existing good practices, policies or legislation tackling sale and sexual exploitation of children that include a gender dimension that takes into account gender identities.

The Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse has become a part of the legal regulatory framework for the protection of children from sexual exploitation. Special protection of children from exploitation is provided

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<https://www.womenngo.org.rs/vesti/1494-saopstenje-za-javnost-povodom-presude-apelacionog-suda-u-beogradu-kojom-se-k-rse-prava-deteta>

⁸ <https://www.klix.ba/vijesti/bih/prostitucija-u-bih-maloljetnice-tijelo-prodaju-za-100-eura/170527064>

by the adoption of the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography.

European countries have taken important steps towards fully implementing the United Nations Convention on the Rights of the Child which requires State Parties to respect and ensure the rights set forth in the Convention to each child within their jurisdiction without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, color, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status.⁹

In Albania, children, and specifically girls who are victims of sexual exploitation can call and ask for help at the hotline for victims of trafficking 116006 or at the hotline for children ALO 116. They can also use the platform "Raporto! Shpeto" or www.isigurt.al.

Upon the Law no. 35/2017 "On some additions and amendments to Law No.7905, dated 21.03.1995 "The Code of Criminal Procedure of the Republic of Albania", as amended, there are expressly introduced legal provisions providing for special procedural rights for the juvenile victim, the sexually abused victim and the victim of trafficking in human beings. Amendments to criminal procedure. The amendment of the Code of Criminal Procedure regulates the issues of the victim's rights of the criminal offense, in the criminal procedural aspect, who have the right to receive medical care, psychological assistance, counselling and other services provided by the authorities, organizations or institutions which are responsible for assistance to the victims of the criminal offense.

Victim access to information is further improved since the adoption of Law no. 97/2016 "On the organization and functioning of the Prosecution Office in the Republic of Albania". According to Article 61, point 4 of the Law in each respective prosecution office it is assigned a Public Relations Coordinator who is responsible for informing the victims.

Civil Society Organizations remain an important actor for protection of girls and boys who have been victims of sexual exploitation. The assistance to victims of trafficking (including children victims of sexual exploitation) in Albania is provided by CSO shelters and as well as the local communities; there are four centres which provide residential and community services and there are three NGOs: Vatra Psycho-Social Center, Different and Equal, Other Vision and the National Reception Center, members of National Coalition of Anti-trafficking Shelters (NCATS) which provide long-term reintegration services for domestic and foreign victims of trafficking (including children victims of sexual exploitation).

The reintegration services of these three NGO shelters include: accommodation, security and protection; medical assistance; psychological assistance; psycho-social assistance; mediation/facilitation with the family of origin; assistance to education and attending school; legal assistance; vocational training; coaching for employment, counseling and support for employment; social activities, mentoring; services for economic empowerment including grants for microbusiness; assistance to children of victims of trafficking; financial support and long term accommodation; information on available services in the community and respective contact information; monitoring and ongoing supervision of the beneficiaries of the programs.

Despite these centres, there is an insufficient number of residential services for children and young boys. The only center in Albania that provides shelter for boys is "Other Vision" in

⁹ Child Protection Index 2.0, Bosnia and Herzegovina,2019., Measuring government efforts to protect girls and boys, Stronger Voice for Children, Our Children, World Vision

Elbasan, member of National Anti-trafficking Shelters Coalition. Three other shelters provide shelter only for girls and women and services for boys and men are provided in community (in alternative places such as family, foster families or rented apartments).

In 2018, Albania adopted the 2018-2020 National Action Plan for Combating Trafficking in Persons. Currently, a new National Action Plan for Combating Trafficking in Persons 2021-2023, is being drafted.

In Albania, the office of the National Anti-Trafficking Coordinator (ONAC) is the main national coordinating structure focused on action and policies against trafficking in persons. ONAC coordinates and monitors anti-trafficking activities at the national level. The Responsible Authority is an important structure on managing the cases of the victims of trafficking (including sexual exploitation) and maintaining a national database. There are also Standard Operating Procedures for protection of VoTs (SOPs) which were approved with CMD no 499, date 29.08.2018. According to SOPs “Initial identification and response”, “formal identification” and “protection of victims/potential victims of trafficking” (including sexual exploitation), are a set of actions undertaken by state and non-state institutions, local and central, responsible for the protection of trafficked persons at borders, inland and outside the territory of the Republic of Albania, which make it possible to determine whether a child or an adult person is a victim or potential victim of trafficking in human beings, and make possible, their protection.

4. What institutional, regional and national legal frameworks are in place to integrate gender dimension in the prevention, prohibition and protection of children from all forms of sale, sexual abuse and exploitation?

Although there are several international and regional policies and directives in Europe aimed to protect children from all forms of sale, sexual abuse and exploitation in place in this regard, the specific legal framework is often left to the states to develop and implement, creating huge differences across Europe. We believe that a stronger and more specific international and regional legal framework is necessary - especially in the context of the growing online sale, sexual abuse and exploitation of children which is cross-jurisdictional and therefore must be addressed internationally.

The Strategy for Combating Trafficking in Human Beings in Bosnia and Herzegovina 2020-2023, adopted by the BiH Council of Ministers, states that respect for children's rights, improvement of prevention of child trafficking are basic principles of protection, as is provision of special protection and assistance to child victims of human trafficking, and that all activities undertaken in relation to children should be based on international standards and in the child's best interest. Also, the Strategy states that the approaches in the strategy must be gender-specific, because of the diversity of trafficking among women and men.¹⁰ However, in BiH there is inadequate coordination between state, local, private, non-governmental agencies and child-care agencies for child victims, and different approaches lead to violations of the child's rights.¹¹

¹⁰ STRATEGIJA SUPROTSTAVLJANJA TRGOVINI LJUDIMA U BOSNI I HERCEGOVINI 2020–2023, Bosna i Hercegovina, Vijeće ministara

¹¹ Child Protection Index 2.0, Bosnia and Herzegovina, 2019., Measuring government efforts to protect girls and boys, Stronger Voice for Children, Our Children, World Vision

Besides noting greater vulnerability and risk for girl victims of human trafficking, Serbia has not demonstrated a proper response in incorporating gender dimension in prevention, prohibition and protection of children from sale, sexual abuse and exploitation. Only recently, data from local Centres for Social Work on child marriages has been presented, however, from such reports it is impossible to conclude what measures (if any) are taken to prevent such practices and protect the children, the majority of whom are girls. Consequently, no reports on the efficiency of any measures, or their impact, are available in Serbia.

In Albania, there are no specifications in the legal framework where it is stated to integrate the gender dimension in the prevention, prohibition and protection of children from all forms of trafficking, sexual abuse and exploitation.

5. What forms and manifestations do gender dimensions take in the context of the eradication and prevention of the sale and sexual exploitation of children, boys in particular, including online, and which ones are the most prevalent. Please provide information about the causes and manifestations of gender dimension, and how it affects the eradication and prevention of sale and sexual exploitation of children.

This has been addressed under the first question.

6. Please indicate any specific measures aimed at reducing vulnerability of children to sale and sexual exploitation in a gender-and disability-responsive, as well as age-and child-sensitive manner.

Although children with disabilities are recognized as a particularly vulnerable group in BiH, the lack of data collected for this group does not allow for appropriate strategic planning to develop support mechanisms and responses to potential discrimination, and cannot be properly monitored. Most measures aimed at reducing vulnerability of children to sale and sexual exploitation which are age and child sensitive are created and implemented by relevant CSOs. Moreover, most national strategies for prevention and combating the issues envisage CSOs as both initiating and implementing organisations of such measures.

In 2020, Romania adopted the Standard Operating Procedures adapted to the child protective system concerning the identification and referral of cases of human trafficking within the system. This Mechanism was put in place by the National Authority for Child Protection and Disabilities in partnership with the Ministry of Interior and provides a simpler and more clear procedure of reporting cases and notifying suspicions.

In Albania, the elimination of all forms of violence against children is one of the strategic pillars of the National Agenda for the Children's Rights 2017-2020. Special attention is given to prevention as a key strategy for protecting children from all forms of violence, including the promotion of non-violent positive parenting. The Agenda is aimed at the establishment of specialized services for child victims of sexual abuse and other forms of violence as one of its specific objectives.

The Albanian Law 18/2017 “On the Rights and Protection of the Child” states the obligation of reporting cases of children in need of protection, including cases of violence, as a measure of enforcing child protection against economic exploitation. The Albanian State Agency for the Protection of Children's Rights (SAPCR) monitors violations of children’s rights as well as ethical standards, respect for privacy and anonymity of the child, in reporting cases involving children during audio-visual broadcasts. Article 26 of this law addresses the protection of children from trafficking, sale and any form of sexual exploitation and abuse, including illegal sexual activity, child prostitution or other illegal sexual practices, exposure, display or involvement in pornographic materials or sexual abuse of children. Based on this law, Albania developed in 2019 “Procedures for the identification, immediate assistance and referral of economically exploited children, including children in street situations”.

At the local level in Albania, Child Protection Units (CPUs) have been established and operate, which have the responsibility to identify, evaluate, protect and provide services to children at risk of violence, abuse, exploitation or neglect.

In 2017, the Albanian Code of Criminal Justice for Children was implemented. This Code contains special provisions on criminal liability of children, procedural rules relating to investigation, prosecution, court proceedings, and execution of criminal sentences, rehabilitation or other measures involving a child in conflict with the law, as well as a child victim and / or witness of the criminal offense. The rights deriving from this Code shall be guaranteed, without any discrimination, to any child in conflict with the law, victim or witness, irrespective of gender, race, color, ethnic origin, economic condition, educational or social, pregnancy, family or marital status, disability, belonging to a particular group, etc. The child victim or witness of a criminal offense shall be treated with care, kindness and sensitivity which respect their dignity throughout the process, considering their personal situation and immediate and special needs, age, gender, disabilities, where applicable, and maturity.

7. What measures and safeguards can be put in place to identify the protection needs of vulnerable children in order to prevent, prohibit and protect them from all forms of sale and sexual exploitation, including examples of child-friendly, independent, timely and effective reporting and complaints mechanisms made available without discrimination in child-friendly spaces at community, national, and regional level.

All countries who have failed to already do it should put in place some measures and safeguards to identify the protection needs of vulnerable children in order to prevent, prohibit and protect them from all forms of sale and sexual exploitation as well as to make all efforts needed to provide and finance mechanisms for reporting any form of violence that are child-friendly, such as the state or entity telephone hotline. The governments should take responsibility for ensuring or increasing access to the child abuse reporting hotline services, which is currently provided by CSOs. An adequate system for gathering data on vulnerable children, including children with disabilities should be established, centralized and regularly updated. Proper coordination between state, local, private, non-governmental agencies, child – care agencies for victims of violence should be established to prevent any violation of the

child's rights. Also, all countries should provide financial standards for all state and sponsored services, including rehabilitation services for the recovery and reintegration of children victims of violence.¹²

Also, a strong social welfare system with competent local, well distributed network of centres, supported by the state and local municipalities, not only in terms of financial but more importantly on organizational and expert workers' side is the key to improving the response. In many European countries, the percentage of children registered by the social welfare system is rising every year. On the other side, Centres for Social Work are reporting overburden, CSOs are reporting a lowering of the standards of services, there are voices on burnout and despair, for not being able to provide the adequate response to the children. Development of the private-public partnerships and building a true partnership relation with local and national CSOs is also very important, allowing creation and maintenance of the services needed locally. Creation of safe, sustainable and nurturing family environments, and provision of specialized assistance and support for families at risk of child exploitation, addressing gender inequities in relationships, home, school, changing cultural attitudes and practices that support exploitation of children are measures that still need to be put in place across Europe to prevent, prohibit and protect children from all forms of sale and sexual exploitation.

Below are some recommendations to be considered by the countries who have failed to do it so far:

1. Legal framework and Child Protection Systems

- Ensure a child rights-based and gender sensitive approach to all relevant policies and legislation;
- Ensure that all children are given the full enjoyment of their rights - leaving no one behind, by particularly considering the situation and needs of children at risk, including migrant children and children in minority communities in all relevant policies, legislation and programs;
- Harmonize the definition of a child with international standards so a child is defined as all persons under 18 years old;
- The terms “Child pornography”, “Child prostitution” should be replaced by appropriate terms;
- Each case of sexual exploitation of a child must be treated as sexual exploitation or human trafficking of children;
- Incriminate conscious attendance of pornographic performances with participation of children by the relevant laws;
- In relation to acts pertaining to child exploitation in prostitution, the relevant laws should prescribe as aggravating circumstance the fact that the perpetrator, intentionally or negligently, endangered the life of the child or that the crime involved severe violence or caused serious harm to the child;

¹² Child Protection Index 2.0, Bosnia and Herzegovina, 2019., Measuring government efforts to protect girls and boys, Stronger Voice for Children, Our Children, World Vision

- Consider stricter penal policy on criminal acts related to Commercial Sexual Exploitation of Children (CSEC);
- Consider changes in law on the age for sexual consent and review the protective mechanisms when it comes to sexual exploitation of children above the age of sexual consent;
- Continue with the implementation of child friendly justice in practice as well as a child-friendly approach;
- Include child participation in developing and implementing policies and programs,
- Involve survivors in developing and implementing policies and programs;
- Involve at-risk communities, including minorities, in developing and implementing policies and programs; and
- Address gender inequalities between boys and girls and include the topic of CSEC and sexual exploitation of children online (SECO) in school curriculums and provide earmarked funding and appropriate training to ensure efficient implementation.

2. Private Sector: tech companies and local internet cafés, the travel and tourism sector

- Promote code of conduct against CSEC among travel and tourism sector;
- Implement capacity building and preventive activities on combating CSEC in travel and tourism sector;
- Develop transparent procedures to identify and report SECO cases within the IT sector
- Ensure that the best interest of the child is a primary consideration in ePrivacy and eCommerce policies and legislation; and
- Involve representatives of travel and tourism in national referral mechanisms and implementation of existing standard operating procedures (SOP).

3. Law enforcement and Criminal Justice

- Allocate earmarked funding for combating CSEC and particularly SECO;
- Continue with the trainings for law enforcement and judiciary representatives;
- Initiate signing of Memorandums of cooperation among countries in the Region on CSEC and particularly SECO;
- Overcome legal and administrative obstacles in order to use available platforms for CSEC and particularly SECO investigations (like Better Internet for Kids (BIK));
- Strengthen human resources of law enforcement, judiciary and service providers to prevent burnout of staff working on CSEC and particularly SECO cases;

- Encourage exchange among professionals in different countries in the Region and beyond; and
- Organize joint regular meetings and training for law enforcement and prosecution representatives on national and regional level.

4. CSOs and International organizations

- Review public funding mechanisms to the CSO sector, especially to CSOs providing direct assistance to victims which falls within states responsibility;
- Raise capacities of CSOs on CSEC and particularly SECO;
- Develop and support services and reintegration programs for victims of CSEC and particularly SECO;
- Make services available to all children, particularly those in rural and economically and socially challenging environments or otherwise belonging to most marginalised or vulnerable communities;
- Include participation of children in developing services and preventative measures;
- Develop preventive programs on CSEC and particularly SECO for parents;
- Adjust preventive activities to the language and IT tools children are mostly using; and
- Build capacities and encourage the media to report on cases of CSEC and particularly SECO in line with code of conduct.

8. Please indicate any other areas of concern and provide any additional information which is relevant in the context of gender dimension and eradication of sale and sexual exploitation of children.

Survivors often struggle to find safe spaces and it is therefore important to create safe spaces for them and to also provide access to other trusted survivors that children can relate to. Most victims of sale and sexual exploitation are females and it is vital that their specific needs are mainstreamed in direct assistance programs. In addition, it is also important to bear in mind that there are victims with other genders and gender identities as well and therefore the gender dimension should always be taken into account in all policies and programs directed towards sexual exploitation in general. It is also important to have separate shelters for male and female beneficiaries where they can feel safe.

The UNICEF report “Situation Analysis of children in Bosnia and Herzegovina”¹³ suggests that BiH has one of the highest incidence rates of children's exposure to sexual violence in the region. Roughly 19 percent of children 11-16 years of age reported to having experienced sexual contact during their entire lifetime, and among those, 10 percent reported to having

¹³ Situation Analysis of Children in Bosnia and Herzegovina, March 2020, UNICEF

experienced sexual violence during their entire lifetime. Other drivers of inequity in BiH include poverty, rural/urban divides, minority status (particularly for the Roma population), disability status, and refugee or migrant status. Each driver compounds existing inequities and exacerbates vulnerability, as does the continuing lack of available data to support targeted interventions and remedial actions. Social norms around xenophobia, gender-based violence and the needs of children with disabilities, stigma and shame inform and frame discriminatory behaviours towards vulnerable groups, including Roma and other minority children, children with disabilities, children in conflict with the law, and children on the move. Poverty and exclusion inhibit access to health, education, family-based care, justice, and other services, as some groups of children face more barriers than others.

While protocols on the treatment of the abuse and neglect of children and domestic violence at the entity and cantonal levels have been adopted, the inadequate harmonization of legislation on domestic violence and inadequate harmonization of provisions of the Criminal Codes concerning the scope of sexual exploitation and abuse of children, the sanctions to be imposed and the protection of child victims in the entities, district and cantons, the lack of an explicit prohibition of corporal punishment in all settings by law are of concern, as also noted by the CRC Committee in its recent Concluding Observations¹⁴.

Furthermore, key bottlenecks evident in BiH relate to the insufficient allocation of resources and inadequate capacities of Centres for Social Welfare (CSW) to identify, report and address cases of violence against children, and the limited availability of and access to specialized support for child victims of sexual exploitation and abuse, such as psychosocial support and rehabilitation, and the lack of a coherent data-collection system on all cases of violence against, abuse and neglect of children across administrative units. Whilst the Law on Gender Equality, complemented by the Law on Prohibition of Discrimination, largely meets global standards on establishing equal rights for women and men, limited institutional and sectoral coordination, and deeply entrenched social norms, still result in unequal life chances for girls and boys, women and men. Nevertheless, gender discrimination and gender-based violence, fuelled by persistent patriarchal norms, remain critical concerns.¹⁵

Serbian anti-trafficking National Referral System has been receiving inputs from many individuals, officials from different institutions, who are doing their very best and continually aiming for a better response - better support and service to the victims. However, the system as a whole is still largely irresponsive, slow, and insensitive to the victims and persons at risk of becoming a victim of human trafficking. Children are in worse positions than adults, since the number, scope, accessibility and sustainability of the services available for them are very modest.

Lack of data and the difficulties in accessing, collating and processing it, pose additional challenges. E.g., Serbia does not have a unique database for monitoring cases through the system from the police charges, through prosecution to the final judgment. Each institution assigns the case its own number, has its own database system and publishes its own figures and results. The Statistical office of the Republic of Serbia collects and publishes the data

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https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC/C/BIH/CO/5-6&Lang=En

¹⁵ Situation Analysis of Children in Bosnia and Herzegovina, March 2020, UNICEF

separately from each institution. The only way to track the case from the phase of charges through the whole procedure to the final judgments is to do it manually case by case.

Almost no data can be found on child-sex tourism in Serbia¹⁶ or BiH. The link between tourism and sexual exploitation of children has not been raised and recognized as an issue in relevant national action plans. There is no systematic approach towards prevention and combating of trafficking and child sexual abuse practices among business and private sector.

Most of the media reports on child trafficking and sexual exploitation have sensationalistic approaches and often reveal details of investigations, court proceedings, or personal information about children. Most of the cases presented in media reports have individual nature and are not organized.

9. In what context do external environment factors exacerbate the prevalence and/or magnitude of sale and sexual exploitation of children. Do the vulnerabilities of the surrounding environment play a significant role in terms of rural/urban; war/conflict zones, different forms of migration, emergency contexts (e.g. natural & manmade disaster, climate change, COVID-19) and religious context.

Children from rural areas are more vulnerable to sexual exploitation of children, and human trafficking in general, given that in many countries they are deprived of a larger number of rights in relation to children from urban areas. This is closely linked to early and forced marriages among poor children, especially Roma children, in some European countries.

The war in BiH, as well as various other socio-economic and political circumstances, affected the problem of human trafficking in BiH, which emerged in the early 1990s. Until the late 1990s, BiH was a destination country for victims of trafficking, but since then it has also become a country of origin and transit.¹⁷

The COVID-19 health crisis has caused and continues to worsen an economic crisis, the consequences of which, as can already be felt, will increase the unemployment rate and poverty globally, which will increase human trafficking.¹⁸ Given that children who are vulnerable to human trafficking, including child sexual exploitation, most often come from poor families, the COVID-19 pandemic can unfortunately be expected to increase child sexual exploitation, given the global economic crisis and high unemployment rates.

In addition to the above-mentioned consequences, which COVID-19 has caused and continues to cause, there is growing evidence that children are also exposed to online violence during the COVID-19 pandemic, and that home isolation, confinement and restraint measures have resulted in child protection interruptions, or their adjustment, in such a way that social workers do not make personal visits, and that most work is done remotely, via the Internet or telephone.¹⁹

¹⁶ <https://drive.google.com/file/d/1T8nMxvpcAObeVjB9Bc6MNPAz0GOY-tbb/view>

¹⁷ Izvještaj u vezi sa primjenom Konvencije Vijeća Evrope o borbi protiv trgovine ljudima u Bosni i Hercegovini, Strazburg, 14. maj 2013

¹⁸ Global report on Trafficking in persons, 2020, United Nations Office on Drugs and Crime

¹⁹

<https://www.unicef.org/bih/objave-medijima/%C5%A1vedska-i-unicef-u-misiji-spre%C4%8Davanja-nasilja-nad-djecom-u-bih>

Also victims are, as others, under greater stress during the pandemic. Another important factor is the lack of response from institutions in some European countries involved in referral and support to human trafficking victims caused by social distancing measures and consequent reduced work capabilities.

In many countries, vulnerable individuals and persons at risk, are in a worse position than before the COVID-19 crisis. Persons who survived trafficking are experiencing a deterioration of their living conditions. Available accommodation options are shrinking for female victims and are non-existent for males victims and vulnerability and risk previously limited to the former victims has now also extended to their children thereby causing the children, especially, girls to be at a heightened risk of trafficking.

Across Europe, migrant children face harsh realities that are characterized by discrimination and limited access to basic services, children who are migrating, especially if unaccompanied, face increased risk of being subjected to violence, including sexual violence, exploitation, and human trafficking. Even though there are various Conventions and Protocols in place that offer some protection to migrant children, more needs to be done, including: an integrated approach to complex vulnerabilities; improved access to information and education for children; risk mitigation through awareness campaigns and prevention mechanisms; adequate access to resources; and expanding national child protection measures to include children on the move and those left behind in asylum centres. More than 180,000 migrant children went missing in Europe between 2018 and 2020 and in the Netherlands 25,000 children disappeared in refugee centres in 10 years.

Surrounding vulnerabilities of the environment, such as disasters, climate changes, COVID-19 play a significant role in child exploitation because the increased isolation and loneliness of children poses a greater risk of increased grooming by offenders, whereas economic hardships and restrictions disrupt reporting of abuse and disable adequate support assistance. Covid 19 has reportedly increased the demand for child abuse material on Pornhub, that allegedly monetized child rapes. A search for “girls under18” (no space) or “14yo” leads in each case to more than 100,000 videos²⁰, resulting in increased online child sexual exploitation.

Based on the data from the victims supported at Vatra Psycho-Social Center in Albania, and national and international reports, several factors exacerbate the prevalence and/or magnitude of sale and sexual exploitation of children:

1. The difficult social and economic conditions of families, their poverty and unemployment, affect the increase in the prevalence of child sexual exploitation. Children forced by the economic conditions of their families, drop out of school and find themselves in street situations, begging, collecting and selling garbage, etc. Also, due to economic conditions and mentality, parents marry their minor daughters earlier, in a forced way to "secure their future". Small number of qualitative studies conducted in the last five years²¹, show that: a) child

²⁰ <https://www.nytimes.com/2020/12/04/opinion/sunday/pornhub-rape-trafficking.html>

²¹ a) In 2015 with the support of the Canadian Fund for Local Initiatives (CFLI), focusing on Roma community in three selected areas: Shkoza, Tufina and Lake - published report is available at: http://observator.org.al/wp-content/uploads/2015/03/2015-Martesat_e_hershme_ne_Shqiperi.pdf

marriage is an important issue, little-explored, affecting mainly girls from different social groups; b) it is mainly driven by gender inequality, as well as poverty and social exclusion; and c) there are a number of harmful effects.

2. The increase of incidence of gender-based and domestic violence, perpetrated mainly by men on women and children, leads to the children escape from the home, who, found without support, fall prey to exploiters who cheat children (mostly girls), for protection, employment, and affective love affair.

3. Uncontrolled migration of children. There are many cases when parents, thinking of a better life for their children, send their children accompanied by other relatives or not, increasing the possibility that children unaccompanied by their parents, fall prey to traffickers who are considered as "their protectors".

4. The influence of social groups and the use of social networks for a long time (mainly during periods of closure due to COVID 19) has led many children to create "groups of friends" outside their social circle and get involved through fraud, blackmail, in exploitative sexual activities (mainly underage girls 13 - 17 years old). These findings are also supported by studies and reports. The report published by ECPAT, 2020, states that Albania²² saw an increase in reports of pages containing CSAM to www.isigurt.al during shelter-in-place restrictions for the 2020 COVID-19 pandemic. Of the total 6129 reports to www.isigurt.al in the first half of 2020, 6054 were pages, videos or profiles that contained child sexual abuse material the country becoming an increasingly popular tourist destination²³ (ECPAT, 2020).

5. The increase of the tourism development in Albania has led to the uncontrolled and unsafe movement of children within the country, who come mainly from rural areas or Roma communities, and are exploited in areas with high tourism in sexual exploitation, forced begging and forced criminal activity. 2020 US Department of State's trafficking in Persons report highlight that the internal trafficking of children for the purposes of sexual exploitation increases during the tourist season²⁴.

b) In 2016, supported by CFLI, piloted in Korca and Vlora - the published report is available at:

http://observator.org.al/wpcontent/uploads/2016/02/ZEB_Studimi_al_12Shk2016.pdf

²² ECPAT International. (2020). Why children are at risk of sexual exploitation during COVID-19.

²³ ECPAT Albania. (July 2020). Personal communication.

²⁴ US Department of State. (2020). Trafficking in Persons Report 2020. 70