

Child Sexual Abuse and Commercial Sexual Exploitation of Children in the Pacific: A Regional Report





**Commercial Sexual Exploitation of Children (CSEC)
and Child Sexual Abuse (CSA) in the Pacific:
A Regional Report**

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In October 2001, the East Asia and Pacific region adopted the Regional Commitment and Action Plan at the Regional Consultation held in preparation for the Second World Congress against Commercial Sexual Exploitation of Children (CSEC). The Second World Congress was convened in Yokohama, Japan in December 2001. At that time, UNICEF, UNESCAP and ECPAT were mandated to monitor the implementation of the aforementioned regional commitment. To undertake this task a group comprising representatives from these three lead agencies was established under the title of the Inter-Agency Group. Since this time, there has been regular, fruitful collaboration under this arrangement, which has strengthened our focus and resolve to work to combat the commercial sexual exploitation of children and child sexual abuse in the East Asia and Pacific region.

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ACRONYMS

ADB	Asian Development Bank
AFP	Australian Federal Police
AG	Attorney General
AMAK	Aia Maea Ainen Kiribati (Kiribati National Council of Women)
ARH	Adolescent Reproductive Health
AusAID	Australian Agency for International Development
CCC	Christian Care Centre of the Church of Melanesia (Solomon Islands)
CEDAW	Convention on the Elimination of All Forms of Discrimination Against Women
CRC	Convention on the Rights of the Child
CSA	Child Sexual Abuse
CSEC	Commercial Sexual Exploitation of Children
DSW	Department of Social Welfare
ECPAT	End Child Prostitution, Child Pornography and Trafficking of Children for Sexual Purposes
EWG	Expert Working Group
FASOU	Family Affairs and Sexual Offences Unit
FGD	Focus Group Discussion
FRSC	Forum Regional Security Committee
FSC	Family Support Centre
FSPI	Foundation for the Peoples of the South Pacific International
FSPK	Foundation for the Peoples of the South Pacific Kiribati
FSVAC	Family and Sexual Violence Action Committees
FWCC	Fiji Women's Crisis Centre
HELP	Health, Education, Livelihood and Participation (for ALL!) Resources
HIV/AIDS	Human Immunodeficiency Virus/Acquired Immune Deficiency Syndrome
IDI	In-depth interview
ILO	International Labour Organization
KNACC	Kiribati National Advisory Committee on Children
KUY	Kiribati United Youth

LRTO	Legal Rights Training Officer
MISA	Ministry of Internal and Social Affairs
NACC	National Advisory Committee on Children
NCC	National Children’s Committee
NCW	National Council of Women
NGO	Non-governmental organization
NPA	National Plan of Action
NZAID	New Zealand Agency for International Development
PACE	People Against Child Exploitation
PAHP	Pacific Action Health Project
PCP	Pacific Children’s Programme
PIDCS	Pacific Immigration Director’s Conference Secretariat
PRPI	Pacific Regional Policing Initiative
PSO	Public Solicitor’s Office
RAMSI	Regional Assistance Mission to the Solomon Islands
RRRT	Pacific Regional Rights Resource Team
RSIP	Royal Solomon Islands Police
SCF	Save the Children Fiji
SCinPNG	Save the Children in Papua New Guinea
SIBC	Solomon Islands Broadcasting Corporation
SPC	Secretariat for the Pacific Community
SPCPC	South Pacific Chiefs of Police Conference
STI	Sexually Transmitted Infection
UNDP	United Nations Development Programme
UNESCAP	United Nations Economic and Social Commission for Asia and the Pacific
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNFPA	United Nations Population Fund
UNICEF	United Nations Children’s Fund
UNIFEM	United Nations Fund for Women
VWC	Vanuatu Women’s Centre
WHO	World Health Organization



EXECUTIVE SUMMARY

Background

Sexual violence against children is recognized internationally as the most severe violation of their human rights and the worst form of child abuse and exploitation. It can have severe, long-term and even life-threatening effects on a child's physical, psychological, spiritual, emotional and social development.¹

Sexual violence against children is a global problem and in recent years there has been increasing concern throughout Pacific countries regarding the incidence and suffering that children there experience. In 2003, the Inter-Agency Group (United Nations Children's Fund (UNICEF) Pacific, United Nations Economic and Social Commission for Asia and the Pacific (UNESCAP) and End Child Prostitution, Child Pornography and Trafficking of Children for Sexual Purposes (ECPAT International)) hosted the Pacific Regional Workshop on Combating Poverty and Commercial Sexual Exploitation of Children and Young People in Nadi, Fiji. Workshop participants highlighted a serious lack of information and data on the incidence of sexual abuse and exploitation of children and emphasized the need for baseline data for further action, including further planning and implementation of activities. In response, the Inter-Agency Group initiated studies in five Pacific countries to assess – for the first time ever – the situation of sexual violence against children.

This regional report is a synthesis of the findings of each country study – Fiji, Kiribati, Papua New Guinea, Solomon Islands and Vanuatu – which were conducted between October 2004 and June 2005.² The purpose of this synthesis report is not to single out any one group for ridicule but rather to break the long-running silence surrounding the incidence, extent and nature of sexual abuse and sexual exploitation against children in the Pacific region and to prompt open, constructive community debate and new policies that aim to end the suffering of victims.

¹ ECPAT International. 2006 (3rd edition). Questions and Answers about the Commercial Sexual Exploitation of Children. ECPAT International. Bangkok. p23.

² At the time of compiling this report, preparations are underway to undertake studies in the Cook Islands, Federated States of Micronesia and Samoa.

Sexual violence: Types and patterns

Each of the five studies confirms that in each country children are sexually abused by family members and neighbours and, to varying degrees, that child prostitution, child pornography, early marriage, child sex tourism and trafficking (for sexual purposes) occur. Perpetrators of the abuse and exploitation are overwhelmingly males and typically men with resources or other power in the community. The studies also reveal that, contrary to popular belief, the perpetrators of sexual abuse and sexual exploitation of children are also overwhelmingly men from the local community. While the report does highlight some incidence of sexual abuse and sexual exploitation committed by foreign tourists and foreign workers in the Pacific, children are most at risk in their homes and communities and with people they know and trust.

Due to the complexities and challenges of researching and collecting quantitative information in this area, the data on the existence and prevalence of sexual abuse and sexual exploitation of children are largely qualitative. However, the lack of exact numbers does not diminish the need to ‘ring alarm bells’ now. These five country studies gather together a significant body of qualitative evidence indicating the occurrence of significant levels of sexual violence against children. The ease of gathering such evidence, over such a short period of time, is an alarming sign that children are sexually abused and sexually exploited in the Pacific and that the problem is already visible, particularly in some urban centres.

Underlying factors contributing to sexual violence against children

This report highlights the complex and inter-related factors that increase the vulnerability of children to sexual abuse or sexual exploitation, or both, within the Pacific region. Factors such as gender discrimination and particularly the low status of women and children, poverty and the lack of educational and employment opportunities and a lack of protective legislation, services and regulation, contribute to making Pacific children highly vulnerable to sexual violence. A culture of silence among authorities and adults perpetuates the suffering that children experience. The studies also indicate that some children are at particular risk of being sexually abused or sexually exploited, or both, such as children who experience parental neglect and abuse, children living without their natural parents (including those who are informally adopted) and children suffering economic hardship or poverty of opportunity.

Pacific capacity to prevent and respond to sexual violence against children

There is a growing awareness among Pacific Island governments of children's rights and of the need to protect children from violations of those rights, particularly from sexual abuse and exploitation. Pacific-wide ratification of the Convention on the Rights of the Child is an indication of a Pacific consensus to realize children's rights; the signing of the Stockholm Declaration and the Agenda for Action by many Pacific Island governments, indicates their commitment to end sexual exploitation of children. Pacific Island countries that have signed the Stockholm Declaration and Agenda for Action include Cook Islands, Fiji, Marshall Islands, Federated States of Micronesia, Papua New Guinea, Samoa, Tonga and Vanuatu. In 2001 these signatory countries reaffirmed their support of the Stockholm Agenda for Action in the Yokohama Global Commitment at the Second World Congress Against Commercial Sexual Exploitation of Children. In 2003, at the Pacific Regional Workshop on Combating Poverty and Commercial Sexual Exploitation of Children and Young People (in Nadi, Fiji), many Pacific government representatives designed strategies to address sexual abuse and exploitation of children. Although to date, none of the Pacific government has formally adopted or implemented these strategies, those covered by this report have taken initial steps to address the sexual violence by acknowledging that sexual abuse and exploitation of children are problems in their countries, by raising public awareness of the issues and by providing some services to affected children.

There remains, however, an absence of comprehensive, well-resourced and well-planned local, national and regional efforts to address sexual violence against children in the Pacific region. The country studies have noted a need for a holistic, inter-departmental approach to protect children from sexual abuse and sexual exploitation. Emphasis includes the inadequacy of policies, legislation and institutions for child protection as well as the lack of services to assist families in need and child victims. The country studies also underscore the urgent need for further awareness raising on sexual abuse and sexual exploitation at all levels – from school children to senior policy makers and from nurses to border immigration officials.

The recommendations of this report provide some insight into specific activities and actions that Pacific governments can implement effectively without draining their already overstretched resources.

Looking forward

Protecting Pacific children strengthens the future of the Pacific. This report aims to stir Pacific leaders and policy makers, government officials, civil society organizations and other concerned groups and individuals to take up the challenge of protecting children. By providing an exploratory overview of sexual abuse and sexual exploitation of children in the Pacific, this report also aims to serve as a foundation upon which to base further research. The research findings and specific examples from all countries, while troubling to read, mandate responsible individuals to initiate action to end the sexual violence against children.

SECTION 1

INTRODUCTION

1.1 Objectives of this report

The primary aim of this report is to summarize the key findings of five Pacific country studies into the prevalence and nature of child sexual abuse and commercial sexual exploitation of children in those countries. The secondary aim of the report is to inform governments, donors and the wider community about the best course of action to take to address child sexual abuse and sexual exploitation of children in their countries.

This introductory section of the report first examines the issues of child sexual abuse and commercial sexual exploitation of children in global terms and briefly outlines the international and regional commitments to address the issues. It then describes in some detail the rationale, methods and limitations of the five country studies on which this report is based. Part 2 of this report describes the Pacific regional context in which child sexual abuse and exploitation is occurring. Part 3 synthesizes the types and patterns of sexual abuse and exploitation of children, as found in the country studies, including typologies of perpetrators and the linkages between child sexual abuse and commercial sexual exploitation of children. Part 4 analyses the underlying and individual factors shown to contribute to sexual abuse and exploitation of children in the Pacific. The penultimate section deals with strategies to address this abuse and exploitation in the Pacific Island countries. The final section contains an analysis and examination into the recommendations for action on both general and specific levels.

1.2 Problem statement

Child sexual abuse (CSA) and the commercial sexual exploitation of children (CSEC) are issues of global concern. Sexual abuse and commercial sexual exploitation are severe violations of children's rights. In particular, they represent a gross breach of a child's right to protection from all forms of violence, abuse and exploitation as enshrined in the Convention on the Rights of the Child.

Sexual abuse and exploitation have potentially severe and long-term effects on all aspects of a child's development. In particular, children subject to such abuse and exploitation are vulnerable to experiencing such conditions as depression, low self-esteem, problems with trusting others, anger, poor social skills, substance abuse, HIV and other Sexually Transmitted Infections (STIs), various forms of physical harm, and suicide.⁴ Furthermore, by robbing children of their ability to reach their full potential, sexual abuse and exploitation of children have negative implications for a society's development as a whole.

Due to a lack of data at the national level, it is impossible to provide exact figures on the number of children worldwide who are victims of sexual abuse and exploitation. However, estimates from the year 2000 suggest that, worldwide, 1.8 million children were involved in prostitution and pornography, and 1.2 million were victims of trafficking.⁵ Furthermore, the World Health Organization (WHO) estimates that in 2002, "150 million girls and 73 million boys under 18 experienced forced sexual intercourse or other forms of sexual violence".⁶

Globally, sexual abuse and sexual exploitation of children are due to factors such as gender inequality and the low status of children (particularly girls), increased pressure on families to engage in monetized economies, separation of parents from children due to conflict, natural disasters and the migration of parents in search of employment. These trends also occur in the Pacific and affect the vulnerability of Pacific children to sexual abuse and commercial sexual exploitation. Other trends, such as increasing tourism, migration, and air and sea routes to the Pacific raise the risk of child sex tourism, child pornography and child trafficking in the region, which in turn increases the vulnerability of Pacific children to sexual abuse and exploitation. Measures to address these complex problems, therefore need to be developed and actioned.

⁴ Delaney, S. and Cotterill, C. 2005. *The Psychosocial Rehabilitation of Children who have been Commercially Sexually Exploited: A Training Guide*, 2nd edn, ECPAT International.

⁵ International Labour Office. 2002. *A Future without Child Labour: Global Report*. International Labour Office. Geneva, p. 12.

⁶ World Health Organization. 2006. *Global Estimates of Health Consequences due to Violence against Children*. Background paper for the United Nations Study on Violence against Children, World Health Organization, Geneva, p. 12.

1.3 Global commitment

Global commitment to combat sexual abuse and commercial sexual exploitation of children is evident in the principles and provisions of the widely ratified Convention on the Rights of the Child (CRC), which came into force in 1990. Article 19 of the CRC requires States Parties to take all appropriate measures to protect the child from “all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child”. Article 34 is particularly relevant; binding States to protect the child from “all forms of sexual abuse and exploitation” and specifically to prevent:

- (a) The inducement or coercion of a child to engage in any unlawful sexual activity.
- (b) The exploitative use of children in prostitution or other unlawful sexual practices.
- (c) The exploitative use of children in pornographic performances and materials.⁷

Article 35 of the CRC protects children from abduction, sale and trafficking, and the Optional Protocol to the CRC on child prostitution, child pornography and sale of children further strengthens protective measures for children from these forms of abuse and exploitation.

Since this milestone in children’s rights was adopted, many other international commitments have been made to address child sexual abuse and exploitation, supported by the impetus created by key global and regional meetings.

In 1996, the first World Congress against Commercial Sexual Exploitation of Children was held in Stockholm, Sweden. At this congress the Stockholm Declaration and Agenda for Action against Commercial Exploitation of Children was adopted by 122 governments.⁸ The Stockholm Agenda for Action is a global framework for combating commercial sexual exploitation of children that calls on

⁷ United Nations Convention on the Rights of the Child, Article 34.

⁸ See Annex I for the full text of the declaration.

governments, international agencies, NGOs, and other concerned organizations and individuals to direct technical and material resources towards combating this issue. It calls for countries to develop National Plans of Action to implement the Agenda for Action in the five areas of: coordination and cooperation, prevention, protection, recovery and reintegration, and child participation. In particular, it calls for action to improve inter-departmental cooperation and coordination, provide health and educational programmes, strengthen law enforcement and legislation, introduce support mechanisms for abused and exploited children, and encourage child and youth participation.

The Stockholm Agenda for Action was reaffirmed by 159 governments via the Yokohama Global Commitment at the Second World Congress in Yokohama, Japan, in 2001.⁹ In attendance were representatives from Fiji, Marshall Islands, Federated States of Micronesia (FSM), Samoa and Vanuatu. As of mid 2006, 161 governments had adopted the Stockholm Agenda.

1.4 The Pacific response

Sexual abuse of children and commercial sexual exploitation of children are taboo subjects rarely discussed in the Pacific. However, this is gradually changing, as evidenced by Pacific Island Country (PIC) participation in the abovementioned global and regional efforts to combat sexual abuse and exploitation of children, and increased media coverage of these issues.

Important changes are taking place at a bilateral inter-governmental level, as represented by the creation of a Memorandum of Understanding (MOU) between Fiji and Australia. This MOU, signed on 18 December 1998, is designed to make it easier for police to crack down on child abusers exploiting children in the Pacific islands and to prevent both local child sexual abuse and child sex tourism. Similar MOUs between Asian and Pacific countries will potentially provide another effective method by which international cooperation will help to combat these offences.

So far, the most significant international efforts to combat CSEC and CSA in the Pacific have come from multilateral approaches. For example, in order to consolidate inputs for the Second World Congress in Yokohama, representatives from several PICs attended the East Asia and Pacific Regional Consultation

⁹ Government leaders, NGOs, UN agencies (including UNICEF and UNESCAP) and youth delegates attended the Second World Congress against Commercial Sexual Exploitation of Children to take stock of the progress made since the first World Congress, to examine “good practices” from around the world, and to identify priority concerns for further action.

for the Second World Congress in Bangkok in 2001. The resulting East Asia and Pacific Regional Commitment and Action Plan against CSEC called for the adoption of the Stockholm Agenda for Action by all PICs. To date, Cook Islands, Fiji, Marshall Islands, FSM, Papua New Guinea (PNG), Samoa, Tonga and Vanuatu have adopted the Stockholm Declaration and Agenda for Action.

An “Inter-Agency Group” made up of UNICEF, UNESCAP and ECPAT International was established to monitor the implementation of the Regional Commitment and Action Plan. In line with their mandate, the Inter-Agency Group hosted the Pacific Regional Workshop on Combating Poverty and Commercial Sexual Exploitation of Children and Young People in Nadi, Fiji, in 2003. Workshop participants included health practitioners, law enforcement officials, government officials, social workers, counsellors, and NGO representatives from 12 PICs. Participants acknowledged that commercial sexual exploitation of children was a growing problem in PICs and that critical social, cultural, economic and legislative challenges needed to be urgently addressed.

During the workshop the participants formulated national strategies to combat sexual abuse and exploitation of children in their respective countries. The activities proposed in these national strategies addressed prevention, protection, recovery and rehabilitation, as well as child and youth participation. However, these strategies have yet to be further developed and formally adopted.

Participants highlighted a serious lack of information and data on the incidence of sexual abuse and exploitation of children and emphasized the need for research training to enable individual countries to undertake studies to provide baseline data for further action, including further planning and implementation of activities.

In response, in early 2004 the three agencies making up the Inter-Agency Group (UNICEF, UNESCAP and ECPAT International) developed a framework to undertake country studies to examine the incidence and causal factors of exploitation of children, and their linkages, in seven PICs: Cook Islands, Fiji, Kiribati, PNG, Samoa, Solomon Islands and Vanuatu.

Although the 2003 Pacific Regional Workshop on Poverty and CSEC did not specifically address the issue of sexual abuse of children, participants recognized it as a widespread but under-researched issue

in the Pacific. Given that child sexual abuse may be a contributing factor to the commercial sexual exploitation of children, and is also a key issue as regards adherence to the CRC, the Inter-Agency Group decided that the multi-country studies should also cover this issue. Funding for the country studies was split as follows: UNICEF Pacific (Kiribati, Vanuatu, Solomon Islands and Samoa); UNESCAP (PNG and Fiji); and ECPAT (Cook Islands).

United Nations Global Study on Violence Against Children

The United Nations Secretary-General's Global Study on Violence Against Children¹⁰ recently raised the issue of national commitment to addressing CSEC and CSA. Many PICs contributed to the UN Study: four¹¹ submitted country responses to the study questionnaire to governments and six¹² participated in the East Asia and Pacific Regional Consultation on Violence against Children held in Bangkok in June 2005. In response to a recommendation made at the Regional Consultation, a Pacific Consultation on addressing Violence against Children was held in Suva in September 2005. Government and NGO representatives from 15 PICs attended the Pacific Consultation, where participants discussed and drafted recommendations on addressing violence against children, including combating sexual exploitation and abuse of children.

1.5 The country studies

In early 2004, regional and national organizations were contracted by the Inter-Agency Group to conduct an initial round of studies in five countries: Fiji, Kiribati, PNG, Solomon Islands and Vanuatu. All studies were conducted in cooperation with host governments. The initial five country studies were conducted between July and December 2004 and form the basis of this regional overview.¹³ At the time of compiling this report, preparations were being made for a second round of studies to be conducted in Cook Islands, FSM and Samoa.

¹⁰ Launched on 11 October 2006. <http://www.violencestudy.org/IMG/pdf/English.pdf>

¹¹ Fiji, Samoa, Tonga, and Vanuatu.

¹² Fiji, Kiribati, PNG, Solomon Islands, Tonga and Vanuatu.

¹³ This report is the formal amalgamation of the country studies. The interim results of the country studies were reported and discussed at the Post Yokohama Mid-Term Review of the East Asia and Pacific Regional Commitment and Action Plan against CSEC held in Bangkok in 2004.

The objectives of conducting the country studies were as listed below.

- To document the existing situation of child sexual abuse and commercial sexual exploitation of children in each participating country.
- To identify and analyse the causes and risk factors surrounding the issue, including profiles of children, exploiters and key actors.
- To document and analyse government, civil society and country-based international organization responsibilities, related interventions and the level of coordination on work to combat child sexual abuse and the commercial sexual exploitation of children.

1.6 Study methods and limitations

a) Research training and preparation

In an effort to standardize the studies and the research methods used, the Inter-Agency Group, in cooperation with the Regional Rights Resource Team (RRRT), held a joint training session for researchers from 12 to 16 July 2004. This workshop covered qualitative research methods, such as conducting in-depth interviews (IDIs), mapping, and focus group discussions (FGDs). In addition, the session covered basic information about the ethics of working with children generally, as well as working with children and youth who have experienced sexual abuse, commercial sexual exploitation, or both.

During the workshop, questionnaires were developed for use with children, community members and service providers such as nurses, police, peer educators, teachers, taxi drivers, bar and hotel workers, and government and NGO workers. While common questionnaires were developed, research teams could decide whether to use these in the form of an in-depth interview guide, a focus group discussion guide or as a direct questionnaire.

b) Study sites and target groups

In order to gain a more representative sample of the populations in the countries studied, the research teams conducting the studies attempted to gather information from a range of types of locations, including rural, semi-rural, peri-urban and urban settings (with the exception of Fiji, where researchers focused only on urban areas and squatter settlements).

In addition, the research teams also attempted to gather information from a variety of sources, including children, young adults, teachers, parents, community members, health workers, chiefs and community leaders, police, social workers, peer educators, religious leaders, commercial sex workers, taxi drivers, hotel staff, bar and nightclub staff, NGO and government staff. The research teams were encouraged to ask the same questions of a number of sources in order to gauge the accuracy of the information that they were gathering.

In Fiji, the study was conducted by Save the Children Fiji and focused on four urban areas: Suva, Nadi, Lautoka and Savusavu. Within those urban settings, the study covered areas frequented by tourists, low income areas and squatter settlements. Children from these areas were interviewed through the use of focus group discussions; and the Save the Children team, through their peer educator work, interviewed 130 young female sex workers in the four urban centres.

In Kiribati the study was conducted jointly by RRRT, the Foundation of the Peoples of the South Pacific Kiribati (FSPK) and the Kiribati National Council of Women, Aia Maea Ainen Kiribati (AMAK). The research took place on two outer islands and in South Tarawa, (including Betio), an urban area which was chosen due to its proximity to ports and seafarer facilities and due to the large number of previously reported cases of commercial sexual exploitation of children in this area.

In PNG the study was conducted by HELP Resources Inc and the study area covered both rural and urban areas in three of PNG's four regions (Momase, Highlands and Southern Regions) including nine of its 20 provinces (Sandaun, East Sepik, Western Highlands, Simbu, Eastern Highlands, Morobe, National Capital District, Central, and Gulf), and covering areas along PNG's northern border with Papua and the two largest urban centres: Port Moresby and Lae.¹⁴

¹⁴ HELP Resources, Inc. 2005. A Situational Analysis of Child Sexual Abuse and the Commercial Sexual Exploitation of Children in Papua New Guinea, UNICEF PNG, Port Moresby. p. 9.

In the Solomon Islands the research was conducted by the Christian Care Centre of the Church of Melanesia. The Solomon Islands team covered the capital, Honiara, and six of the nine provinces (Makira-Ulawa, Western, Guadalcanal, Temotu, Malaita and Ysabel) which included the five provincial centres, Gizo, Noro, Munda, Buala and Kmaga.

In Vanuatu, the study was conducted by Wan Smol Bag, in three locations: Port Vila (urban), North Efate and Tanna (rural). The research was conducted through interviewing peer educators and other community members, including children, youth, women and taxi drivers. The Vanuatu team used qualitative research methods, including IDIs and FGDs.

c) **Survey size**

The survey size differed from country to country depending upon the research funds available and the geography of the country. The number of respondents per country ranged from approximately 120 persons interviewed in Vanuatu to several hundred interviewed in PNG. An exact figure for the total number of respondents participating in the interviews is not available because many of the interviews were conducted with focus groups, in which anywhere from five to twelve persons participated in group discussions.

d) **Ethical considerations**

Due to the sensitive nature of the research, extreme care was required of the researchers in order not to further traumatize those who had already experienced harm and suffering as a result of sexual abuse or sexual exploitation. All of the research teams had experience of working in, and were familiar with, the communities in which they were conducting the research. Furthermore, many of the researchers brought to the research process years of experience providing support and care to people who had encountered sexual abuse or exploitation.

Key components of social research conducted during the country studies included ensuring consent and confidentiality and protecting the anonymity of respondents. Specifically, after the nature of the interview was explained and clarified with them, respondents were asked to give their verbal consent to be interviewed. Names were not recorded, only age-group, sex and location were used to identify respondents for quotes. Respondents were asked not to name the names of perpetrators or victims of abuse. It was recognized as essential to protect respondents, and it was ensured that this was a standardized practice across all country studies.

e) **Research tools and methods**

This report draws on primary data collected through focus group discussions, in-depth interviews, testimonies, life stories, and observations. For discussions with agencies and government bodies, the research teams in Vanuatu, Kiribati and Solomon Islands also used semi-structured questionnaires. Secondary data was also used, including recent reports on commercial sex work, youth and sexuality, and organizational capacity assessments by key organizations working on HIV/AIDS,¹⁵ domestic violence and sexual violence.

Both qualitative and quantitative research methods were used in all studies. However, qualitative methods were favoured due to the nature of the topics being covered and the usefulness of descriptive data in understanding the causes and risk factors involved in each country.

Qualitative methods

i) Focus group discussions and interviews

While each research team utilized different approaches, all teams generally used focus group discussions and in-depth interviews, particularly when interviewing children and those working in the commercial sex industry. The discussion sessions allowed both flexibility and the opportunity for people to express their views and concerns about the topic. In-depth interviews were often conducted with those who preferred not to express their views in front of others in a group discussion, including taxi drivers,

¹⁵ Ibid

hotel workers, bar and nightclub staff. When conducting in-depth interviews with children, they were encouraged to explain the various dangers that they perceived they faced in their community and draw maps of their local areas, marking areas they felt were dangerous.

ii) Stories and observation

Some research teams, such as those in Vanuatu and Kiribati, utilized other qualitative research methods, such as collecting stories. Personal stories were recorded, and serve as a valuable source of important and comprehensive detail. Some of these stories and quotations, directly transcribed from the researcher's interview notes, are included in this report.

Research teams directly observed and recorded in field notes the situation in bars, nightclubs and other areas in which they were informed that children were being sexually exploited. Several of those observations are included in this report.

Quantitative methods

The research teams in each country attempted to collect quantitative data in relation to the following:

- The number of cases of child sexual abuse reported to the police and health clinics.
- The number of cases recorded by unofficial bodies but not reported to official data-collection sources, such as the number of cases presenting to women's crisis centres.
- The number of cases of child sexual abuse in which charges were laid, and the nature of the charges, such as: rape, indecent assault and incest.

- The number of convictions for child sexual abuse.
- The number of children known to have been sexually exploited, through activities such as child pornography, child prostitution and child trafficking for sexual purposes.
- The number of reported cases of sexually transmitted infections among children (STIs).

Accurate statistics on child sexual abuse and exploitation were difficult to obtain from government service providers such as health clinics and the police. In some cases, information was estimated based on associated data. For example, by gathering data from health centres regarding the number of children with sexually transmitted infections, research teams were able to obtain information regarding the number of children in their countries who had experienced sexual contact.

In general, researchers found that there was a lack of quantitative data available on numbers of children being sexually abused and sexually exploited. This was generally due to the factors listed below.

- Many countries do not keep records or reports that are specific to child sexual abuse or the sexual exploitation of children.
- Government departments have a weak capacity to collect data on sexual abuse and exploitation of children.
- Where data is collected on sexual offences such as rape and prostitution it is not disaggregated by factors such as the sex and age of victims.
- Sexual abuse and sexual exploitation of children are sensitive and taboo issues that are not openly discussed within communities.
- Child sexual abuse and commercial sexual exploitation of children often take place outside of the public view, with the result that there is little evidence of the crimes.
- Children who are victims of sexual abuse or commercial sexual exploitation, and parents

or caregivers of these children, may not report the crime. This can be because they do not know where to go to report or to receive assistance, or because they lack confidence in the police and the judicial system. Other reasons for not reporting the crime include the risk of being prosecuted themselves; and fear of perpetrator retribution and social stigmatization.

- Legislative deficiencies may mean that police or court records do not accurately capture the nature of the offence. For instance, many criminal codes only recognize sexual abuse as a crime against girls, thus overlooking boy victims of sexual abuse; and cases of child sexual abuse occurring within the family unit may be mislabelled solely as “incest”, without noting the age of the victim. Similarly, the criminalization of prostitution can result in child victims of sexual exploitation being charged as offenders.

As noted by UNICEF in a report on research into the sexual exploitation of children:

Research on child trafficking and sexual exploitation is challenging because of the complex, clandestine, sensitive and changing nature of the practice itself. Information must be gathered from many different sources, official statistics and beyond; this data must be validated; linkages and explanations need to be developed and tested; and conclusions and lessons must be considered in consultation with stakeholders.¹⁶

Given the lack of quantitative data, it is difficult, if not impossible, to provide accurate figures for the number of children being sexually abused or exploited, or both, in the five countries studied.

(f) Study limitations

The complexities and challenges of carrying out research into child sexual abuse and exploitation, as articulated above, were certainly experienced by the five research teams. In addition to the factors noted above, other issues made the research particularly challenging, such as the tight timeframe for

¹⁶ UNICEF Innocenti Research Centre. 2005. Trafficking for Sexual Exploitation and other Exploitative Purposes: Some preliminary findings of research, UNICEF, p. 2..

conducting the studies, the difficulty of accessing remote areas, and poor birth registration records (and the consequent inability to define children's ages).

Acknowledging these limitations, this report claims only to present a “snapshot” of the situation in Fiji, Kiribati, PNG, the Solomon Islands and Vanuatu regarding child sexual abuse and commercial sexual exploitation of children, as opposed to presenting comprehensive statistics on the prevalence, nature and occurrence of sexual abuse and exploitation of children within the Pacific.

1.7 Definitions

The definitions used by researchers during the research phase of the country studies are set out below.

Child: Any person below the age of 18 years.¹⁷ Children who have reached the age of 13 but have not yet reached age 18 may be referred to on occasion as “youth” or “young people”, while still being included in the broad definition of children.¹⁸

Child sexual abuse (CSA): When an adult or someone bigger or older than the child uses power or authority over the child to involve the child in sexual activity. Physical force is sometimes involved. Contact offences include touching and fondling, through to sexual penetration. Non-contact offences include verbal sexual harassment, indecent exposure, “peeping” and exposure to pornography. The two main components of child sexual abuse are:

- Sexual activity – actual, attempted or threatened – between a child or young person and an older, bigger or more powerful person.
- An abuse of the unequal power relationship between a child or young person and an older, bigger or more powerful person, which usually includes a betrayal of the child's trust.¹⁹

¹⁷ Convention on the Rights of the Child, 20 November 1989. Article 1.

¹⁸ Christian Care Centre of the Church of Melanesia. 2004. Commercial Sexual Exploitation of Children and Sexual Abuse in the Solomon Islands: A Situation Analysis. UNICEF, Honiara. p. 9

¹⁹ Save the Children, 2006. Stop CSEC: *Commercial Sexual Exploitation and Sexual Abuse of Children in Fiji; A Situational Analysis*, Save the Children, Suva, p. 9.

While it is acknowledged that there are other, definitions of child sexual abuse, the two-pronged definition outlined above was the definition used in the research for this report.

Commercial sexual exploitation of children (CSEC): Sexual abuse of a child by another person in return for remuneration, in cash or kind, paid to the child or paid to a third person or persons.²⁰ It includes child prostitution, child pornography, trafficking in children for sexual purposes, child sex tourism and child marriage for the purposes of sexual abuse or sexual exploitation.

As stated in the 1996 Stockholm Declaration and Agenda for Action:

The commercial sexual exploitation of children is a fundamental violation of children's rights ... The child is treated as a sexual object and as a commercial object. The commercial sexual exploitation of children constitutes a form of coercion and violence against children, and amounts to forced labour and a contemporary form of slavery.²¹

Child prostitution: The use of a child in sexual activities for remuneration or any other form of consideration.²² The term child prostitution, however, may not be something that young people subject to commercial sexual exploitation may identify with (young people may instead identify with terms such as “sex for survival” and “sex for favours”).

Child pornography: 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.²³

There are two broad categories of child pornography: non-sexually explicit but involving naked and seductive images of children; and, that which presents images of children engaged in sexual activity.²⁴

²⁰ Based on the Stockholm Declaration and Agenda for Action. August 1996. para 5.

²¹ Stockholm Declaration and Agenda for Action. August 1996. para 5.

²² Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography. Article 2(b)

²³ Ibid. Article 2(c)

²⁴ ECPAT International. 2006. Questions and Answers about the Commercial Sexual Exploitation of Children, 3rd edn, ECPAT International, p. 7.

A child does not necessarily have to be aware he or she is being exploited for the production to be considered child pornography. Similarly, a child does not necessarily need to be the actual unwitting actor in the production for them to be harmed by child pornography. At the community level, the existence of child pornography, “whether of real or simulated images, continues to cultivate a demand that involves sexual abuse and exploitation of children... There is a clear link between the pornography of children and actual sexual abuse”.²⁵

Child pornography is found in formats such as films, DVDs, videos and photographs; in print, magazines, books, cartoons and posters. Child pornography is often shared, traded or sold among adults. The trading of such pictures may happen in the community of a child victim or even in a child’s school. The internet has expanded opportunities for trading of child pornography by providing an instant, global and reasonably secret means of distributing and sharing images and films.

Child sex tourism: The commercial sexual exploitation of children by persons who travel from one place to another and there engage in sexual acts with children.²⁶ Often, these people travel from a richer country to one that is less developed, but child sex tourists may also be travellers within their own countries or region. Some child sex tourists (also referred to as preferential abusers and paedophiles) target children specifically.

Most child sex tourists, though, are situational abusers who do not usually have a sexual preference for children, but take advantage of a situation in which children are made available to them. They may try to rationalize their actions by claiming sex with a child is culturally acceptable in the place they are visiting or that money or goods exchanged benefit the child and community.²⁷

²⁵ Ibid. pp. 7-9.

²⁶ Ibid. p. 13.

²⁷ Sub-group Against the Sexual Exploitation of Children, NGO Group for the Convention on the Rights of the Child. 2005. *Semantics or Substance? Towards a shared understanding of terminology referring to the sexual abuse and exploitation of children.* Sub-group Against the Sexual Exploitation of Children, NGO Group for the Convention on the Rights of the Child. p. 18.

Trafficking: In the context of children, trafficking means the recruitment, transportation, transfer, harbouring or receipt of a child within or across borders for the purpose of exploitation. (Exploitation includes, at a minimum, the exploitation or the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs).²⁸

It is important to note that this report focuses on examining the situation regarding child trafficking for sexual purposes. Child trafficking for other purposes such as for forced domestic labour and slavery, servitude and removal of organs is not covered within the scope of this research.

Child (or early) marriage: Child marriage, or early marriage, involves the marriage of children and adolescents below the age of 18.²⁹ It can be considered as a form of commercial sexual exploitation when a child is obtained and used for sexual purposes in exchange for goods or payment in cash or kind paid to a third party (usually the parents or family of the child).

²⁸ Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime. Adopted and opened for signature, ratification and accession by General Assembly resolution 55/25 of 15 November 2000 (not in force). Article 3.

²⁹ ECPAT International. 2006. *op. cit.* p. 15.

SECTION 2

THE REGIONAL CONTEXT



Map of the Pacific Region
 Source: Pacific Islanders Cultural Association

2.1 The Pacific at a glance

The Pacific region stretches across approximately one third of the Earth’s surface and encompasses around 9 million people, of which some half are children and youth.³⁰

The countries making up the region are generally quite small in size and are separated by vast expanses of water. These nations are made up of groups of islands, which are themselves separated by large distances.

The Pacific has rich linguistic and cultural diversity – perhaps even the richest on earth – boasting a staggering 1,250 distinct languages and many cultures and sub-cultures. While most Pacific

³⁰ McMurray, C. Forthcoming Young People’s Participation in the Pacific: Facilitating Factors and Lessons Learned, UNICEF Pacific. Suva, p. 4.e 3.

languages are still in use today, the region's history of colonization has left its mark, with most Pacific countries having English as one of their official languages and some having French as an official language.³¹

2.2 Culture, gender and the status of children

The people of the Pacific region are commonly divided into three groups of cultural, ethnic and linguistic similarity: Melanesian, Polynesian and Micronesian. The three groups, while differing from each other in many ways, have certain socio-cultural similarities.

One such similarity is that the societies of all three groups have traditionally been organized along social rather than economic lines. However the groups place varying degrees of emphasis on factors such as gender and patriarchal authority within society and, consequently, these societies differ with regard to the status of women.

In Polynesia and Micronesia social status was traditionally based on inherited chiefly status whereas in Melanesia societies were traditionally ranked by gender.³² So while most Polynesian societies have traditionally featured both women and men in high ranking positions of authority,³³ in Melanesian societies (PNG, Solomon Islands, Vanuatu and parts of Fiji) men are almost always in a higher ranking position to women and there is far greater gender inequality than in Polynesian and Micronesian societies.³⁴

In all Pacific Island societies women and men have differing traditional social roles, and with these roles come expectations regarding behaviour. The customary role of women was to be a wife and mother and perform all the tasks associated with this role. By traditional social norms, women can only make a good marriage – and therefore fulfil their social role – if she has an unblemished reputation. Therefore families seek to protect their daughters' reputations, and the family's honour, by restricting the activities of young women. Consequently, adolescent boys generally have greater freedom and choices than adolescent girls. For example, in an effort

³¹ Schoeffel, P & Meleisea, E. "The Elimination of All Forms of Discrimination and Violence Against the Girl Child: Situation Paper for the Pacific Islands Region", UNICEF Pacific, Suva, p. 4.

³² Schoeffel and Meleisea, op.cit., p. 7.

³³ Griffen, V. Forthcoming. Gender Relations in Pacific Cultures and Their Impact on the Growth and Development of Children, UNICEF Pacific, Suva, p. 14.

³⁴ Schoeffel and Meleisea, op.cit., p. 7.

to prevent premarital pregnancy, families in Tonga and Samoa are often very strict with girls and restrict their movements.³⁵ Men and boys are subject to a different set of social norms and expectations, so do not experience the same kinds of restrictions.³⁶

In all Pacific societies, social status is attained with age; with the result that children have very low status in society. Traditionally, children are expected to contribute to the family economy and compensate their parents for the cost of their upbringing by assisting with household and agricultural tasks from an early age. Furthermore, children in Pacific societies are generally socialized to defer to adults in all matters.³⁷ In societies in which there is greater gender inequality, girl children have a lower status than boys.

2.3 Economic context

Poverty, at a level that leads to difficulties in meeting basic needs in food, clothing and shelter, as well as severely limited access to education and health services, exists in the Pacific in urban and peri-urban areas, as well as in the more isolated rural areas and in the outer islands.

The Pacific Island countries have experienced difficulty in developing their economies, largely because of their small size and remoteness. Their small production capacities and distance from markets has led to difficulty in competing at world prices in any major industry.³⁸ As a result, export schemes and associated job-creation initiatives are not always successful. Even where export schemes succeed, the income earned from exports is subject to fluctuations in the international economic climate. For example, in the Solomon Islands the income from exports such as timber and minerals fluctuates frequently with changes in the global market for these resources.³⁹ Consequently, most PICs are unable “to grow at a rate that will lead to sustained increases in living standards for all” especially in the face of rapidly growing populations.⁴⁰ In some cases, PICs also suffer from poor governance and management.

³⁵ Ibid.

³⁶ Hughes, D. 2002. *Qualitative Study on Child Protection Practices: Vanuatu Report*, University of the South Pacific, Suva, p. 50.

³⁷ Adinkrah, M. 1995. *Crime, Deviance and Delinquency in Fiji*, Fiji Council of Social Services, Suva, p. 168.

³⁸ World Bank. 2006. “At Home and Away: Expanding Job Opportunities for Pacific Islanders through Labour Mobility”, World Bank, Washington.

³⁹ Asian Development Bank, 2005, *Asian Development Outlook 2006*, Asian Development Bank, Manila, p. 262.

⁴⁰ AusAID. 2005. *Core Group Recommendations Report for a White Paper on Australia’s Aid Programme*. AusAID, Canberra, p. 5.

The vast distances between islands and the relatively small size of communities on each of the islands makes the provision of adequate medical services and schools difficult, with the result that services are of poor quality.⁴¹ With high population growth rates in certain countries,⁴² there is a clear “gap between PIC capacity to provide necessary services and opportunities and the needs of a rapidly growing population”.⁴³

The table below provides information about key demographic indicators of the five Pacific countries in which the CSA and CSEC studies were conducted.

Country	Population estimate 2004	Estimated annual pop. growth rate 2004-2015 (%)	Population doubling time (yrs) (a)	Urban pop.%	Average household size	Median age (b)	Total Fertility Rate (c)	Teen Fertility 15-19 (d)	Infant mortality rate (e)
Fiji	836,000	0.7	106	46	5.4	21.2	2.7	54.0	22
PNG	5,695,300	2.2	32	13	5.5	19.7	4.6	70.0	64
Solomon Is.	460,100	2.3	30	16	6.3	18.8	4.8	72.0	66
Vanuatu	215,800	2.7	26	21	5.1	19.6	4.8	92.0	27
Kiribati	93,100	2.3	31	43	6.7	19.7	4.3	70.8	44

Source: Secretariat of the Pacific Community. 2004. “Pacific Island Populations 2004”.⁴⁴

In this table the most striking aspects of the population dynamics of these five countries are the median age and the estimated number of years for populations to double. In the cases of PNG, Solomon Islands and Vanuatu, the median age is very low (under 20 years of age) and a doubling of the population is expected in a remarkably short period of time (approximately 30 years).

⁴¹ Abbott, D. and Pollard, S. 2004. “Hardship and Poverty in the Pacific: Strengthening Poverty Analysis and Strategies in the Pacific”, Asian Development Bank, Manila, p. ix.

⁴² Carling, M. 2004. Assessment of Protective Environments for Children: Fiji, Kiribati, Solomon Islands, Vanuatu, UNICEF Pacific, Suva, p. 6.

⁴³ Asian Development Bank. 2006. *op. cit.*, p. 263.

⁴⁴ Secretariat of the Pacific Community Demography and Population Programme. 2004. “Pacific Island Populations 2004”, Secretariat of the Pacific Community, Noumea <http://www.spc.int/demog/en/index.html>.

a) Refers to the number of years it would take for each country’s population to double from its 2004 estimated total.

b) The median age is the age that divides a population into two numerically equal groups; that is, half the population is younger than this age, and half is older. Calculations are based on the total population estimate (2004).

c) Total fertility rate (TFR) is the average number of children a woman would give birth to during her lifetime if she were to pass through her childbearing years conforming to the fertility patterns of a given year or period.

d) Teenage fertility refers to the number of births per 1000 females aged 15-19.

e) The infant mortality rate is the number of deaths of children under 1 year of age in a given year (or reference period), per 1000 live births during the same time

Broadly speaking the economic records of countries in the region illustrate the difficulties PICs have faced in maintaining a sustainable economy and society. Support for this assertion is derived from analyses, provided by the Asian Development Bank, of the Pacific's economic, political and social indicators from the previous decade:

...weak economic growth, growing populations, rising unemployment, declining per capita incomes, questionable standards of governance, poor and often deteriorating standards of service delivery, and a frequent lack of clear national priorities and development strategies were causing both hardship and poverty in the Pacific.⁴⁵

In the absence of changes in their economic prospects, these countries can expect higher unemployment levels in future and can expect poverty levels to increase. This is of particular concern in countries such as PNG, where studies have documented a link between poverty that arises when the formal economic sector fails to provide employment and the tendency for people to turn to theft, robbery⁴⁶ and prostitution⁴⁷ to survive.

Poverty in the Pacific region is also related to the increasing monetization of Pacific economies in recent years. Until recently, Pacific populations traditionally depended on fishing, hunting and subsistence agriculture. Cash was a luxury rather than a necessity. However, as economies have modernized and people have developed new lifestyle aspirations and a demand for consumer goods, there has been an increasing dependence on, and demand for, money. With most of the population still somewhat reliant on farming and fishing and without access to cash incomes, a divide has grown in Pacific island societies between those with cash and those without. Given that there are few opportunities for wage-employment in PICs, most Pacific Islanders are today experiencing both cash poverty and poverty of opportunity. These new forms of poverty are leading to significant social challenges in all Pacific countries.

⁴⁵ Abbott, D. and Pollard, S. 2004. "Hardship and Poverty in the Pacific: Strengthening Poverty Analysis and Strategies in the Pacific", Asian Development Bank, Manila, p. vii

⁴⁶ Chand, S. and Levantis, T. 1998. "The nexus between crime and productivity in Papua New Guinea" in Chand, S. ed., Productivity Performance in the South Pacific, National Centre for Development Studies, Pacific Policy Paper 31, Canberra: Asia Pacific Press, pp. 33-46.

⁴⁷ Regional Rights Resource Team. 2004. Situation Analyses of Child Abuse and Commercial Sexual Exploitation of Children in Kiribati, Solomon Islands and Vanuatu, unpublished reports, UNICEF Pacific, Suva.

Rapid urbanization in recent decades is compounding and contributing to urban poverty, and has led to the concentration of large numbers of unemployed youth in urban areas, rising levels of violence and violent crime, fragmentation of families (with associated impacts on child-rearing) and the breakdown of traditional social support mechanisms.⁴⁸

⁴⁸ Meleisea, E. and Schoeffel, P. Forthcoming, "Youth in the Pacific Small Island Developing States", World Youth Report. United Nations, New York. See also UNESCAP *Managing the Transition from the Village to the City in the South Pacific*, United Nations, NY, 1999, pages 11-13

SECTION 3

REGIONAL FINDINGS

3.1 Introduction

This section examines the nature of child sexual abuse and commercial sexual exploitation of children in the five Pacific countries in which the studies were conducted.

In addition, this section discusses the kinds of perpetrators of child sexual abuse and commercial exploitation of children as found in the five country studies. This section concludes with an analysis of the linkages between child sexual abuse and sexual exploitation of children, as highlighted by the country studies.

3.2 Types and patterns of child sexual abuse

Although the exact extent and nature of child sexual abuse in the Pacific is not known, it is clear from the country studies that such abuse occurs in all five of the countries studied. While the legal terms for child sexual abuse differ by country, the studies identified the existence of many forms of abuse of children that would come within the standard definition of child sexual abuse, including child rape, molestation, incest, indecent assault, indecent exposure, and children witnessing the sexual assault of another person (such as their mother).

Some of the research teams were able to obtain quantitative data on the prevalence of child sexual abuse. The Fiji study, for example, cited police statistics showing that between 1999 and 2003, reports were received about 92 cases of child rape, 59 cases of attempted child rape, 65 cases of “unnatural offences” against children, 58 cases of indecent exposure towards children, 42 cases of incest involving children, and 212 indecent assaults of children.⁴⁹ The Fiji Women’s Crisis Centre, which collates statistical information on cases presenting to their centre, reports that between 1993 and 2001, 131 cases of child sexual abuse and 26 cases involving both sexual and physical abuse of children were presented at the centre.⁵⁰

⁴⁹ Fiji Police Child Abuse Statistics 2003, reproduced in Save the Children Fiji, 2006, op. cit., p. 44.

⁵⁰ Carling, M. 2001. Study of the Impacts of the political crisis on children and families in Fiji, Save the Children Fiji, Suva, p. 52, cited in Save the Children Fiji, 2006, op. cit., p. 28.

The Kiribati study reported that there were more than 15 cases of “defilement” (sexual intercourse with a girl under 13) between 1999 and 2004, with four cases of child rape and one attempted child rape between May and September 2000.⁵¹ In PNG, statistics from the East New Britain Province’s Sexual Offences Squad show that between February and August 2004, reports were received of 47 cases of sexual abuse of children aged under 10, and 76 cases of sexual abuse of children aged between 11 and 15.⁵² The PNG study also stated that one or two cases of child rape are presented at the Port Moresby General Hospital every day.⁵³

The country reports frequently emphasised, however, that, because of inadequate data collection and other issues, official statistics do not accurately capture the prevalence of child sexual abuse and that the true rates may be significantly higher.⁵⁴

Qualitative and supplementary data also confirmed the occurrence of child sexual abuse in the countries studied. A range of respondents in each country study, including child victims themselves, reported that sexual abuse of children was occurring in each country.⁵⁵ The Fiji study, for example, found that 22 per cent of students and 29 per cent of school leavers surveyed in Suva stated that they personally knew of someone (a friend or relative) who had been a victim of child sexual abuse.⁵⁶ Similarly, the Vanuatu study cited a Pacific Children’s Programme (PCP) situation analysis of child protection in Vanuatu, in which the majority of informants had encountered or knew of instances of children (from the age of 5 and up) being sexually abused.⁵⁷ The Solomon Islands study noted that reports of sexually transmitted infections in children as young as between 1 and 3 years old were a clear indicator of the existence of child sexual abuse in that country.⁵⁸

The studies indicated that child sexual abuse is occurring in various locations, from urban centres to isolated rural areas.⁵⁹ Some of the locations in which child sexual abuse takes place include:

⁵¹ RRRT, 2004, op. cit., p. 32.

⁵² Help Resources Inc, 2005, op. cit., p. 80.

⁵³ Ibid. p. 80.

⁵⁴ Christian Care Centre of the Church of Melanesia, 2004, op. cit., p. 25; RRRT, 2004, op. cit., p. 32; Save the Children Fiji, 2006, op. cit., p. 27; Help Resources Inc, 2005, op. cit., p. 43.

⁵⁵ Christian Care Centre of the Church of Melanesia, 2004, op. cit., pp. 25-28; RRRT, 2004, op. cit., p. 33; Wan Smol Bag, 2004, op. cit., p. 22; Save the Children Fiji, 2006, op. cit., p. 27; Help Resources Inc, 2005, op. cit., pp. 32, 45, 47, 57.

⁵⁶ Save the Children Fiji, 2006, op. cit., p. 27.

⁵⁷ Wan Smol Bag, 2004, op. cit., p. 22.

⁵⁸ Christian Care Centre of the Church of Melanesia, 2004, op. cit., p. 25.

⁵⁹ Christian Care Centre of the Church of Melanesia. 2004. pp 26-28; RRRT. 2004. p 33; Save the Children Fiji. 2006. p. 30; Wan Smol Bag. 2004. p. 22; Help Resources, Inc. 2005. p. 52

- The home, village or community. This appeared to be the most common setting for child sexual abuse and is closely related to the issue of family or household members as perpetrators, which will be discussed below. It was noted in the PNG study that sexual abuse of children in the home is often “long term but silenced ... (often) revealed only when it results in child pregnancies”.⁶⁰
- School (this was both reported directly and implied from reports of teachers being perpetrators of child sexual abuse).⁶¹
- Religious institutions (implied from reports of religious workers, such as pastors, clergy and church workers, being perpetrators of child sexual abuse).⁶²
- Care facilities or institutions for children.⁶³

Some of the country reports noted that armed conflict, including civil unrest and inter-tribal warfare, has led to child sexual assault. The Solomon Islands study, for example, revealed that many girls were sexually assaulted by militants during the Tensions.⁶⁴ The PNG country study noted that rape and pack rape of girls aged between 2 and 17 years occurred during revenge raids in tribal fighting.⁶⁵ The Fiji study mentioned a report documenting increased sexual abuse against women as a result of the political crisis during the 2000 coup, which also had implications for sexual violence against children.⁶⁶

While early marriage with a “bride price” can be viewed as a form of commercial sexual exploitation of children, marriage of young children (under the legal age of consent) can also be classified as child sexual abuse.⁶⁷

Examples of child sexual abuse reported in the studies included both one-off and opportunistic incidents as well as sustained and repeated abuse over long periods of time.

⁶⁰ Help Resources, Inc. 2005. p. 83

⁶¹ Help Resources, Inc. 2005. pp. 84-87; RRRT. p. 36.

⁶² Help Resources, Inc. 2005. pp. 83, 111; Wan Smol Bag. 2004. p. 22; RRRT. p. 36.

⁶³ Save the Children Fiji. 2006. p. 30; Help Resources, Inc. 2005. p. 83.

⁶⁴ Christian Care Centre of the Church of Melanesia. 2004. pp. 29-30.

⁶⁵ Help Resources, Inc. 2005. p. 45.

⁶⁶ Save the Children Fiji. 2006. p. 14.

⁶⁷ Christian Care Centre of the Church of Melanesia. 2004. p. 31. Marriages of very young children were also reported frequently in the PNG study: see for example pp. 32 and 42.

3.3 Perpetrators of child sexual abuse

Child sex offenders cannot be stereotyped, however some patterns did emerge from the country studies regarding the perpetrators of child sexual abuse. As with perpetrators of commercial sexual exploitation of children, the studies indicated that perpetrators of child sexual abuse are overwhelmingly male.⁶⁸ Furthermore, perpetrators of child sexual abuse are nearly always in a relationship of trust or authority with the child. The country studies provided many examples of sexual abuse of children being perpetrated by the following persons:

- Family or household members (fathers, adoptive fathers, stepfathers, uncles, grandfathers, brothers, extended family members)
- Community members or neighbours
- Guardians or caregivers (including child-sitters)
- Teachers and religious instructors.⁶⁹

A significant portion of perpetrators of child sexual abuse were reported to be within the family or in the home, or both. The Fiji study, for example, cited police statistics showing that of the 35 cases of child sexual abuse reported to the Fiji police Sexual Offences Unit in 2000, 33 were committed by a trusted family member.⁷⁰

The country reports all noted that intra-familial child sexual abuse (often referred to as incest) has severe long-term emotional and psychological effects on a child, representing a deep betrayal and abrogation of the trust and security within the family environment to which every child is entitled. A sad example of this abuse of trust was provided by a police commander in the Solomon Islands:⁷¹

⁶⁸ RRRT. 2004. p. 35; Help Resources, Inc. 2005. p. 83 ; Save the Children Fiji. 2006. p. 31; Christian Care Centre of the Church of Melanesia. 2004. p. 28.

⁶⁹ RRRT. 2004. pp 34-36; Help Resources, Inc. 2005. pp. 57, 83-87; Save the Children Fiji. 2006. p. 31; Wan Smol Bag. 2004. p. 22.

⁷⁰ Save the Children Fiji. 2006. p. 30.

⁷¹ Christian Care Centre of the Church of Melanesia. 2004. p. 27

In province there was a father with two daughters. The situation was that the mother of the girls had died, and ... the father wanted to have sex with the two daughters. However he felt he could not approach them with a direct request, so one day he sat down to read the newspaper, first making sure that the girls were close by. He then stated that he had just read in the paper that the government had passed a new law that a father should be the first to have sex with his daughter and that any father who does not do so will be imprisoned. The girls innocently submitted to the father as they did not want the family to be separated.

Cases of child sexual abuse by strangers and unrelated adults were reported in the country studies but appeared to be in the minority.⁷² As the Fiji country study noted, this pattern “raises questions on awareness whereby children are taught about ‘stranger danger’ rather than the danger of family and ‘friends’”.⁷³

Police were also reported as common perpetrators of child sexual abuse in the PNG country study, and often abused victims of sexual exploitation:⁷⁴

One policeman from outside the Highlands region, based in Goroka reported that it is common for police to abuse their powers while on night duty by taking young women in police custody (lock-up) out in the police vehicle, threatening them with long prison sentences until they agree to let the police take turns having intercourse with them.

⁷² RRRT. 2004. p. 35; Christian Care Centre of the Church of Melanesia. 2004. pp. 27-28; Wan Smol Bag. 2004. p. 22; Save the Children Fiji. 2006. p. 31.

⁷³ Save the Children Fiji. 2006. p. 31.

⁷⁴ Help Resources, Inc. 2005. pp. 51, 63

3.4 Types and patterns of commercial sexual exploitation of children

For the purposes of the country studies, commercial sexual exploitation of children was divided into five categories as follows:

- Child prostitution
- Child sex tourism
- Child pornography
- Child trafficking for sexual purposes
- “Sale” of children through improper marriage and adoption.

These five categories will be discussed separately.

Child prostitution

Existence and prevalence of child prostitution

Although it is not possible to provide exact figures on the number of children involved, each of the five country studies confirmed that child prostitution is occurring in the Pacific.

The majority of evidence on this issue is qualitative; based on observations by the research teams on the streets and in nightclubs, as well as on the results of interviews and discussions with children, youth, sex workers, social workers, health workers, teachers, security officers, police

and magistrates. In addition to the direct testimony from child victims themselves, the majority of participants in the studies reported that they knew of children engaged in prostitution in their country.⁷⁵ The evidence was considerable, and in the case of PNG, overwhelming, with the research team describing child prostitution in the country as “rampant”.⁷⁶

The statistics obtained from police and the courts in some of the country studies (Fiji, Kiribati and PNG) supported the anecdotal evidence regarding child prostitution. In Kiribati, for example, police statistics indicated that up to 80 young te korekorea (commercial sex workers associated with the foreign fishing vessels mooring in Kiribati) had visited boats in port in 2000.⁷⁷ In the case of Fiji, although statistics are not compiled for the crime of prostitution per se, the Police Departments Sexual Victims unit in Suva could provide figures for the period 2001-2003 for the number of people “loitering with intent to prostitute”. According to these statistics, 29 offenders were aged between 16 and 25, indicating some level of child prostitution occurring in the country.⁷⁸ In the PNG study, the researchers cited a 1994 study by the Institute for Medical Research which found that 30% of the 250 sex workers they interviewed were between 13 and 19 years of age and some were as young as 11.⁷⁹

An examination of recently released results of surveys of HIV and sexually transmitted infections (STIs), conducted in six PICs between 2004 and 2005, further support the country study findings. The results of the surveys revealed that 22.3 per cent of Pacific youth⁸⁰ stated that they had had sex for money or a gift within the last 12 months. The specific figure for Vanuatu was even higher, at 39.9 per cent; while in the Solomon Islands it was 20.3 per cent.⁸¹

⁷⁵ Save the Children Fiji. 2006. Commercial Sexual Exploitation and Sexual Abuse of Children in Fiji; A Situational Analysis, Save the Children Fiji, p. 16; HELP Resources, Inc. 2005. A Situational Analysis of Child Sexual Abuse & the Commercial Sexual Exploitation of Children in Papua New Guinea, UNICEF PNG, Port Moresby. p. v; Christian Care Centre of the Church of Melanesia. 2004. Commercial Sexual Exploitation of Children and Sexual Abuse in the Solomon Islands: A Situation Analysis, UNICEF, Honiara. p. 17; Wan Smol Bag. 2004. Commercial Sexual Exploitation of Children and Child Sexual Abuse in Vanuatu: A Situation Analysis, UNICEF, Port Vila. p. 19; Pacific Regional Rights Resource Team (RRRT). 2004. Commercial Sexual Exploitation of Children and Child Sexual Abuse in the Republic of Kiribati: A Situation Analysis, UNICEF, Tarawa, p. 24.

⁷⁶ HELP Resources, Inc., 2005, op. cit., p. v.

⁷⁷ HELP Resources, Inc., 2005, op. cit., p. 22.

⁷⁸ Save the Children Fiji, 2006, op. cit., p. 19.

⁷⁹ HELP Resources, Inc., 2005, op. cit., p. 89.

⁸⁰ “Youth” was defined in the study as: aged between 15 and 24.

⁸¹ Ministries of Health of Fiji, Kiribati, Samoa, Solomon Islands, Tonga and Vanuatu. 2006. “Second Generation HIV Surveillance: HIV/STI and Behavioural Surveillance Surveys in six Pacific Island Countries 2004 -2005”, Conducted with support from WHO, SPC, the Global Fund, and the University of NSW, p. 25.

Types of child prostitution

The studies found that children were selling sex both for cash and in exchange for goods and services, including food, alcohol, transport to school (taxi rides), clothes and small gifts.⁸² In Kiribati, for example, the young te korekorea exchange sex for money, clothes and fish from seafarers.⁸³

Similarly, male child respondents in the Solomon Islands told researchers of this form of exploitation by foreign seafarers. One boy said:

Olketa man ia – olketa fakem now anus or asi blong mifala (those men, they fucked us in the anus or the arse). After doing that they give us \$2 or \$5 so I said seleni nao ia me tired fo steal nao (this is money, I'm tired of stealing). This happened at night at the part of the main wharf previously known as the Guadalcanal Province area. These sailors are rough sometimes but I want money to buy my tobacco. Sometimes they give us fish for sex, so mifala allowem asi blong mifala fo oloketa (we let them have our arses). It is very painful but I need money for food.⁸⁴

⁸² HELP Resources, Inc. 2005, op. cit., p. v; Christian Care Centre of the Church of Melanesia, 2004, op.cit., p. 17; Wan Smol Bag, 2004, op. cit., p.19; RRRT, 2004, op. cit., p. 27; Save the Children Fiji, 2004, op. cit., p. 17.

⁸³ RRRT, 2004, op. cit., p. 24;

⁸⁴ Christian Care Centre of the Church of Melanesia, 2004, op. cit., p. 33.

The country studies found that, in general, child prostitution occurs in the following locations:

- Hotels, nightclubs, bars and brothels;
- Industrial sites and large resource and infrastructure projects (for example, logging and mining sites);
- Ports where fishing vessels and navy boats are docked.⁸⁵

The PNG country study also mentioned inner-city offices, disused buildings, and military barracks as sites for child prostitution.⁸⁶ The Solomon Islands study also mentioned schools and beaches.⁸⁷

The country studies also indicated that child prostitution in the Pacific occurs on both an informal, individual basis and an organized basis. Prostitution is organized by a range of perpetrators, including family members, taxi drivers, hotel and bar staff, security guards and police.⁸⁸ The country studies also noted the existence of organized networks and brothels in urban centres in PNG,⁸⁹ the Solomon Islands⁹⁰ and Fiji.⁹¹

For example, a female motel worker in Fiji reported the following:

A network of young school girls involved in prostitution operates out of the motel in which I work. How this network works is that if clients want young girls when they come to the motel, they tell the receptionist what type of girl they want and come back the next day. In the meantime the receptionist will get in touch with whichever one of the young girls closely matches the description. Contact is made on the girl's mobile phone. The girl will come into town the next day, change out of her school uniform then come up to the motel to wait for her client.⁹²

⁸⁵ HELP Resources, Inc, 2005, op. cit., p. 58; Christian Care Centre of the Church of Melanesia, 2004, op. cit., p. 18; RRRRT, 2004, op. cit., pp. 24, 26-28; Wan Smol Bag, 2004, op. cit., pp. 19-20; Save the Children Fiji, 2006, op. cit., pp. 17-19.

⁸⁶ HELP Resources, Inc., 2005, op. cit., p. 56

⁸⁷ Christian Care Centre of the Church of Melanesia, 2004, op. cit., pp. 17-18.

⁸⁸ HELP Resources, Inc., 2005, op. cit., pp. 37, 52-53, 63; Christian Care Centre of the Church of Melanesia, 2004, op. cit., p. 21; RRRRT, 2004, op. cit., pp. 26-28; Wan Smol Bag, 2004, op. cit., p. 19; Save the Children Fiji, 2006, op. cit., p. 26.

⁸⁹ HELP Resources, Inc., 2005, op. cit., p. 63.

⁹⁰ Christian Care Centre of the Church of Melanesia, 2004, op. cit., p. 18.

⁹¹ Save the Children Fiji, 2006, op. cit., p. 17.

⁹² Cited in Save the Children Fiji, 2006, op. cit., p. 17.

Child sex tourism

Globally, child sex tourism takes place in an organized, predetermined manner, and also takes place opportunistically once tourists or travellers arrive at their destination. The five country studies indicate the existence of some opportunistic child sex tourism in the Pacific, but do not provide evidence of the highly-organized child sex tourism networks that exist in other parts of the world.

For example, in Fiji, which has one of the more developed tourist industries of the five countries studied, the researchers noted a high correlation between child commercial sex work and areas frequently inhabited by tourists.⁹³ The Fiji study also reported anecdotal evidence of foreign visitors seeking sex with children.⁹⁴

In the Solomon Islands, hotel workers reported cases involving girls frequently visiting nightclubs and hotels in Honiara, and other tourist areas and resorts, and the country study referenced several cases of child sex tourism which were reported in the media in the Solomon Islands in 2004.⁹⁵ One case involved a French man who was convicted of ‘buggery’ after having sexual contact with two boys in the regional centre of Malu’u in Malaita. Another reported case involved two men from South Australia who took a boy from his village home, supposedly for a holiday, and then were convicted by the Australian Government on child sex tourism charges.⁹⁶

The Vanuatu study also reported instances of child sex tourism, for example taxi drivers organizing “meetings” with children for tourists. However the study was unable to confirm whether or not Vanuatu was being visited with the express purpose of commercially exploiting children for sex.⁹⁷ In Kiribati, where the tourism industry is quite undeveloped, there were no reports of child sex tourism.⁹⁸

⁹³ Save the Children Fiji, 2006, op. cit., p. 20.

⁹⁴ Ibid. p. 20.

⁹⁵ Christian Care Centre of the Church of Melanesia, 2004, op. cit., p. 22.

⁹⁶ Ibid. p. 22.

⁹⁷ Wan Smol Bag, 2004, op. cit., p. 21.

⁹⁸ RRRT, 2004, op. cit., p. 30.

Most of the country studies highlighted that as the tourism industries develop, and mobility increases, the risk of child sex tourism rises accordingly.⁹⁹ The Fiji Women's Crisis Centre has expressed particular concern, noting that the Pacific region is becoming more attractive to child sex tourists as a result of the crackdown on child trafficking and prostitution in Asia, because in the Pacific there are "loopholes in laws and limited public awareness" of the issue.¹⁰⁰ In light of these risks, more research needs to be done to identify types of child sex tourism in the Pacific and the opportunities for exploitation facilitated within the tourism industry.

Child pornography

The country studies provided evidence of child pornography being created, as well as sold, within the Pacific. For example, a pornography production case was under investigation in Kiribati which was believed to have involved young girls.¹⁰¹ Similarly, a number of cases of child pornography were reported to the research team in the Solomon Islands.¹⁰² Most of the cases of child pornography involved the exchange of money,¹⁰³ however young victims involved in prostitution in PNG reported that they are sometimes tricked into being photographed and filmed.¹⁰⁴

The research team in Fiji reported cases in which video stores were producing pornographic videos featuring young local girls in the 'back room' of certain video stores¹⁰⁵ and also documented reports of visiting yachtsmen luring small children (aged between 4 and 7 years old) from nearby villages with sweets so that the yachtsmen could "photograph the children as they played in the nude".¹⁰⁶ The research team in Fiji also learnt of the production of local pornographic videos involving both Indigenous Fijian and Indo-Fijian girls.

⁹⁹ RRRT, 2004, op. cit., p. 30; Christian Care Centre of the Church of Melanesia, 2004, op. cit., p. 22; Save the Children Fiji, 2006, op. cit., p. 24.

¹⁰⁰ Cited in Save the Children Fiji, 2006, op. cit., p. 20.

¹⁰¹ RRRT, 2004, op. cit., p. 30.

¹⁰² Christian Care Centre of the Church of Melanesia, 2004, op. cit., p. 21.

¹⁰³ Ibid. p. 21.

¹⁰⁴ Help Resources Inc., 2005, op. cit., p. 48.

¹⁰⁵ Save the Children Fiji, 2006, op. cit., p. 29.

¹⁰⁶ Ibid. p. 19.

Most of the other country studies also revealed anecdotal evidence of the existence and creation of child pornography. There was a pornography production case under investigation, where “pornographic photos were taken as a ‘memory of the young girl’.”¹⁰⁷ Young CSEC victims in the PNG country study also reported that behind locked doors they are sometimes tricked into being photographed and filmed.¹⁰⁸

In spite of the evidence of the existence of child pornography in the countries studied, there have been no prosecutions specifically relating to child pornography offences in the Pacific, largely due to legislative deficiencies.

In Fiji, in the first case of paedophilia for which a prosecution was laid,¹⁰⁹ *State v Mutch* (which resulted in the defendant being convicted of the rape and indecent assault of several children),¹¹⁰ the court heard that hundreds of images of child pornography – involving men having sex with young local girls – were recovered from the defendant’s computer. However, charges relating to child pornography were unable to be laid due to inadequacies of the national legislation at the time of the arrest. Fiji has since amended its legislation, making the production and trade of child pornography illegal through the Juveniles Amendment Act of 1997.

A broader issue raised by the country studies was children’s exposure to pornography. In each country, pornography was reported to be accessible, to varying degrees, on ‘pirated’ video cassettes, CDs and DVDs. The pornographic images and films are imported by local and expatriate travellers; downloaded from the internet, and sometimes created locally.¹¹¹

For example, the Solomon Islands study reported that:

Respondents mentioned that so-called “blue” movies are circulating in the community. Some begin with something innocuous like football, but then move onto sexual themes. Some

¹⁰⁷ Christian Care Centre of the Church of Melanesia, 2004, op. cit., p. 21

¹⁰⁸ Help Resources Inc, 2005, p. 48.

¹⁰⁹ Justice Pathik.-sentencing remarks. *State v Mutch* [1999] FJHC 149; Hac0008.1998 (15 November 1999)

¹¹⁰ *State v Mutch* [1999] FJHC 116; [1999] 45 FLR 253 (26 October 1999)

¹¹¹ RRRT, 2004, op. cit., pp 29-30; Christian Care Centre of the Church of Melanesia, 2004, op. cit., p. 21; Save the Children Fiji, 2006, op. cit., p. 19; Help Resources Inc, 2005, op. cit., p. 92; Wan Smol Bag, 2004, op. cit., p. 21.

respondents said they found themselves and their families watching such material after obtaining what they presumed to be harmless entertainment from friends.¹¹²

Similar comments were made in the PNG country study, which reported that public screenings of pornography were taking place quite regularly in both rural and urban areas.¹¹³

Most of the country studies raised concern over the negative consequences that exposure to pornographic material can have for children and young people, and recommended improvements in regulations in this area.¹¹⁴

Child trafficking for sexual purposes

According to the Pacific Immigration Directors' Conference Secretariat (PIDCS), human trafficking for the purpose of the sex trade is occurring in the Pacific, however levels are not high.¹¹⁵ PIDCS has looked at case studies of trafficking from PNG, Palau and the Solomon Islands and stated that "the numbers, whilst small compared to other parts of the world, are still significant considering the size of countries in the region, some with very small populations".¹¹⁶ However, as the data is limited and not gender and age disaggregated, it is unclear whether, and to what extent, this trafficking involves children.¹¹⁷

Of the five country studies covered by this report, only the PNG study provided evidence of child trafficking for sexual purposes. It confirmed that trafficking in children for sexual abuse and exploitation is occurring both internally, as well as across the Papua–Indonesian border.

The PNG country study also reported that women and girls are being trafficked for the purposes of sexual exploitation in and out of Port Moresby. It cited research by World Vision in 2004 which referred to evidence of "a growing sex slavery industry" in Port Moresby involving girls

¹¹² Christian Care Centre of the Church of Melanesia, 2004, op. cit., p. 21.

¹¹³ Help Resources Inc, 2005, op. cit., p. 92.

¹¹⁴ RRRT, 2004, op. cit., pp. 29-30; Christian Care Centre of the Church of Melanesia, 2004, op. cit., p. 21; Help Resources Inc, 2005, op. cit., p. 92.

¹¹⁵ Pacific Immigration Director's Conference Secretariat (PIDCS). 2006. People Smuggling, Human Trafficking and Illegal Migration in the Pacific: A Regional Perspective, PIDCS, p. 3.

¹¹⁶ Ibid. p. 9.

¹¹⁷ PIDCS presentation in Nadi, June 2006.

who are trafficked from rural areas.¹¹⁸ The World Vision report states that these girls are “believed to be held in captivity against their will and coerced into selling sex to foreigners”.¹¹⁹ The PNG country study also describes reports of trafficking whereby men move between Port Moresby and poor and remote rural villages arranging child brides:

Very young girls from poor Central and Gulf province villages are handed over to men who offer large amounts of money. There are men negotiating these deals for payments. One report alleges that a doctor from Simbu has bought a 10 year old Waiori girl and has already slept with her. In another case, KK, an, 11 year old from ... a rural, remote and poor village ... a very long way from Port Moresby, was sold for K2,000 to a man from Southern Highlands.¹²⁰

The other four country studies did not provide such evidence of trafficking in children for sexual abuse or exploitation. The only limited exception to this was the Fiji country study and the “informal adoption” cases discussed below which can also be considered a form of trafficking in children for sexual purposes.

“Sale” of children through improper marriage and adoption

The country studies raised concerns about the “sale” of children through improper or illegal marriages and informal adoption of children for exploitative or abusive purposes. Marriage of children under the minimum legal age is practiced in each of the countries covered by this report. The laws in most PICs permit marriage under the age of 18 with parental consent, setting the minimum age at between 14 and 17.¹²¹ However, as the Kiribati country study reported, many

¹¹⁸ World Vision. 2004. “Qualitative Assessment and Response Report on HIV/AIDS/STI Situation Among Sex Workers and their Clients in Port Moresby, Papua New Guinea”, Unpublished report by Anna Irumai, Eunice Bruce and Joshua Nonwo, cited in HELP Resources Inc, 2005, op. cit., p. 2.

¹¹⁹ Ibid.

¹²⁰ HELP Resources Inc, 2005, op. cit., p. 60

¹²¹ In the Solomon Islands, the Marriage Act (Cap 47) sets the minimum age for marriage at 18 years, but a child between the ages of 15 and 17 may be married with parental consent. In Vanuatu, the Control of Marriages Act (Cap 45) provides that girls may be married when they reach the age of 16 (and boys 18), with parental consent. In Fiji, the Marriages Act provides that girls aged between 16-21 (and boys aged between 18-21) may be married with parental consent. In PNG, the legal minimum age for marriage is 16 for girls and 18 for boys, although a judge may permit girls aged 14-16 and boys aged 16-18 to marry if unusual or exceptional circumstances exist. Kiribati is the only country covered by this report to make child marriage illegal; the law sets 18 as the minimum age for marriage with parental consent and 21 as the minimum age without parental consent.

parents are unaware of these laws and decisions on marriage are often “culturally rather than legally based”,¹²² so children (most frequently girls) are being married below the legal age . The Kiribati country report cites as an example the case of a chief who had two wives, the youngest only 13 years old.¹²³ The PNG country study also noted that although the legal marriageable age is 16, marriages in some rural areas involve children as young as 13 years of age.¹²⁴ Most of the country studies noted that child marriages are usually arranged by parents, other family members, or village chiefs on behalf of the families.¹²⁵

“Bride price” is still practiced in parts of the Solomon Islands, PNG, and Vanuatu.¹²⁶ The bride price tradition represents an exchange between families, and, historically was central to building strong and binding relationships between families and ensuring the well-being of the bride.¹²⁷ In today’s cash economy, however, the bride price tradition has become distorted, with the bride becoming “more of a commodity than a symbol of positive social relations as she is exchanged for money rather than culturally and socially significant items”.¹²⁸

Respondents in the Solomon Islands reported, for example, foreign timber workers marrying girls as young as age 12 in exchange for money or gifts to their families.¹²⁹ The respondent’s perceptions were that, although the giving of cash or gifts in exchange for a girl was justified by the tradition of bride price, these “marriages” do not conform to traditional expectations of “marriage” and men are not fulfilling their traditional marriage responsibilities. According to many respondents, these “marriages” are usually short-term arrangements, with, in most cases, the man eventually leaving and possibly acquiring another girl somewhere else.¹³⁰ Direct evidence of this practice was also given by victims themselves:

¹²² RRRT, 2004, op. cit., p. 31.

¹²³ Ibid. p. 31.

¹²⁴ HELP Resources Inc, 2005, op. cit., p. 31.

¹²⁵ Christian Care Centre of the Church of Melanesia, 2004, op. cit., p. 23; Wan Smol Bag, 2004, op. cit., p. 21; Save the Children Fiji, 2006, op. cit., p. 23; HELP Resources Inc, 2005, op. cit., p. 91.

¹²⁶ Christian Care Centre of the Church of Melanesia, 2004, op. cit., p. 23; Wan Smol Bag, 2004, op. cit., p. 21.

¹²⁷ Pollard, cited in National Advisory Committee on Children (NACC). 1998. Solomon Islands national report on 2 years implementation of the United Nations Convention on the Rights of Children. Government of Solomon Islands, UNICEF Pacific, Suva, p. 35. See also World Vision, 2005, Strongim Pikinini, Strongim Laef B’long Famili: Enabling Children to Reach Their Full Potential: A Contribution to the United Nations Study on Violence against Children, World Vision International Policy and Advocacy, Milton Keynes, pp. 25-26

¹²⁸ World Vision, 2005, op. cit., p. 18.

¹²⁹ Christian Care Centre of the Church of Melanesia, 2004, op. cit., p. 23.

¹³⁰ Ibid. p. 23.

M. was in Standard 6 when she was forced to marry a foreign logger, who was older than her, because her parents wanted money and food. She became pregnant and her mother had to take her to the hospital in the provincial capital. M. had not had her baby when interviewed, but the man had moved to another logging camp in a distant province, leaving M without support.¹³¹

Similar practices were reported in the PNG country study.¹³² The PNG study revealed that girls under 18 are being sold by their families to “big men” or so-called “top shots”: men with large amounts of disposable cash earned through vanilla plantations, gold mining, eaglewood harvesting or royalty payments.¹³³ The PNG country study also provided examples of Malaysian and Korean logging workers buying (part-time) wives and girlfriends from parents with large payments and gifts of houses and cars.¹³⁴

Similar cases were reported involving vanilla farmers. The following example of the “sale” of daughters was provided by the Coordinator of the Central Sepik Crisis Counselling Centre:

In 2001, a father from the middle of Sepik contacted vanilla farmers in the Drekikir area who were looking for youthful labourers. The father accepted a payment of K300 for three of his daughters aged 14, 15 and 21 years. Their mother was against accepting money for the girls, but the father insisted. The girls were supposed to go and work in the vanilla plantation. The man (who bought the girls) took all three as his sexual partners. The eldest girl managed to run away, but the two younger ones were made pregnant. When the vanilla price crashed, the farmer had no money to feed them, so he sent them back to their father. Now they are stigmatised in the village, and kept out of the public view by their parents. They are unlikely to find marriage partners and likely to continue to be targeted for sexual abuse.¹³⁵

In similar circumstances, at the time of researching the Maprik Crisis Counselling Centre was also dealing with three cases of what are locally called “cash and carry girls” – child brides bought by Sepik vanilla farmers from remote border village areas of Sandaun province (for

¹³¹ Ibid. p. 31.

¹³² Ibid.

¹³³ HELP Resources Inc, 2005, op. cit., pp. 36-37, 91.

¹³⁴ Ibid. p. 37.

¹³⁵ Ibid. p. 36.

amounts ranging between K15,000 and K20,000).¹³⁶ Because the vanilla prices had fallen, the perpetrators could no longer maintain the girls and the girls had presented at the crisis centre, neglected, overworked and under-nourished.¹³⁷

Another example was reported by the The Maprik Crisis Counselling Centre in a case where a middle-aged married local businessman made a down-payment of almost K4,000 for a local Papuan girl, 15 years of age.¹³⁸ The same centre reported another case involving an election candidate in PNG:

My parents married me off to a 50 year old man when I was 16. He was a candidate for the elections. He paid them some money and they thought he was a big man and had lots of money...He took me away for two years, but left me when he lost in the elections. I came to Lae and got involved in selling sex.¹³⁹

An educated professional who returned to work with his community in a remote middle Sepik Village also provided numerous examples of the “sale” of girls.¹⁴⁰ One case is described below:

In 2004, an eight year old girl from Burui, near the Sepik River, was handed over by her father to a man in Maprik area, as “part payment” for an outstanding debt of K3,400 that the girl’s father was unable to repay. ... It has been reported by many eyewitnesses that the girl is now very badly treated and is very unhappy. She is constantly being beaten up, has been allegedly sexually abused. This is partly to punish her for the father’s failure to repay the balance of the debt.¹⁴¹

¹³⁶ Ibid. p. 32.

¹³⁷ Ibid. p. 32.

¹³⁸ Ibid. p. 33.

¹³⁹ Ibid. p. 45.

¹⁴⁰ HELP Resources Inc, 2005, op. cit., p. 36.

¹⁴¹ Ibid. p. 36.

Cases such as these illustrate the inter-linkages between child marriage, child sexual abuse and the commercial sexual exploitation of children in the countries studied.

Adoption of children for exploitative or abusive purposes is a related concern highlighted by some of the country studies. All studies found that adoption generally places children more at risk of being sexually abused or being a victim of sexual exploitation (this issue is discussed later in “individual risk factors” in Section 4). However, in some cases, “adoption” was found to be a form of “sale” of children for sexual purposes, so therefore qualifies as sexual exploitation. Evidence of this form of CSEC was limited, but did appear in both the Fiji and PNG country studies.

The Fiji country study cited a number of examples of exploitative adoptions, all involving expatriate males.¹⁴² In one case, parents gave their three daughters to an expatriate male in exchange for money and goods, including a digital camera and clothes.¹⁴³ The Fiji country study also cited 15 cases of Fijian boys who were “adopted” by Australians, taken to Australia, and then sexually abused or used as sex slaves.¹⁴⁴

In another situation a Fijian woman married an Australian male who adopted her children and moved the family to Australia and upon their arrival held them captive in his house. A staff member of Save the Children Fiji recounts this woman’s story:

She told me about the sexual exploitation of her oldest daughter (she was 14 years old at the time) who was allegedly drugged and gang raped by her step fathers’ friends. This incident was filmed in the presence of her other children. The woman was too scared to go to the Police and lived in fear whilst in Australia. She and her children eventually fled Australia with the help of a neighbor. The oldest daughter is now involved in prostitution in Nadi. While there was no further evidence of her account of exploitation we saw the scars of what looked like needle marks and cigarette burns on the woman and all four of her children.

¹⁴² Save the Children Fiji, 2006, op. cit., p. 21.

¹⁴³ Ibid. p. 21.

¹⁴⁴ Ibid. p. 21. Some of these cases dated back to the 1970’s but were only investigated by the NSW police in 1999.

The Fiji report observed that the culture of informal adoption in the country “provides an opportunity that could be exploited ... for ... sinister adoptions or trafficking of children for purposes of sexual slavery”.¹⁴⁵

The PNG country study also indicated that informal ‘adoptions’ are sometimes carried out for exploitative purposes. The study observed that even where the biological parents act in good faith (for instance in the hope their children will have better economic or educational opportunities), the motives of the adoptive family “may be less benevolent ... adoption may serve as a smokescreen for securing child labour, and in the worst case scenario, domestic bondage and slavery.” The study discussed, in particular, the common practice of the younger sister of a wife being “adopted”, noting that this practice often results in extreme physical, psychological and sexual abuse of the girl.

Like bride price, traditional adoption appears to have become a distorted practice in the context of an increasingly monetized economy. World Vision has commented on this noting that children, particularly in PNG, “are becoming seen as economic necessities and families are beginning to adopt not as a result of wantok or communal responsibility but in order to add to their economic capacity”. Such practices invariably put the children caught in the middle of these transactions in extreme danger of being sexually abused and exploited.

3.5 Perpetrators of commercial sexual exploitation of children

There is no stereotype or typical profile of persons who sexually exploit or abuse children. As ECPAT states:¹⁴⁶

Child sex offenders come from all walks of life and social backgrounds. They can be found in any profession and in any country.

¹⁴⁵ Ibid, p. 21.

¹⁴⁶ ECPAT International, 2006, op. cit., p. 20.

The findings of the country studies regarding perpetrators of sexual exploitation of children in the Pacific are consistent with this observation. A range of perpetrators were reported to be involved in the commercial sexual exploitation of children in the Pacific, including family members, teachers, shop owners and workers, wholesalers, businessmen, public servants, politicians, pastors and church workers, NGO workers, military personnel, farmers, seafarers, loggers, drivers, youth, and tourists.¹⁴⁷

However, some commonalities and patterns can be noted. Firstly, invariably men¹⁴⁸ were reported to be the perpetrators of sexual violence and exploitation. They are also predominantly men of power or authority figures in the community, such as those with financial or land resources (including wealthy farmers), police, clergy, teachers, church and community leaders, senior public servants, and politicians.¹⁴⁹

Secondly, most of the country studies indicated that most cases of child prostitution are perpetrated by people within the local community,¹⁵⁰ and are likely to be known to the victim. (The exception to this may be Kiribati, where the main perpetrators appeared to be seafarers from foreign fishing boats, although locals are facilitating and profiting from this exploitation of children).¹⁵¹ The studies therefore debunked the popular myth that sexual exploitation of children is only perpetrated by expatriates, tourists and strangers. The myth continues, however, because child sexual abuse and exploitation cases involving foreigners tend to attract greater media attention so are therefore more widely known.

The country studies also reported evidence about “facilitators” of sexual exploitation of children; a different category of perpetrator. Common categories of persons involved in facilitating CSEC in each country include taxi drivers, nightclub owners and workers, security guards, and hotel owners and employees.¹⁵² These people usually received some form of remuneration for their

¹⁴⁷ HELP Resources Inc, 2005, op. cit., pp. 31, 33, 37, 48-51, 58, 62; Christian Care Centre of the Church of Melanesia, 2004, op. cit., pp. 20-21; Wan Smol Bag, 2004, op. cit., pp. 19-20; Save the Children Fiji, 2006, op. cit., p. 26; RRRT, 2004, op. cit., pp. 26-27.

¹⁴⁸ Save the Children Fiji, 2006, op. cit., p. 26; Wan Smol Bag, 2004, op. cit., p. 20; HELP Resources Inc, 2005, op. cit., p. 58; RRRT, 2004, op. cit., pp. 26-27.

¹⁴⁹ Christian Care Centre of the Church of Melanesia, 2004, op. cit., p. 20; HELP Resources Inc, 2005, op. cit., pp. 35, 37, 48-51, 62-63; Wan Smol Bag, 2004, op. cit., p. 20.

¹⁵⁰ Christian Care Centre of the Church of Melanesia, 2004, op. cit., p. 18; HELP Resources Inc, 2005, op. cit., p. 37; Wan Smol Bag, 2004, op. cit., p. 20; Save the Children Fiji, 2006, op. cit., p. 26; Wan Smol Bag, 2004, op. cit., p. 19.

¹⁵¹ RRRT, 2004, op. cit., pp. 26-27.

¹⁵² HELP Resources Inc, 2005, op. cit., pp. 37, 52-53, 63; Christian Care Centre of the Church of Melanesia, 2004, op. cit., p. 21; RRRT, 2004, op. cit., pp. 26-28; Wan Smol Bag, 2004, op. cit., p. 19; Save the Children Fiji, 2006, op. cit., p. 26.

services.¹⁵³ In PNG, these “facilitators” reported sexually exploiting between five and ten girls per day (girls aged between 12 and 15 years old) for their own personal economic gain.¹⁵⁴ In some cases these racketeers work for the perpetrators, and victims complained of being “deceived, pressured, lured or abducted” by these men who are paid to get young girls for “top shots”.¹⁵⁵ In other cases the pimps are referred to as “boyfriends” or “street husbands” who collect money from paying customers, keeping a share.¹⁵⁶ The PNG country study also reported that in some areas children and youth are themselves acting as “go betweens, establishing contact with local girls and their families for adult male perpetrators ...”.¹⁵⁷

Older sex workers are also reported to be involved in the recruitment and pimping of children in PNG, as described by one victim in Lae:

Why is the town overcrowded with sex workers? Every day there is a new face recruited to ‘the team’. It is done by the experienced sex workers – they influence others (younger) to join them. Most experienced workers become tired of the same business, so they become pimps, recruiting younger women. They ... negotiate prices and collection of payment.¹⁵⁸

The country studies also found that family members are often involved in the facilitation of commercial sexual exploitation of children. Distinct from complicity, which was also reported (families silently but gladly accepting the regular contribution of cash that sexual exploitation of their children brings to their households), there are cases of parents and siblings pimping the victim and negotiating on their behalf.¹⁵⁹ An example of this was provided by the Solomon Islands research team:

Respondents in a village near Honiara described how some young girls in a particular fishing community are becoming involved in prostitution.

¹⁵³ HELP Resources Inc, 2005, op. cit., pp. 37, 52-53, 63; Christian Care Centre of the Church of Melanesia, 2004, op. cit., p. 21; RRRT, 2004, op. cit., pp. 26-28; Wan Smol Bag, 2004, op. cit., p. 19; Save the Children Fiji, 2006, op. cit., p. 26.

¹⁵⁴ Save the Children Fiji, 2006, op. cit., p. 26; Christian Care Centre of the Church of Melanesia, 2004, op. cit., p. 21; HELP Resources Inc, 2005, op. cit., pp. 37, 52-53, 63.

¹⁵⁵ HELP Resources Inc, 2005, op. cit., p. 52.

¹⁵⁶ Ibid. p. 34.

¹⁵⁷ Ibid. pp. 53 and 64.

¹⁵⁸ Ibid. p. 38.

¹⁵⁹ HELP Resources Inc, 2005, op. cit., p. 48.

Respondents suggested that in some instances the girls are prostituting themselves, while in other instances their fathers or mothers negotiate the arrangement. Usually the girls are taken out to the Asian fishing boats, and are paid in fish by-catch,¹⁶⁰ which they sell in their local market. Respondents also mentioned that some fathers in rural areas sell the services of their daughters to the crew of the Asian fishing boats that regularly visit the region to catch baitfish.¹⁶¹

In some instances, family facilitation of the commercial sexual exploitation of children can involve significant duress and violence. Many girl victims of sexual exploitation in PNG reported that they were forced into selling sex by their violent and abusive fathers, uncles and brothers.¹⁶²

3.6 Links between child sexual abuse and commercial exploitation of children

Child sexual abuse and commercial sexual exploitation of children are distinct forms of child abuse, but as ECPAT notes, both involve “a manipulation of power in utilizing a child as a sexual object”. The difference in the commercial sexual exploitation of children is that there is remuneration involved – so the child also becomes a commodity.¹⁶³

The common underlying factors which contribute to both sexual abuse and exploitation of children in the Pacific, such as poverty and the low status of women and children, are explored in Section 4.

The findings of the country studies suggest that sexual abuse of a child often leads to the commercial sexual exploitation of that child, as discussed below.

¹⁶⁰ Species of fish caught by accident by the fishermen while they are catching more commercially valuable species of fish.

¹⁶¹ Christian Care Centre of the Church of Melanesia, 2004, op. cit., p. 20.

¹⁶² HELP Resources Inc, 2005, op. cit., pp. 33, 48.

¹⁶³ ECPAT International. 3rd Edition, 2006. pp. 17-18.

Most of the country studies provided evidence of child victims of commercial sexual exploitation who were previously victims of sexual abuse. The Fiji study, for example, noted that 50 per cent of those surveyed who were involved in prostitution indicated that they had experienced sexual abuse by a family member while younger.¹⁶⁴ Counsellors of sex workers likewise reported that many of their clients had “experienced some form of abuse in their homes at the hands of a male relative”.¹⁶⁵ The Vanuatu study also reported examples of children who had been sexually abused becoming involved in prostitution,¹⁶⁶ and this link was often raised in the PNG study.¹⁶⁷ One example provided in the PNG study was of a boy in Boroko who was repeatedly raped by his first cousin when he was 12:

It was definitely by force. I did not want it. ... now I am almost 18. I can easily go to clubs and hotels with a group of peers and friends. I accept anything they pay me for sex. That is up to them. I feel like I am asking too much if they have already spent a lot of money buying beer and food for me. I fear losing the client too. I don't get much and can only give my friends a little. The clients pay for a few hours or K180 for the whole night). My immediate relatives know I sell sex because we all live in the same household. My first cousin who first raped me still uses me.¹⁶⁸

Due to the stigma and discrimination they face as victims of sexual abuse, children who have been abused often feel shame and feelings of inadequacy, and if they leave home have few opportunities for supporting themselves other than prostitution. This is particularly the case among women, who usually cannot marry if it is known that they have been abused (“spoiled”) and who have limited options in terms of employment, particularly in male-dominated Melanesian societies. However, boys also suffer in this manner. The following example from the Solomon Islands study illustrates this point:

¹⁶⁴ Save the Children Fiji. 2006. pp. 17-18 and p. 31.

¹⁶⁵ Save the Children Fiji. 2006. p. 24.

¹⁶⁶ Wan Smol Bag. 2004. p. 24.

¹⁶⁷ HELP Resources, Inc. 2005. pp. 34, 49, 57.

¹⁶⁸ HELP Resources, Inc. 2005 p. 62.

A peer educator in Honiara reported: “One boy of 15 ... is very well dressed, looks as if he has never been ‘down and out’ (but) is usually ‘high’ on marijuana. He said he had been sexually abused at the age of nine. Now he works as a prostitute because he has no other means of earning an income and believes he has no other ‘marketable skills’”.¹⁶⁹

In some cases, a child who is sexually abused is made to marry the perpetrator of the sexual abuse as a form of “compensation” by the perpetrators family to the victim’s family (a form of social recompense). The Solomon Islands study reported a case of an 11 year old girl who was raped by a 20 year old militant, during the Tensions, and later forced to marry him:

... I was locked in this room while he took off my clothes and touched my private parts. He forced me to lie on the floor where he opened my legs and... raped me. I could not cry because he had a gun in his hand and I was really scared. ... He is still in my village and has had sex with me a lot of times because his place is very close to mine and nothing has been done to stop him. I am now 14 years old, and he still has sex with me nearly every week. After that man had raped me, I had sex with seven other men by the time I was 13. I could not say anything but just had to follow their orders, otherwise they would have shot me.

Her family has now arranged for her to marry the first man who raped her, when she reaches age 18. They implied that if he was reported to authorities and jailed, the marriage could not take place, and so it was better for the girl if the affair was not reported ... Although in this case the parents said they intend to wait until the girl has reached the age of 18, it is likely that in other similar cases sexual assaults by militants could lead to early marriages.¹⁷⁰

¹⁶⁹ Christian Care Centre of the Church of Melanesia. 2004. p. 32

¹⁷⁰ Christian Care Centre of the Church of Melanesia. 2004. p. 30

Sexual abuse of a child can also develop into commercial sexual exploitation of that child over time. In some instances, this occurs because some form of remuneration or benefit is introduced into a situation of child sexual abuse so as to silence the child, as noted in the PNG study:

In cases of children who are sexually abused over a long period of time, there is usually a point at which payment in the form of gifts, cash and other rewards are offered by an adult as a way of maintaining silence and deterring reporting. Children accepting payment and gifts come to feel more trapped and more likely to consider themselves as being responsible for, or party to, their own victimization.¹⁷¹

The Vanuatu study had similar findings, reporting “numerous instances” in which child victims of sexual abuse were given cash or gifts from their abuser to keep them quiet or as an enticement or bribery.¹⁷²

Transactions such as these demonstrate the continuum from CSA to CSEC. Furthermore, the cases that have been described in this section demonstrate that child sexual abuse is often facilitated by family members and endorsed by communities. Such examples highlight the invisibility of the child’s rights in these dealings.

¹⁷¹ HELP Resources, Inc. 2005. pp. 98-99.

¹⁷² Wan Smol Bag. 2004. p. 24.

SECTION 4

FACTORS CONTRIBUTING TO COMMERCIAL SEXUAL EXPLOITATION OF CHILDREN AND CHILD SEXUAL ABUSE

4.1 Underlying risk factors

It is important to note that all children can be vulnerable to sexual abuse and exploitation and victims should not be stereotyped. This was affirmed by the Pacific country studies, which interviewed and reported on victims, noting that they included both girls and boys; of varying ages; living in urban, rural and outer island settings; and from various socio-economic backgrounds.

However, the country studies did identify underlying factors that contribute to raising children's vulnerability to sexual abuse and commercial sexual exploitation. These factors are explored below. It should be noted that the studies found that it is often a combination of these factors, as opposed to one single factor, that renders children vulnerable to sexual abuse and exploitation.

4.1.1 Culture, gender and children in the Pacific

Despite commitments from Pacific leaders, as indicated by the ratification of two major human rights conventions, the Convention on the Rights of the Child and the Convention on the Elimination of all forms of Discrimination against Women (CEDAW),¹⁷³ the status of children and women remains low in most societies of the Pacific.¹⁷⁴

Low status of children

The country studies indicate that the low status of children is a key factor with regard to increasing their vulnerability to sexual abuse and exploitation.

¹⁷³ All PICs have ratified the CRC. All PICs except Tonga, Nauru and Palau have ratified CEDAW.

¹⁷⁴ Schoeffel and Meleisea, *op. cit.*, p. 4.

As noted in Section 2, the status of children in the Pacific is defined by cultural norms which emphasize respect for elders.¹⁷⁵ In such a context, children must obey adults in all matters. Furthermore, as also noted in Section 2, children are expected to contribute to the family economy in whatever way the parents see fit. Children are obliged to, in a sense, “earn their keep” and put the family’s interests before their own.

Although in this situation the child has little power and few rights, it is not necessarily an abusive relationship. In return for contributing to the family economy and fulfilling social expectations, children receive acceptance and a sense of belonging in their family and community.

However, in such contexts the power divide between the adult and child is extreme. This power divide is what can make a child vulnerable to abuse and exploitation. In situations of large divides in power, the person with less power (in this case the child) is vulnerable if the person with more power (the adult) chooses to abuse their power.

As is often pointed out, sexual abuse and exploitation are examples of abuse of power:

All commercial sexual exploitation of children involves an abuse of power: adults or other children taking advantage of their greater wealth, status and physical strength.¹⁷⁶

The very low status of children and the consequent large divide in power between adults and children therefore raises the vulnerability of children in the Pacific to abuse and exploitation.

Related to the low status of children in most Pacific societies, is the cultural perception that children have no independent rights of their own, and are, in a sense, the “property” of their parents until they are married (reach adulthood).¹⁷⁷ This perception can result in parents behaving in ways that, whilst benefiting the family, is at the expense of the child’s wellbeing. An example of this includes marrying off a daughter at an early age in order to gain income for the family.¹⁷⁸

¹⁷⁵ World Vision, *op. cit.*, pp. 22-23; Griffen, V. Forthcoming. Gender Relations in Pacific Cultures and Their Impact of the Growth and Development of Children, UNICEF Pacific, Suva.

¹⁷⁶ UNICEF, *Voices of Youth*, CSEC Fact Sheet

¹⁷⁷ Wan Smol Bag, 2004, *op. cit.*, p. 18.

¹⁷⁸ *Ibid.* p. 21.

Research (including in the Pacific)¹⁷⁹ has found cultural norms are an underlying factor to physical and emotional violence perpetrated against children. In particular, corporal punishment is a culturally acceptable form of discipline.¹⁸⁰ Hence discussions relating to CSEC and CSA must be viewed within the wider prism of a cultural acceptance of emotional and physical violence against children.

Low status of women and girls

In Pacific countries where women have a low status, girl children are particularly vulnerable to sexual abuse and exploitation.¹⁸¹

Girls are generally at the very bottom of the social hierarchy in Pacific societies, particularly in Melanesia where there is greater gender inequality than elsewhere in the region. In accordance with this low status, girls are socialized to a sense of inferiority and they do not fully develop the notion of having a choice or an opinion. Furthermore, in countries where girls are of particularly low status in society, they are taught to never question male authority.

This socialization process raises the vulnerability of these girls to sexual abuse and exploitation because adolescent girls who lack experience in making choices or contradicting males have difficulty in rejecting sexual advances, particularly when the man is older. In addition, these girls do not have the ability to “negotiate their way out of” high-risk situations.¹⁸² Furthermore, since these girls are not empowered to recognize their rights, they are less likely to be able to recognize that they are being abused or exploited and so are unable to develop strategies to protect themselves from further abuse or exploitation.

The socialization process of boys also affects the vulnerability of girls to abuse and exploitation. Boys in Melanesian societies, and to some extent elsewhere in the Pacific, are socialized to believe that girls and women are inferior and that their opinions are not important. Therefore even if

¹⁷⁹ Results from the Pacific Children’s Program survey of Knowledge, Attitudes, Behaviour, Practices cited in Carling, M. 2004 Assessment of Protective Environments for Children UNICEF Pacific, p. 77 WV report.

¹⁸⁰ Wan Smol Bag, 2004, p. 27; HELP Resources 2004, p. 71.

¹⁸¹ Ibid. p. 27; HELP Resources, 2004, op. cit., p. 71.

¹⁸² RRRT. 2004. p. 42-43.

a girl is able to say “no” to sexual advances, men are often not deterred. In some cases, if a girl agrees to spend time with them or is unprotected by a male family member, men will assume she is sexually available and will feel justified in raping the girl.¹⁸³

The five country studies found evidence of these socialization factors influencing the vulnerability of girls to sexual abuse and exploitation. In Kiribati, for example, it was noted that girls are raised to be “subservient to male discipline and control”¹⁸⁴ and that these girls do not have a highly developed sense of their rights and how to protect themselves.

Some of the country studies also showed evidence of the tendency among men to see women and girls as inferior and as being commodities. For example, the Solomon Islands study highlighted that men tend to perceive girls as being “spoiled” if they have been sexually abused. These girls are generally perceived as no longer marriageable in these societies and are instead viewed as “freely available”.¹⁸⁵ Such perceptions often lead to further abuse and exploitation of these girls.

A “culture of silence”

A ‘culture of silence’ was mentioned in all of the studies as one of the factors which inhibits communities from confronting, addressing and preventing sexual abuse and exploitation of children.

The PNG study, for example, noted that although the commercial sexual exploitation of children is prevalent, widely known, and not hidden or disguised, there is a situation of silence and inaction on the issue. According to the researchers, this silence “allows CSEC to flourish in urban centres and fester in remote, rural communities”.¹⁸⁶ The Fiji study also noted that silence prevails regarding child sexual exploitation and abuse. The study pointed out that this silence is often due to the victim or their family distrusting the legal process or having (an often justified) fear of

¹⁸³ Wan Smol Bag, 2004, p. 27.

¹⁸⁴ RRRT. 2004. p. 42.

¹⁸⁵ Ibid. p. 43.

¹⁸⁶ Help Resources Inc. 2005. p. 82.

being stigmatized.¹⁸⁷ The Vanuatu¹⁸⁸ and Kiribati studies made similar reference to the culture of silence. For example, the Kiribati study suggested that suppression of discussion of child sexual abuse may be because of a family's fear of shame and judgment by the wider community.¹⁸⁹

Respondents in some countries, including in Kiribati, explained the culture of silence as follows, "Traditionally young people are dominated by adults and are expected to keep silent rather than openly discuss issues that affect them".¹⁹⁰

A related issue is the lack of appropriate reproductive and sexual health education for young people in the Pacific, which can be attributed to both cultural and religious norms. While elements of the secondary school curriculum in some Pacific countries address sex education, it was reported in the country studies that teachers are often reluctant to teach such a controversial subject. Furthermore, even when reproductive and sexual health is taught as part of the secondary school curriculum, many children do not receive education on this topic, since many children, particularly girls, do not attend school to that level.¹⁹¹

The lack of education about reproductive and sexual health has consequences in terms of the ability of children to manage risks associated with unwanted sexual advances, sexually transmitted diseases and pregnancy. Furthermore, the absence of this education prevents youths from learning about, and benefiting from, services that can assist them in dealing with sexual abuse, if it happens to them.

Traditional justice systems

Traditional responses to crimes of sexual abuse are often not adequate in terms of preventing or deterring sexual abuse or exploitation from occurring.¹⁹² For example, the Kiribati study noted that the cultural practice of *te kabara bure* (formal apology), which takes place between families

¹⁸⁷ Save the Children Fiji. 2006. p. 27.

¹⁸⁸ Wan Smol Bag. 2004. p. 27.

¹⁸⁹ RRRT, 2004, p. 33. Similar findings were also report by the Coordinator of the Central Sepik Crisis Counselling Centre, PNG. Cited in Help Resources, Inc. 2005, p. 36.

¹⁹⁰ RRRT. 2004. p. 41.

¹⁹¹ The Christian Care Centre of the Church of Melanesia, 2004, pp. 34-35.

¹⁹² Ibid. p. 27; RRRT. 2004. p. 43

to compensate one for a crime committed by the other, not only makes a crime public (thereby exposing the victim) but it does not serve as a strong disincentive for committing the crime. For example, while girls risk victimisation and discrimination as a result of reporting a case of sexual abuse, boys or men do not have so much to lose if they commit rape. The rapist only has to practice *te kabara bure* to regain their social status (assuming the girl's family accepts the apology); meanwhile, the girl has to live with the shame and social exclusion forever. There were also cases noted where *te kabara bure* leads to courting and engagement of the victim and perpetrator.¹⁹³

4.1.2 Economic hardship and poverty of opportunity

As is the case globally, poverty is a major contributing factor to the occurrence of sexual abuse and exploitation of children in the Pacific. This is because:

- Parents are facing increasing pressure to participate in the cash economy leading to, in the absence of strong family structures (due to the breakdown of traditional social mechanisms and the extended family), neglect of children, increasing their vulnerability to sexual abuse.
- Children are facing increasing pressure to participate in the cash economy (lured by consumer goods and modern lifestyles), leading to children seeking to earn cash through prostitution.
- Children have limited opportunities for education and livelihoods, with the result that they are more likely to turn to prostitution to support themselves.

The Kiribati study highlighted the links between poverty and lack of education in relation to child sexual abuse and exploitation in its analysis of the socio-economic status and background of *te korekoreas*:

¹⁹³ Regional Rights Resource Team, 2004, op cit., p. 34.

An analysis of their family situations revealed that of the nine young women, three had not attended school and the others had low levels of education compared to the average in Kiribati. Three of the women had only attended primary school, while (another) three had only lower secondary or Form 2. ... They stated their mothers were “unemployed”. ... Half of them had fathers who were unemployed, while two (fathers) were seamen, one a government worker and the other was employed in a factory.¹⁹⁴

a) **Hardship and economic poverty**

Economic poverty, broadly understood as an absence of the necessary economic means to provide for a child, is prevalent throughout the Pacific and its effects in relation to child sexual abuse and exploitation are frequently documented in the national country studies.

The shift in the Pacific from subsistence economies to cash economies has put pressure on Pacific Island families to gain access to cash in order to provide food, education, health care and other basic needs. These pressures become particularly acute in the context of urbanization and overpopulation; it is estimated, for example, that one household income supports between 8 and 10 people in South Tawara (Kiribati) and one wage supports 25 people in Honiara (Solomon Islands).¹⁹⁵

Child neglect due to economic pressure on parents

The country studies revealed evidence of increasing pressure on parents to work more hours in order to earn cash. This increase in time away from the family and home was reported as resulting in neglect of children. For example, in Fiji it was reported that “parents are finding it increasingly difficult to balance their concern for their children with economic survival”.¹⁹⁶

¹⁹⁴ RRRT, 2004, p. 24.

¹⁹⁵ RRRT, 2004, p. 40; Secretariat of the Pacific Community Population and Demography Programme, 2006, “Pacific Islands Data by Sex & 5 Yr Age Groups”, SPC, Noumea, <http://www.spc.int/demog/en>

¹⁹⁶ Save the Children Fiji, 2006, op. cit., p. 33.

The country reports observed that one of the changes within families which are trying to cope with an increasingly monetized economy and the breakdown of the extended family structure, is a lack of supervision of children. According to the Fiji report:

Children are more and more left unattended, or with relatives, while parents are working in an effort to make ends meet in an increasingly cash-based economy.

Children who are neglected in this way, are often at higher risk of sexual abuse or exploitation because they visit bars, nightclubs and other risky locations, as seen by the Fiji research team:

The research team observed in Suva the frequenting of nightclubs and bars by under-aged youth.¹⁹⁷

Neglect of children is not necessarily related to economic pressures, however. Children are often neglected for other reasons. This issue is further discussed in the section titled “Individual risks”.

Economic pressure on children to earn money

The country studies show that in most Pacific countries parents expect children to contribute to supporting the family. Sometimes, children are expected to not only perform household duties and assist with subsistence agriculture and fishing activities, but are also expected to seek wage employment (to bring in much-needed cash). In a context in which there is high unemployment and few opportunities to earn cash, this expectation of children to earn cash contributes to raising their vulnerability to commercial sexual exploitation.

¹⁹⁷ Ibid. p. 24.

For example, the PNG study gave examples in which children find work as prostitutes in order to provide the family with a cash income.¹⁹⁸

We have to survive. The boys turn to petty crime and the girls have to sell themselves. Everybody knows that. That's why no one says anything and accepts the cash, food and other things that we can bring home.¹⁹⁹

Similar examples are reported in the Solomon Islands and Vanuatu studies. For example, the Solomon Islands study reported a case of a family which had consented to the exploitation of children as young as 12 due to their need for cash (to pay for basic necessities).²⁰⁰ Similarly, the Vanuatu study provides examples of children working as sex workers when their mother was unavailable to do so, in order to provide for the family:

Many people are hungry (in Vila). That's why we do it. In a yard close to mine, there are about 20 kids and the mother and the older girls are all having sex for money. If a client comes, and the mother is busy or not available or something, then one of the daughters will take the client and between us all we feed the children.²⁰¹

The country studies also noted that in impoverished settings, children turn to sex work because they enjoy the economic freedom and independence they gain as a result of earning money.²⁰²

b) Limited educational opportunities

One of the most prominent findings from the research is that lack of access to education is an underlying factor contributing to children's vulnerability to sexual abuse and exploitation. The factors prohibiting access to educational opportunities outlined in by the national studies are:

¹⁹⁸ HELP Resources, 2005, op. cit., p. 71.

¹⁹⁹ Ibid. p. 14.

²⁰⁰ The Christian Care Centre of the Church of Melanesia, 2004, op. cit., p. 34.

²⁰¹ Wan Smol Bag, 2004, op. cit., p. 26.

²⁰² RRRT, 2004, op. cit., p. 39.

- Relatively high cost of education;
- Low capacity of education systems; and
- Poor quality of education.

This section examines the impact of lack of access to education on children's vulnerability to sexual abuse and exploitation.

The cost of education

The first barrier to accessing education is the cost of schooling. In each study country, basic education was, in practice, not free and not compulsory and the payment of school fees and other hidden costs (such as books, uniforms and transport) were reported as a barrier to children attending primary and secondary education. Cost was reported as a barrier notwithstanding the payment of subsidies by government in some countries.

The difficulty parents face in affording basic education for their children was highlighted in the Solomon Islands study:

Many subsistence farmer and fisher families earn insufficient incomes to pay for their children's school fees, uniforms, books and travel to school. Even in high status families, school fees tend to be paid from the earnings of women rather than men in Solomon Islands, so household incomes (earned by men) are not necessarily spent on educating families.²⁰³

The necessity of paying school fees is believed to increase children's vulnerability to commercial sexual exploitation, because prostitution is often the only means by which children can earn cash. Four country studies, Fiji, PNG, Solomon Islands and Vanuatu, reported that children

²⁰³ The Christian Care Centre of the Church of Melanesia, 2004, op. cit., pp. 37-8

work as sex workers²⁰⁴ or are sold by their parents²⁰⁵ to pay for their school fees or their siblings' school fees. Teachers and others in positions of power often take advantage of this situation. For example, the Solomon Islands study reports that teachers and parliamentarians pay for children's school fees in exchange for sex from the children.²⁰⁶

Low capacity of education systems

In addition to the cost of education, limited capacity of education systems in each country, particularly in relation to secondary education and vocational training, push children out of the education system and, for the reasons outlined above, contribute to children's vulnerability to sexual abuse and exploitation.

In Solomon Islands, for example, where the population increases by a classroom each day, or 50 schools per year,²⁰⁷ the country study highlighted the inability of the education system to cope with the "large and increasing demand for school places".²⁰⁸ Similarly, limited capacity of the education system in Vanuatu, Kiribati and PNG was reported as a major reason for high drop-out rates.²⁰⁹

In many PICs, secondary and tertiary education opportunities are located in urban centres.²¹⁰ The Kiribati, Solomon Islands and Fiji national studies noted that children are often sent to urban centres to attend high school. These children usually live with members of their extended family while attending school.²¹¹ On the main i-Kiribati island of Tarawa "many children come to live with relatives...so they can attend school...".²¹² However, living away with relatives often increases the vulnerability of children of children to sexual abuse and commercial exploitation, as will be discussed below in the section on individual risk factors.

²⁰⁴ Save the Children, 2006, op. cit., p. 29; The Christian Care Centre of the Church of Melanesia, 2004, op. cit., p. 17; Wan Smol Bag, 2004, op. cit., p. 26 HELP Resources Inc, 2005, op. cit., p. 31

²⁰⁵ HELP Resources Inc, 2005, op. cit., p. 37

²⁰⁶ The Christian Care Centre of the Church of Melanesia, 2004, op. cit., pp. 23-49

²⁰⁷ UNICEF Solomon Islands. 2005, op. cit., p. 4

²⁰⁸ The Christian Care Centre of the Church of Melanesia, 2004, op. cit., p. 33.

²⁰⁹ Wan Smol Bag, 2004, op. cit., p. 26; The Christian Care Centre of the Church of Melanesia, 2004, op. cit., p. 33.

²¹⁰ UNICEF, UNFPA, SPC. 2005. State of Pacific Youth Report, UNICEF Pacific, Suva, p. 27RRRT, 2004, op. cit., p. 41; The Christian Care Centre of the Church of Melanesia, 2004, op. cit., p. 33.

²¹¹ The Christian Care Centre of the Church of Melanesia, 2004, op. cit., pp. 40-41.

²¹² RRRT, 2004, op. cit., p. 42.

Unsafe schools

Schools should provide a safe environment for children. However, in many PICs this is not the case. Both the Kiribati and PNG national studies reported cases of children dropping out of school because of bullying and harassment, including sexual harassment. In PNG, the research team found that both boys and girls experience sexual abuse in schools, with girls being particularly vulnerable. Children who experience such abuse have few options in terms of counselling, so often are unable to seek assistance with coping with such problems.²¹³

When children drop out of school, for financial reasons or because of sexual abuse, they are often forced to turn to the sex industry because they lack employable skills, as this example from Fiji shows:

Some children drop out of school.. They then work to support their families in menial jobs or in [the] CSEC [industry]. They are pushed away from their homes because their basic needs are not met.²¹⁴ While the government has a Family Assistance Scheme it...caters only for the worst cases of destitution, and even then it is inadequate.²¹⁵ Furthermore, it is based on families, thus street children are left out; their survival then becomes dependent on whatever skills they may possess, including being involved in CSEC should the need arise.²¹⁶

In summary, children who are not in school are vulnerable to sexual abuse and exploitation because:

- They choose or are forced to migrate to urban areas to seek education or livelihood opportunities and are not under the care and supervision of their parents.

²¹³ RRRT, 2004, op. cit., p. 42.

²¹⁴ Khan, C. & Barr, K. 2003. Christianity, poverty and wealth at the start of the 21st century: Fiji country case study, Ecumenical Centre for Research, Education and Advocacy, Suva, p. 20.

²¹⁵ Ibid.

²¹⁶ Save the Children, 2006, op. cit., p. 33.

- If children remain at home while parents are working they often lack adequate supervision and protection during the day.
- Unsupervised children may be drawn into engaging in high risk activities or be attracted to high risk locations such as bars and nightclubs.²¹⁷
- They earn money as sex workers or as domestic labourers (in unsupervised conditions where they are more vulnerable to sexual abuse and exploitation).

c) **Livelihoods**

Young people comprise a very substantial proportion of Pacific populations (see also Table 1 page 27). As highlighted in the recent State of Pacific Youth report, it is estimated that:

- In the Pacific region as a whole, in 2005 there were around 1.6 million people aged between 15 and 24. In most Pacific countries this age group accounts for around 20 per cent of the total population.
- In Fiji more than half the population is under 30 years of age.
- In Kiribati, PNG, Solomon Islands and Vanuatu the latest censuses indicate that more than half the population is less than 20 years of age.²¹⁸
- In the Solomon Islands, 40 per cent of the population is below the age of 15.²¹⁹

Education systems in PICs are designed to produce civil servants, as opposed to training people to have the skills required for manufacturing industries and small enterprise.²²⁰ Vocational training initiatives in PICs have been poorly resourced and developed, leading many PICs to import skilled tradesmen.²²¹ Because youth lack the necessary skills for the (few) available formal sector (wage) jobs, youth unemployment is very high in most PICs.²²² Young people leaving or completing school have difficulty finding employment within the small civil service, and often become very disillusioned. The education system therefore not only wastes education resources but also does not adequately develop the potential human resources available in the PICs.²²³

²¹⁷ Save the Children, 2006, op. cit., p. 37; HELP Resources 2004, op cit., p. 34, 124

²¹⁸ UNICEF, UNFPA, SPC., op. cit., p. 2.

²¹⁹ SPC Population and Demography Programme, 2006, op. cit.

²²⁰ UNICEF, UNFPA, SPC, op. cit., p. 25.

²²¹ Ibid.

²²² Ibid.

²²³ Ibid.

A survey of Fijian youth found that the majority of unemployed young people interviewed (in both rural and urban areas) “still harboured dreams of being civil servants”.²²⁴ Few formal sector employment opportunities are made available to youth, and those that are available are viewed as unattractive. In Fiji, for example, where the government has attempted to stimulate employment growth in sectors such as the garment industry, the wages are low and because the work is “monotonous”, this type of employment can be unappealing to young people. In situations such as these, young people are easily tempted to work in the sex industry where they can earn much higher incomes.²²⁵

Once young people become involved in the sex industry, however, it is often difficult for them to escape, particularly if they have already been convicted of a crime (such as prostitution). In Kiribati, for example, a clean police record is required when applying for any job in the formal sector. This serves as a barrier for sex workers to leave the sex industry and seek employment elsewhere, because they often have a police record. The Kiribati country study found that young sex workers frequently expressed their desire to leave the sex industry and find alternative “formal” sources of income, but that they commonly reported feeling that it was “hopeless” because they had police records.²²⁶ The Kiribati study noted that these sex workers often “sought information during the interviews with peer educators as to how they could clear themselves of (this) ... reputation”.²²⁷

In the context of increasing numbers of children and young people in Pacific Island societies, and the absence of opportunities for formal sector employment, the vulnerability of Pacific children to sexual abuse and exploitation can be said to be increasing.

²²⁴ Ibid.

²²⁵ Save the Children, 2006, op. cit., p. 33; HELP Resources, 2004, op. cit., p. 71.

²²⁶ RRRT, 2004, op. cit., p. 42.

²²⁷ Ibid.

4.1.3 Structural and environmental factors

All of the country studies highlighted factors within the Pacific that contribute to children's vulnerability to sexual abuse and exploitation, due to the:

- Absence of structural protective laws, policies and regulatory systems; and
- Existence of environmental factors such as conflict.

a) Weak protective legislation and enforcement

Through colonialism, shared common law legal system and similar legislative frameworks were established in PICs.

Only in PNG (refer Section 5) is there a comprehensive legal framework for child protection establishing a mechanism to prevent and respond to violence, abuse, neglect and exploitation of children. Fiji has a legislative act specifically relating to child protection,²²⁸ however it was drafted in the 1970s, and has only been amended once to strengthen child pornography provisions (refer Section 5).

The studies found common deficiencies between some countries in national legislative framework and its enforcement for addressing child sexual abuse and exploitation, such as:

- Outdated or inadequate criminal laws, in terms of both the scope and definition of offences relating to child sexual abuse, child prostitution, child pornography and early childhood marriage; and
- Birth registration is not compulsory or free;
- Adoption is not effectively monitored or regulated.

As discussed, the weakness in the legislative framework and its enforcement and monitoring underlie the vulnerability of children to forms of sexual abuse and exploitation.

²²⁸ Juveniles Act (Cap 56)

Child sexual abuse

With the exception of PNG and Vanuatu (refer Section 5), there are a number of deficiencies in legislative protection of children from sexual abuse in relation to the criminal law.

First, there are restrictive definitions of the act constituting the offence. For example sexual intercourse is defined as vaginal/penile penetration²²⁹ of a woman or girl by a male.²³⁰ The Solomon Islands study reported on a case where an offender sexually assaulted two boys and raped one boy, but could not be prosecuted for rape because of lack of appropriate legislation.²³¹ The prosecution was therefore carried out under the only available legislative provisions, concerning "buggery" and "indecent practices between persons of the same sex".²³² These provisions would normally be used to prosecute adults engaging in same-sex sexual activity, but in this case were applied to sexual offences committed against two children by an adult male.

Second, and related to the above, offences are defined by the gender of the victim and provide limited protection to boys from sexual abuse such as rape, sexual assault (defilement), abduction for the purpose of sexual assault and indecent assault.²³³

Third, offences limited by the age of the victim, generally provide less protection to adolescents aged between 12 and 18.²³⁴

Fourth, victims of sexual assault who are "idiots or imbeciles" between the ages of 13 and 15 years old must report the crime within 12 months.²³⁵ Criminal prosecution after this time period is not permitted.

²²⁹ SI Penal Code (Cap 26), s 168, Fiji Penal Code (Cap 17), s 149, Kiribati Penal Code (Cap 67) s 128

²³⁰ SI Penal Code (Cap 26), s 136, Fiji Penal Code (Cap 17), s 183, Kiribati Penal Code (Cap 67) s 161

²³¹ Didier Marie Edmond Farsey v Reginam (24 June 2004, High Court of Solomon Islands Palmer CJ)

²³² SI Penal Code (Cap 26) s160 and s162

²³³ SI Penal Code (Cap 26), Part 16, Fiji Penal Code (Cap 17), Part 17, Kiribati Penal Code (Cap 67) s 16

²³⁴ SI Penal Code (Cap 26), Part 16, Fiji Penal Code (Cap 17), Part 17, Kiribati Penal Code (Cap 67) s 16

²³⁵ SI Penal Code (Cap 26) s 143(3); Fiji Penal Code (Cap 17), 156(2), Kiribati Penal Code (Cap 67) s 132 (2)

Child sex workers

There are similar limitations to the legislative framework for protecting children from working as sex workers, as child sexual abuse. As above, offences relating to paying children for sex are defined by the gender and age of the child.²³⁶

Child pornography

Child pornography is dealt with at length in Section 3. The particular focus of child pornography in this section is its poor regulation.

Currently child pornography is not a criminal offence in Kiribati or Solomon Islands. Pacific governments also do not have human or technological resources to regulate and investigate the production and publication of child pornography.²³⁷ In Kiribati, a particular outer island is considered “a free zone for accessing pornography” because films are neither censored, nor is there a means by which to censor films, therefore pornography and uncensored films originate from that island and filter through to other parts of Kiribati.²³⁸

A Pacific Immigration Director’s Conference Secretariat (PIDCS) highlighted that those working in illegal trades, such as child pornography, may be targeting countries in the region where border control resources are stretched and pressured and especially where the trade is considered “low risk and high profit”.²³⁹ Thus in the absence of regulation, and in consideration of the amount of travel in and out of the Pacific, internet access and digital technology and relatively easy access to children, children in the Pacific are vulnerable to those who wish to procure pornographic images of children. This is not to say there is evidence acknowledging a large scale industry for child pornography, but rather that the elements exist here to allow one to develop in the Pacific.

²³⁶ SSI Penal Code (Cap 26), Part 16, Fiji Penal Code (Cap 17), Part 17, Kiribati Penal Code (Cap 67) s 16

²³⁷ RRRT, 2004, op. cit., p. 30

²³⁸ Ibid. pp. 29-30.

²³⁹ Pacific Immigration Director’s Conference Secretariat presentation, Regional Workshop on Gender, Conflict, Peace and Security, Nadi, 15-17 June, 2006

Child marriage

As Section 3.4 outlines, marriage of children under the age of 16 is legal in some of the countries that participated in this study. However, “while child marriages involve both boys and girls, it is far more common for girls”,²⁴⁰ and girls are marrying adult men more frequently than they are marrying boys (and more frequently than boys are marrying adult women). The Solomon Islands 1986 census estimates approximately 20 per cent of girls between the ages of 15 and 19 are married, compared with only 3 per cent of boys in that age group.²⁴¹

Legislative protection and law enforcement is required to ensure that children, especially girls, are provided with the opportunity to marry at a stage when they have reached their full development to protect them from sexual abuse and exploitation.

Birth registration

Civil birth registration is important for social and economic planning, as well as access to social services and rights to protection from violence, abuse, neglect and exploitation.²⁴² In relation to the latter, the ‘invisibility’ of unregistered children means that any discrimination, neglect or abuse, including sexual abuse and exploitation they experience may remain unnoticed”.²⁴³

In Vanuatu “coverage is good in the urban areas but low in rural areas giving an overall coverage of only around 30 per cent”.²⁴⁴ In Solomon Islands, official registration is “extremely low, while around 80 to 90 per cent of births are recorded in the health information system”.

²⁴⁰ ECPAT International, 2006, Questions and Answers about the Commercial Sexual Exploitation of Children, ECPAT International, p. 15.

²⁴¹ Solomon Islands Government and UNICEF. 1998. A Situation Analysis of Children and Women in Solomon Islands, UNICEF Honiara, p. 36. More recent data is unavailable but there was no indication from the present research showing a noticeable shift in the trend of boys marrying. Note that the Islanders’ Marriage Act (Cap 47) states that no marriage shall be celebrated unless each of the parties has attained 15 years of age and no Islander under the age of 18 may be married without written consent of the father or, in his absence, the mother or, in her absence, the Guardian.

²⁴² Huawen, L. 2004, The Child’s Right to Birth Registration – International and Chinese Perspectives Norwegian Centre for Human Rights, University of Oslo, pp. 7-8.

²⁴³ UNICEF Pacific, 2006, Birth Registration in the Pacific, UNICEF Pacific, Suva, p. 14.

²⁴⁴ Ibid. p. 10.

Current legislation in Kiribati, PNG, Solomon Islands and Vanuatu, where coverage is low, provides for free registration of births, however it is not enforced. In Vanuatu free birth registration and receipt of one registration certificate is mandated under legislation, however fees that were introduced in the late 1990s deter families from registering their children. Similarly in Kiribati, legislation provides for free birth registration within three months of birth; however fees are charged for registrations made 10 days after birth and for receipt of registration certificates. Birth registration is free in Solomon Islands, but may involve hidden costs, such as the high cost of travelling to the single registration office in Honiara. In PNG official government statistics rate birth registration at 3 per cent of the entire population, while approximately 49 per cent of the population is aged below 18 years old.²⁴⁵

Adoption

As described below, the national studies found children who are informally adopted are vulnerable to sexual abuse and exploitation. The National Planning Office in Vanuatu also noted the difficulty in assisting children who experience abuse after being adopted informally:

Adopted children are mistreated by their adopted parents, especially the female children, by either the stepfather or the grandfather. Cases of these mistreatments are filed in courts but could not be solved successfully *because the relationship between the adopted child and the adopted parents is not recognised by the law* (emphasis added).²⁴⁶

Concerns with unofficial adoption were also documented in Fiji: “Children adopted in the traditional manner...are not as well protected as those who are adopted officially”.²⁴⁷ This underlines the need to ensure all adoptions are made in the child’s best interest, as required by legislation in the countries studied.

²⁴⁵ HELP Resources Inc, 2005, op. cit., p. 95.

²⁴⁶ Republic of Vanuatu National Planning Office, 1994, National Programme of Action on Children, Port Vila, p32.

²⁴⁷ Save the Children Fiji, 2006, op. cit., p. 21

b) Weak social services for children

The country studies found that lack of or inadequate support services such as counselling services, care facilities, post-assault medical support and general medical support contributes to the vulnerability of children to sexual abuse and exploitation. In addition, the studies generally found that police and welfare services, as well medical assistance, are under resourced. Wide ranging inadequacies in legislative provisions, policies, and procedures to effectively and sensitively manage instances of child sexual abuse and exploitation was also documented.

In a context where there is inadequate service provision many cases of child sexual abuse and commercial exploitation of children remain unchecked and unreported as children know there is nowhere for them to go if they experience sexual abuse or exploitation. Under-reporting was mentioned in all of the country studies. The PNG report highlights the main issues:

CSA and CSEC occur on a regular basis across all strata of Port Moresby society. Cases reported are believed to be the tip of the iceberg. Most rape cases presenting at the PMGH are of girls under 18 years. There are about 1-2 cases of children per day, most occurring at home ... Child abuse cases tend to be reported only when there is serious physical injury (broken limbs, genital tearing etc) and the child presents at hospital. Many cases of neglect are still invisible. Incest is known at a community level to be taking place but hardly any cases are reported (April-Oct 2004, no cases were reported to the Port Moresby Family Support Centre).²⁴⁸

It was also noted in the PNG report, that even though children want assistance, they often do not know where to go for help, or they are afraid to go to the police for fear of shaming their families, or for fear of further abuse from the police.²⁴⁹

²⁴⁸ HELP Resources Inc, 2005, op. cit., pp. 76-78.

²⁴⁹ Ibid. p. 85.

c) **Unregulated commercial industries**

Dual economies can be problematic in impoverished environments where women and children have low status and those in the higher economic group are a transient population. While Section 3 outlined findings of the national studies in relation to perpetrators of child sexual abuse and sexual exploitation by workers in the maritime, logging and other industries, this part outlines the absence of regulation in the four commercial industries associated with participating in, or facilitating, sexual abuse and exploitation of children:

- Infrastructure, natural resource and maritime industries;
- Tourism; and
- Hospitality.

In each of these industries the national studies reported a lack of a regulatory system for protecting children from sexual abuse or exploitation, or both.

Infrastructure, natural resource and maritime industries

The country studies all highlight the fact that perpetrators of commercial sexual exploitation of children are often workers in the following industries:

- Infrastructure development (PNG);
- Mineral exploration (PNG);
- Logging (PNG and Solomon Islands);
- Maritime (all five countries).²⁵⁰

These industries are dominated by foreign male transient workers. They perpetrate CSEC in the form of child prostitution on a casual²⁵¹ or short term basis²⁵² (depending on their frequency of movement) or purchase children through improper marriage.²⁵³

²⁵⁰ Ibid. p. 92.

²⁵¹ Ibid. p. 92.

²⁵² Christian Care Centre of the Church of Melanesia, 2004, op. cit.

²⁵³ Ibid.

The urban harbours in Fiji,²⁵⁴ Kiribati,²⁵⁵ Solomon Islands²⁵⁶ and Vanuatu²⁵⁷ were reported as renowned places where local and foreign commercial fishermen garnered the sexual services of girls, who were sometimes identifiably underage by wearing of their school uniform.

There appears to be a notable absence of any enforceable legal instrument or industry association initiatives to deter workers of foreign corporations from exploiting children, the most vulnerable members of Pacific communities. Furthermore, some studies, such as the Kiribati study, note that the police who are assigned to undertake surveillance of the fishing boats to prevent people boarding illegally, have conspired to facilitate the commercial sexual exploitation of children in exchange for food, cigarettes and alcohol. The lack of effective policing and regulation is a clear factor underlying the occurrence of commercial sexual exploitation of children in the five countries studied.

Tourism

The tourism industry, discussed in Section 3, also has notable “gaps” in its regulatory structure that provide opportunities for perpetrators to engage in sexual abuse and exploitation of children.

The country studies highlight many cases in which tourists are involved in sexually abusing or exploiting children. In Fiji, for example, the research team highlighted the following examples of disturbing behaviour by foreign yachtsmen:

- Yachtsmen were observed luring girls to vessels with sweets, and photographing the girls playing nude.²⁵⁸
- A yachtsman took three girls back to his craft in a dinghy, and fifteen minutes later the dinghy returned without one of the girls. Later in the evening the yachtsman was observed in a local bar with another girl, who was heavily intoxicated. The local research partner informed a member of the research team that this girl organized “escorts” for tourists at a local resort.²⁵⁹

²⁵⁴ Save the Children Fiji, 2004, op. cit., p. 26.

²⁵⁵ RRRT, 2004, op. cit., p. 23

²⁵⁶ Save the Children Fiji, 2004, op. cit., p. 26.

²⁵⁷ Wan Smol Bag, 2004, op. cit., p. 20.

²⁵⁸ Save the Children, 2006, op. cit., p. 19.

²⁵⁹ Save the Children, 2006, op. cit., p. 20.

Presently there is limited regulation of the tourist industry and immigration. The Pacific Immigration Director's Conference noted that the use of false or altered passports and visas to gain entry to the Pacific remains high, indicating a lack of regulation of movement of people in and out of the region.²⁶⁰ International experience has noted that child sex tourism is fuelled by loopholes in laws, ease of travel and poverty.²⁶¹ To address the concerns raised in the studies and to prevent growth in the sex tourism industry, the lessons learned elsewhere in the world must be studied by stakeholders in the Pacific region.

Hospitality

As noted in Section 3, bar staff and security guards are some of the people reported to act as facilitators of commercial sexual exploitation of children in PICs. In some countries, such as PNG for example, it was reported that there has been “mushrooming” in recent times of entertainment venues which accommodate, and even promote access to, the child sex industry.²⁶²

There is little policing of the age of patrons in licensed venues. One respondent in the Fiji study stated that “even though Fiji's laws dictate that a person must be 18 years of age (now 21) to enter nightclubs; owners generally do not follow this requirement”.²⁶³ Furthermore, there is no monitoring of new venues or of existing venues. This lack of regulation leaves children who enter such premises vulnerable to sexual abuse and exploitation.

d) Armed conflict, political instability and emergencies

As stated in Section 3 (which discussed the perpetrators of child sexual abuse and the commercial sexual exploitation of children), findings from the Solomon Islands study showed an increase in gender related violence during the armed conflict and political instability known as the ‘Tension’, which occurred between 1998 and 2003; “Virtually any girl or woman in areas affected by the Tensions was vulnerable to sexual coercion by militants”.²⁶⁴ Consequently, child protection

²⁶⁰ Pacific Immigration Director's Conference Secretariat presentation, Regional Workshop on Gender, Conflict, Peace and Security, Nadi, 15-17 June, 2006.

²⁶¹ U.S. State Department, Bureau of Public Affairs. 2005. “The Facts About Child Sex Tourism”.

²⁶² HELP Resources Inc, 2005, op. cit., p. 71.

²⁶³ Save the Children Fiji, 2006, op. cit., p. 24.

²⁶⁴ Christian Care Centre of the Church of Melanesia, 2004, op. cit., p. 29.

mechanisms that were normally employed by families and communities broke down, exposing children to increased vulnerability to sexual abuse and exploitation. Furthermore, formal reporting of child sexual abuse, and commercial sexual exploitation of children, ceased almost completely. This was largely due to the involvement of some members of the Royal Solomon Islands Police (RSIP) in criminal activities during the Tensions which undermined public confidence in the RSIP.²⁶⁵ RSIP statistics indicated that over the 8-9 months to August 2004 there was a 10 per cent increase in the reporting of sexual assault matters to police.²⁶⁶

Similarly, the Fiji report illustrated increased sexual abuse against women as a result of the political crisis during the 2000 coup:

The Fiji Women's Crisis Centre conducted a survey in 2001 titled "The Impacts of the May 19 Coup on Women in Fiji"...The report ... (states) that women, especially Indo-Fijian women, were targets for gang rapes and that ... sexual violence against women was used as a weapon of terrorism in the aftermath of the coup.²⁶⁷

While this example does not specifically point to a factor that contributes to making children vulnerable to sexual abuse and exploitation, it demonstrates the use of sexual violence used as a weapon by men against women in times of conflict. As is recognised globally, times of conflict and war present particular vulnerabilities for children, physically and emotionally. This claim is supported by findings by Save the Children Fiji in 2001 in their report on the impacts of the political crisis on children and families in Fiji, 2000.²⁶⁸

²⁶⁵ Ibid. p. 53.

²⁶⁶ Ibid. p. 46.

²⁶⁷ Save the Children Fiji, 2006, op. cit., p. 14.

²⁶⁸ Carling, M. 2001. Study of the impacts of the political crisis on children and families in Fiji. Save the Children Fiji, Suva.

4.2 Individual risk factors

a) Abuse and neglect within the family

The Pacific country studies found evidence that children who have experienced neglect or abuse in the home are more vulnerable to further sexual abuse as well as to commercial sexual exploitation. Section 3.6 of this report discussed the link between child sexual abuse and the commercial sexual exploitation of children, noting that if a child is sexually abused, it can increase the vulnerability of that child to commercial sexual exploitation. The country studies also indicated that parental neglect and physical and emotional abuse in the home places children at a higher risk of sexual abuse and exploitation.

Parental neglect was often cited as a factor contributing to children's vulnerability to sexual abuse and commercial sexual exploitation in the country studies. A range of respondents in the Kiribati, Vanuatu, and Fiji studies expressed concern over "a lack of parenting and supervision of young girls and boys", "parental neglect" and "lack of parental care".²⁶⁹ Many commercially sexually exploited children in these countries were reported to be living without a responsible caring guardian, which lends support to these observations.²⁷⁰ In some instances, it seems that parental neglect may push children into seeking affection and attention elsewhere, as is suggested by this response from a 17 year old involved in prostitution in Fiji:

I resorted to working as a prostitute out of boredom. I do not come from a poor family. Both of my parents work and so I am left on my own most of the time. In fact, my mother holds a senior position in Government.²⁷¹

²⁶⁹ Save the Children Fiji, 2006, op. cit., pp. 24 and 34; RRRT, 2004, op. cit., pp. 39 and 44; Wan Smol Bag, 2004, op. cit., p. 4.

²⁷⁰ Wan Smol Bag, 2004, op. cit., pp. 4, 27.

²⁷¹ Save the Children Fiji, 2006, op. cit., p. 17.

In other circumstances, the absence of parental support or supervision renders the child a more attractive target for perpetrators, as this example from the Vanuatu study illustrates:

A 16-year-old girl in this village has been left to care for her younger siblings by her parents who are currently working in Port Vila. With no adult to look after the household a lot of young men in the village have taken advantage of the situation to visit this girl for sex in return for money and other goods.²⁷²

In discussing parental neglect, respondents in Kiribati and Fiji also expressed concern at seeing children in bars and clubs²⁷³ and how this increases their exposure to “violence, sexual harassment and unprotected sex”.²⁷⁴

In all country studies, a close correlation was also drawn between violent or abusive homes and children’s vulnerability to commercial sexual exploitation. Most of the *te korekorea* interviewed in the Kiribati study admitted they had experienced domestic problems that related to family violence and alcohol abuse by household members.²⁷⁵ One *te korekorea* commented:²⁷⁶

At home I get so disturbed by my parents’ arguments and the drinking by the men of the household. Sometimes, when you sleep, the men returning from the pubs would wake you up to make you get their food and I don’t like to do that. For me, it’s better that I enjoy myself like I am doing now.

These findings were also echoed in the Fiji study, where NGO respondents who provide counselling to sex workers reported an alarmingly high level of previous intra-familial abuse experienced by these sex workers.²⁷⁷ The study commented that children’s entry into prostitution

²⁷² Wan Smol Bag, 2004, op. cit., p. 20.

²⁷³ RRRT, 2004, op. cit., p. 44; Save the Children Fiji, 2006, op. cit., p. 34.

²⁷⁴ RRRT, 2004, op. cit., p. 39.

²⁷⁵ Ibid. p. 25.

²⁷⁶ Ibid. p. 45.

²⁷⁷ Save the Children Fiji, 2006, op. cit., p. 24.

“was a result of either being ‘kicked out’ of the family home or leaving as a means to stopping the abuse”.²⁷⁸ The PNG study also found strong links between child abuse and CSEC and provided a similar analysis:²⁷⁹

Child abuse, in any form, is often a root cause of children being pushed into selling sex in Papua New Guinea. When neglect, emotional or physical abuse becomes too much to bear, many children want to get out and get away. The fact that many parents accept that children do run away and other families are willing to accept children who have fled their home or families, whether they are related or not, means that a child’s escape from criminal abuse in the home may never be followed up and the offences that were committed against them in their homes never registered or redressed. The focus of disdain and blame often falls on the child victim, and many people come to view young girls involved in selling sex as ‘like that’, ‘wanting that’ or ‘looking for that’.

The vicious cycle of child abuse fuels low self esteem as well as developmental problems in children generally and results in children feeling that there are fewer options open for them. In addition, the discrimination faced by children who have been previously abused will in turn leave fewer options for children in the future.

Both the Vanuatu and Solomon Islands study commented that children from “broken homes” were at particular risk of sexual abuse although the evidence on this issue did not appear conclusive.²⁸⁰ In the PNG study, primary school teachers in Sepik similarly claimed that many of the very young victims of CSA and CSEC are from broken families.²⁸¹ The Vanuatu study commented on the vulnerability of children living in crowded homes, where many families or extended families live under one roof.²⁸²

²⁷⁸ Ibid. p. 24.

²⁷⁹ HELP Resources Inc, 2005, op. cit., p. 83.

²⁸⁰ Wan Smol Bag, 2004, op. cit., p. 4, Christian Care Centre of the Church of Melanesia, 2004, op. cit., p. 36.

²⁸¹ Help Resources Inc, 2005. op. cit., p. 35.

²⁸² Wan Smol Bag, 2004, op. cit., p. 23.

b) Children living away from their natural parents

Children living away from their natural parents were identified as another group of children at particular risk of sexual abuse and commercial sexual exploitation. The more specific categories of at-risk children mentioned by the country studies include:

- Children in care facilities; the Fiji study cited boys in care facilities were victims of both physical and sexual abuse, partly due to the fact that they were housed with young offenders.²⁸³
- Children on the streets;²⁸⁴
- Children living with step-parents;²⁸⁵
- Children in the care of other family members, including children billeted with or informally adopted within extended family, discussed below;²⁸⁶

There is some overlap between these categories, and with the factor of parental neglect discussed above. The country studies provided most evidence on the vulnerability of informally adopted children living with extended families. These factors are explored in more detail below.

Children billeted with extended family

The Fiji study highlighted the particular vulnerability of children from outer islands who are sent to urban centres to live with relatives in order to complete their secondary education. According to the Fiji study, 23 such children were referred to Save the Children Fiji for educational assistance in 1996.²⁸⁷ Within five months, 19 had dropped out of school due to a lack of support from their families and five of the nineteen revealed that they had been sexually abused by a male relative while living away from home.²⁸⁸

²⁸³ Save the Children Fiji, 2006, op. cit., p. 30.

²⁸⁴ Ibid. p. 31.

²⁸⁵ Wan Smol Bag, 2004, op. cit., p. 23.

²⁸⁶ Ibid. p. 23.

²⁸⁷ Save the Children Fiji, 2006, op. cit., p. 25.

²⁸⁸ Ibid. p. 25.

The Fiji study also indicates that these children are also vulnerable to commercial sexual exploitation. A Fijian police officer in the study reported:

There are young school girls that work a certain stretch of road in the Nabua and Vatuwaqa areas. After talking to these girls, we have discovered that they have been sent to Suva from the outer islands, like the Lau group, for educational purposes. Unfortunately the assistance in either cash or kind that is sent to their relatives to look after them, does not reach them. They resort to selling themselves for \$5 to \$20, in order to buy their stuff for school because their parents would want them to do well at school. It's heartbreaking to see the same young girls the next day trudging along the road to school with their backpacks.²⁸⁹

Informally adopted children

In most parts of the Pacific, informal adoptions between families and within clans are an accepted part of the culture and such adoptions are still commonly practiced today.²⁹⁰ As was alluded to in Section 3.4 (CSEC and sale of children through improper marriage and adoption), however, the practice of adoptions is changing. While traditionally, adoption took place within the same community and geographical location, increasingly informal adoption means that children are relocated away from their original community and therefore are no longer under the care and protection of that community. Further, World Vision notes that while adoptions were formerly quite closely monitored through traditional payments, “the traditional ceremonies that accompanied the adoption ritual are diminishing and children can be moved far from their parents and communities with no official record or legal obligation of the adoptive parents”.²⁹¹

²⁸⁹ Ibid. p. 25.

²⁹⁰ Save the Children Fiji, 2006, op. cit., p. 21; Wan Smol Bag, 2004, op. cit., p. 23; HELP Resources Inc, 2005, op. cit., p. 98.

²⁹¹ World Vision, 2005, op. cit., p. 25.

As the PNG study notes, the circumstances and factors of informal adoptions today are also varied and complex: the natural family may be unable or unwilling to care for the child; parents may adopt their child out so that he or she may have access to better educational, vocational or economic opportunities; adoption may result from a sense of obligation or “no choice” when the adoptive families request the natural parents’ permission to take their child away and raise it; adults may ask to adopt someone else’s child because they are childless, or because one of their own children has died.²⁹² As noted in Section 3.4, the advent of the cash economy has also influenced motivations for adoption – children are increasingly viewed as commodities and families may adopt in order to add to their economic capacity either through labour or the bride price an adopted daughter will bring.²⁹³

Most of the country studies indicate that informally adopted children are often mistreated and are at increased risk of sexual abuse and commercial sexual exploitation. The Solomon Islands study, for instance, stated that the fieldwork revealed that “children who are unofficially adopted are particularly vulnerable to abuse”.²⁹⁴ The Vanuatu study similarly drew attention to Government concerns around the “mistreatment” of traditionally adopted children, particularly the sexual abuse of girls by males in the family.²⁹⁵ Both the Fiji and PNG studies also expressed these concerns, noting that in some families the adopted child is treated differently, subject to discrimination and ridicule, or considered a burden on the adopting family.²⁹⁶ The Fiji study noted a very extreme example of this abuse:

... we learned of a Fijian girl who had been sexually abused by her uncle. Her uncle and aunt were acting as her caregivers while her parents were living in the village. There were other female family members living in the house at the time. When it was discovered that this girl had been sexually abused by her uncle, the other female members also admitted that they had been sexually abused by their uncle as well. Upon questioning the uncle, he said that he sexually abused the girls because he was fed up of looking after his relatives children. He had abused his nieces in the hope that it would deter his relatives from sending their children to live with him and his family.²⁹⁷

²⁹² HELP Resources Inc, 2005, op. cit., p. 98.

²⁹³ World Vision, 2005, op. cit., p. 25.

²⁹⁴ Christian Care Centre of Melanesia, op. cit., p. 36

²⁹⁵ Republic of Vanuatu National Planning Office, 1994, National Programme of Action on Children, Port Vila, p. 32, cited in Wan Smol Bag, 2004, op. cit., p. 23.

²⁹⁶ Save the Children Fiji, 2006, op. cit., p. 21; Help Resources Inc, 2005, op. cit., pp. 91, 98.

²⁹⁷ Save the Children Fiji, 2006, op. cit., p. 30.

The PNG study also documented case studies of abuse, including “the many so-called adopted children” being “sold” as young wives or occasional sex partners in Middle Sepik:²⁹⁸

A man from the middle Sepik adopted the daughter of his older brother, when that brother died. He paid her school fees up to Grade 8, but when she failed to get a place in grade 9, he blamed her and insisted that she go out to work to earn money and pay back all of the money he had spent on her fees. He then made contact with a man in Wosera, and sent the adopted girl away to work for him. The girl soon became his third wife. The man paid the adopted father K6700 but he badly mistreated the girl during that time. She was regularly beaten up and finally she ran away. By the time she caught up with her own relatives, she had badly and permanently damaged hands. Now the Wosera man is demanding that the adoptive father pay the bride price back.

c) **Pressure from friends and family**

While poverty and an associated lack of access to education and employment opportunities were identified as the predominant push factors into the world of CSEC, the Pacific studies did find that peer pressure and pressure from family can also lead children into these vulnerable situations. Children in some of the studies reported they were attracted to the sex trade because their friends were doing it and it seemed a ‘fun’ and ‘easy’ way of earning an income. As stated by a girl victim of CSEC in the PNG study:

I started selling myself for pocket money last year when I found out (about this practice) through a couple of the senior girls ... that it’s the fastest way to make money and also we can have fun too.²⁹⁹

²⁹⁸ HELP Resources Inc, 2005, op. cit., p. 36.

²⁹⁹ Ibid. p. 35.

The Vanuatu study reported a case of a 17 year old boy sleeping with an older woman for money because of peer pressure,³⁰⁰ and peer pressure was also mentioned as a push factor in the PNG study³⁰¹ and by the female sex workers interviewed in the Fiji study.³⁰² The Fiji study commented, however, that a lack of parental supervision or care in the first place left these girls vulnerable to such peer pressure.³⁰³

In other situations, the country studies indicate that children were led or forced into CSEC activities by family members. The role of family members in facilitating and perpetrating CSEC has been outlined in Section 3; but further examples below illuminate the issue.³⁰⁴

In some instances, as this example from the Vanuatu study illustrates, children can be led into CSEC situations through parental involvement in the sex industry:

In a yard close to mine, there are about 20 kids and the mother and the older girls are all having sex for money. If a client comes, and the mother is busy or not available or something, then one of the daughters will take the client and between us all we feed the children.”

In other situations, there can be considerable duress involved. One boy in the PNG study also told the research team of his aunt’s role in introducing her to the sex industry and facilitating his commercial sexual exploitation:

She instructed me and made me. Now she makes appointments for me in clubs, bars and stores ... To have oral and anal sex with Asian men. My aunty negotiates the price and they pay me K150. We have sex in my auntie’s house. I have been paid K50 for doing it with a local trade store owner in my own community. Now it’s hard to stop it.³⁰⁵

³⁰⁰ Wan Smol Bag, 2004, op. cit., p. 26.

³⁰¹ HELP Resources Inc, 2005, op. cit., p. 42.

³⁰² Save the Children, 2006, op. cit., p. 17.

³⁰³ Ibid. p. 18.

³⁰⁴ 26-year-old sex worker, Port Vila, cited in Wan Smol Bag, 2004, op. cit., p. 26.

³⁰⁵ Help Resources Inc, op. cit., 2005, op. cit., p. 62.

Violence may also be involved; as noted in Section 3.5, many young girls in the PNG study reported being forced into selling sex by fathers, uncles and brothers. In many of the cases, there were reports of those same men continuing to exploit the victim before and during the years she is forced to sell sex outside of the family.³⁰⁶

d) Substance abuse

Findings from the report demonstrate that there is an association between CSA, CSEC and abuse of substances such as alcohol, marijuana and kava. In all country studies it was found that children within the sex industry abused some form of substance,. In PNG it appeared evident that:

Most of the girls reported being under the influence of alcohol when they have intercourse with paying customers. And slightly more than half are also under the influence of marijuana.³⁰⁷

These findings are corroborated by a World Vision study on sex workers in PNG, many of whom were children. This report had similarly troubling findings:

About 81% responded taking a combination of alcohol and drugs at the same time, 100% admitted having sexual intercourse under the influence of drugs and alcohol. The second highest category is “the use of marijuana”. The third is “use of home brew.” The most frequent and mean age when illicit drugs were first used is 14 and 12 years old respectively... [In addition] most sex workers (54%) indicated that drugs and alcohol are used when with clients especially at guest houses, hotels, bars.³⁰⁸

Similarly in Kiribati, “all young women interviewed at the bars” for this research were reported to be “actively and regularly drinking”.³⁰⁹

³⁰⁶ Ibid. p. 33.

³⁰⁷ HELP Resources, Inc. 2005, p. 77.

³⁰⁸ World Vision, 2004, “Qualitative Assessment and Response Report on HIV/AIDS/STI Situation Among Sex Workers and their Clients in Port Moresby, Papua New Guinea”, unpublished report by Anna Irumai, Eunice Bruce and Joshua Nonwo.

³⁰⁹ RRRT, 2004, op. cit., p. 24.

The reasons cited by the workers for using substances were varied and numerous. The most extensive reporting of the reasons behind child victims of CSEC abusing illicit substances was from PNG. There, most children involved in prostitution were found to be abusing substances heavily so that they could better formulate “friendships, solidarity and camaraderie among peers”.³¹⁰ Girls interviewed in PNG also commonly cited feelings of stigmatization and negative labelling in the community, “so they feel that they are ‘already in the system’ [and hence they] drown their sorrows in drinking and drugs”.³¹¹ While these reasons relate to the improved ability to ‘deal’ with their involvement in the sex industry, it is not certain from the research findings to what extent the girls and women attribute substance abuse to their initial encounters with the industry. This is not to say substance abuse does not play a role in young people’s entry into commercial sexual exploitation, but rather that further research is required in order to clarify the relationship between the two.

As regards the incidence of child sexual abuse, several of the country studies also made a link between a wide degree of access to alcohol and the increased vulnerability to sexual violence. In the Solomon Islands it was reported that the increasing creation of domestically brewed beverages like ‘kwaso’ is contributing to sexual abuse because of both perpetrator and victim usage. This information was contextualized by the finding that usage of various substances by the female population had increased markedly in recent times, “increasing their vulnerability to abuse” at the hands of male community members.³¹²

In PNG there were reports that at night gangs of young male youths have been known to perpetrate sexual violence against other male youths after heavy sessions of alcohol and marijuana use.³¹³

³¹⁰ HELP Resources Inc, 2005, op. cit., p. 76.

³¹¹ Ibid.

³¹² Christian Care Centre of Melanesia, 2004, op. cit., p. 36.

³¹³ HELP Resources Inc, 2005, op. cit., p. 61.

e) Children with disabilities

Both the PNG and Fiji studies suggested that disability may increase a child's vulnerability to sexual abuse and commercial sexual exploitation. The PNG study commented that girls with disabilities are "particularly vulnerable" but little supporting evidence emerged from the fieldwork.³¹⁴ The Fiji study cited anecdotal evidence that children with disabilities are vulnerable to prostitution because their families often find it costly to support them: "it is an opportunity for work, and a source of 'pride' that they are able to provide for themselves".³¹⁵ The Fiji study also provided two case studies in which girls with disabilities were sexually abused, one resulting in pregnancy and commercial sexual exploitation.³¹⁶ Although the girl miscarried she suffered severe discrimination and stigmatization for becoming pregnant out of wedlock and subsequently turned to the streets to earn her living as a prostitute.³¹⁷

Although the evidence emerging from the country studies was perhaps equivocal on this risk factor; it is not disputed that children with disabilities experience discrimination and disadvantage and that this is compounded in the case of girls. It is possible that such discrimination and disadvantage may increase the risk of sexual abuse and commercial sexual exploitation for children with disabilities, but further research is needed to properly understand this issue in the Pacific context.

³¹⁴ Ibid.

³¹⁵ Apolonia. 2004. Vocational Training Centre for the Disabled, Suva. Personal communication. Cited in Save the Children Fiji, 2006, op. cit., p. 24.

³¹⁶ Save the Children Fiji, 2006, op. cit., pp. 28 and 31.

³¹⁷ Ibid. p. 31.

SECTION 5

ADDRESSING CHILD SEXUAL ABUSE AND COMMERCIAL SEXUAL EXPLOITATION OF CHILDREN IN THE PACIFIC

The country studies provide an overview of initiatives by government, NGOs, faith based organizations and communities to address sexual abuse and exploitation. This section provides a description of the response to date under the following areas:

- a) Political Commitment;
- b) Coordination and Cooperation;
- c) Prevention through awareness raising and advocacy;
- d) Protection for Children; and
- e) Recovery and Reintegration.

The studies present evidence that traditional and community leaders are beginning to acknowledge issues surrounding abuse and exploitation of children, due to awareness raising conducted by government and police, civil society and the media.³¹⁸ High levels of cooperation with research teams during the country studies is an indication of the willingness of Pacific Island governments, NGOs, faith based organizations, children and community members to participate in reaching collaborative solutions to address child sexual abuse and commercial sexual exploitation of children.

The studies also highlight that, there remains a lack of comprehensive, well resourced and well planned local, national, regional and international initiatives, involving the participation of children, specifically addressing child sexual abuse and the commercial sexual exploitation of children in the five countries. However, there are a number of experiences from PNG, specifically in relation to coordination and legislative strengthening, which provide models for strengthening measures to address child sexual abuse and exploitation.

³¹⁸ It is important to note the studies found greater acknowledgment and understanding of child sexual abuse than commercial sexual exploitation of children; Christian Care Centre of the Church of Melanesia, 2004, op. cit., p. 40.

5.1 Political commitment to protecting children

As mentioned previously, all PICs have committed to protect children from sexual abuse and exploitation by ratifying international human rights treaties (Annex III provides a table of treaty ratification in the Pacific).

All PICs have ratified the Convention on the Rights of the Child (CRC), which requires states to take necessary measures to protect persons under 18 years old against violence, exploitation and abuse.

Four PICs (Fiji, Vanuatu, Nauru and FSM) have strengthened this commitment by signing, but not yet ratifying, the Optional Protocol to the CRC on the Sale of Children, Child Prostitution and Child Pornography. The Optional Protocol requires states to prosecute persons that subject children and adolescents to sexual exploitation and calls for international coordination to address the issue. Refer to Annex II for the full text of the Optional Protocol.

PNG (2000) and Fiji (2002) have ratified the International Labour Organisation (ILO) Convention No 182 on the Worst Forms of Child Labour. The ILO Convention commits countries to eliminating all forms of slavery or practices similar to slavery, such as the sale and trafficking of children, and the use, recruitment, or offering of children for prostitution, production of pornography or pornographic acts.

To date, 8 out of 14 PICs³¹⁹ have adopted the Stockholm Declaration and Agenda for Action, which calls on governments, international agencies, NGOs, and other concerned organizations and individuals to direct technical and material resources towards combating commercial sexual exploitation of children (see Section 1.2). It specifically calls for countries to develop National Plans of Action to implement the Agenda for Action in the five areas of: coordination and cooperation, prevention, protection, recovery and reintegration, and child participation.

³¹⁹ Cook Islands, Fiji, Marshall Islands, FSM, PNG, Samoa, Tonga, and Vanuatu.

All countries in the Pacific have ratified the Convention on the Elimination of all forms of Discrimination against Women (CEDAW), with the exception of Tonga, Nauru and Palau.

Another international legal instrument protecting children from commercial sexual exploitation of children is the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children. The Protocol complements the United Nations Convention against Transnational Organized Crime and aims to promote cooperation among countries to prevent and combat the trade of persons and to protect and assist the victims of people trading. Trade of a minor is defined as the capture, transport, movement or reception of a child or adolescent for the purpose of exploitation, including forced labour, slavery and sexual exploitation. To date, no PIC has ratified this protocol.

The Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others is another UN Convention which seeks to eliminate trafficking and prostitution. This convention has also not been ratified by any PIC.

5.2 Coordination and cooperation

a) National and provincial

National coordination mechanisms

As a precursor or response to ratification of the CRC many countries in the world, including the five countries studied, established national coordination mechanisms embedded in national government. The purposes of these mechanisms are to:

- Make children visible in government action;
- Ensure coordination of relevant activities;

- Monitor progress, including by reporting to the Committee on the Rights of the Child; and
- Promote a comprehensive and integrated agenda for the realization of children's rights.³²⁰

The following mechanisms have been established in each country:

- In **Fiji**, the National Coordinating Committee for Children (NCCC) was set up in 1993. In 2005 Cabinet transferred the NCCC secretariat from the Ministry of Education to the Ministry for Women, Social Welfare and Housing.
- The **Kiribati** National Advisory Committee on Children (KNACC) consists of representatives from 13 government agencies and selected NGOs. Kiribati's Social Welfare Department, within the Ministry of Internal and Social Affairs, is the secretariat for the KNACC and controls budgetary allocations provided to the KNACC.
- In **PNG**, a national Child Rights Monitoring Committee was convened under the Ministry of Justice.
- In **Solomon Islands** chairs the National Advisory Committee on Children (NACC), which was established by Cabinet in August 1993. In The Ministry of Home Affairs Permanent Secretary chairs the NACC and the Child Desk Officer acts as secretary
- In **Vanuatu**, the current chairperson of the National Children's Committee (NCC) is an officer in the Department of Economics and Social Planning. The appointment of a Child Desk Officer in the Ministry of Justice and Social Planning to coordinate support to the National Children's Committee has been approved since 2004 but has not been filled to date.³²¹

While the mechanisms have the potential to play a coordination role in the implementation of the CRC, including measures to address child sexual abuse and the commercial sexual exploitation of children, the capacity of the bodies to do so in a timely and effective manner has been comprised by limited human and financial resources

³²⁰ UNICEF Innocenti Research Centre, 2004, op. cit., p. 15.

³²¹ Wan Smol Bag, 2004. p28.

Other coordinating bodies

In addition to children's coordinating committees, umbrella organisations for women NGOs, including the National Council for Women in Fiji, Solomon Islands and Vanuatu and the Aia Maea Ainen Kiribati (AMAK)³²² coordinate activities relating to the children and women's rights. Through their member organizations the National Council of Women have networks reaching to provincial, community and village levels.³²³

Coordinating bodies on HIV/AIDS, for example, the Kiribati HIV/AIDS Taskforce, indirectly play a role in addressing child sexual abuse and exploitation. The Taskforce, comprised of both government and NGO representatives, was established in 1999 to coordinate a national response to HIV/AIDS, focusing on HIV prevention. The Taskforce covers issues concerning child sexual abuse in awareness-raising activities.³²⁴

The PNG study also listed examples of NGO's and provincial bodies playing key coordination roles. In 1997, a local NGO, People Against Child Exploitation (PACE), was formed following a national meeting to alert key workers in government, the police and prisons, welfare, health, education, community development and the social service sectors to commercial sexual exploitation of children. PACE, an alliance of concerned agencies, focuses on child rights, protection and rehabilitation of child victims and perpetrators.³²⁵ PACE has a comprehensive programme aimed at increasing public awareness; maintaining statistics; and pursuing amendments to existing legislation. PACE is now considered a focal point for discussions on policy formation and law reform relating to child protection and an appropriate avenue through which research results and policy recommendations can be submitted to government.

³²² AMAK is a quasi-governmental organization which falls under MISA and therefore has both government staff and non-government employees paid under some projects.

³²³ Save the Children Fiji, 2006, *op. cit.*, pp. 36-37; Christian Care Centre of the Church of Melanesia, 2004, *op. cit.*, pp. 49

³²⁴ Christian Care Centre of the Church of Melanesia, 2004, *op. cit.*, pp. 49

³²⁵ HELP Resources Inc, 2005, *op. cit.*, p. 98.

At the provincial level in PNG, Family and Sexual Violence Action Committees (FSVACs) have been established with the purpose of undertaking activities ranging from training to the development of local resource directories. FSVAC's are a national coordinating and networking body working on family and sexual violence prevention and response, with a large focus on providing training and awareness. The Provincial FSVACs have been most successful in areas where strong policing, NGO and church programmes exist, and where considerable work has already been done to address child abuse and exploitation.³²⁶

National policy

There are few national or interministerial strategies relating to the implementation of the CRC. There are continuing efforts being made to develop national children's policy's, which include commitments relating to protecting children from sexual abuse and exploitation, in Solomon Islands, Kiribati and Vanuatu:

- In 2003 the NACC finalized a National Children's Policy and Plan of Action, however unfortunately it has not received Cabinet endorsement.
- The KNACC is currently in the process of developing a National Action Plan to further the implementation of the CRC, having recently presented their initial report on the CRC in September 2006.³²⁷
- In 2006 the NCC, with some technical assistance from UNICEF, has engaged in the process of drafting a National Child Policy. It is expected that this policy will merge the current National Programme of Action on Children and recommendations made in the Situational Analysis of Children, to provide a usable policy document.

³²⁶ Ibid. p. 102.

³²⁷ Ibid. p. 49.

More specifically, there are no national or inter-ministerial policies relating to child sexual abuse and exploitation. All five countries developed Country Strategies to combat the commercial sexual exploitation of children at the 2003 Pacific Regional Workshop on Combating Poverty and Commercial Sexual Exploitation of Children and Youth. However, as yet these country strategies have not been officially endorsed by the respective governments and there is no official policy on addressing child sexual abuse and exploitation in any country.

While there is also no overarching policy in Fiji on tackling child sexual abuse and the commercial sexual exploitation of children, there exists a Memorandum of Understanding (MOU) between the Fiji Police, Department of Social Welfare, Ministry of Education and Ministry of Health on the various agency roles and responsibilities regarding the reporting of child abuse cases.

b) International and regional

There are a number of Pacific regional organizations who are working to provide coordinated support to PICs to address child sexual abuse and exploitation.

As mentioned previously, a Bangkok based Inter-Agency Group was established in 2002 to coordinate support for PICs to respond to CSEC. In an effort to create channels for addressing CSEC and at the strong request of the PICs to have support for this purpose, the Pacific Regional Workshop on Combating Poverty and Commercial Exploitation of Children and Youth was organized in Fiji in September 2003 by the Inter-Agency Group. The workshop was attended by Government and NGO Representatives from 12 Pacific Islands Countries. As mentioned previously, country plans for follow up actions were developed by participants from the countries and presented in plenary.³²⁸

Another key result of this workshop was a suggestion to conduct situational analyses in PICs. Subsequently, the Inter-Agency Group organised a Research Training Workshop on commercial sexual exploitation of children and child sexual abuse to enable countries to undertake situational analysis research in 7 Pacific Islands. At the time of writing this report, the five country research papers that form a foundation of this regional report were completed, while the research in another two countries is yet to be completed.

³²⁸ Another outcome of the Workshop was the adoption of the Stockholm Declaration and Agenda for Action by Cook Islands.

The Inter-Agency Group also supported UNESCAP to produce a Toolkit for implementing and monitoring the East Asia and Pacific Regional Commitment and Action Plan against Commercial Sexual Exploitation of Children (2006). The toolkit includes tools for developing national plans of action, situational analysis research basic approaches and tools, and information on piloting experiences in East Asia.

5.3 Prevention

The studies highlight many activities of government and, primarily, civil society designed to prevent of child sexual abuse and exploitation, as discussed below. The studies found prevention activities:

- Focus on awareness raising or training; and
- Few had a special or sole focus on child sexual abuse or on sexual exploitation of children.³²⁹

a) Promoting child rights

Awareness raising, training and capacity building

The Pacific Children's Programme (PCP), an AusAID funded programme in Fiji, Samoa, and Vanuatu supported national government and NGO partners to engage with communities adopting a strengths based approach to preventing child abuse, neglect and exploitation. PCP has also supported micro finance projects in communities.³³⁰

Various organizations were also listed as engaging in awareness raising activities on the rights of women and children from violence, abuse, neglect and exploitation, particularly at the community level, including:

- Save the Children Fiji, Save the Children Australia (Solomon Islands and Vanuatu) and Save the Children PNG through child advocacy or child rights officers;

³²⁹ Wan Smol Bag, 2004, op. cit., p. 29.

³³⁰ UNICEF Pacific has managed PCP since July 2005 and is supporting the extension of the programme, with a broader focus on strengthening child protection systems to Kiribati and Solomon Islands in 2007.

- Regional Rights Resource Team through Legal Rights Training Offices in national NGO's
- National Council of Women Fiji and Solomon Islands ;³³¹
- Church of Melanesia's Christian Care Centre and the Family Support Centre in Solomon Islands;
- Foundation of the People's of the South Pacific, Vanuatu Family Health Association, Wan Smol bag, Young People's Project and Youth Challenge in Vanuatu; and
- HELP Resources Inc in PNG.

In Kiribati in response to a growing concern about child sexual abuse the Department of Social Welfare initiated a workshop "Protecting our Children against Sexual Abuse" in September 2000. Participants included representatives from NGOs, government departments, legal institutions, the media and the communities in which reported case of abuse had occurred.

Communication and media channels

Wan Smol Bag has produced a variety of radio announcements on topics such as child protection and domestic violence. These announcements are played regularly on Vanuatu commercial radio and also community radio stations throughout the islands. Wan Smol Bag also has its own radio programme, which is aired every afternoon and touches on topics which are current and important to young Ni-Vanuatu people. A number of NGOs, as well as government ministries, have produced a wide range of information and educational materials that have been distributed throughout Vanuatu. Similarly to the radio announcements, these cover topics such as child protection, birth registration and domestic violence.

UNICEF Pacific is also supporting Solomon Islands Broadcasting Corporation to produce a Youth Radio magazine, which has addressed many topics including commercial sexual exploitation of children.

³³¹ Save the Children Fiji, 2006, op. cit., pp. 36-37. Christian Care Centre of the Church of Melanesia, 2004, op. cit., p. 49.

The Broadcasting and Publications Authority in Kiribati broadcasts regular programmes on children's rights and child abuse. These programmes are reportedly the best way to advocate for children's rights. They have a wide audience and therefore have proven to be an informative and cost effective means of advocating for children's rights.

b) Adolescent reproductive health and life skills

Each of the studies noted the role of adolescent reproductive and life skills programmes play in preventing child sexual abuse and exploitation by ensuring children have access to:

- Sexual and reproductive health information, services, facilities, and commodities;
- Opportunities to develop their life skills for decision making; and
- Opportunities to participate in activities and programmes.

UNFPA's Reproductive Health Programme supports positions of Adolescent Reproductive Health (ARH) Coordinators within the Ministry of Health in PICs to ensure young people have access to reproductive health information, services, facilities, services and commodities.

UNICEF, UNFPA and SPC also support peer to peer life skills training for young people through a regional Pacific Stars Life Skills Programme, which involves a consortium of NGO's at the national level. The Programme focuses on areas such as communication, negotiation, sexual and reproductive health information.

The **Kiribati**, **Vanuatu** and **Solomon Islands** studies noted the success of government and NGO programmes providing reproductive health information, services, commodities and life skill training alongside youth activities and youth drop-in-centers.³³² However Solomon Islands and PNG studies also noted the lack of like services in rural areas.³³³

³³² Wan Smol Bag, 2004, op. cit., p. 30; RRRT, 2004, op. cit., pp. 53; Christian Care Centre of the Church of Melanesia, 2004, op. cit., p. 35.

³³³ Christian Care Centre of the Church of Melanesia, 2004, pp. 35; Help Resources Inc, 2005, op. cit., pp. 73-74; See also: UNICEF EAPRO. 2005. Youth in Bougainville and the Solomon Islands: A participatory needs assessment, UNICEF EAPRO.

The regional organization, the Foundation of the People of the South Pacific International (FSPI), which has partner organizations in PICs, was noted in the **Vanuatu** and **Kiribati** for providing sexual health services to sex workers.³³⁴ For example, the Foundation for the Peoples of the South Pacific Kiribati (FSPK), an NGO, trains peer educators to make contact with young people and adults at bars and nightclubs to establish relationships with sex workers (te korekorea) and to disseminate of sexual and reproductive health information and condoms.³³⁵

An example of a youth organization active in this area is Kiribati United Youth (KUY) who are peer educators and volunteers with the Kiribati Red Cross, FSPK, the Pacific Action Health Programme (PAHP) and ARH. KUY has been involved in programmes to the “hard to reach youth” as well as child victims of commercial sexual exploitation.³³⁶

c) Creating opportunities for young people

The studies provided few examples of initiatives to provide children and young people with education and livelihood opportunities as a strategy to preventing child sexual abuse and exploitation.

Livelihoods

The FSPI, supported by AusAID, operates a small grants scheme for income generation activities initiated by young people in Vanuatu,³³⁷ while NCD welfare and Christian Children’s Fund were run similar programmes in PNG.³³⁸

³³⁴ Wan Smol Bag, 2004, op. cit., p. 29.

³³⁵ RRRRT, 2004, op. cit., p. 55.

³³⁶ Ibid.

³³⁷ Wan Smol Bag, 2004, op. cit., p. 29.

³³⁸ Help Resources Inc, 2005, op. cit., pp. 68-69.

Education

UNICEF PNG's Education Programme promotes strategies towards universal primary education in PNG by aiming to improve access, retention and attainment in primary schools, with specific focus on raising awareness of the benefits of educating girls, underlining their essential role in the community, enhanced only through a basic education.³³⁹

5.4 Protection for children through the formal justice system

a) National legislation

Following from Section 4 this part discusses efforts made in all countries to address these gaps and align national legislation with international obligations to protect children and strengthen criminal laws relating to child sexual abuse and exploitation. In particular PNG has passed amendments to the Criminal Code and the Evidence Act and drafted amendments to the Child Welfare Act.

Promoting children's right to protection

Recent legal developments in PNG concerning the promotion of children's rights stand out as the most significant legal drafting to date on children in national legislation, and form an excellent model for the Pacific region on comprehensive child rights provisions consistent with the CRC. PNG's *Lukautim Pikinini* Bill, an amendment of the Child Welfare Act, forms the legislative framework for the protection of children from abuse, neglect and exploitation. It is expect to be presented to Parliament in November 2006.³⁴⁰

³³⁹ Help Resources Inc, 2005, op. cit., pp. 108.

³⁴⁰ Email correspondence September 2006, from Ms Jill M. Bolen, Family, Women and Child Rights Adviser, Law and Justice Sector Programme, Port Moresby

The Bill emphasizes building ownership and accountability of citizens for the protection of children through the establishment of *Lukautim Pikinini* Committees at district, provincial and national levels, and focuses on helping communities to change their understanding, attitudes and approaches to family and community problems. However, once passed, other legislation will need to be urgently reviewed to ensure clarity and uniformity with the new Bill and the provisions of the CRC. For example, differences in the definition of childhood under various pieces of legislation, including the Marriage Act, will need to be reconciled as a matter of urgency.³⁴¹

With regard to national legislation pertaining to the promotion of children's rights, in 2003, Fiji passed the comprehensive Family Law Act to deal with matters including dissolution of marriage, child custody, spousal and child support, as well as related matters such as the welfare of children. Allegations of child abuse are expressly dealt with in the Act in the context of marriage and custody disputes. Other aspects of safeguarding the protection of children, as this relates to abuse and neglect, are governed by the Juveniles Act.

Proposed constitutional changes in the Solomon Islands may translate to the advancement of the situation of children. The new expanded draft Bill of Rights refers specifically to the rights of children, and has enshrined the progressive realization of the right to free and compulsory education for all children.³⁴² The Bill of Rights is currently in draft form, and has not yet been debated in Parliament.

Criminal laws to address child sexual abuse and commercial sexual exploitation of children

As mentioned above the new child protection legislation in PNG constitutes the most advanced legislation of its kind in the Pacific. Adding to this, in PNG vital amendments to two important pieces of legislation, the Criminal Code and the Evidence Act (refer part c), have recently been passed and are now in force. These amendments strengthen and improve laws relating to sexual offences against both adults and children and deal with various legal and gender anomalies,

³⁴¹ HELP Resources Inc, 2005, op. cit., p. 97.

³⁴² Christian Care Centre of the Church of Melanesia, 2004, op. cit., p. 40.

including a new specific focus on child sexual abuse and the commercial sexual exploitation of children. In relation to children, the amendments repealed outdated provisions on “unlawful carnal knowledge of girls” and the differential treatment of boys and girls. The Criminal Code now includes a comprehensive set of plain language covering all forms of sexual abuse against boys and girls, including sexual penetration, sexual touching, abusing a position of trust or authority to gain consent of a child 15-18, and persistent sexual abuse of a child. It also created new offences relating to child prostitution and child pornography, and clearly states that child prostitutes under the age of 18 must be treated as victims, not criminals.³⁴³

In Fiji, as with most PICs, child protection legislation remains weak and consequently the punishment of exploiters of children is also weak. However, Fiji is the only other PICs apart from PNG with specific provisions making the production and trade of child pornography illegal. Under the Juveniles (Amendment) Act 1997 offenders face 14 years imprisonment, a minimum fine of \$25,000 and the confiscation of all equipment used in the offence. In addition, the Penal Code Amendment Act No. 4 of 2003 has led to an increase in penalties when it comes to sentencing perpetrators of child defilement.³⁴⁴

In late 2003, the Vanuatu government passed amendments to the Penal Code that: directly address and enforce penalties on guardians or acting guardians for child sexual abuse; create strict penalties for aggravated sexual assault of children; eliminate the differentiation between girls and boys in relation to child sexual abuse offences; and create new offences relating to child prostitution and the production and possession of child pornography (though with respect to the latter, defining a child as under 16).³⁴⁵

³⁴³ HELP Resources Inc, 2005, op. cit., p. 98; Criminal Code (Sexual Offences and Crimes Against Children) Act 2002.

³⁴⁴ Save the Children Fiji, 2006, op. cit., p. 35.

³⁴⁵ Wan Smol Bag, 2004, p. 5; Penal Code Amendment Act, No 17 of 2003.

Lessons learnt and future plans

The changes in legislation in PNG, Fiji and Vanuatu may be related to the presence of strong national advocates for change. The Fiji Women's Crisis Centre has conducted research on domestic violence against women and children, and has effectively lobbied for changes in legislation and policing practices to combat violence against women and children. Likewise the Vanuatu Women's Centre has also advocated for improved legislation to combat violence against women and children. PACE advocated and initiated steps towards the drafting of amendments to the PNG Criminal Code and the Evidence Act. PACE advocated and initiated steps towards the drafting of amendments to the PNG Criminal Code and the Evidence Act. PACE is now considered a focal point for discussions on policy formation and law reform relating to child protection and an appropriate avenue through which research results and policy recommendations can be submitted to government.

In the Solomon Islands, advocacy for legislative provisions relating to child rights and protection for children against violence, abuse and neglect commenced in 1993, prior to Solomon Islands ratification of the CRC. Continued efforts have led to the drafting of a Child Rights Bill and Child Protection Bill. In 2004 the National Advisory Committee for Children (NACC) drafted a strategy for enactment of the Child Rights Bill and further development of the Child Protection Bill; however this strategy has not been implemented. Possible reasons for the non-implementation of the strategy include:

- Low level of government commitment to and involvement in the drafting of the Bills, in the face of competing priorities;
- Non-use of government mechanisms for reform and low capacity of the Law Reform Commission; and
- Lack of research, public awareness raising, mobilization and consultation.

However in 2006 the Solomon Islands government recommitted to enacting child protection legislation.³⁴⁶

³⁴⁶ Grand Coalition for Change Government, Office of the Prime Minister and Cabinet, Policy Translation and Implementation Document, August 2006

There is currently an absence of legislation protection for children in Kiribati from child sexual abuse and commercial sexual exploitation of children, most notably in the area of child pornography. However, the Government of Kiribati is taking positive steps to address the absence of protective legislation concerning child sexual abuse and commercial sexual exploitation of children. The Office of the Kiribati Attorney-General, together with UNICEF Pacific, conducted a legislative review for consistency with the CRC in 2006. The final cabinet paper on the review will include the suggested amendment and enactment of laws to protect children in relation to child sexual abuse and commercial sexual exploitation of children. Cabinet is expected to review the proposed amendments, along with a proposal to ratify the Optional Protocol to the CRC on the sale of children, child prostitution and child pornography in November 2006.

In Fiji, the Law Reform Commission is also currently reviewing the Penal Code.³⁴⁷

At a regional level, the Pacific Islands Chiefs of Police (PICP), formerly known as the South Pacific Chiefs of Police Conference (SPCPC),³⁴⁸ has identified sexual offences as a major threat to law enforcement in the region. In response to this, in 2004 the Forum Regional Security Committee (FRSC) endorsed the establishment of an Expert Working Group (EWG) funded by the New Zealand Government to develop draft model legislation to address sexual offences in the Pacific region and prepare a joint paper for presentation to the FRSC Law Enforcement Meeting in 2005. In 2004, the EWG completed the first and second drafts were completed and circulated throughout PICs and the final draft and explanatory notes were endorsed in September 2005. Currently, the SPCPC is working with individual country drafting committees to tailor legislation and protocols on trafficking and people smuggling to specific country situations.

b) Policing

Clearly, without effective law enforcement, even the most comprehensive legislative provisions and policies will be of little value. The following is an overview of policing initiatives (including specialized, community, regional training and cross-border policing) addressing child sexual abuse and exploitation from the five country studies.

³⁴⁷ See Fiji Law Reform Commission website at: www.lawreform.gov.fj

³⁴⁸ Although recently renamed the Pacific Islands Chiefs of Police (PICP), this paper refers to the better-known acronym SPCPC.

Specialised policing units and activities

Each country has specialized police units relating to sexual assault or family or domestic violence.

In PNG, the police have specialized sexual offences units and Victim Support Desks focusing on improving the police response to family violence and strengthening networks and referral protocols.³⁴⁹

The Vanuatu police force houses a Family Protection Unit that specifically addresses cases of domestic violence, child abuse and other family-related issues. The unit also conducts some awareness raising programmes and activities with youth.

The Kiribati Family Affairs and Sexual Offences Unit (FASOU) was established in 2004 to manage cases of domestic violence, rape, abuse and other sexual offences. Since then the FASOU has been expanded to six members and is tasked with delivering community education workshops on sexual offences including child exploitation. Significantly, in 2006, 17 members of the Kiribati Police Force received specialized training on investigating and responding to child sexual abuse and the commercial sexual exploitation of children.. Those who underwent the training and members of FASOU are now conducting community education training sessions to raise awareness of sexual offences, encourage reporting and develop trusting relationships between the community and police.

Fiji's police set up a Sexual Offences Unit in 1995 to provide specialist services to victims of sexual assault, which has been provided with child specific training with the Fiji Women's Crisis Centre.³⁵⁰

³⁴⁹ HELP Resources, Inc. 2005. op. cit., p. 108.

³⁵⁰ Save the Children Fiji. 2006. op. cit., p. 36.

The Royal Solomon Islands Police recently established Sexual Offence (2005) and Domestic Violence (2006) Units with support provided through the Regional Assistance Mission to the Solomon Islands and other regional policing initiatives discussed below. The Australian Federal Police has also funded several police officers from the RSIP to attend courses on ‘Sexual Offences Awareness’.³⁵¹

Administrative procedures concerning RSIP response to sexual assault cases, if implemented, are amongst some of the most advanced in the Pacific. When child sexual abuse cases are reported to police, the RSIP provides the victim with a referral to the Ministry of Health for support, STI checking and some forensic sampling. DNA and other forensic samples that could be used during court proceedings are forwarded by the RSIP to Australia through the Australian Federal Police or the New Zealand Police for analysis. Forensic kits have proved very successful in assisting criminal convictions in court. The accused must agree to blood samples being taken from his/her person and there is no law requiring an accused to provide DNA evidence.³⁵²

In PNG, the police have specialized sexual offences units, as well as an emerging community policing program. Both of these programs have been provided training in child specific issues through the Fiji Women’s Crisis Centre, as well as exposure to other NGO training on sexual violence. According to the PNG report:

The establishment of Victim Support Desks in all of the capital cities’ police stations, to speed up and provide more appropriate police responses to cases of family violence, the establishment of community-run safe houses for battered women in large urban settlements and the gradual strengthening of networks and referral protocols are very significant advances.³⁵³

In many parts of PNG, community policing practices are undergoing a significant revitalization. Substantial support from the AusAID Law and Justice Sector Program and other bilateral programs is being offered for this purpose. It is not yet clear whether these services will be formally and specifically directed to cover cases of abused and exploited children.

³⁵¹ Christian Care Centre of the Church of Melanesia. 2004. op. cit., p. 51.

³⁵² Christian Care Centre of the Church of Melanesia. 2004. op. cit., p. 46.

³⁵³ HELP Resources, Inc. 2005. op. cit., p. 108.

Prior to the Tensions, the Royal Solomon Islands Police took a lead role in raising community awareness about child sexual abuse through a 'Community Policing' initiative as well as through the 'Women's Police Officers Association'. Women police officers presented workshops in schools on child sexual abuse.

Under the Safer Kiribati Programme, and with the concerted efforts of the Police Commissioner, a higher level of surveillance at bars is being conducted by police in Kiribati to curb alcohol abuse, family violence and sexual abuse of young people. At the time of the study, the Police Commissioner reported that AusAID assistance was to be provided for police undergoing institutional capacity strengthening.

Cross border policing

Inattentiveness to the necessity of cross-border policing and the implications of weak border control leaving the Pacific with *"porous borders"*,³⁵⁴ heightens children's vulnerability to sexual abuse and exploitation. For example, the border between Solomon Islands and PNG is perceived as exposing children to commercial sexual exploitation due to the absence of immigration regulation and the existence of a free trade agreement between Solomon Islands and PNG which encourages fishing boats to frequent the Solomon Islands. There is an additional concern of transfer of HIV across the border with PNG having a significantly higher prevalence than Solomon Islands. At the time of the national study, RSIP and the Regional Assistance Mission to the Solomon Islands (RAMSI) were not patrolling the coast for instances of commercial sexual exploitation of children; the RAMSI-operated coastal patrol monitors illegal activities, but is not trained to identify and respond to cases of commercial sexual exploitation of children.³⁵⁵ In 2006, meetings have been held between the governments of Solomon Islands and PNG to discuss strengthening immigration regulation at the border.

In PICs, the Australian Federal Police (AFP) play an intelligence role, developing and maintaining a network of criminal intelligence and monitoring how this relates to the security interests of Australia. According to the Solomon Islands study the AFP has a role in relation to commercial sexual exploitation of children as part of transnational crime, including child trafficking.

³⁵⁴ Pacific Immigration Director's Conference Secretariat. 2006. op. cit., p. 3.

³⁵⁵ Christian Care Centre of the Church of Melanesia. 2004. op. cit., p. 47.

Regional police training initiatives

The Pacific Regional Policing Initiative (PRPI) is currently playing a significant role in an indirect manner in addressing child sexual abuse and exploitation through building the capacity of police officers to respond and manage crime within the Pacific. The breadth of this initiative in terms of the PICs it reaches is significant, covering all Forum Island member countries in the Pacific. The PRPI is a five-year commitment by the Governments of Australia, New Zealand and Fiji to the development of police capacity throughout the Pacific. The objective of the PRPI is to contribute to a safer, more secure and stable Pacific with a specific focus on policing services. This includes improving basic policing skills through training and other practical assistance to enhance the operational and investigative capability of police officers. The PRPI commenced on 20 January 2004 and is being implemented by a team of Technical Advisers. The PRPI received wide acclaim from Pacific Police Chiefs at the September 2005 Pacific Islands Chiefs of Police Conference.

In addition to the PRPI, the New Zealand Prevention of Domestic Violence Programme and Fiji Women's Crisis Centre have played significant roles in training members of police forces in protecting women and children from violence.

c) Administration of cases involving victims of child sexual abuse and commercial sexual exploitation of children

Representing the interest of victims

Women crisis centres, discussed below, play an important role in linking victims to legal services. For example, in Solomon Islands the Family Support Centre assists victims to file police complaints and seek civil orders for protection through the Public Solicitor's Office (PSO), which provides legal assistance.

In PNG, while access to public solicitors is technically free and in theory available, in reality access to such services is minimal due to inadequate human resources and insufficient government funding allocations. There is no legal aid available, and without a lawyer, the only alternative is to turn to NGOs that are skilled in assisting complainants in filing necessary documentation.³⁵⁶

Government Ministries responsible for Social Welfare may also play a role in representing victim's interests in court. For example the Department of Social Welfare (DSW) in the Solomon Islands can, after police investigation, prepare a 'Social Inquiry Report' for mitigation and recommend appropriate action in relation to a particular offence. The DSW has no trained social workers, and there is a general lack of qualified counsellors within the Solomon Islands.³⁵⁷ Save the Children Australia has established a child protection project, which involves an institutional strengthening project with the Department of Social Welfare.

Court procedures for children

Many efforts to strengthen the justice system for children, in particular judicial trainings, have focused on the development of specific court procedures for child victims, witnesses and offenders. Developments have often been made in the absence of specific legislative mandate.

Important amendments to the PNG Evidence Act serve to protect the interests of victims of child sexual abuse and commercial sexual exploitation of children, including provisions such as the introduction of Special Measures Orders. These orders are designed to make court less traumatic for all child witnesses, as well as adult survivors of sexual offences. Depending on the circumstances of the case and available resources, the Court must, whenever a child is testifying, use one or more of the listed special measures: the use of a screen; allowing a support person to sit next to the child; dispensing with wigs and robes; reorganising the seating in the courtroom; taking the child's testimony outside the courtroom in a more child-friendly environment; excluding all non-essential people from the courtroom; using video-link equipment; and asking questions through an intermediary. Provision is also made for video-recording the child's evidence

³⁵⁶ HELP Resources, Inc. 2005. *op. cit.*, p. 89.

³⁵⁷ Christian Care Centre of the Church of Melanesia. 2004. *op. cit.*, p. 50.

at a pre-trial hearing, with the video to be played as evidence at the main trial. Survivors of sexual assault are no longer to be subjected to prejudicial questioning in relation to private sexual behaviour, with no bearing on the case at hand, and Victim Impact Statements permit the victim to state what action she/he thinks should be taken against the offender.³⁵⁸

Previously in Kiribati a taskforce has been established by Cabinet to address the *te korekorea* cases and to reduce delays in court hearings, particularly child sexual abuse cases. The AG's Office has taken the initiative to create provisions for child sexual abuse trials to be conducted in a closed court environment, therefore being closed to the public. In addition, the AG's Office has implemented special court procedures so that the victim can give evidence without having to see the accused offender, through the use of screens. Victim impact statements, based on New Zealand and Australian models, are being used in the courts. These allow young girls and boys to give statements as to the trauma experienced by them and are used during sentencing to ensure appropriate punishment.³⁵⁹

The Solomon Islands study articulated common issues faced by the judiciary when administering cases of child sexual abuse and exploitation:

The Magistrates Court... is overwhelmed with heavy caseloads. Magistrates are often in the position of having to decide CSEC or CSA matters without adequate training in available legal approaches or sentencing procedures, and without the necessary sensitivity towards victims of sexual crimes. However, because of the recent increased number of sexual assault matters being reported to police and proceeding to the magistrates court, a greater awareness, knowledge and sensitivity to is urgently required by magistrates.³⁶⁰

³⁵⁸ Ibid. p. 99; Evidence (Amendment Act) 2002.

³⁵⁹ RRRT. 2004. *op. cit.*, p. 52.

³⁶⁰ Christian Care Centre of the Church of Melanesia. 2004. *op. cit.*, p. 42.

In 2005-6, the South Pacific Council of Youth and Children's Courts and UNICEF Pacific supported sub-regional Workshops on child and youth justice and protection for Council members from the five countries and Samoa. Subsequently judiciary in Kiribati and Vanuatu (supported by UNICEF), and Fiji (independently) held national workshops in February and April 2006. At the national workshops in Kiribati and Vanuatu procedural guidelines for each sector – police, Public Solicitors Office and the judiciary – were drafted with regard to a specific area of priority in relation to youth justice and protection of young offenders and child witnesses and child victims.

5.5 Recovery and reintegration

There are few key NGO's providing support to children who are sexually abused and exploited for recovery and re-integration.

Medical

While there is no specific training about how to treat cases of child sexual abuse within medical and para-medical courses in Kiribati, the Ministry of Health and Medical Services is currently considering including it in the nursing curriculum in response to concerns raised about lack of adequate medical procedures when cases of child sexual abuse present at the emergency department.

Cases of sexual assault use the same open emergency unit as other cases. There is a lack of privacy for the victims. They are referred to the gynaecologist only if the medical doctor and nurses on duty can not deal with the case.³⁶¹

Similarly in Fiji, the School of Medicine in Suva is also providing training for medical students on the best practice when handling cases of child sexual abuse.

³⁶¹ Pacific Regional Rights Resource Team (RRRT). 2004. op. cit., p. 50.

Refuges for women and children

Homes of Hope in Fiji provides refuge to women and children escaping domestic violence and is supported by a US-based organization called 'Shared Hope', whose mission is to stop the trafficking and sexual exploitation of women and children all over the world. Home of Hope has indicated a strong interest in the area of the commercial sexual exploitation of children.³⁶²

The Church of Melanesia's Christian Care Centre has established the only refuge providing temporary accommodation to abused women and children in Solomon Islands.

In Kiribati the Catholic Women's Crisis Centre provides shelter and care for women and children in need. Since establishment, no proper recording of the clients or their situations have been undertaken, however since providing its services women were recorded as visiting the centre because of drinking, violent or physically threatening husbands, or to avoid arranged marriages. While the centre's caretaker has undertaken counselling training, no specific counselling programme has been established.

Crisis and counselling services

The Fiji Women's Crisis Centre (FWCC) is the only organization that provides crisis counselling and legal, medical and other practical support services for women and children who are victims of violence. The Vanuatu Women's Centre (VWC) with support from the FWCC also provides support, care and counselling for victims of domestic violence and abuse.

In Solomon Islands the Family Support Centre (FSC) is an NGO providing counselling and legal referral to women and children who have experienced sexual abuse and domestic violence.³⁶³ The NCW refers matters of child sexual abuse and domestic violence to the Family Support Service for legal and counselling support. The NCW trainers work with sex workers, especially children engaged in prostitution, and offer support and referral.

³⁶² Save the Children Fund. 2006. *op. cit.*, p. 36.

³⁶³ Christian Care Centre of the Church of Melanesia. 2004. *op. cit.*, p. 48.

In PNG, People Against Child Exploitation (PACE) and Provincial Family and Sexual Violence Action Committees (FSVACs), as previously discussed, work on in providing services to children for recovery and reintegration. In collaboration with other institutions with similar interests PACE is aiming to establish and operate a Centre Against Sexual Assault and Child Abuse Counselling Clinic to service victims of sexual assault. The office of Save the Children in PNG (SCinPNG) operates a Children's Counselling Group.

In Kiribati, counselling is provided through by the Ministry of Education, Youth and Sports to students from selected schools, with some teachers have received specific training in child sexual abuse counselling and the Kiribati Counselling Association, a network comprised mostly of teachers, health workers and members of NGO's. The Marist Brothers Order at Bikenibeu has also been an active advocate for developing counselling skills in Kiribati and are currently organizing the first sexual offenders and sexual abuse counselling course.

Reintegration

In Kiribati, counselling is provided by the Ministry of Education, Youth and Sports to students from selected schools, with some teachers have received specific training in CSA counselling and the Kiribati Counselling Association, a network comprised mostly of teachers, health workers and members of NGO's. The Marist Brothers Order at Bikenibeu has also been an active advocate for developing counselling skills in Kiribati and are currently organizing the first sexual offenders and sexual abuse counselling course.

SECTION 6

RECOMMENDATIONS FOR ACTION

The evidence elicited from the research conducted in the five PICs indicates it is necessary to take immediate action to both reduce the incidence and prevalence of child sexual abuse and exploitation throughout the Pacific, as well as to ensure measures are in place to provide protection for children from sexual abuse and exploitation. This report urges that immediate action be taken towards the prevention of such crimes before they occur, as well as the immediate provision of support and rehabilitation to children who have experienced sexual abuse or exploitation, or both.

This section represents the broad categories of recommendations which arose from the five national studies. They reflect and reinforce the core commitments made by many Pacific Island governments under the Stockholm Declaration and Agenda for Action and the East Asia and Pacific Regional Commitment and Action Plan against Commercial Sexual Exploitation of Children:

- Increased Political Commitment
- Improve Planning, Coordination and Cooperation
- Prevention and Awareness
- Strengthen Protective Legislation and Law Enforcement
- Improve Services for Recovery and Reintegration
- Promote Child Participation

6.1 Increased political commitment

Recommendations for all PICs:

- Adopt the Stockholm Declaration and Agenda for Action
- Ratify the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography
- Ratify CEDAW and make provisions for the implementation of its provisions
- Adhere to CRC and CEDAW monitoring and reporting requirements in a timely manner
- Prioritize combating CSEC and CSA in national planning and budgeting

Improving protection of children from sexual abuse and exploitation will require strong commitment on the part of all PIC governments to accord high priority to the issue and to allocate adequate resources for this purpose. The ratification of international conventions and declarations can serve as both an official acknowledgement of protection failures, as well as a public commitment to address them. Official acknowledgment of child sexual abuse and the commercial sexual exploitation of children gives these issues a place on the national agenda and paves the way toward a range of other protective measures, including open discussion of the issues and the provision of necessary services to victims.

Adoption of the Stockholm Declaration and Agenda for Action: This report urges all PICs to adopt the Stockholm Declaration and Agenda for Action in accordance with the East Asia and Pacific Regional Commitment and Action Plan against Commercial Sexual Exploitation of Children, and to develop National Plans of Action for its implementation. Fiji, PNG, Vanuatu, Cook Islands, Marshall Islands, Micronesia, Samoa and Tonga are signatory countries to the Stockholm Declaration and the Agenda for Action. This report urges Kiribati and the Solomon Islands to also sign.

Ratification of the Optional Protocol to the CRC on the sale of children, child prostitution and child pornography: This report recommends all PICs ratify the Optional Protocol to the CRC on the sale of children, child prostitution and child pornography. Of the countries covered by this report, Fiji and Vanuatu have signed but not yet ratified this Optional Protocol. PNG, Kiribati and Solomon Islands are yet to ratify. The Optional Protocol strengthens governments' obligations under the CRC to prevent the exploitative use of children in prostitution and pornography (CRC, Art 34) and to take all measures possible to ensure that children are not sold or trafficked (CRC, Art 35). Ratification of the Optional Protocol has symbolic value; it demonstrates to both the international and local community that a country is willing to participate in the global effort to address these egregious violations of children's rights. More importantly, however, implementation of the Optional Protocol is of enormous practical value. The range of measures it requires States to take (for instance, criminalizing activities related to the commercial sexual exploitation of children, protecting the rights of child victims, and undertaking public awareness and education campaigns) ensures that the issue of commercial sexual exploitation of children is addressed in a holistic and comprehensive way.

Ratification and implementation of CEDAW: All countries in the Pacific have ratified CEDAW with the exception of Tonga, Nauru and Palau (see Section 5.1). CEDAW specifically seeks to protect women and girls against systemic discrimination including violence. It is recommended that in order to combat child sexual abuse and exploitation, PICs will need to address the low status of women and children within Pacific Island communities. In order to do this those PICs who have not yet ratified CEDAW need to do so as a priority and the implementation of CEDAW by those PICs who have ratified should take place.

Monitoring and reporting on CRC and CEDAW: It is recommended that in line with reporting obligations under the CRC and CEDAW that PICs make provisions for timely monitoring and reporting under these international instruments. This is recommended in order to serve as an integral part of national review and planning for the implementation of women's and children's rights throughout the region.

6.2 Improved planning, coordination and cooperation

Recommendations for all PICs:

- Develop, endorse, implement and monitor National Plans of Action to address child sexual abuse and commercial sexual exploitation of children. Ensure these plans are integrated into plans of all relevant ministries and be relevant across all sectors, including the private sector,
- Promote inter-agency coordination through the appointment of a focal point or central body, such as the National Children's Committee
- Strengthen monitoring and data collection and conduct Monitoring and Evaluation

The issues of sexual abuse and exploitation of children are complex, and addressing these problems requires the concerted efforts of a wide range of individuals, agencies and groups at the local, national, regional and international levels. All PICs should place priority on the development of a comprehensive, integrated national strategy to address child sexual abuse and exploitation, supported by sufficient budgetary allocations and monitoring mechanisms. Mechanisms should also be in place to promote better cooperation between countries in controlling cross-border commercial sexual exploitation of children and child sexual abuse.

National Plans of Action and cross-sectoral coordination

As outlined in Section 1.2, of this report the Stockholm Agenda for Action calls for National Plans of Action to address the sexual abuse and commercial sexual exploitation of children through improved cooperation and coordination. This is important to:

- Address the underlying causes and risk factors of child sexual abuse and exploitation;
- Develop a cohesive and specific framework consisting of multidisciplinary and interlinking strategies to address child sexual abuse and exploitation;
- Foster close cooperation between the government and non-government sectors; and
- Provide a mechanism for implementation and monitoring of measures to address sexual abuse and exploitation of children.³⁶⁴

While many PICs have designed national plans of action to address the issues of child sexual abuse and exploitation at the 2003 Pacific Regional Workshop on Combating Poverty and Commercial Sexual Exploitation of Children and Young People, as yet no PIC has formally adopted nor implemented these plans. Formal adoption of these national plans, and their incorporation into the country's overall development planning is essential to promoting an approach to child sexual abuse and exploitation that encompasses:

- The whole of government;
- Government partnership with NGOs, faith based organizations and other partners; and
- Linkages with other child protection issues (eg. birth registration, justice for children, HIV/AIDS, psychosocial well-being and emergency preparedness and response).

³⁶⁴ UNESCO. 2006. Toolkit for implementing and monitoring the East Asia and Pacific Regional Commitment and Action Plan against CSEC. UNESCO. Bangkok.

To be effectively implemented, PIC governments should ensure that these National Plans of Action are:

- Developed through a process of consultation, including with children;
- Endorsed at the highest level of government;
- Adequately resourced, in human and financial terms;
- Linked to sector and national development planning and included in national budgeting;
- Include well functioning coordinating body or focal point to implement the NPA;
- Include arrangements for monitoring, review and periodic reporting; and
- Go beyond statement of policy and principles to set real, achievable targets in relation to child sexual abuse and exploitation.

Improve monitoring and data collection

As this study has revealed, mechanisms for monitoring and coordinating the implementation of measures against child sexual abuse and exploitation are weak across the PICs, as is data collection. All PIC governments should, as a matter of priority, strengthen child rights coordinating committees at the national and local levels and develop mechanisms to implement and evaluate measures against child sexual abuse and exploitation. National Coordinating Committees for Children should be involved in planning and monitoring activities at the national level, and for promoting improved collection and disaggregation of data on child sexual abuse and the commercial sexual exploitation of children. All sectors, including Social Welfare Departments, Ministries of Justice, Police Departments, women's and children's NGOs, youth organizations, key faith based organizations, UN agencies, regional organizations, international child protection organizations, parents and children should be involved in the implementation, monitoring and review of initiatives to address child sexual abuse and exploitation.

6.3 Prevention

Recommendations for all PICs:

- Promote open discussion and community dialogue on CSA and CSEC to combat the culture of silence around these “taboo” issues
- Strengthen protective capacities of families and communities
- Mobilise relevant sectors, including mining, fisheries and tourism, in the campaign against child sexual abuse and commercial sexual exploitation of children.
- Create education and employment opportunities for children and youth

This report highlights the complexity and inter-related factors that increase the vulnerability of children to sexual abuse and exploitation within the Pacific region, including the low status of women and children, urbanisation and social change, lack of education and employment opportunities for young people, and the culture of silence around the issue. Preventing child sexual abuse and exploitation requires a range of strategies to promote open dialogue and discussion on child sexual abuse and the commercial sexual exploitation of children, to change attitudes and behaviour towards women and children, and to build the capacities of families and communities to protect their children. Children and youth should also be placed at the forefront of economic development, with clear strategies to promote greater education and employment opportunities for young people, particularly youth at risk.

Promote open discussion and dialogue

As noted above, traditional attitudes and community treatment of children in the Pacific, particularly girls, contributes to their vulnerability to sexual abuse and commercial sexual exploitation. As stated throughout this report, while there are many factors that contribute to child sexual abuse and exploitation, a key factor is the low status of women and children within the Pacific. Despite massive improvements to the status of women and children in the

Pacific and globally over the past 10 years, it is apparent that to many, women and children are still viewed as voiceless and powerless commodities which can be bought and sold. Unless this changes, the commercial sexual exploitation of children will continue to increase as people continue to look for ways in which they can generate “easy and lucrative” revenue and child sexual abuse will continue as the powerful will feel that they are entitled to, and can get away with, abusing the powerless

The starting point for changing people’s values, attitudes, beliefs and practices towards children is to initiate dialogue at all levels – within government, communities, families, and with children themselves. Communities throughout the Pacific would benefit from well-designed and assertive public education programmes seeking to challenge and change attitudes and traditions that underpin abuses against women and children, and to promote those that are protective. In doing so, governments should enlist the help of and facilitate collaboration with the media, community and religious leaders, and other influential institutions of civil society.

Open discussion is also necessary to combat the culture of silence around child sexual abuse and exploitation. Without open discussion, there is no climate for advocacy; change is less likely on an issue that is never aired. Open discussion, signaling permission for children to talk about their experiences, will also help strengthen children’s own ability to claim protection.

Strengthen protective capacity of families and communities

A child’s protection from violence, exploitation, and abuse is enhanced by an immediate social environment that is caring, supportive, and offers good role models. Pacific Island communities traditionally see the raising of children as a shared responsibility. Communal lifestyles and broad extended family networks have provided important protective safeguards for children. However, these traditions have been eroding in recent years due to rapid urbanisation and cultural change. Neglect, lack of parental supervision and poor parenting have all been identified as contributing to the abuse and exploitation of Pacific Island children.

Children without parents, or whose parents do not or cannot protect them, are acknowledged to be at heightened risk of abuse and exploitation. It is therefore imperative that teachers, health care workers, caregivers and community members be able to recognize, prevent, and respond to indications of child abuse and neglect. Strategies to protect and support children must be known and implemented at district and community levels, and communities should be supported to understand and assert children's rights. As an extension of the family, the community should have the ability and commitment to carry out a number of basic child protection functions, such as:

- Community monitoring of vulnerable groups;
- Community-led oversight of its own child protection situation;
- Community-based services to support families and children in need;
- Facilitating the training of parents on positive caring practices, as well as education in the dangers of negative practices; and
- Peer education and support

In light of the findings of this study, particular emphasis should be placed on targeting families and communities living near mining, logging and fishing industries. To ensure sustainability and promote broad ownerships, communities should be actively engaged and involved in all aspects of planning and implementing community protection strategies.

Mobilize relevant sectors against child sexual abuse and commercial sexual exploitation of children

In addition to targeting families and communities in the fight against child sexual abuse and the commercial sexual exploitation of children, measures should also be taken to mobilize support from the private sector against the use of its networks and establishments for child sexual abuse and exploitation. Measures should be taken to increase the awareness of, and obtain clear commitments from, the following industries that have been revealed, through this study, to have links to child sexual abuse and the commercial sexual exploitation of children:

Tourist and Hospitality Sector: promote the development of industry codes of conduct aimed at combating the commercial sexual exploitation of children and child sex tourism, as well as training and awareness raising for service providers (such as hotel and bar staff, night club owners and staff, tour operators, resort staff, taxi drivers, boat operators etc) in the recognition of strategies to prevent child sexual abuse and exploitation, and reporting obligations.

Maritime Services including fisheries: education of maritime workers, fishers, and seamen, as well as the development of appropriate policies to combat the commercial sexual exploitation of children in the maritime industries. SPC has included in its training manuals for maritime personnel information and training regarding the behaviour of maritime workers when they are away from home, engaging in intercourse, and when the maritime worker returns home. However, there is no a specific training material or education that provides information to maritime workers about issues specifically related to the commercial sexual exploitation of children.

Logging and mining sector operators and private sector managers should also be targeted to ensure that both the operators as well as the workers in those sectors are aware of national laws regarding child sexual abuse and exploitation. In addition, those sectors should be encouraged to develop policies and regulations regarding the conduct of personnel working in those sectors.

Create education and employment opportunities

This study has found that some of the key factors contributing to child sexual abuse and exploitation are poverty and lack of appropriate education, vocational training, and employment opportunities for children and young people. Combating commercial sexual exploitation of children will require commitment to developing programmes for youth and children to ensure that they have opportunities to earn a living. The following are examples of some programmes which can contribute to the reduction of the vulnerability and risk factors to sexual abuse and exploitation experienced by children and youth:

Ensure equal access to education and training through ensuring that primary, secondary and other training opportunities are available for boys and girls, in rural and urban areas and for those who cannot afford to pay fees.

Provide programmes for youth in job skills and vocational training which provide realistic alternatives for young people appropriate to their location and resource ability. For example, it is not helpful to provide only sewing or tailoring courses to young women in locations where there are many tailors already available, or in places where materials and equipment are hard to access.

Youth cultural and entertainment facilities. Youth need interaction and excitement in their lives and where none exists, they will create it – often engaging in harmful and risky behaviours. Dance centres, theatre, sports and arts are all ways in which youth can engage and express themselves in more positive activities which can also be income generating. Craft production, theatre, singing competitions are all ways in which young people can earn extra income.

Youth apprenticeship schemes – Encourage youth to gain on-the-job experience through youth apprenticeship schemes in all sectors.

As detailed in this report, children are not responsible for the factors that push or pull them into situations in which they can be sexually exploited and situations where they are vulnerable to sexual abuse. It is adults who either engage in those behaviours or profit from them. Programmes specific to adults to encourage them away from abusive and exploitative behaviour and practices are also required in the area of poverty alleviation. These might include:

- Ensuring access to education and training specifically for adults so that adults can return to school and gain new skills or trades;
- Providing parenting skills and training through educational centres, Churches and other community facilities. Neglect and poor parenting are also linked to the vulnerability of children to sexual abuse and exploitation .
- Vocational training, “work as you learn” and apprenticeship schemes which will enable adults to continue to earn an income while learning a new trade; and
- Income and employment services to be provided by civil society and government which can assist those in need to develop skills to increase their income, or to start their own businesses.

6.4 Strengthened protective legislation and law enforcement

Recommendations for all PICs:

- Strengthen criminal laws to address all forms and patterns of child sexual abuse and commercial sexual exploitation of children
- Strengthen law enforcement and promote child-sensitive procedures
- Establish specialized policing units (or designated police specialists) with adequate resources and child-friendly facilities to counter child sexual abuse and commercial sexual exploitation of children
- Conduct regular training with justice sector officials on effective and sensitive management of child sexual abuse and commercial sexual exploitation of children reports
- Strengthen or establish networks between national and international law enforcement authorities to respond to child sexual abuse and commercial sexual exploitation of children through the establishment of cross-sectoral Pacific regional committee to combat child sexual abuse and commercial sexual exploitation of children, linked to international law enforcement organizations such as Interpol.

Protecting children from sexual abuse and exploitation requires a clear legislative framework to ensure that all those who exploit children, or profit from their exploitation, are criminally sanctioned. Effective law enforcement is also essential in order to end the culture of impunity and to send a clear message to would-be perpetrators that their conduct will not be tolerated by society.

Strengthen laws on child sexual abuse and commercial sexual exploitation of children

In all reports, there was a general recommendation that domestic laws need to be reviewed and updated in order to combat child sexual abuse and exploitation, and to protect victims of these crimes. When developing legislation pertaining to the protection of children from sexual abuse and exploitation, the country research findings called for the following :

Strengthen or update child protection legislation promoting a full continuum of child welfare services to children at risk and child victims of sexual abuse or exploitation, or both; and to create a national child abuse reporting mechanism with specialized trained social workers;

Review and revise criminal laws to strengthen provisions to address sexual abuse of children; to incorporate specific offences relating to child prostitution, child pornography, trafficking in children, and organizing sex tours; to ensure that child victims are in no way punished; and to include extra-territorial provisions allowing citizens to be prosecuted for committing crimes against children in other countries. As noted earlier, PIC criminal code provisions defining sexual offences are generally weak and outdated. There are concerns regarding the scope and definitions of sexual offences in current legislation (in particular the definition of the act constituting the offence and the way in which the age and gender of the victim are used to define offences), and the absence of specific child prostitution, trafficking and child pornography provisions in most countries.

Review and update rules of evidence and court practice and procedures for child victims and witnesses to ensure that proceedings are sensitive to children, and to eliminate outdated rules of evidence that impede effective prosecution of perpetrators.

Promote extradition and other arrangements to ensure that a person who exploits a child for sexual purposes in another country (the destination country) is prosecuted either in the country of origin or the destination country.

Compulsory, free birth registration and proof of age measures taken to ensure that all children are registered at birth and are able to obtain and provide proof of age. As noted in the CRC, Article 7, States are obligated to register children immediately after birth;

Review and strengthen legal adoption mechanisms, processes and procedures with clear legislation in place to ensure that all adoptions are legal;

Strengthen immigration procedures to ensure that adults traveling with children have permission to do so;

Introduce and enforce laws which prohibit early marriage, stipulating the same marrying age for both boys and girls;

Regulate child labour, including clear prohibitions on harmful or hazardous work (in both the formal and informal sectors), as well as regulations on the employment of children in the tourism and hospitality industries.

Steps toward legal reform

Step One: In conjunction with civil society, lobbying key decision makers and policy makers to enact new legislation, or approve legislative reform in the area of child protection.

Step Two: Government commitment to reform.

Step Three: Legislative analysis of current domestic laws in the area of child protection, specifically in compliance with the CRC, the CRC Optional Protocol, the Stockholm Agenda for Action and CEDAW.

Step Four: Community consultations (including with children) and drafting of new legislation undertaken by or in collaboration with national draftspersons.

Improve law enforcement

Laws alone are not enough to protect children. Reports from all countries revealed that, too often in the Pacific, perpetrators go unpunished due to weak law enforcement, inadequate resources to the police and judiciary, corruption, and the absence of procedures that facilitate children's effective participation in the justice system. As outlined in Sections 2 and 4 of this report, many cases of child sexual abuse and exploitation remain unreported due to a lack of confidence in adequate law enforcement, which is associated with a lack of mechanisms for reporting on child sexual abuse and exploitation cases as well as a lack of personnel trained in appropriate and sensitive management of reported cases. There is an urgent need for improved reporting, investigation, and prosecution of cases of child sexual abuse and commercial sexual exploitation of children.

It is recommended that steps be taken, as a matter of priority, to build the capacity of justice sector agencies. This should include:

Specialised Police Units or Designated Specialists with adequate resources and child-friendly facilities;

Child-sensitive, Inter-agency Guidelines for reporting, referral, investigation and prosecution of cases of child sexual abuse and exploitation that ensure an effective, coordinate response from police, social workers, health care officials and NGO service providers;

Training and sensitization for police, immigration and border control officers, labour inspectors, prosecutors and judges on laws regarding child sexual abuse or exploitation, and child-sensitive procedures. Training on child sexual abuse and the commercial sexual exploitation of children, and other child protection issues, should be conducted on an in-service basis, as well as incorporated into existing induction training programmes;

Effective complaints and disciplinary proceedings to ensure that police officers, justice sector officials and other public officials who facilitate or engage in child sexual abuse or exploitation are duly prosecuted.

Strengthen international cooperation

In addition, there is a need for law enforcement officials to establish networks within the Pacific and internationally to monitor and prevent child sexual abuse and exploitation. For example, Pacific law enforcement agencies should establish close relationships with corresponding international law enforcement agencies in common tourist routes in and out of the Pacific such as between Australia, New Zealand, the US and Southeast.

As is discussed in Sections 3 and 4 of this report, there is a pressing need to address the issues of child sexual abuse and exploitation by enhancing border control at the national level through regional cooperation. Initiatives such as import and export law reform to curb child pornography and child trafficking need to take place. The Pacific Immigration Director's Conference Secretariat (PIDC) noted an urgent need for more stringent policies and practices, including legislative change in the areas of human trafficking and immigration. Furthermore, many Pacific countries are currently unable to prosecute because human trafficking is not currently a criminal offence. This leaves Pacific children vulnerable because as traffic to the Pacific increases, and security in other parts of the world tightens, there is a real possibility that international crime may turn to the Pacific because of perceived and actual weaknesses in border management systems and immigration legislation.³⁶⁵

As recommended by the PIDC, initiatives which have commenced in some countries yet need to be expanded and enhanced across the Pacific include better systems regarding sea and air links such as advanced passenger information, strengthening border management, providing capacity building through training, and working closely with customs, police and the Pacific Islands Forum Secretariat.³⁶⁶

³⁶⁵ Pacific Immigration Directors Conference. 2006. op. cit., p. 12.

³⁶⁶ Ibid

6.5 Building social service systems: Improved response, recovery and reintegration

Recommendations for all PICs:

- Develop and implement specific national child protection legislation to create the legal framework for providing social welfare services to children and their families
- Strengthen inter-agency mechanism for reporting and referral involving social workers, teachers, police, health services, and NGO service providers.
- Build capacity of social workers, NGOs, and faith-based organisations to provide counseling and other support services to child victims of commercial sexual exploitation and sexual abuse

All PICs covered in this report have taken initial steps to provide services to children who have been subject to sexual abuse, commercial sexual exploitation, or both. However, social services systems, including child welfare services, are weak across the region. Of the countries covered, only PNG has enacted comprehensive, updated child protection legislation. In all countries, the services available to assist child victims with their recovery and reintegration were found to be lacking.

It is recommended that all PIC governments take steps, as a matter of priority, to strengthen social services systems and measures to promote children's recovery and reintegration:

- Establish appropriate systems and procedures for identifying and supporting families and children at risk, as well as children who have been victims of sexual abuse or exploitation. These procedures should promote inter-agency and multi-disciplinary service provision, with coordinated responses from law enforcement, social welfare, health care, education and NGOs. In addition to the cost effectiveness of this approach, it is also beneficial for victims to receive consistent, reliable and effective service provision with child-centred approaches being at the core of this service provision.

- Build the capacity of social welfare departments and social workers, including the commitment of adequate resources to establish effective social services systems;
- Training and sensitization for social workers, teachers, health care workers, NGOs and faith-based organizations on identification of victims of child sexual abuse or exploitation, reporting and referral mechanisms, and counselling and psycho-social support to children and their families.
- Strengthen counselling and support services, to be provided by trained professionals including social welfare departments, civil society organizations, churches and other groups.
- Medical services specifically designed for children who have experienced sexual abuse. This should include procedures for the appropriate collection, sealing and labeling of forensic evidence to facilitate prosecutions; as well as referrals to counseling and other support services.

6.6 Child participation

Recommendations for all PICs:

- Promote child and youth participation in the planning and implementation of CSEC and CSA prevention and response.

Children and young people should be actively engaged in the planning and implementation of activities to prevent and respond to child sexual abuse and the commercial sexual exploitation of children. This can be done by, for example, engaging children as peer educators, helpers, and child advocates, and promoting children's consultations in any legislative reform process.

Involving children not only improves the effectiveness of responses, but can also contribute to the process of changing community attitudes towards children. Promoting child participation can help counter the traditional view that children should be seen but not heard, and are simply

passive recipients of adult intervention. It promotes a shift in the view of children as a family commodity, towards respect for them as rights holders who are active participants in shaping their own future and that of their community.

Conclusion

Achieving a Pacific where the most vulnerable are protected from the worst forms of abuse, exploitation and neglect is possible. Fundamental to Pacific prosperity is ensuring the future of Pacific Island children – a future free from harm, where children’s rights to protection are upheld as fundamental to the Pacific way of life.

This report has highlighted the findings of five Pacific Island country studies on child sexual abuse and the commercial sexual exploitation of children, and identified the primary factors contributing to child sexual abuse and exploitation based upon these studies. More research needs to be conducted across a wider range of PICs to inform national actions to combat child sexual abuse and exploitation. While this report has outlined the efforts taken in the Pacific to address sexual abuse and exploitation of children, urgent action is required to comprehensively protect children from this unacceptable form of exploitation. Recommendations for such actions are suggested to assist government and peak implementing bodies.

This report has highlighted that while there appears to be increasing willingness in the Pacific to engage in dialogue about abuse against children, under-reporting of abuses still exists for reasons including cultural taboos, gender inequality and a “culture of silence” surrounding these issues in the Pacific. This report provides an overview of child sexual abuse and the commercial sexual exploitation of children in the Pacific, upon which Pacific governments can base child protection resources and initiatives.

Now that the scale and impact of all forms of violence against children is becoming better known, children must be provided with the effective prevention and protection to which they have an unqualified right.³⁶⁷

³⁶⁷ Pinheiro, P. S. 2006. Report of the independent expert for the United Nations study on violence against children, advance copy, United Nations. Geneva. p6.

ANNEXES

Annex I: Stockholm Declaration and Agenda for Action

DECLARATION AND AGENDA FOR ACTION FROM THE WORLD CONGRESS AGAINST THE COMMERCIAL EXPLOITATION OF CHILDREN

Stockholm, Sweden, 27-31 August, 1996

Declaration

1. We, gathered in Stockholm for the World Congress against Commercial Sexual Exploitation of Children, representing the Governments of 122 countries, together with non-governmental organizations, the End Child Prostitution in Asian Tourism (ECPAT) campaign, UNICEF and other agencies within the family of the United Nations, and other concerned organizations and individuals worldwide, hereby commit ourselves to a global partnership against the commercial sexual exploitation of children.

The Challenge

2. Every day, more and more children around the world are subjected to sexual exploitation and sexual abuse. Concerted action is needed at the local, national, regional and international levels to bring an end to the phenomena.

3. Every child is entitled to full protection from all forms of sexual exploitation and sexual abuse. This is reaffirmed by the Convention on the Rights of the Child, an international legal instrument of universal significance (of which there are 187 State parties). States are required to protect the child from sexual exploitation and sexual abuse and promote physical and psychological recovery and social reintegration of the child victim.

4. According to the Convention on the Rights of the Child, the best interests of the child shall be a primary consideration in all actions concerning children, and their rights are to be enjoyed without discrimination of any kind. In all matters affecting the child, the views of the child should be given due weight, in accordance with the age and maturity of the child.

5. The commercial sexual exploitation of children is a fundamental violation of children's rights. It comprises sexual abuse by the adult and remuneration in cash or kind to the child or a third person or persons. The child is treated as a sexual object and as a commercial object. The commercial sexual exploitation of children constitutes a form of coercion and violence against children, and amounts to forced labour and a contemporary form of slavery.

6. Poverty cannot be used as a justification for the commercial sexual exploitation of children, even though it contributes to an environment which may lead to such exploitation. A range of other complex contributing factors include economic disparities, inequitable socio-economic structures, dysfunctioning families, lack of education, growing consumerism, urban-rural migration, gender discrimination, irresponsible male sexual behaviour, harmful traditional practices, armed conflicts and trafficking of children. All these factors exacerbate the vulnerability of girls and boys to those who would seek to procure them for commercial sexual exploitation.

7. Criminals and criminal networks take part in procuring and channeling vulnerable children toward commercial sexual exploitation and in perpetuating such exploitation. These criminal elements service the demand in the sex market created by customers, mainly men, who seek unlawful sexual gratification with children. Corruption and collusion, absence of and/or inadequate laws, lax law enforcement, and limited sensitization of law enforcement personnel to the harmful impact on children, are all further factors which lead, directly or indirectly, to the commercial sexual exploitation of children. It may involve the acts of a single individual, or be organized on a small scale (e.g. family and acquaintances) or a large scale (e.g. criminal network).

8. A wide range of individuals and groups at all levels of society contribute to the exploitative practice. This includes intermediaries, family members, the business sector, service providers, customers, community leaders and government officials, all of whom may contribute to the exploitation through indifference, ignorance of the harmful consequences suffered by children, or the perpetuation of attitudes and values that view children as economic commodities.

9. The commercial sexual exploitation of children can result in serious, life-long, even life threatening consequences for the physical, psychological, spiritual, moral and social development of children, including the threat of early pregnancy, maternal mortality, injury, retarded development, physical disabilities and sexually transmitted diseases, including HIV/AIDS. Their right to enjoy childhood and to lead a productive, rewarding and dignified life is seriously compromised.

10. While laws, policies and programmes exist to counter the commercial sexual exploitation of children, greater political will, more effective implementation measures, and adequate allocation of resources are needed to give effect to the spirit and letter of these laws, policies and programmes.

11. The primary task of combating the commercial sexual exploitation of children rests with the State and families. The civil society also has an essential role to play in preventing and protecting children from commercial sexual exploitation. It is imperative to build a strong partnership between Governments, international organizations and all sectors of society to counter such exploitation.

The Commitment

12. The World Congress reiterates its commitment to the rights of the child, bearing in mind the Convention on the Rights of the Child, and calls upon all States in cooperation with national and international organizations and civil society to:

- Accord high priority to action against the commercial sexual exploitation of children and allocate adequate resources for this purpose;

- Promote stronger cooperation between States and all sectors of society to prevent children from entering the sex trade and to strengthen the role of families in protecting children against commercial sexual exploitation;

- Criminalize the commercial sexual exploitation of children, as well as other forms of sexual exploitation of children, and condemn and penalize all those offenders involved, whether local or foreign, while ensuring that the child victims of this practice are not penalized;

- Review and Revise, where appropriate, laws, policies, programmes and practices to eliminate the commercial sexual exploitation of children;

- Enforce laws, policies and programmes to protect children from commercial sexual exploitation and strengthen communication and cooperation between law enforcement authorities;

- Promote adoption, implementation and dissemination of laws, policies, and programmes supported by relevant regional, national and local mechanisms against the commercial sexual exploitation of children;

- Develop and implement comprehensive gender-sensitive plans and programmes to prevent the commercial sexual exploitation of children, to protect and assist the child victims and to facilitate their recovery and reintegration into society;

- Create a climate through education, social mobilization, and development activities to ensure that parents and others legally responsible for children are able to fulfill their rights, duties and responsibilities to protect children from commercial sexual exploitation;

- Mobilize political and other partners, national and international communities, including intergovernmental organizations and non-governmental organizations, to assist countries in eliminating the commercial sexual exploitation of children; and

- Enhance the role of popular participation, including that of children, in preventing and eliminating the commercial sexual exploitation of children.

13. The World Congress adopts this Declaration and Agenda for Action to assist in protecting child rights, particularly the implementation of the Convention on the Rights of the Child and other relevant instruments, to put an end to the commercial sexual exploitation of children worldwide.

Agenda for Action against Commercial Sexual Exploitation of Children

1. The Agenda for Action aims to highlight existing international commitments, to identify priorities for action and to assist in the implementation of relevant international instruments (see Annex I). It calls for action from States, all sectors of society, and national, regional, and international organizations, against the commercial sexual exploitation of children.

2. Coordination and Cooperation:

i) Local/National Levels

a) urgently strengthen comprehensive, cross-sectoral and integrated strategies and measures, so that by the year 2000 there are national agenda(s) for action and indicators of progress, with set goals and time frame for implementation, targeted to reducing the number of children vulnerable to commercial sexual exploitation and nurturing an environment, attitudes and practices responsive to child rights;

b) urgently develop implementation and monitoring mechanism(s) or focal point(s) at the national and local levels, in cooperation with civil society, so that by the year 2000 there are data bases on children vulnerable to commercial sexual exploitation, and on their exploiters, with relevant research and special attention to disaggregating data by age, gender, ethnicity, indigenous status, circumstances influencing commercial sexual exploitation, and respect for confidentiality of the child victims especially in regard to public disclosures;

c) foster close interaction and cooperation between the government and non-government sectors to plan, implement and evaluate measures against the commercial sexual exploitation of children, coupled with campaigns to mobilize families and communities to protect children from commercial sexual exploitation, and with adequate allocation of resources;

ii) Regional/International Levels

d) promote better cooperation between countries and international organizations, including regional organizations, and other catalysts which have a key role in eliminating the commercial sexual exploitation of children, including the Committee on the Rights of the Child, UNICEF, ILO, UNESCO, UNDP, WHO, UNAIDS, UNHCR, IOM, the World Bank/IMF, INTERPOL, UN Crime Prevention and Criminal Justice Division, UNFPA, the World Tourism Organization, the UN High Commissioner for Human Rights, the UN Centre for Human Rights, the UN Commission on Human Rights and its Special Rapporteur on the Sale of Children, and the Working Group on Contemporary Forms of Slavery, each taking guidance from the Agenda for Action in their activities in accordance with their respective mandates;

e) advocate and mobilize support for child rights, and ensure that adequate resources are available to protect children from commercial sexual exploitation; and

f) press for full implementation of the Convention on the Rights of the Child by State Parties, including requirements for reporting to the Committee on the Rights of the Child in accordance with existing deadlines, and encourage follow-up of countries' progress towards full realization of child rights in the context of other relevant United Nations organs, bodies and mechanisms, including the UN Commission on Human Rights and its Special Rapporteur on the Sale of Children.

3. Prevention:

- a) provide children with access to education as a means of improving their status and make primary education compulsory and available free to all;
- b) improve access and provide relevant health services, education, training, recreation and a supportive environment to families and children vulnerable to commercial sexual exploitation, including those who are displaced, homeless, refugees, stateless, unregistered, in detention and/or in state institutions;
- c) maximize education on child rights and incorporate, where appropriate, the Convention on the Rights of the Child into formal and non-formal education for all communities, families and children;
- d) initiate gender-sensitive communication, media and information campaigns to raise awareness and educate government personnel and other members of the public about child rights and the illegality and harmful impact of the commercial sexual exploitation of children, and promote responsible sexual attitudes and behaviour in society, in keeping with the child's development, sense of dignity and self-esteem;
- e) promote child rights in family education and family development assistance, including an understanding that both parents are equally responsible for their children, with special intervention to prevent sexual violence against children;
- f) identify or establish peer education programmes and monitoring networks to counter the commercial sexual exploitation of children;
- g) formulate or strengthen and implement gender-sensitive national social and economic policies and programmes to assist children vulnerable to commercial sexual exploitation, families and communities in resisting acts that lead to the commercial sexual exploitation of children, with special attention to family abuse, harmful traditional practices and their impact on girls, and to promoting the value of children as human beings rather than commodities; and reduce poverty by promoting gainful employment, income generation and other supports;

h) develop or strengthen, implement and publicize relevant laws, policies and programmes, to prevent the commercial sexual exploitation of children, bearing in mind the Convention on the Rights of the Child;

i) review laws, policies, programmes and practices which lead to or facilitate the commercial sexual exploitation of children and adopt effective reforms;

j) mobilize the business sector, including the tourism industry, against the use of its networks and establishments for the commercial sexual exploitation of children;

k) encourage media professionals to develop strategies which strengthen the role of the media in providing information of the highest quality, reliability and ethical standards concerning all aspects of commercial sexual exploitation of children; and

l) target those involved with commercial sexual exploitation of children with information, education and outreach campaigns and programmes to promote behavioural changes to counter the practice.

4. Protection:

a) develop or strengthen and implement laws, policies and programmes to protect children and to prohibit the commercial sexual exploitation of children, bearing in mind that the different types of perpetrators and ages and circumstances of victims require differing legal and programmatic responses;

b) develop or strengthen and implement national laws to establish the criminal responsibility of service providers, customers and intermediaries in child prostitution, child trafficking, child pornography, including possession of child pornography, and other unlawful sexual activity;

c) develop or strengthen and implement national laws, policies and programmes that protect child victims of commercial sexual exploitation from being penalized as criminals and ensure that they have full access to child-friendly personnel and support services in all sectors, and particularly in the legal, social and health fields;

d) in the case of sex tourism, develop or strengthen and implement laws to criminalize the acts of the nationals of the countries of origin when committed against children in the countries of destination (“extra-territorial criminal laws”); promote extradition and other arrangements to ensure that a person who exploits a child for sexual purposes in another country (the destination country) is prosecuted either in the country of origin or the destination country; strengthen laws and law enforcement, including confiscation and seizure of assets and profits, and other sanctions, against those who commit sexual crimes against children in destination countries; and share relevant data;

e) in the case of trafficking of children, develop and implement national laws, policies and programmes to protect children from being trafficked within or across borders and penalize the traffickers; in cross border situations, treat these children humanely under national immigration laws, and establish readmission agreements to ensure their safe return to their countries of origin accompanied by supportive services; and share relevant data;

f) identify and strengthen or establish networks between national and international law enforcement authorities, including INTERPOL, and civil society to monitor against the commercial sexual exploitation of children; set up special units among law enforcement personnel, with adequate resources and child-friendly facilities, to counter the commercial sexual exploitation of children; appoint liaison officers aimed at guaranteeing child rights in police investigations and judicial procedures for the exchange of key information; and train all law enforcement personnel on child development and child rights, in particular the Convention on the Rights of the Child, other relevant human rights standards and national legislation;

g) identify and encourage the establishment of national and international networks and coalitions among the civil society to protect children from commercial sexual exploitation; foster action and interaction among communities, families, non-governmental organizations, the business sector, including tourist agencies, the World Tourism Organization, employers and trade unions, computer and technology industry, the mass media, professional associations, and service providers to monitor and report cases to the authorities, and to adopt voluntary ethical codes of conduct; and

h) create safe havens for children escaping from commercial sexual exploitation, and protect those who provide assistance to child victims of commercial sexual exploitation from intimidation and harassment.

5. Recovery and Reintegration:

a) adopt a non-punitive approach to child victims of commercial sexual exploitation in keeping with the rights of the child, taking particular care that judicial procedures do not aggravate the trauma already experienced by the child and that the response of the system be coupled with legal aid-assistance, where appropriate, and provision of judicial remedies to the child victims;

b) provide social, medical, psychological counseling and other support to child victims of commercial sexual exploitation, and their families, paying particular attention to those with sexually transmitted diseases, including HIV/AIDS, and with a view to promoting the self-respect, dignity and rights of the child;

c) undertake gender-sensitive training of medical personnel, teachers, social workers, non-governmental organizations and others working to help child victims of commercial sexual exploitation on child development and child rights, bearing in mind the Convention on the Rights of the Child and other relevant human rights standards;

d) take effective action to prevent and remove societal stigmatization of child victims and their children; facilitate the recovery and reintegration of child victims in communities and families; and where institutionalization of the child is necessary, ensure that it is for the shortest possible period in accordance with the child's best interests;

e) promote alternative means of livelihood with adequate support services to child victims and their families so as to prevent further commercial sexual exploitation; and

f) adopt not only legal sanctions against the perpetrators of sexual crimes against children, but also socio-medical and psychological measures to create behavioural changes on the part of the perpetrators.

6. Child Participation:

a) promote the participation of children, including child victims, young people, their families, peers and others who are potential helpers of children so that they are able to express their views and to take action to prevent and protect children from commercial sexual exploitation and to assist child victims to be reintegrated into society; and

b) identify or establish and support networks of children and young people as advocates of child rights, and include children, according to their evolving capacity, in developing and implementing government and other programmes concerning them.

Annex I

The Agenda for Action refers to many international instruments, recommendations and targets which have bearing on children and their families. They include the following:

- the 1930 ILO Convention No. 29 concerning Forced or Compulsory Labour;
- the 1948 Universal Declaration of Human Rights;
- the 1949 Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others;
- the 1957 ILO Convention No. 105 concerning the Abolition of Forced Labour;
- the 1966 International Covenant on Civil and Political Rights;
- the 1966 International Covenant on Economic, Social and Cultural Rights;
- the 1973 ILO Convention No. 138 concerning Minimum Age for Admission to Employment;
- the 1979 Convention on the Elimination of All Forms of Discrimination against Women;
- the 1989 Convention on the Rights of the Child;

- the 1990 World Declaration on the Survival, Protection and Development of Children and its Plan of Action;
- the 1992 Programme of Action of the United Nations Commission on Human Rights for the Prevention of the Sale of Children, Child Prostitution and Child Pornography;
- the 1993 Vienna Declaration and Programme of Action of the World Conference on Human Rights;
- the 1993 United Nations Declaration on the Elimination of Violence against Women;
- the 1994 Cairo Declaration and Programme of Action of the World Conference on Population and Development;
- the 1995 Copenhagen Declaration and Plan for Action of the World Summit on Social Development;
- the 1995 Beijing Declaration and Platform for Action of the Fourth World Conference on Women;
- the 1996 Programme of Action of the United Nations Commission on Human Rights for the Prevention of the Traffic in Persons and the Exploitation of the Prostitution of Others.

The Agenda for Action takes note of the recommendations of the Committee on the Rights of the Child and the Special Rapporteur on the Sale of Children. It acknowledges the initiatives of many international and regional organizations, including INTERPOL, World Tourism Organization (in particular, the 1995 World Tourism Organization Statement on the Prevention of Organized Sex Tourism) and the Council of Europe (in particular, the 1991 Recommendation No. R91 11 concerning Sexual Exploitation, Pornography and Prostitution of, and Trafficking in Children and Young Adults). It also recognizes the process of evolving a possible Optional Protocol on the sale of children, child prostitution and child pornography.

Annex II: Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography

Adopted and opened for signature, ratification and accession by General Assembly resolution A/RES/54/263 of 25 May 2000

Entered into force on 18 January 2002

The States Parties to the present Protocol,

Considering that, in order further to achieve the purposes of the Convention on the Rights of the Child and the implementation of its provisions, especially articles 1, 11, 21, 32, 33, 34, 35 and 36, it would be appropriate to extend the measures that States Parties should undertake in order to guarantee the protection of the child from the sale of children, child prostitution and child pornography,

Considering also that the Convention on the Rights of the Child recognizes the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development,

Gravely concerned at the significant and increasing international traffic in children for the purpose of the sale of children, child prostitution and child pornography,

Deeply concerned at the widespread and continuing practice of sex tourism, to which children are especially vulnerable, as it directly promotes the sale of children, child prostitution and child pornography,

Recognizing that a number of particularly vulnerable groups, including girl children, are at greater risk of sexual exploitation and that girl children are disproportionately represented among the sexually exploited,

Concerned about the growing availability of child pornography on the Internet and other evolving technologies, and recalling the International Conference on Combating Child Pornography on the Internet, held in Vienna in 1999, in particular its conclusion calling for the worldwide criminalization of the production, distribution, exportation, transmission, importation, intentional possession and advertising of child pornography, and stressing the importance of closer cooperation and partnership between Governments and the Internet industry,

Believing that the elimination of the sale of children, child prostitution and child pornography will be facilitated by adopting a holistic approach, addressing the contributing factors, including underdevelopment, poverty, economic disparities, inequitable socio-economic structure, dysfunctioning families, lack of education, urban-rural migration, gender discrimination, irresponsible adult sexual behaviour, harmful traditional practices, armed conflicts and trafficking in children,

Believing also that efforts to raise public awareness are needed to reduce consumer demand for the sale of children, child prostitution and child pornography, and believing further in the importance of strengthening global partnership among all actors and of improving law enforcement at the national level,

Noting the provisions of international legal instruments relevant to the protection of children, including the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption, the Hague Convention on the Civil Aspects of International Child Abduction, the Hague Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Cooperation in Respect of Parental Responsibility and Measures for the Protection of Children, and International Labour Organization Convention No. 182 on the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour,

Encouraged by the overwhelming support for the Convention on the Rights of the Child, demonstrating the widespread commitment that exists for the promotion and protection of the rights of the child,

Recognizing the importance of the implementation of the provisions of the Programme of Action for the Prevention of the Sale of Children, Child Prostitution and Child Pornography and the Declaration and Agenda for Action adopted at the World Congress against Commercial Sexual Exploitation of Children, held in Stockholm from 27 to 31 August 1996, and the other relevant decisions and recommendations of pertinent international bodies,

Taking due account of the importance of the traditions and cultural values of each people for the protection and harmonious development of the child,

Have agreed as follows:

Article 1

States Parties shall prohibit the sale of children, child prostitution and child pornography as provided for by the present Protocol.

Article 2

For the purposes of the present Protocol:

- (a) Sale of children means any act or transaction whereby a child is transferred by any person or group of persons to another for remuneration or any other consideration;
- (b) Child prostitution means the use of a child in sexual activities for remuneration or any other form of consideration;
- (c) Child pornography means 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.

Article 3

1. Each State Party shall ensure that, as a minimum, the following acts and activities are fully covered under its criminal or penal law, whether such offences are committed domestically or transnationally or on an individual or organized basis:

(a) In the context of sale of children as defined in article 2:

(i) Offering, delivering or accepting, by whatever means, a child for the purpose of:

- a. Sexual exploitation of the child;
- b. Transfer of organs of the child for profit;
- c. Engagement of the child in forced labour;

(ii) Improperly inducing consent, as an intermediary, for the adoption of a child in violation of applicable international legal instruments on adoption;

(b) Offering, obtaining, procuring or providing a child for child prostitution, as defined in article 2.

(c) Producing, distributing, disseminating, importing, exporting, offering, selling or possessing for the above purposes child pornography as defined in article 2.

2. Subject to the provisions of the national law of a State Party, the same shall apply to an attempt to commit any of the said acts and to complicity or participation in any of the said acts.

3. Each State Party shall make such offences punishable by appropriate penalties that take into account their grave nature.

4. Subject to the provisions of its national law, each State Party shall take measures, where appropriate, to establish the liability of legal persons for offences established in paragraph 1 of the present article. Subject to the legal principles of the State Party, such liability of legal persons may be criminal, civil or administrative.

5. States Parties shall take all appropriate legal and administrative measures to ensure that all persons involved in the adoption of a child act in conformity with applicable international legal instruments.

Article 4

1. Each State Party shall take such measures as may be necessary to establish its jurisdiction over the offences referred to in article 3, paragraph 1, when the offences are committed in its territory or on board a ship or aircraft registered in that State.

2. Each State Party may take such measures as may be necessary to establish its jurisdiction over the offences referred to in article 3, paragraph 1, in the following cases:

(a) When the alleged offender is a national of that State or a person who has his habitual residence in its territory;

(b) When the victim is a national of that State.

3. Each State Party shall also take such measures as may be necessary to establish its jurisdiction over the aforementioned offences when the alleged offender is present in its territory and it does not extradite him or her to another State Party on the ground that the offence has been committed by one of its nationals.

4. The present Protocol does not exclude any criminal jurisdiction exercised in accordance with internal law.

Article 5

1. The offences referred to in article 3, paragraph 1, shall be deemed to be included as extraditable offences in any extradition treaty existing between States Parties and shall be included as extraditable offences in every extradition treaty subsequently concluded between them, in accordance with the conditions set forth in such treaties.

2. If a State Party that makes extradition conditional on the existence of a treaty receives a request for extradition from another State Party with which it has no extradition treaty, it may consider the present Protocol to be a legal basis for extradition in respect of such offences. Extradition shall be subject to the conditions provided by the law of the requested State.

3. States Parties that do not make extradition conditional on the existence of a treaty shall recognize such offences as extraditable offences between themselves subject to the conditions provided by the law of the requested State.

4. Such offences shall be treated, for the purpose 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.

5. If an extradition request is made with respect to an offence described in article 3, paragraph 1, and the requested State Party does not or will not extradite on the basis of the nationality of the offender, that State shall take suitable measures to submit the case to its competent authorities for the purpose of prosecution.

Article 6

1. States Parties shall afford one another the greatest measure of assistance in connection with investigations or criminal or extradition proceedings brought in respect of the offences set forth in article 3, paragraph 1, including assistance in obtaining evidence at their disposal necessary for the proceedings.

2. States Parties shall carry out their obligations under paragraph 1 of the present article in conformity with any treaties or other arrangements on mutual legal assistance that may exist between them. In the absence of such treaties or arrangements, States Parties shall afford one another assistance in accordance with their domestic law.

Article 7

States Parties shall, subject to the provisions of their national law:

- (a) Take measures to provide for the seizure and confiscation, as appropriate, of:
 - (i) Goods, such as materials, assets and other instrumentalities used to commit or facilitate offences under the present protocol;
 - (ii) Proceeds derived from such offences;
- (b) Execute requests from another State Party for seizure or confiscation of goods or proceeds referred to in subparagraph (a) (i) and (ii);
- (c) Take measures aimed at closing, on a temporary or definitive basis, premises used to commit such offences.

Article 8

1. States Parties shall adopt appropriate measures to protect the rights and interests of child victims of the practices prohibited under the present Protocol at all stages of the criminal justice process, in particular by:

- (a) Recognizing the vulnerability of child victims and adapting procedures to recognize their special needs, including their special needs as witnesses;
- (b) Informing child victims of their rights, their role and the scope, timing and progress of the proceedings and of the disposition of their cases;
- (c) Allowing the views, needs and concerns of child victims to be presented and considered in proceedings where their personal interests are affected, in a manner consistent with the procedural rules of national law;
- (d) Providing appropriate support services to child victims throughout the legal process;

(e) Protecting, as appropriate, the privacy and identity of child victims and taking measures in accordance with national law to avoid the inappropriate dissemination of information that could lead to the identification of child victims;

(f) Providing, in appropriate cases, for the safety of child victims, as well as that of their families and witnesses on their behalf, from intimidation and retaliation;

(g) Avoiding unnecessary delay in the disposition of cases and the execution of orders or decrees granting compensation to child victims.

2. States Parties shall ensure that uncertainty as to the actual age of the victim shall not prevent the initiation of criminal investigations, including investigations aimed at establishing the age of the victim.

3. States Parties shall ensure that, in the treatment by the criminal justice system of children who are victims of the offences described in the present Protocol, the best interest of the child shall be a primary consideration.

4. States Parties shall take measures to ensure appropriate training, in particular legal and psychological training, for the persons who work with victims of the offences prohibited under the present Protocol.

5. States Parties shall, in appropriate cases, adopt measures in order to protect the safety and integrity of those persons and/or organizations involved in the prevention and/or protection and rehabilitation of victims of such offences.

6. Nothing in the present article shall be construed to be prejudicial to or inconsistent with the rights of the accused to a fair and impartial trial.

Article 9

1. States Parties shall adopt or strengthen, implement and disseminate laws, administrative measures, social policies and programmes to prevent the offences referred to in the present Protocol. Particular attention shall be given to protect children who are especially vulnerable to such practices.

2. States Parties shall promote awareness in the public at large, including children, through information by all appropriate means, education and training, about the preventive measures and harmful effects of the offences referred to in the present Protocol. In fulfilling their obligations under this article, States Parties shall encourage the participation of the community and, in particular, children and child victims, in such information and education and training programmes, including at the international level.

3. States Parties shall take all feasible measures with the aim of ensuring all appropriate assistance to victims of such offences, including their full social reintegration and their full physical and psychological recovery.

4. States Parties shall ensure that all child victims of the offences described in the present Protocol have access to adequate procedures to seek, without discrimination, compensation for damages from those legally responsible.

5. States Parties shall take appropriate measures aimed at effectively prohibiting the production and dissemination of material advertising the offences described in the present Protocol.

Article 10

1. States Parties shall take all necessary steps to strengthen international cooperation by multilateral, regional and bilateral arrangements for the prevention, detection, investigation, prosecution and punishment of those responsible for acts involving the sale of children, child prostitution, child pornography and child sex tourism. States Parties shall also promote international cooperation and coordination between their authorities, national and international non-governmental organizations and international organizations.

2. States Parties shall promote international cooperation to assist child victims in their physical and psychological recovery, social reintegration and repatriation.

3. States Parties shall promote the strengthening of international cooperation in order to address the root causes, such as poverty and underdevelopment, contributing to the vulnerability of children to the sale of children, child prostitution, child pornography and child sex tourism.

4. States Parties in a position to do so shall provide financial, technical or other assistance through existing multilateral, regional, bilateral or other programmes.

Article 11

Nothing in the present Protocol shall affect any provisions that are more conducive to the realization of the rights of the child and that may be contained in:

- (a) The law of a State Party;
- (b) International law in force for that State.

Article 12

1. Each State Party shall, within two years following the entry into force of the present Protocol for that State Party, submit a report to the Committee on the Rights of the Child providing comprehensive information on the measures it has taken to implement the provisions of the Protocol.

2. Following the submission of the comprehensive report, each State Party shall include in the reports they submit to the Committee on the Rights of the Child, in accordance with article 44 of the Convention, any further information with respect to the implementation of the present Protocol. Other States Parties to the Protocol shall submit a report every five years.

3. The Committee on the Rights of the Child may request from States Parties further information relevant to the implementation of the present Protocol.

Article 13

1. The present Protocol is open for signature by any State that is a party to the Convention or has signed it.

2. The present Protocol is subject to ratification and is open to accession by any State that is a party to the Convention or has signed it. Instruments of ratification or accession shall be deposited with the Secretary- General of the United Nations.

Article 14

1. The present Protocol shall enter into force three months after the deposit of the tenth instrument of ratification or accession.

2. For each State ratifying the present Protocol or acceding to it after its entry into force, the Protocol shall enter into force one month after the date of the deposit of its own instrument of ratification or accession.

Article 15

1. Any State Party may denounce the present Protocol at any time by written notification to the Secretary- General of the United Nations, who shall thereafter inform the other States Parties to the Convention and all States that have signed the Convention. The denunciation shall take effect one year after the date of receipt of the notification by the Secretary-General.

2. Such a denunciation shall not have the effect of releasing the State Party from its obligations under the present Protocol in regard to any offence that occurs prior to the date on which the denunciation becomes effective. Nor shall such a denunciation prejudice in any way the continued consideration of any matter that is already under consideration by the Committee on the Rights of the Child prior to the date on which the denunciation becomes effective.

Article 16

1. Any State Party may propose an amendment and file it with the Secretary-General of the United Nations. The Secretary-General shall thereupon communicate the proposed amendment to States Parties with a request that they indicate whether they favour a conference of States Parties for the purpose of considering and voting upon the proposals. In the event that, within four months from the date of such communication, at least one third of the States Parties favour such a conference, the Secretary-General shall convene the conference under the auspices of the United Nations. Any amendment adopted by a majority of States Parties present and voting at the conference shall be submitted to the General Assembly of the United Nations for approval.

2. An amendment adopted in accordance with paragraph 1 of the present article shall enter into force when it has been approved by the General Assembly and accepted by a two-thirds majority of States Parties.

3. When an amendment enters into force, it shall be binding on those States Parties that have accepted it, other States Parties still being bound by the provisions of the present Protocol and any earlier amendments they have accepted.

Article 17

1. The present Protocol, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited in the archives of the United Nations.

2. The Secretary-General of the United Nations shall transmit certified copies of the present Protocol to all States Parties to the Convention and all States that have signed the Convention.

Annex III: Pacific Island Table of Treaty Ratification

The following chart of states shows which are a party (indicated by the date of adherence: ratification, accession or succession) or signatory (indicated by an "s" and the date of signature) to the United Nations human rights treaties listed below. Self-governing territories that have ratified any of the treaties are also included in the chart. As at 09 March 2006, all 191 Member States of the United Nations and one Non-Member State were a party to one or more of these treaties.
Source: <http://untreaty.un.org/ENGLISH/bible/englishinternetbible/part1/chapterIv/chapterIV.asp>

	ICESCR	ICCPR	ICCPR-OP1	ICCPR-OP2	CERD	CEDAW	CEDAW-OP	CAT	CAT-OP	CRC	CRC-OPAC	CRC-OPSC	CMW
COOK ISLANDS						11-Aug-06 (1-Oct-85 via NZ)				6-Jun-97			
FIJI					10-Feb-73	28-Aug-95				13-Aug-93	S: 16 Sep 05	S: 16 Sep 05	
KIRIBATI						17-Apr-04				11-Dec-95			
MARSHALL ISLANDS						2-Mar-06				4-Oct-93			
MICRONESIA (FEDERATED STATES OF)													
NAURU		S: 12 Nov 01	S: 12 Nov 01		S: 12 Nov 01	1-Sep-04				5-May-93	S: 8 May 02	S: 8 May 02	
NIUE								S: 12 Nov 01		27-Jul-94	S: 8 Sep 00	S: 08 Sep 00	
PALAU						1-Oct-85 via NZ				20-Dec-95			
PAPUA NEW GUINEA										4-Aug-95			
SAMOA													
SOLOMON ISLANDS	17-Mar-82				27-Jan-82	12-Jan-95				2-Mar-93			
TONGA					17-Mar-82	25-Sep-92				29-Nov-94			
TUVALU					16-Feb-72	6-May-02	6-May-02			10-Apr-95			
VANUATU						6-Oct-99				6-Nov-95			
						8-Sep-95				22-Sep-95			
										7-Jul-93	S: 16 Sep 05	S: 16 Sep 05	

Key:

 Indicates the date of adherence: ratification, accession or succession

 Indicates the date of signature

The international human rights treaties of the United Nations that establish committees of experts (often referred to as “treaty bodies”) to monitor their implementation are the following:

- (1) The International Covenant on Economic, Social and Cultural Rights (ICESCR), which is monitored by the Committee on Economic, Social and Cultural Rights;
- (2) The International Covenant on Civil and Political Rights (ICCPR), which is monitored by the Human Rights Committee;
- (3) The Optional Protocol to the International Covenant on Civil and Political Rights (ICCPR-OP1), which is administered by the Human Rights Committee; and
- (4) The Second Optional Protocol to the International Covenant on Civil and Political Rights, aimed at the abolition of the death penalty (ICCPR-OP2-DP);
- (5) The International Convention on the Elimination of All Forms of Racial Discrimination (CERD), which is monitored by the Committee on the Elimination of Racial Discrimination;
- (6) The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), which is monitored by the Committee on the Elimination of Discrimination against Women;
- (7) The Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW-OP);
- (8) The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), which is monitored by the Committee against Torture;
- (9) The Convention on the Rights of the Child (CRC), which is monitored by the Committee on the Rights of the Child;
- (10) The Optional Protocol to the Convention on the Rights of the Child (CRC-OP-AC) on the involvement of children in armed conflict;
- (11) The Optional Protocol to the Convention on the Rights of the Child (CRC-OP-SC) on the sale of children, child prostitution and child pornography.
- (12) The International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (CMW).

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