



# Convention on the Rights of the Child

Distr.: General  
10 September 2019

Original: English

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## Guidelines regarding the implementation of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography\*

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\* Adopted by the Committee at its eighty-first session (13–31 May 2019).

GE.19-15447(E)



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## I. Introduction

### A. Recent developments related to the sale and sexual exploitation of children

1. The Convention on the Rights of the Child, adopted in 1989, and the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, adopted in 2000, are the most comprehensive international legal instruments that promote and safeguard the rights of the child and protect children from sale, sexual exploitation and sexual abuse. However, these treaties were adopted at a time when information and communications technology (ICT)<sup>1</sup> and social media were much less developed and less widespread, and when sexual offences against children did not have the close linkage to the digital environment that is often present today. While the Convention and the Optional Protocol are fully relevant and applicable also in the digital environment, their provisions require an interpretation adapted to today's realities.

2. The rapid development and spread of ICT are providing great opportunities to accelerate human progress and reduce inequalities. At the same time, this development has exposed more children to the risk of sale and sexual exploitation. It has opened up new ways for sexual offenders to connect with and solicit children for sexual purposes ("grooming"), to view and participate in online child sexual abuse via live video streaming, to distribute child sexual abuse material, including self-generated content produced out of "sexting", and to commit the sexual extortion of children. In addition, such technology provides new opportunities for offenders to connect and share encrypted information with one another, and the use of the darknet for committing or facilitating offences covered by the Optional Protocol is presenting new challenges for law enforcement. In a world where Internet access is expanding at unprecedented levels, the risk of children being sexually exploited or bought and sold as a commodity is becoming ever greater.

3. In a globalized and increasingly mobile world, the sale and sexual exploitation of children in the context of travel and tourism represents a growing threat. Travelling child sex offenders, whether they travel across borders or within their own countries, find easier access to children in vulnerable situations, often through the use of networks of anonymous contacts on the darknet.

4. The gender dimension of sexual offences against children is another important aspect with respect to the implementation of the Optional Protocol. While the majority of victims are girls, recent research has shown that a significant proportion of children depicted in online child sexual abuse material are boys. There are still very few support structures for boys who are victims of sexual exploitation and sexual abuse.

5. The Committee, under its mandate to monitor implementation of the Optional Protocol, recognizes that some of the terms used in international and regional instruments on the rights of the child, such as "child pornography" or "child prostitution", are gradually being replaced. Among the reasons behind this change is the fact that these terms can be misleading and insinuate that a child could consent to such practices, undermining the gravity of the crimes or switching the blame onto the child. In light of this, the Committee encourages States parties and other relevant stakeholders to pay attention to the Terminology Guidelines for the Protection of Children from Sexual Exploitation and Sexual Abuse for guidance regarding the terminology to be used in the development of legislation and policies addressing the prevention of and protection from the sexual exploitation and sexual abuse of children.<sup>2</sup>

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<sup>1</sup> The term "ICT" encompasses any communication device or application, including radio, television, cellular telephones and computer and network hardware and software.

<sup>2</sup> See <http://luxembourgguidelines.org/english-version>.

## **B. An increasing body of recommendations from various international stakeholders**

6. The Committee has considered the significant impact that digital media and ICT are having on children's lives, including in its concluding observations, in its general comments Nos. 13 (2011) on the right of the child to freedom from all forms of violence, 14 (2013) on the right of the child to have his or her best interests taken as a primary consideration, 16 (2013) on State obligations regarding the impact of the business sector on children's rights and 17 (2013) on the right of the child to rest, leisure, play, recreational activities, cultural life and the arts, and in the context of its day of general discussion in 2014 on the rights of the child in the digital media. Furthermore, the Human Rights Council devoted its 2016 annual full-day meeting on the rights of the child to the theme of information and communications technology and child sexual exploitation.

7. Through the Sustainable Development Goals, States manifested their intention to invest in children and ensure a world where children could be free from violence. Some of their goals are to eliminate all forms of violence against all women and girls (target 5.2), to take immediate and effective measures to secure the prohibition and elimination of the worst forms of child labour, including recruitment and use of child soldiers, and by 2025 end child labour in all its forms (target 8.7) and to end abuse, exploitation, trafficking and all forms of violence against and torture of children (target 16.2). Effective implementation of the Optional Protocol, which covers the above-mentioned targets, can also contribute to achieving the Sustainable Development Goals.

8. The present guidelines on the implementation of the Optional Protocol are the result of a process of consultations with relevant stakeholders, including States, specialized national and international non-governmental and intergovernmental organizations, and United Nations specialized agencies and bodies.

## **II. Objectives of the guidelines**

9. The main objectives of the present guidelines are:

(a) To foster a deeper understanding of the Optional Protocol's substantive provisions and of the various modern forms of sale and sexual exploitation of children in light of developments in the digital environment and given the increase in knowledge and experience with regard to the sale and sexual exploitation of children since its adoption;

(b) Enable more effective implementation of the Optional Protocol by States parties;

(c) Ensure that the Optional Protocol remains an instrument that enhances the protection of children from sale and sexual exploitation, whether such offences are facilitated by ICT or not.

10. These guidelines also have the objective of supporting and strengthening initiatives and efforts undertaken by States parties to better fulfil their obligations under the Optional Protocol, including in respect of reporting to the Committee as defined in the revised guidelines regarding initial reports to be submitted under the Optional Protocol (CRC/C/OPSC/2), adopted in 2006, and the treaty-specific guidelines regarding the form and content of periodic reports (CRC/C/58/Rev.3), adopted in 2014.

## **III. General measures of implementation**

11. The Committee emphasizes that any measure to implement the provisions of the Optional Protocol should fully comply with the Convention, in particular with the general principles contained in articles 2, 3, 6 and 12, as well as respecting the child's right to privacy. The Convention also requires that children are informed of their rights in an age-appropriate manner, that children have the right to express their views freely in all matters

affecting them, and that such views are given due weight in accordance with the age and maturity of the child.

12. States parties should make efforts to include child participation in the drafting process and in the implementation of legislative and policy measures, ensuring that the views of children are considered without discrimination, and that adults consulting with them have the necessary training and resources to carry out the consultations in an age-appropriate and gender-sensitive manner.

13. In any measure to implement the Optional Protocol, the Committee encourages States parties to give specific consideration to children who, because of their characteristics, circumstances and/or living situations, may be more vulnerable to sale and sexual exploitation, including girls, boys, children of other gender or sex identities and orientations, children with disabilities, children in institutions, migrant children, children in street situations, and children in other vulnerable or marginalized situations.

## **A. Legislation**

14. The Committee underscores the pressing need to fight impunity for the offences covered by the Optional Protocol. Legislative measures to implement the Optional Protocol should explicitly cover all acts mentioned in its article 3, including attempts to commit such acts. Attention should be given to the prohibition of the sale of children not only for the purpose of sexual exploitation, but also for the purposes of transfer of organs, engagement in forced labour, and situations in which adoption constitutes the sale of children.

15. The Committee reminds States parties that the international legal definition of “sale of children” is not identical to that of “trafficking”. The sale of children always involves some form of commercial transaction, which trafficking in children does not require (for example, trafficking of a child by means of deceit, force or abduction). Moreover, while trafficking always has the intended purpose of exploiting the child, this purpose is not a required constitutive element for the sale of children, although the effect of the sale can still be exploitative. This distinction can be important for the assessment of the offence, the prosecution of perpetrators and the responses put in place for the child victim.

16. Legislative measures should include the liability of both natural and legal persons (art. 3), establish extraterritorial jurisdiction over all offences covered by the Optional Protocol (art. 4) and establish precise conditions and rules for extradition (art. 5) and for the seizure and confiscation of goods (art. 7).

17. It is crucial, through legislation, to ensure access to redress and secure the availability of child- and gender-sensitive, confidential and safe counselling, reporting and complaint mechanisms to address incidents of sexual exploitation and sexual abuse and protect victims.

18. The Committee urges States parties to ensure that national legislation does not criminalize children exploited in acts that would constitute an offence under the Optional Protocol, but treats them as victims.

19. The Committee recommends that States parties, in establishing their legal frameworks, take into account technological advancements to ensure that their applicability is not eroded by future developments and to avoid loopholes associated with emerging concerns, including new forms of online sale and sexual exploitation. In light of the evolving nature of the issue, States parties should regularly assess and, when necessary, revise legislation and policies to guarantee that their legal and policy frameworks are adapted to rapidly changing realities.

## **B. Data collection**

20. The Committee urges States parties to develop and implement a comprehensive and systematic mechanism for the collection, analysis, monitoring and impact assessment of data, as well as for its dissemination, on all issues covered by the Optional Protocol.

Importantly, data collection should be coordinated between all relevant stakeholders, including the national statistical bureau and child protection entities, and data should be centralized to avoid incoherent or contradictory data between different State agencies. The Committee recommends, in particular, that States parties:

(a) Implement a disaggregated approach to data, addressing how these offences affect different groups of children. At a minimum, data should be disaggregated by sex, age and form of exploitation;

(b) Collect data on how children access and use digital and social media and their impact on children's lives and safety, and on factors that affect children's resilience as they access and use ICT;

(c) Collect data on the number of cases reported, prosecutions, convictions and sanctions, preferably including redress provided to victims, disaggregated by the nature of the offence including with regard to online and offline activity, the category of perpetrator and the relationship between the perpetrator and the victim, and the sex and age of the child victim;

(d) Develop common indicators and a standardized data collection system if data are collected at the regional or local levels (for example, municipalities).

21. All data should be collected with due respect for children's right to privacy.

### **C. Comprehensive policy and strategy**

22. States parties should develop a national comprehensive policy and strategy that explicitly includes all the issues covered by the Optional Protocol in a holistic and multidisciplinary manner. Such a policy and strategy could be a component of a broader national action plan for the implementation of the rights of the child or for the protection of children from violence, or a separate specific document.

23. The Committee encourages States parties to pay increased attention to the role that financial institutions, banks, telecommunications operators, Internet providers, sports organizations, the travel and tourism industry and non-governmental organizations can play in enhancing child protection policies and strategies, and to use the Guiding Principles on Business and Human Rights: Implementing the United Nations "Protect, Respect and Remedy" Framework.

### **D. Coordination, monitoring and evaluation**

24. States parties should designate a national mechanism, which could be part of an existing entity such as a ministry or national human rights institution or a separate entity for the eradication of child sexual exploitation, charged with the coordination of all activities related to the implementation of the Optional Protocol. This coordinating mechanism should have a clear mandate to implement the Optional Protocol specifically, and sufficient authority to take the necessary measures and coordinate at the cross-sectoral, national, regional and local levels, including to ensure a framework for the referral of cases and effective support to child victims.

25. States parties should, on a regular basis and in a transparent manner, monitor and evaluate the implementation of the policy and strategy and, on the basis of the outcome, adjust the policy and strategy when necessary. Evaluations should be made public.

### **E. Allocation of resources**

26. The Committee recommends that States parties ensure specific and clear budgetary allocations for the implementation of the Optional Protocol as detailed in the present Guidelines, and note the guidance provided in the Committee's general comment No. 19 (2016) on public budgeting for the realization of children's rights.

27. States parties should ring-fence all human, technical and financial resources allocated for policies, strategies and mechanisms designed to implement the provisions of the Optional Protocol. Specific resources should be allocated to entities in charge of detection and reporting mechanisms, criminal investigations, legal assistance, compensation and the physical and psychological recovery and social reintegration of child victims of the offences covered by the Optional Protocol.

## **F. Dissemination and awareness-raising**

28. To enhance the understanding of the purpose and provisions of the Optional Protocol, States parties should:

(a) Develop and conduct long-term educational and awareness-raising programmes and campaigns on preventive measures and the harmful effects of all offences covered by the Optional Protocol, including when these offences are facilitated or committed through ICT;

(b) Systematically disseminate information on the provisions of the Optional Protocol among government officials at the national, regional and local levels, among all relevant professional groups and all other persons who have regular contact with children, as well as the public at large, in particular children and their families. Information material should be tailored to the audience, and children should receive age-appropriate and child-sensitive information;

(c) Promote adequate knowledge among all persons, especially those caring for children, of different forms of sale, sexual exploitation and sexual abuse of children, and of the means to detect them and identify victims, as well as of existing reporting mechanisms and how to use them whenever there are reasonable grounds to believe that a child is a victim;

(d) Ensure that children at all levels of the educational system receive comprehensive sex education. Schoolchildren should receive appropriate materials to learn about the risks of sale, sexual exploitation and sexual abuse as well as the means to protect themselves offline and online. Educational programmes should always include information on concrete and practical ways for children to seek help and support, and to signal sexual abuse safely and confidentially;

(e) Take measures to target and reach children who are outside of the formal school system;

(f) Encourage the media to provide appropriate information regarding all aspects of the sale, sexual exploitation and sexual abuse of children, using appropriate terminology, while safeguarding the privacy and identity of child victims and child witnesses at all times.

## **G. Training**

29. The provision of education and continued training to all relevant professionals, and support to families and caregivers, should be an integral part of any measure for the implementation of the Optional Protocol. States parties should:

(a) Ensure systematic and targeted multidisciplinary training on the provisions of the Optional Protocol and its implementation, including how to identify and address the offences covered and how to foster child- and gender-sensitive approaches when caring for child victims and survivors, for all relevant professionals and groups working with or for children;

(b) Encourage training on effective responses that are both victim-centred and survivor-led for child victims of offences covered by the Optional Protocol;

(c) Strengthen cooperation and strategic partnerships with non-governmental organizations and use their expertise and advocacy material to widen online literacy and safety among children and their families and promote responses to harm;

(d) Conduct regular assessments of training activities to ensure that the knowledge and skills acquired are translated into practice in order to effectively identify victims and protect children from the offences covered by the Optional Protocol.

30. With regard to specific groups who require specialized training, States parties should:

(a) Ensure that teachers and other professionals working in various forms of education of children, including sports and cultural activities, receive adequate training in order to be able to effectively teach and speak with children about the sale, sexual exploitation and sexual abuse of children;

(b) Train health-care professionals, social workers and child welfare and child protection professionals to detect signs and to report them, and to address children who may be victims of sexual exploitation or sexual abuse in a child- and gender-sensitive manner;

(c) Train all police units investigating offences covered by the Optional Protocol, including when these offences are facilitated or committed through ICT, as well as prosecutors and the judiciary, to identify and respond to child victims in a child- and gender-sensitive manner and to handle cases associated with ICT and digital evidence.

## **IV. Prevention of the offences covered by the Optional Protocol**

### **A. General measures**

31. States parties to the Optional Protocol have an obligation to adopt or strengthen, implement and disseminate laws, administrative measures and social policies and programmes to prevent the offences covered by the Optional Protocol.

32. In preventing the sale and sexual exploitation of children, States parties should pay attention to the underlying causes of these problems, which may serve to foster, normalize or perpetuate them, and which require specific awareness-raising measures. An important aspect of these offences, and which requires specific targeted efforts by States parties, lies in the demand that exists, among both sex offenders and economic profiteers, for children for the purposes of sexual exploitation and abuse. Efforts to combat demand should address different forms of exploitation and abuse, whether online or offline.

33. The Committee recommends States parties to take all measures necessary to identify, support and monitor children at risk of falling victim to the offences covered by the Optional Protocol, especially children in vulnerable situations, and to strengthen prevention programmes and the protection of potential victims. To that end, States parties should:

(a) Conduct studies to analyse and assess the nature, extent, root causes and consequences on children of the offences covered by the Optional Protocol with a view to developing and adopting effective and targeted legislative, policy and administrative measures for the prevention of these offences;

(b) Provide social protection and financial support, including income-generating activities, to enable the economic empowerment of vulnerable families;

(c) Prevent and end all harmful practices and pay special attention to those practices that can amount to the sale, sexual exploitation or sexual abuse of children, such as child marriage. The prevention of harmful practices requires a gender perspective, to ensure that different practices affecting boys and girls are adequately addressed;

(d) Ensure that relevant actors from the private sector play a proactive role in the prevention and combating of offences covered by the Optional Protocol.

34. As an important general measure in the prevention of the sale, sexual exploitation and sexual abuse of children, States parties should require the screening of all persons applying for work in which they would be in direct contact with children.



## **B. Prevention of the sale and sexual exploitation of children in the context of travel and tourism**

35. Research has shown that while children are at risk of sexual exploitation and sexual abuse from travelling offenders who cross borders to carry out premeditated abuse, they are equally at risk of falling victim to offenders travelling for business or tourism in their own countries, as well as to “opportunistic” offenders, who may not have planned to carry out a sexual offence prior to their travels. Illegal adoption may also be committed using the cover or pretext of travel and tourism.

36. To prevent such offences in the specific context of travel and tourism, States parties should:

(a) Undertake awareness-raising and advocacy with the travel and tourism industry to draw attention to the harmful effects of the sale and sexual exploitation of children in the context of travel and tourism, inter alia by widely disseminating and encouraging the signature of the World Tourism Organization Global Code of Ethics for Tourism and by promoting the Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism;

(b) Strengthen collaboration with stakeholders in the travel and tourism sector and ensure that the industry takes responsibility through, for instance, the adoption and enforcement of specific corporate policies and strategies for the prevention of the sale and sexual exploitation of children in the context of travel and tourism. Travel and tourism actors such as accommodation providers, travel agencies, tour operators, transportation companies, airlines, bars and restaurants often become, inadvertently or not, intermediaries in the commission of such offences, and should play a proactive role in preventing and combating the sexual exploitation of children;

(c) Form alliance with ICT companies that can take a lead on the development of technology-based solutions to combat the sale and sexual exploitation of children in the context of travel and tourism, such as the blocking of payments for related offences and new techniques to track payments to undermine the business model of offenders and their intermediaries;

(d) Consider measures to prevent convicted child sex offenders from reoffending in other countries, such as through cross-border exchange of information and travel restrictions on convicted offenders.

## **C. Prevention of online sale and sexual exploitation of children**

37. States parties should prevent and address online sale, sexual exploitation and sexual abuse of children through their implementation measures. National legal and policy frameworks should be assessed to ensure that they adequately cover all manifestations of the sale, sexual exploitation and sexual abuse of children, including when these offences are committed or facilitated through ICT.

38. Online-specific analyses, research and monitoring should be conducted to better understand these offences, and responses to online offences should be developed in close collaboration with the relevant industries and organizations.

39. Public education programmes to increase awareness, knowledge and reporting of cases of the sale, sexual exploitation and sexual abuse of children should include an online-specific dimension, and specialized training for law enforcement officials, lawyers, prosecution and judiciary professionals should include specific components on online issues, but also on online tools to facilitate victim identification techniques and rescue operations.

40. States parties should:

(a) Inform, support and engage parents, teachers and other caregivers so that they can support, advise and protect children when they access and use ICT and help them build the capacity to adopt online safety and coping strategies;

(b) Ensure mandatory school education on online behaviour and safety to enhance children's capacity to better protect themselves (and their peers) from harm, by helping them to avoid and adequately react to risks that they may encounter and to use online reporting tools where necessary;

(c) Provide meaningful child- and gender-sensitive information about how children's data are being gathered, stored, used and potentially shared with others, as well as about protection strategies, including ways to protect personal data and to use timely and effective alert mechanisms;

(d) Encourage, involve and empower children to share their own ideas and knowledge about exploitative behaviours and ways to report and stop them, and take their proposals into consideration in prevention and protection strategies;

(e) Ensure that adequate and effective services and expertise are in place and capable of rapid response whenever a child or adult reports suspicious online behaviour or cases of sexual exploitation or abuse of children.

41. Considering that child sexual abuse material, such as images and videos, can circulate indefinitely online, the Committee alerts States parties to the fact that the continuous circulation of such material, in addition to perpetuating the harm done to child victims, contributes to a perception of the child as a sexual object and risks strengthening the belief among persons with a sexual interest in children that it is "normal" since many others share the same interest. The Committee therefore urges States parties to ensure that Internet service providers control, block and remove such content as soon as possible as part of their prevention measures.

42. The Committee draws States parties' attention to the need to address "sexting" by children, whereby self-generated sexual content is sent via mobile phone to others. Sexting often appears to be a product of youth peer pressure and, to a certain extent, teenagers increasingly consider sexting to be "normal". While this conduct in and of itself is not necessarily illegal or wrongful, it involves a number of risks. Sexualized images of children can easily spread online or offline beyond or against the will of the child, can be very difficult to remove and can be used in the context of bullying and for sexual extortion, which can have serious and traumatizing consequences for children, including suicide. This complex issue needs careful attention, and the Committee encourages States parties to establish clear legal frameworks that protect children and, through prevention efforts, ensure that they are educated about and made aware of the gravity of spreading images of others and of oneself.

## V. Prohibition of the offences covered by the Optional Protocol

43. Implementation of article 3 of the Optional Protocol requires the adoption of substantive criminal law prohibiting all the offences included in the Optional Protocol. The Committee recognizes that compliance with article 3 is a matter with respect to which each State party has to consider the specifics of its national legal system and practice.

44. Article 3 sets out a list of acts and activities that, as a minimum, States parties are required to ensure are fully covered under their criminal or penal law, whether such offences are committed domestically or transnationally or on an individual or organized basis. The Committee encourages States parties to introduce new provisions in their criminal or penal law to ensure that they can also adequately address sexual offences against children when newly emerging means and modalities are used to commit them.

45. The Committee reminds States parties that, in accordance with article 3 (2) of the Optional Protocol, attempts to commit any of the said acts and complicity or participation in any of the said acts should also be covered under their criminal or penal law.

46. Sale of children is defined in the Optional Protocol as any act or transaction whereby a child is transferred by any person or a group of persons to another for remuneration or any other consideration (art. 2 (a)). It may entail the movement of a child to another place, but not necessarily. The "remuneration or any other consideration" is the core element of the

sale of a child, and the payment of money is usually part of the exchange. While it is not specified who should receive the remuneration, it will most likely be the person or group who transfers the child. However, there may be other reasons or considerations involved in the sale of a child, such as payment of a debt by the parents, a promise by the other person that the child will receive education or vocational training, or other kinds of offers of a better future.

47. Under article 3 (1) (a) (i), acts and activities in the context of the sale of children that must be criminalized include offering, delivering or accepting a child for the purpose of:

(a) Sexual exploitation of the child: the Committee is of the view that this legal provision covers all forms of sexual exploitation and sexual abuse, including when they are facilitated through ICT;

(b) Transfer of organs of the child for profit: it is important to specify that the purpose of such transfer must be “for profit”; the legal transfer of a child’s organ may entail costs which are not for profit;

(c) Engagement of the child in forced labour.

48. The Committee emphasizes that the act of offering or accepting a child includes doing so through the use of ICT.

49. While the sale of children and trafficking in children may overlap, their international legal definitions differ. The Committee underlines that, in accordance with the Optional Protocol, States parties are under an obligation to explicitly criminalize the sale of children for all of the above-mentioned purposes.

50. Under article 3 (1) (a) (ii), the act of improperly inducing consent, as an intermediary, for the adoption of a child in violation of applicable international legal instruments on adoption must be criminalized, as a form of sale of children. Provisions intended to prohibit this activity should reflect the two key components of this requirement, as follows:

(a) Specifically, the phrase “improperly inducing consent for adoption” means obtaining consent for the adoption of a child in a dishonest or inappropriate manner. In light of the definition of the sale of children under article 2 (a), one form of “improperly inducing consent” is doing so through remuneration or any other consideration;

(b) Regarding the phrase “in violation of applicable international legal instruments on adoption”, the Committee recommends that States parties require compliance with article 21 of the Convention and with the Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption (1993).

51. The Committee draws the attention of States parties to the fact that the sale of children may occur in the context of child marriage. It recommends that States parties take all necessary measures, including regulation, to avoid any form of sale of children.

52. Similar concerns exist with regard to surrogacy, which may also constitute sale of children. The Committee encourages States parties in which this practice exists to take all necessary measures, including regulation, to avoid the sale of children under surrogacy arrangements.

53. The Optional Protocol covers the offence of the exploitation of children in prostitution as “child prostitution” and defines it as the use of a child in sexual activities for remuneration or any other form of consideration (art. 2 (b)), without specifying what those sexual activities would be. The Committee is of the view that such sexual activities should include, at a minimum and whether real or simulated, all forms of sexual intercourse and intentional sexual touching involving a child, independent of the sex of all involved persons, and any lascivious exhibition of the genitals or the pubic area of a child.

54. The definition of “child prostitution” in the Optional Protocol must not be understood as suggesting that the child could consent to the sexual activities in exchange for remuneration or any other form of consideration, or that the child is necessarily the recipient of money or other form of consideration. The reality is that children cannot, in any legally relevant way, consent to their own sexual exploitation. Moreover, such

remuneration or consideration may be paid or given to any third person, and the child often does not receive anything directly, or the “consideration” is provided in the form of basic survival needs such as food or shelter.

55. According to prevailing views, the term “child prostitution” does not accurately cover what really happens to the child and could be interpreted as implying that it represents a legitimate form of sex work, or could contribute to shifting the blame onto the child. The Committee encourages State parties to avoid the use of the term “child prostitution” as much as possible, and to use instead the term “sexual exploitation of children in prostitution”. In addition, the Committee strongly recommends that States parties do not to use terms such as “child prostitute” or “child sex worker”, and to replace them by “children who are prostituted” or “children exploited in prostitution”.

56. States parties should prohibit by law any form of sexual exploitation of children in prostitution, including through the use of ICT. Article 3 (1) (b) of the Optional Protocol requires the criminalization of the acts of offering, obtaining, procuring or providing a child for prostitution. Such acts amount to sexual exploitation of children in prostitution when they are carried out for remuneration or any other form of consideration. The Committee emphasizes that the promise of remuneration or any other form of consideration should be considered sufficient to constitute an offence, even where such remuneration or consideration is not actually paid or given.

57. The Internet presents new challenges for the international protection framework, in particular when children are advertised for prostitution through websites or mobile phone applications. The Committee urges States parties to make it clear in their system of criminal or penal law that the prohibition of offering, obtaining, procuring or providing a child for prostitution includes doing so through the use of ICT.

58. The sexual exploitation of children in prostitution also includes commodified “relationships” in which sexual acts are exchanged for cash, goods or benefits, often linked to economic survival or opportunities, educational achievement or social status. When such “relationships”, often inappropriately referred to as “transactional sex”, involve a child under the age of 18, the child should be seen as a victim of exploitation on the basis that children cannot legally consent to engaging in commercial or commodified sexual activities which include a remuneration or any other form of consideration. Any potential argument of the offender that the child consented to this form of sex is legally irrelevant.

59. Sexual exploitation of children in travel and tourism., often inappropriately referred to as “child sex tourism”, is included in the offences covered by the Optional Protocol, which requires States parties to take measures to end this practice. Offenders may be foreign or domestic tourists and travellers or long-term visitors.

60. Child sexual abuse material is covered under article 2 of the Optional Protocol as “child pornography” and is defined as any representation, by whatever means, of a child engaged in real or simulated explicit sexual activities or any representation of the sexual parts of a child for primarily sexual purposes (art. 2 (c)). The Committee recommends that States parties, in line with recent developments, avoid the term “child pornography” to the extent possible and use other terms such as the “use of children in pornographic performances and materials”, “child sexual abuse material” and “child sexual exploitation material”.

61. The qualification “by whatever means” reflects the broad range of material available in a variety of media, both online and offline. Such material is increasingly being circulated online, and States parties should ensure that the relevant provisions of their criminal or penal codes cover all forms of material, including when any of the acts listed in article 3 (1) (c) of the Optional Protocol are committed online.

62. The phrase “simulated explicit sexual activities” includes any material, online or offline, that depicts or otherwise represents a child appearing to engage in sexually explicit conduct. Moreover, “any representation of the sexual parts of a child for primarily sexual purposes” falls under the definition of this offence. Where it may be complicated to establish with certainty whether the representation is intended or used for primarily sexual

purposes, the Committee deems it necessary to consider the context in which it is being used.

63. The Committee is deeply concerned about the large amount of online and offline material, including drawings and virtual representations, depicting non-existing children or persons appearing to be children involved in sexually explicit conduct, and about the serious effect that such material can have on children's right to dignity and protection. The Committee encourages States parties to include in their legal provisions regarding child sexual abuse material (child pornography) representations of non-existing children or of persons appearing to be children, in particular when such representations are used as part of a process to sexually exploit children.

64. The Committee encourages States parties to criminalize the acts of recruiting, or coercing a child into participating in pornographic performances or causing a child to participate in such performances, profiting from or otherwise exploiting a child for such purposes, and knowingly attending pornographic performances involving children.

65. Article 3 (1) (c) of the Optional Protocol obliges States parties to criminalize the acts of producing, distributing, disseminating, importing, exporting, offering, selling or possessing, for the purposes of sexual exploitation, "child pornography". The Committee strongly recommends that States parties criminalize the mere possession of such material, while granting due consideration to potential exceptions to this prohibition, such as where professional requirements, which should be clearly defined by law, justify the possession of such material.

66. In accordance with article 9 (5) of the Optional Protocol, States parties should criminalize the production and dissemination of material advertising the offences described in the Protocol. For instance, any insertion of an online or offline medium, such as an advertisement or a commercial, that promotes the sexual exploitation of children in any way must be criminalized.

67. An increasing number of children produce sexual images, such as representations of their own sexual parts, either exclusively for themselves or to share with their boyfriends or girlfriends or a wider group of peers (often through "sexting"). A distinction must be made between what the Optional Protocol refers to as "child pornography", which constitutes a criminal offence, and the production by children of self-generated sexual content or material representing themselves. The Committee is concerned that the self-generated aspect of such material could increase the risk that the child is considered responsible instead of being treated as a victim, and underscores that children should not be held criminally liable for producing images of themselves. If such images are produced as a result of coercion, blackmailing or other forms of undue pressure against the will of the child, those who made the child produce such content should be brought to justice. If such images are subsequently distributed, disseminated, imported, exported, offered or sold as child sexual abuse material, those responsible for such acts should also be held criminally liable.

68. The term "grooming" is often used to refer to the solicitation of children for sexual purposes. It refers to the process of establishing a relationship with a child either in person or through the use of ICT to facilitate online or offline sexual contact. Although grooming or the solicitation of children for sexual purposes is not covered explicitly in the Optional Protocol, it is a form of child sexual exploitation that may constitute an offence covered by the Optional Protocol. For instance, the grooming of children often involves the production and dissemination of child sexual abuse material ("child pornography").

69. Sexual extortion, sometimes referred to as "sextortion", of children is a practice whereby a child is forced into agreeing to give sexual favours, money or other benefits under the threat of sexual material depicting the child being shared on, for example, social media. This practice is often linked to grooming and sexting, and the Committee is concerned by the increase in more extreme, violent, sadistic and degrading demands by offenders, which expose children to severe risks.

70. The Committee notes that children are sometimes made to witness sexual activities, and encourages States parties to criminalize the intentional causing, for sexual purposes, of a child to witness sexual abuse or sexual activities, even without having to participate.

71. Legislative and other measures to combat sexual offences should explicitly differentiate between adult and child offenders, with particular emphasis on the reformability of the latter. In considering the definition and prohibition of sexual offences, it is important to avoid drawing children and adolescents into the criminal justice system, due to their special status. Children should always be dealt with in specialized systems, which should divert them to therapeutic services where appropriate and avoid criminal records or inclusion in registers.

72. The Committee emphasizes that a child under the age of 18 can never consent to any form of their own sale, sexual exploitation or sexual abuse, and that States parties must criminalize all the offences covered by the Optional Protocol, committed against any child up to the age of 18. Any presumed consent of a child to exploitative or abusive sexual acts should be considered as null and void.

73. States parties should not criminalize adolescents of similar ages for consensual sexual activity.

## **VI. Sanctions**

74. The Committee recalls that, under article 7 of the Optional Protocol, States parties are obliged to take measures to provide for the seizure and confiscation of any goods used to commit or facilitate offences under the Optional Protocol and of any proceeds derived from such offences, and to take measures aimed at closing premises used to commit such offences. International cooperation should also be guaranteed in this regard, and any requests from another State party for such seizure or confiscation should be granted.

75. Given the increase in the use of ICT to commit or facilitate the offences covered by the Optional Protocol, States parties need to pay close attention to the different electronic means, including both hardware and software, used to commit such offences. The Committee emphasizes the need to apply article 7 of the Optional Protocol to these new ways of committing such offences, which may involve online “premises”, such as chat rooms, online forums and other online spaces that are not physical premises in the traditional sense of the term.

76. Clear rules and procedures should be established for how evidence may be collected during investigations into offences under the Optional Protocol, how, where and for how long it must be stored and who may have access to it. The Committee also recommends States parties to set forth clear rules regarding the destruction of evidence, in particular child sexual abuse material, the circulation of which can continue to revictimize the victims long after the initial offence was committed.

77. The sale and sexual exploitation of children constitute serious violations of children’s rights and have a long-lasting negative impact on child victims. The Committee urges States parties, in accordance with article 3 of the Optional Protocol, to make all the offences covered therein punishable under national criminal or penal law by appropriate criminal sanctions that take into account their grave nature.

78. Distinctions should be made between complicity in an offence, participation in the offence and an attempt to commit the offence. Each of these different roles in the commission of an offence covered by the Optional Protocol should be criminalized under national criminal or penal law.

79. States parties are required to ensure that legal persons can be held liable, under criminal, civil or administrative law, for having committed, attempted to commit, been complicit in or participated in the offences covered by the Optional Protocol. States parties should establish by law the responsibility of ICT companies to block and remove child sexual abuse material hosted on their servers, of financial institutions to block and refuse financial transactions intended to pay for any such offences, of the sport and entertainment

industries to take child protective measures, and of the travel and tourism sector, including online travel agencies and booking websites, to refrain from facilitating the sexual exploitation of children.

## VII. Jurisdiction and extradition

80. As a minimum, States parties must establish criminal jurisdiction over all offences mentioned in article 3 (1) of the Optional Protocol, as discussed in section V above, when the offences are committed in their territory or on board a ship or aircraft registered in that State, regardless of the location of the ship or aircraft. Such jurisdiction allows the State to investigate and prosecute all these offences regardless of whether the alleged perpetrator or the victim is a national of that State. If necessary, the State can issue an international warrant for the arrest of an alleged perpetrator. The Committee urges States parties to ensure that legislation is in place to comply with this obligation.

81. The Committee encourages States parties to expand the investigatory capacity of police to find and rescue child victims and make it possible for law enforcement to be trained in and conduct undercover operations, which are vital in investigating crimes such as the production and distribution of child sexual abuse material. The Committee also encourages States parties to strengthen international cooperation in this regard, and to make use of the specialized skills and resources developed by the International Criminal Police Organization (INTERPOL) to tackle crimes against children.

82. In accordance with article 4 (2) of the Optional Protocol, each State party should also establish its jurisdiction over offences covered by the Optional Protocol that are committed outside its territory (extraterritorial jurisdiction) when the alleged offender is a national of that State or a person whose habitual residence is in its territory, or when the child victim is a national of that State. Under extraterritorial jurisdiction, a State can initiate the investigation and prosecution of alleged offenders if the above criteria are met. For this action, it is not necessary for the alleged offender to be present in the territory of the State. While the State in which the offence was committed is primarily responsible for the investigation and prosecution of the offender, the State of which the alleged offender is a national or in which she or he has her or his habitual residence has the authority to investigate and prosecute, which may include issuing an international warrant for the alleged offender's arrest.

83. Regarding legislation on extraterritorial jurisdiction, the Committee encourages States parties to include cases in which a child victim is not a national but has her or his habitual residence in the territory of the State.

84. States parties should remove the requirement of double criminality, making it possible to exercise extraterritorial jurisdiction over offences covered by the Optional Protocol committed in another State even if the relevant offence is not criminalized in that State. The principle of double criminality creates a gap in the law which enables impunity and should not be applied.

85. Extraterritorial jurisdiction is particularly important for offences constituting the sale or sexual exploitation of children where the offender is likely to travel to another country, such as in the case of sale for trade in organs or for illegal international adoption, or sexual exploitation in travel and tourism. As the exploitation may not be detected until the offender has departed the country in which the offence took place, it is essential to ensure that States parties have the capability to prosecute the offender.

86. The Committee reminds States parties that they must, as a minimum, establish their jurisdiction over offences covered by the Optional Protocol committed abroad when the alleged offender is present in their territory and would not be extradited because she or he is one of their nationals (art. 4 (3)). The Committee urges States parties to make all legislative adjustments necessary to comply with this obligation. In situations of porous borders, where offenders can easily move and cross back and forth between different countries, regional law enforcement and judicial cooperation is essential to fight impunity.

87. The Committee is concerned about the increased use of ICT to commit sexual offences against children and the new challenges to territoriality. An offender can, for instance, be in one country, watching or even ordering the live streaming of a child being sexually abused in another country. To effectively put an end to the still widespread impunity for offences where there is no “hands-on” act, and ensure that offenders committing crimes through the use of ICT are prosecuted, the Committee encourages States parties to establish universal jurisdiction for all offences covered by the Optional Protocol; that is, to enable the investigation and prosecution of such offences regardless of the nationality or habitual residence of the alleged offender and victim. Moreover, the Committee recalls that many of the offences covered by the Optional Protocol can also be committed or facilitated through the use of ICT, and that jurisdiction must also cover such manifestations of the offences.

88. The Committee wishes to recall the following rules on extradition for offences covered by the Optional Protocol, on the basis of article 5:

(a) The Optional Protocol provides a sufficient legal basis for extradition between States parties for the offences that it defines. As a consequence, as far as these offences are concerned, and in accordance with article 5 (2), States parties do not need to have an extradition treaty with other States parties to be able to grant an extradition request;

(b) States parties that do not make extradition conditional on the existence of a treaty should, in accordance with article 5 (3), consider such offences as extraditable offences between themselves;

(c) Such offences should be treated, under article 5 (4) and for the purposes of extradition between States parties, as if they had been committed not only in the place in which they occurred but also in the territories of the States required to establish their jurisdiction in accordance with article 4. In addition, if a State party does not extradite the alleged offender on the grounds that she or he is a national of that State, it is required under article 5 (5) to take measures to prosecute her or him, in line with the obligation to extradite or prosecute.

89. The Committee encourages States parties to extend the applicability of extradition to attempts to commit and complicity and participation in any offences covered by the Optional Protocol.

## **VIII. The child victim’s right to assistance and protection in legal proceedings**

### **A. General observations**

90. The Committee recognizes the significant progress made by States parties in making criminal justice systems more accessible and welcoming to children and underlines the importance of finding effective ways to enable and empower children to use them. This is especially relevant for child victims of offences covered by the Optional Protocol, who still rarely enter the criminal justice system or participate in criminal proceedings.

91. The Committee encourages States parties and other relevant stakeholders to use the Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime to guide them in ensuring children’s right to assistance and protection in legal proceedings.

92. The Committee urges States parties to ensure child victims’ right to information and right to be heard in an age-appropriate and gender-sensitive way, regardless of their legal capacity. Child victims, as well as their parents, guardians or legal representatives, should receive all the information necessary, in a language that they can understand, to help them make an informed decision about filing a criminal complaint against the alleged perpetrator, including information about their rights, their expected role in the criminal process, and the risk and benefits of participation. Once they are part of legal proceedings, they should receive regular updates, be provided with explanations about delay, be consulted on key decisions and be adequately prepared before hearings or trials.



93. The Committee urges States parties to adopt the best interests of the child as a primary consideration in the criminal prosecution of an alleged offender, in accordance with article 3 of the Convention and general comment No. 14 (2013) on the right of the child to have his or her best interests taken as a primary consideration. In that context, the recovery and well-being of the child should be given due consideration, and it may be necessary first for the victim to be given a period of time in which to receive the necessary support before becoming involved in criminal proceedings. This point can be of even greater importance in cases where the alleged offender is a member of the child's family, and where the child must be separated from one or more family members. In such cases, due consideration is also needed for any siblings.

94. In order to reduce reliance on the testimony of child victims, the Committee strongly encourages States parties to make full and effective use of crime scene evidence, including digital evidence, and the introduction of such evidence in courts, and of evidentiary rules, such as child sexual abuse shield laws. In that vein, the Committee urges States parties to allow for the possibility of the prosecution starting an investigation without the victim's complaint.

## **B. Counselling, reporting and complaints mechanisms**

95. Child victims of offences covered by the Optional Protocol are particularly unlikely to report what has been done to them, or they report only many years after the offences occurred. A variety of reasons, such as feelings of fear, shame or guilt, are behind this difficulty to disclose what has happened, often because the perpetrator is someone they know. In light of this, the Committee recommends that States parties avoid establishing a statute of limitations in respect of such offences. Where such statutes exist, the Committee urges States parties to adjust them to the particular nature of the crime and ensure that they begin to run only when the victim reaches the age of 18.

96. The Committee urges States parties to provide an assistance and protection framework that is conducive to the creation of an environment in which children feel that they will be believed and that it is safe to talk. In particular, States parties should:

(a) Establish widely available, easily accessible, child- and gender-sensitive and confidential psychosocial counselling and reporting mechanisms for children, to facilitate the disclosure of abuse by child victims. Such mechanisms should be regulated by law and should define clearly the actors, services and facilities responsible for the care and protection of children. They should include reporting channels for children, such as online and telephone helplines and other points of contact, as well as child protection, law enforcement and judicial systems. They should enable children to seek help in any way that they feel most comfortable with (even anonymously) and report if they have been sexually abused, but also to seek advice or help regarding self-generated sexually explicit content;

(b) Centralize services for child victims and witnesses in one safe space, using models such as the *Barnahus* ("children's house") or similar child-friendly and multidisciplinary one-stop centres, in which all the different actors intervening for the child's care and protection converge, including by providing therapeutic and medical services. Such places offer multidisciplinary and inter-agency collaboration to ensure that child victims and witnesses benefit from a child- and gender-sensitive, professional and effective response in a safe environment, preserving their best interests at all times;

(c) Provide a specific mandate to national institutions responsible for guaranteeing human rights, such as the national human rights institution or ombudsperson, to receive, investigate and address complaints by children in a child- and gender-sensitive manner, ensure the privacy and protection of victims and undertake monitoring, follow-up and verification activities for child victims;

(d) Make absolutely clear, by law, that access to all the above-mentioned services is not dependant on a child's participation in any proceedings related to the offence.

### **C. Participation in criminal justice proceedings**

97. The Committee reminds States parties of their obligation to provide appropriate support and legal counselling to assist child victims of offences covered in the Optional Protocol at all stages of criminal justice proceedings and protect their rights and interests, and to ensure that the best interests of the child is a primary consideration. This includes:

(a) Ensuring that legal and investigative procedures are child- and gender-sensitive, while also enabling officials to adapt such procedures to the specific needs of the individual child. Forensic interviews should be conducted according to evidence-based protocols in a child-friendly environment to enhance evidential validity and to avoid the secondary victimization of the child. Confrontation with the alleged offender and multiple interviews should be avoided. The Committee recommends that the child's testimony be taken under conditions of due process outside the court room and be admissible as evidence in court. Police officers, judges, prosecutors and lawyers should be trained in children's rights and child-friendly justice measures;

(b) Protecting the privacy of child victims in investigation and trial procedures, as well as ensuring legal and practical measures to guarantee appropriate and sufficient protection of child victims from intimidation and retaliation;

(c) Providing free legal aid, including assigning (depending on the national legal system) a lawyer or guardian ad litem or another qualified advocate to represent the child, and mental health support by well-trained professionals such as child psychiatrists, psychologists and social workers to every child victim during the criminal justice process;

(d) Using, where possible, appropriate communication technology to enable child victims to be heard during the trial without being present in the courtroom. This becomes essential in judicial proceedings involving Optional Protocol offences committed against children abroad, to enable testimonies from victims in other countries. If such technological means are unavailable, or if the child's physical presence is absolutely necessary during a trial, States parties should ensure that the child is not confronted with the alleged perpetrator, by, for example, alternating the presence of the child and the defendant in the courtroom;

(e) Taking special precautionary measures, as needed, when the alleged perpetrator is a parent, a family member, another child or a primary caregiver. Such measures should involve careful consideration of the fact that a child's disclosure should not worsen her or his situation and that of the other non-offending members of the family, and should not aggravate the trauma experienced by the child. The Committee encourages States parties to consider removing the alleged perpetrator rather than the child victim, since removal can be experienced by the child as a punishment.

98. The Committee reaffirms that a core principle of child-friendly justice is the speediness of the procedures. Action following reports of offences covered in the Optional Protocol should not be delayed. Cases concerning the sale, sexual exploitation and sexual abuse of children should be expedited through priority tracking, continuous hearings or other methods, and delays should be approved only after considering the child's views and best interests.

99. The Committee strongly encourages States parties to extend the assistance and protection measures described above to child victims and witnesses in criminal, civil and administrative proceedings, as appropriate.

### **IX. The child victim's right to recovery, family and social reintegration and compensation**

100. The Committee reminds States parties that providing redress to child victims, compensating them for the harm suffered and enabling their recovery and reintegration is as important as punishing the offenders, and is an obligation under article 9 (3) and (4) of the Optional Protocol. To that end, the Committee recommends that States parties:

(a) Ensure that the relevant services for medical care, social reintegration and physical and psychological recovery of victims are accessible free of charge throughout the country to all children who need them, and that persons providing such services have certified training and the necessary expertise;

(b) Develop a comprehensive continuum of care and support that includes closely monitored post-trial reintegration services, including for foreign victims who find themselves in the territory of the State party;

(c) Carefully consider which form of compensation is preferable for each child victim, depending on her or his specific situation, personal opinion and prospects for life. In addition, or as an alternative to cash payments, compensation may be provided in the form of financial or other support for education and/or income-generating activities, which could benefit the victim in the long term.

101. The detection of online sexual exploitation and abuse does not necessarily lead to identifiable offenders and child victims. States parties should adopt clear measures to strengthen the identification of victims, including through mutual legal assistance and international cooperation and INTERPOL, and to guide their rescue and repatriation. States parties should also use similar means, including image analysis systems, to identify offenders.

102. In many cases where ICT has been used to commit or facilitate an offence covered by the Optional Protocol, a permanent record exists in the form of child sexual abuse material. The Committee is deeply concerned about the continued impact that this can have on the child's recovery and reintegration. States parties should increase awareness about such situations and take adequate measures to provide long-term social and psychological services as needed.

103. The continued existence and circulation online of material depicting the sexual abuse of a child also risks exacerbating the child's stigmatization and increasing the shame that the child and her or his family may feel, making reintegration back into the home and community more difficult. The Committee recommends that States parties provide fast and effective procedures for blocking and removing harmful material involving children, in order to prevent such material from continuing to be accessed and shared. Such procedures should be established in collaboration with law enforcement and reporting hotlines, as well as the private sector, in particular Internet service providers and social networks.

104. States parties should provide victims with the possibility of claiming compensation through legal action regardless of their economic status, including through the provision of legal aid or the establishment of a State-operated compensation system, and ensure that they cannot be deemed ineligible due to their involvement in the offences in question. If such legal proceedings are based on civil action, they should integrate the same child- and gender-sensitive measures as those described for criminal proceedings, as appropriate.

105. The issue of compensation is particularly complex in cases where the sale, sexual exploitation and sexual abuse of a child are committed or facilitated through the use of ICT. Children suffer serious harm when they are being sexually abused in front of the camera, but also each time those images or other representations of their abuse are accessed online by others. Even in countries where compensation for victims who are depicted in child sexual abuse material is required by statute, it has proven difficult for courts to calculate the amount of compensation each viewer should pay to the child.

106. To improve the chances of victims receiving compensation from convicted offenders, States parties are encouraged to enable the identification and attachment of defendants' assets early in the proceedings and to amend money laundering laws to allow victims to be paid from forfeited property. Compensation measures should be enforced in line with international standards.

107. The Committee reminds States parties that the investigation and prosecution of offenders can also serve as a means of rehabilitation of their victims, who gain justice, and prevention of other similar offences through deterrence. In that context, the Committee encourages States parties to demonstrate political will and be proactive in ensuring accountability for offences covered by the Optional Protocol and fighting against impunity.

## **X. Mutual legal assistance and international cooperation**

108. The Committee reminds States parties that they are required, under article 6 (1) of the Optional Protocol, to afford one another the greatest measure of assistance in connection with investigations or criminal or extradition proceedings brought in respect of the offences covered by the Protocol, including assistance in obtaining evidence at their disposal necessary for the proceedings. In concrete terms, States parties should share information that may be useful in the investigation of offences, and contribute in any way possible to facilitating investigations in their territory.

109. In accordance with article 10 of the Optional Protocol, States parties are required to cooperate more broadly for the prevention, detection, investigation, prosecution and punishment of those responsible for offences covered by the Optional Protocol. Such cooperation should cover, inter alia, effective detection and reporting systems, information-sharing, and safeguarding and transmission of evidence of crimes, including electronic evidence, in a timely manner. Cooperation should also cover assistance to victims in their recovery, reintegration and repatriation, as appropriate.

110. The Committee encourages States parties to take appropriate steps to assist one another in giving effect to the provisions of the Optional Protocol and other legal instruments aimed at protecting children from sexual exploitation and sexual abuse through enhanced international assistance, including support for social and economic development, poverty eradication programmes and universal education.

111. The Committee strongly encourages States parties to enter into bilateral and multilateral agreements involving State agencies, law enforcement actors, judicial authorities and other relevant stakeholders. Partnerships should also be established with the private sector and specialized non-governmental organizations to develop the technological tools necessary to enable the identification, investigation and prosecution of offenders before the courts, as well as the identification of victims.

112. States parties should, through increased cooperation, remove obstacles to effective investigations of and prosecutions for the sale of children, child sexual exploitation and sexual abuse both online and offline by facilitating access by authorized actors to evidence of crimes committed across borders. The private sector should collaborate and comply with the law enforcement measures taken in that respect.

113. The Committee encourages States parties to support national and international alliances to protect children from sale and sexual exploitation and to ensure effective cooperation in the investigation and prosecution of criminal networks and perpetrators.

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