

FRAMING IMPLEMENTATION

A SUPPLEMENT TO
*CHILD PORNOGRAPHY:
MODEL LEGISLATION & GLOBAL REVIEW*

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International Centre
FOR MISSING & EXPLOITED CHILDREN

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FRAMING IMPLEMENTATION:

A Supplement to
Child Pornography: Model Legislation & Global Review

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The opinions, findings, conclusions, and recommendations expressed herein are those of ICMEC and do not necessarily reflect those of any of ICMEC's donors.

As always, ICMEC extends its continuing gratitude to Jeff and Justine Koons for their unwavering support for our mission.

About Us

The International Centre for Missing & Exploited Children (ICMEC) works around the world to advance child protection and safeguard children from abduction, sexual abuse and exploitation. Headquartered in Alexandria, Virginia, U.S.A., ICMEC also has regional representation in Brazil and Singapore. Together with an extensive network of public and private sector partners, ICMEC's team responds to global issues with tailored local solutions.

The Koons Family Institute on International Law & Policy (The Koons Family Institute) is ICMEC's in-house research arm. The Koons Family Institute combats child abduction, sexual abuse and exploitation on multiple fronts by conducting and commissioning original research into the status of child protection laws around the world, creating replicable legal tools, promoting best practices, building international coalitions, bringing together great thinkers and opinion leaders, and collaborating with partners in the field to identify and measure threats to children and ways ICMEC can advocate change.

Our Mission

For more than 15 years, ICMEC has been identifying gaps in the global community's ability to properly protect children from abduction, sexual abuse and exploitation and expertly assembling the people, resources and tools needed to fill those gaps.

The International Centre for Missing & Exploited Children (ICMEC) works every single day to make the world safer for children by eradicating child abduction, sexual abuse and exploitation. We focus on programs that have an impact on addressing these complex issues, and we offer support to governments, policymakers, law enforcement, prosecutors, industry, civil society, and many others across the globe.

We ADVOCATE for children around the world by proposing changes to laws, treaties and systems based on rigorous research and the latest technology.

We TRAIN partners on the front lines by providing tools to professionals who interface with children to improve prevention, facilitate treatment for victims and increase the efficacy of the identification and prosecution of people who victimize children.

We COLLABORATE with key stakeholders by building international networks of professionals across disciplines to anticipate issues, identify gaps and develop crosscutting solutions.

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Foreword

Child Pornography: Model Legislation & Global Review, first released in 2006, has become ICMEC's long-running rule of law project. The release of the 8th Edition of the report in January 2016 marked the tenth anniversary of this important work. Over the past decade, government agencies, private industry, law enforcement, and non-governmental organizations have used the report as a reference and a tool to improve legislation and strengthen child protection efforts around the world. Through our ongoing research and collaboration with these international partners, we have gained a better understanding of the global legislative landscape as it relates to child pornography and seen remarkable forward progress as 127 countries have refined or implemented new anti-child pornography legislation.

As we look at this positive trend, the question we are often asked is whether countries are *using* the legislation they have adopted. Laws and policies provide the essential foundation for a coordinated and comprehensive approach to combating child sexual abuse material, but simply having the laws is not enough. The laws must be implemented and enforced in order for them to be effective tools in fighting child victimization. At first glance, implementation may seem like a relatively straightforward concept. Yet, implementation of legislation is complex and requires action from a variety of stakeholders ranging from the executive and judicial entities to law enforcement, service providers, private industry, public, media, and others. Our research has shown that implementation is slow, but we seek to understand how, why, and to what extent it has occurred.

To address this gap, we challenged ourselves to devise a way to measure the complex concept of implementation in countries that have anti-child pornography legislation in place. We asked questions about countries' efforts – Have there been investigations and prosecutions of cases of child pornography? Does the public have an adequate understanding of what child pornography is and how to report it? Are there news stories or research studies on child pornography? Can victims access services? In looking at these and other important questions, we arrived at an understanding of what we believe constitutes implementation. Subsequently, we developed a series of benchmarks to help us determine the extent to which legislation to combat child pornography is being implemented worldwide.

While many of ICMEC's other projects consider legislation and policies alone, in this paper we focus on openly accessible information and account for a variety of actions that support and enhance the effectiveness of legislative action and demonstrate willingness on behalf of governments to address child pornography.

We hope that this report, like *Child Pornography: Model Legislation & Global Review*, will be studied and used towards the goal of making the world a safer place for all children. We also hope that this report inspires the same progress we have seen as a result of the Model Legislation report. We applaud the legislative efforts that have been undertaken to fight child pornography. Now, as a global community, we must take the next steps to implement this legislation. We are confident that with the support of our extraordinary partners around the world, we can together achieve these objectives and ensure that children are better protected from sexual exploitation and abuse.



Ambassador Maura Harty, *ret.*
President and Chief Executive Officer

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Points of view and opinions presented in this publication are those of the International Centre for Missing & Exploited Children and do not necessarily represent the official position or policies of the other organizations and individuals who assisted with or funded the research.

The findings contained in this report are current and verified as of November 2016.

Executive Summary

The Issue

Over the past 20 years, the tremendous global growth of the Internet and new communication technologies – both in availability and accessibility – has been staggering. These tools have provided significant positive opportunities in nearly every area of our lives. However, these new technologies have also proven susceptible to misuse by those with bad intentions. For instance, online sexual exploitation of children continues to be a complex issue globally as new techniques and technologies are developed and trends in exploitation shift and evolve. Sexual offenders and others who commit crimes against children realized long ago that digital technologies provide the ability to produce illegal/sexual images of children; trade and share images of their victims; and organize, maintain, and increase the size of their collections of child sexual abuse material (child pornography).¹ The Internet not only made this easy and inexpensive, but it also made it low-risk, profitable, and unhindered by geographic boundaries.

The problem of the production, possession, and distribution of child sexual abuse material online has proven to be a persistent one. In April 2016, the Internet Watch Foundation (IWF) in the United Kingdom reported “a staggering increase in the number of reports of illegal child sexual abuse images and videos, that it removed from the internet” in 2015.² The IWF reported a 417% increase in online confirmed reports over a two-year period.³ The data for 2015 showed that 69% of children in the child sexual abuse images reported were assessed to be 10 years of age or younger.⁴

The Canadian Centre for Child Protection also noted a marked increase in the number of reports received by Cybertip.ca in the past few years. In 2015, the tipline processed 37,352 reports, and of these, 78.30% (34,133) of children in the images and videos were estimated to be younger than 12 years of age, and 63.40% (21,640) of those younger than 12 were under 8 years of age.⁵ Explicit sexual activity and extreme sexual assaults against children were depicted in 50% of the images and videos.⁶

Furthermore, INHOPE, the International Association of Internet Hotlines, reported an increase of 63% in the number of URLs confirmed to contain child sexual abuse material that were reported to INHOPE

¹ The term “child pornography” is retained for the purposes of this report as it is the expression most readily recognized by the public at large, at this point in time, to describe this form of child sexual exploitation. In addition, “child pornography” is the term most frequently used in legislation around the world addressing the issue. It should not be taken to imply that children “consented” to any sexual acts depicted in any images. The term “child sexual abuse material” is increasingly being used to replace the term “child pornography” as it more clearly highlights the exploitation that occurs. The two terms are used interchangeably in this report. See also, *Terminology Guidelines for the Protection of Children from Sexual Exploitation and Sexual Abuse*, Jan. 28, 2016, Terminology and Semantics Interagency Working Group on Sexual Exploitation of Children, ECPAT International, at <http://luxembourgguidelines.org/> (last visited Jan. 27, 2017) (on file with the International Centre for Missing & Exploited Children).

² *IWF announce record reports of child sexual abuse online*, Apr. 21, 2016, at <https://www.iwf.org.uk/about-iwf/news/post/444-iwf-announce-record-reports-of-child-sexual-abuse-online> (last visited Oct. 21, 2016) (on file with the International Centre for Missing & Exploited Children).

³ Internet Watch Foundation, *Annual Report 2015*, at <https://www.iwf.org.uk/assets/media/annual-reports/IWF%202015%20Annual%20Report%20Final%20for%20web.pdf> (last visited Oct. 21, 2016) (on file with the International Centre for Missing & Exploited Children).

⁴ *Id.* at 10.

⁵ Canadian Centre for Child Protection, *Child Sexual Abuse Images on the Internet: A Cybertip.ca Analysis* 6, 14, Jan. 2016, at <http://s3.documentcloud.org/documents/2699673/Cybertip-ca-CSAResearchReport-2016-En.pdf> (last visited Oct. 21, 2016) (on file with the International Centre for Missing & Exploited Children).

⁶ *Id.* at 16.

between 2012 and 2014.⁷ INHOPE hotlines around the world received more than 1.5 million reports of illegal content in 2014 and 57% of the reports were confirmed to be child sexual abuse material.⁸

The exact number of victims worldwide is difficult to determine, but the effects on child victims are significant as child victims of sexual abuse and exploitation often struggle with psychological, physical, and emotional consequences that can negatively impact them for the rest of their lives.⁹

While many countries have attempted to address this issue through legislation, a variety of approaches is necessary to be responsive to the constantly expanding and changing landscape; drafting and passing legislation are only the beginning. Comprehensive, cross-sectoral efforts are needed to implement and enforce those laws in order for them to become truly useful tools for fighting child victimization.

The Purpose

There has been significant legislative change over the last ten years as more countries have developed laws to protect children from sexual abuse and exploitation with a focus on child pornography. ICMEC has undertaken this unique review in an effort to understand whether countries that have legislation are in fact enforcing those laws. Enforcement, for purposes of this report, includes not only the application of civil/criminal penalties for certain conduct articulated in the law (*i.e.*, arrests, prosecutions, and convictions), but also looks to various other actions that embody a more comprehensive framework and promote/support the legislative provisions. When well-aligned, these measures can serve as important building blocks, enabling a country to frame child protection as a national priority and drive legislation towards effective and lasting implementation.

Consistent with the Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (Lanzarote Convention), a comprehensive approach to implementation must incorporate both **preventive** and **protective** elements.¹⁰ Examples of best practices that encompass preventive and protective approaches are:

⁷ International Association of Internet Hotlines, *INHOPE Stats Infographics 2014*, at http://www.inhope.org/Libraries/Statistics_Infographics_2014/INHOPE_stats_infographics_for_2014.sflb.ashx (last visited Oct. 21, 2016) (on file with the International Centre for Missing & Exploited Children).

⁸ *Joint INSAFE-INHOPE Annual Report 2014* 7, at http://www.inhope.org/Libraries/Annual_reports/Joint_Insafe_INHOPE_Annual_Report_2014.sflb.ashx?download=true (last visited Oct. 21, 2016) (on file with the International Centre for Missing & Exploited Children).

⁹ Laura P. Chen, et al., *Sexual Abuse and Lifetime Diagnosis of Psychiatric Disorders: Systematic Review and Meta-analysis*, Mayo Clinic Proceedings 85(7), July 2010, (on file with the International Centre for Missing and Exploited Children).

¹⁰ *Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse*, opened for signature 25 October 2007, CETS No. 201 at Chapters II and IV, <http://www.coe.int/en/web/conventions/full-list/-/conventions/rms/0900001680084822> which became effective on 1 July 2010 (last visited Oct. 21, 2016) (on file with the International Centre for Missing & Exploited Children).



* A National Strategy/Action Plan provides a comprehensive, long-term blueprint for a country seeking to prioritize a particular issue, such as child protection or sexual exploitation, on its political, social, and legislative agendas. It can be a valuable tool for helping relevant stakeholders understand the scope of the issue and establish cohesive policies, procedures, standards, mechanisms, technologies, and other resources to address it.

Methodology

In an effort to understand the measures countries are undertaking to support their national legislation regarding child pornography, and taking into account the aforementioned preventive and protective measures, ICMEC developed benchmarks that if met, indicate a willingness to address child pornography through more than legislative action. Through a review of existing mechanisms and resources, as well as relevant international law, we determined that the 7 benchmarks selected are representative of well-rounded national responses aimed at effecting the implementation of a comprehensive child protection framework. Effectively assessing the status of countries' implementation processes can be difficult, particularly as many countries either do not possess or collect data, and/or information is not widely available in the public domain. ICMEC has nevertheless endeavored to find evidence of these benchmarks in each country, while recognizing that a lack of measures may reflect a country's ability/capacity to support large-scale child protection initiatives, rather than its willingness. It is important to identify and monitor the benchmarks all the same and to assist countries as they activate the legislation they have passed and expand and develop related programs to ensure its implementation.

The review process for this report entailed open source research into preventive and protective measures, captured within the 7 benchmarks, being undertaken by countries to address the issue of child pornography. The report focuses specifically on the **161 countries**, based on the 8th Edition of *Child Pornography: Model Legislation & Global Review*, that had anti-child pornography legislation in place as of 15 November 2015. The research was conducted in-house with the help of a team of legal research interns. Primary sources of information include, but were not necessarily limited to: academic and medical articles, law enforcement and government websites/reports, non-governmental organization (NGO) websites, and a media review.

Once the relevant information was assembled, analyzed, and preliminary results compiled, we reached out to the Chiefs of Mission of each country's Embassy in Washington, D.C.; if no Embassy listing was available, a letter was sent to the Chiefs of Mission at the Permanent Mission to the United Nations in New York. All letters consisted of a summary of the implementation project, as well as country-specific results, and requested confirmation or correction of our research results. Upon receipt of new or corrected information, the information was reviewed/analyzed, and if warranted, is inserted into the report. In some cases, the response or an excerpt thereof may be included in the footnotes in the

Benchmark Review section of the report to ensure that the information is available even when ICMEC determined that the criteria had not been met.

Results

The results of this report are presented in the table below.¹¹

Benchmarks	Countries
Investigations, arrests, prosecutions, convictions	111
Existence of a national strategy/action plan	82
Reporting mechanism	110
Awareness building campaigns	121
Capacity building programs	127
Provision of services for victims	111
Research and data collection	89

¹¹ It is important to remember when considering the results, that while a country may receive a checkmark for a particular benchmark, it does not necessarily mean that the country's efforts are exhaustive, rather it indicates that some evidence was found that the country has acted on its own legislation.

Benchmarks

The purpose of this review is to determine what steps countries are taking to implement and support their national legislation regarding child pornography.

ICMEC assessed implementation efforts using the following benchmarks:

- (1) investigations, arrests, prosecutions, and convictions;
- (2) national strategy/action plan;
- (3) reporting mechanisms;
- (4) awareness building campaigns;
- (5) capacity building programs;
- (6) provision of services for victims; and
- (7) research and data collection.

Explanation of the Benchmarks

Investigations, arrests, prosecutions, and convictions¹²

In order for legislation to have substantial effect it must be put to use and enforced. This requires active investigations leading to arrests, prosecutions, and convictions for the prohibited acts as articulated in the law. Legal provisions give law enforcement the necessary authority to pursue investigations and secure justice, ensuring our communities are better protected. Sufficient human and financial resources must be properly distributed to ensure functional application of these provisions.

The people that investigate and prosecute child pornography offenses must be specialized and trained in combating child sexual abuse and exploitation. Law enforcement should adopt measures to promote efficient and effective handling of child pornography cases, including sound evidence collection procedures, appropriate techniques for interviewing child victims, and clear delineation of the roles of agents involved. Investigative responsibilities should be assigned to specialized units and service providers.¹³ Effective apprehensions and prosecutions of offenders also create uncertainty among those seeking child pornography on the Internet and reduces their sense of security and anonymity. This dissuasion may reduce the population of online offenders and allow law enforcement to catch offenders before they are able to abuse or exploit a victim.¹⁴

¹² In addition to or in the lack of evidence of investigations, arrests, prosecutions, and convictions, an indication of the presence of law enforcement undercover operations and/or cross-border law enforcement coordination were considered sufficient for the purposes of this publication to demonstrate activities within this benchmark.

¹³ Undercover operations assist law enforcement in infiltrating a criminal apparatus and sustaining an investigation for a sufficient period to collect the needed evidence. This proactive approach allows law enforcement to gain greater access to offenders, expand the scope and efficiency of investigations, and substantiate cases that previously relied on post-offense reports alone. Undercover operations may give law enforcement an advantage in the detection and prevention of child sexual abuse and exploitation and aid in prosecutions and deterrence by providing credible, direct evidence as law enforcement may catch offenders in the act. This evidence reduces the need for innocent parties or victims to testify and become involved in the judicial process, which reduces the risk of re-victimization and prevents further traumatization. See, The Federal Bureau of Investigation's Compliance with the Attorney General's Investigative Guidelines (Redacted), Special Report (2005), *Chapter Four: The Attorney General's Guidelines on FBI Undercover Operations*, OFFICE OF THE INSPECTOR GENERAL (on file with the International Centre for Missing & Exploited Children).

¹⁴ Richard Wortley & Stephen Smallbone, *The Problem of Internet Child Pornography*, CHILD PORNOGRAPHY ON THE INTERNET, GUIDE No. 41 (2006) (on file with the International Centre for Missing & Exploited Children).

Likewise, those with a role in the judicial process, such as judges and prosecutors, should be familiar with the investigative protocols, forensic technology, and expert witness testimony often necessary to effectively prosecute child pornography cases. Sentences should be appropriate considering the individual characteristics of the offense and the offender's risk for recidivism.

Measures focused on investigations, arrests, prosecutions, and convictions of child pornography offenses should be continuously and diligently evaluated with the aim of improving the efficacy of these strategies and ensuring justice and successful prosecution of these cases.

Cross-border law enforcement coordination

Given the international nature of child pornography today and the ever-increasing number of ways that children can be exploited online and offline, cross-border law enforcement coordination is critical. These partnerships aid in detecting, disrupting, and dismantling the networks that are fundamental to the production and distribution of child pornography.¹⁵ These partnerships also offer means to share information and resources. Sharing data allows law enforcement to improve investigative efficiency, better identify victims and perpetrators, expand the scope of child pornography cases, and allocate the necessary resources. Sharing resources allows law enforcement to broaden their expertise, implement more effective investigative measures, and ensure that countries with limited resources are still able to investigate and prosecute such offenses.¹⁶

Good Practice – Investigation & International Collaboration

Police in Bangladesh, using evidence collected in Australia and shared via INTERPOL, arrested the head of an organized criminal group that was sexually abusing young boys and selling the images around the world. In 2010, the investigation began when police in Australia discovered a large number of sexual abuse images of underage boys. The images were entered into INTERPOL's International Child Sexual Exploitation (ICSE) database, and further evidence led the police to believe that the images were produced in Bangladesh. The case was referred to the INTERPOL National Central Bureau (NCB) in Canberra, Australia, and INTERPOL's Human Trafficking and Child Exploitation Unit at its headquarters in Lyon, France, which in turn shared the information with the NCB in Bangladesh. The police in Bangladesh continued the investigation and arrested three men in connection with the case, including the alleged head of the criminal network who was accused of sexually abusing underage boys living on the streets and selling videos and pictures of the abuse to individuals worldwide. Police recovered a large number of child abuse images and videos estimating that there may have been as many as several hundred victims between the ages of 10 and 16.

**Child abuse ring identified through international collaboration via INTERPOL, June 18, 2014, at <http://www.interpol.int/News-and-media/News/2014/N2014-114> (last visited Oct. 21, 2016).*

¹⁵ U.S. Immigration and Customs Enforcement, *Child Exploitation Investigation Unit*, at <https://www.ice.gov/predator> (last visited Nov. 10, 2016).

¹⁶ John Picarelli, *Moving Public-Private Partnerships From Rhetoric to Reality: CIRCAMP/CSAADF Transferability Assessment 2*, Aug. 2009, NATIONAL INSTITUTE OF JUSTICE (on file with the International Centre for Missing & Exploited Children).

Existence of a National Strategy or Action Plan¹⁷

A National Strategy or Action Plan provides a comprehensive, long-term blueprint for a country that seeks to prioritize a particular issue, like child protection or combating sexual exploitation, on its political, social, and legislative agendas. It can be a valuable tool to help relevant actors understand the scope of the issue and establish cohesive policies, procedures, standards, mechanisms, technologies, and other responses. A National Strategy or Action Plan should enlist the participation of the relevant authorities and organizations across all sectors, fostering cooperation that effectively operates on collective knowledge, viewpoints, and resources.¹⁸ A National Action Plan ultimately has the power to lead a country's movement to combat child pornography and transform the country's response to the issue.

Good Practice – National Action Plan

In the age of modern technology, when countries are competing to offer their citizens the best and fastest Internet and communication routes, online safety has been compromised, especially for children who are learning to navigate cyberspace. A national action plan or strategy addressing online safety is important as often the general public is unaware of the risks posed to children online and may not be actively monitoring children's activity in that space. A national action plan helps to prevent and protect against many online threats including child pornography and provides a roadmap for policymakers to create a safer environment without restricting the opportunities and benefits of the Internet. The International Telecommunication Union (ITU) established the Child Online Protection (COP) Initiative to create an international collaborative network and promote online safety of children around the world. One of the pillars of the COP Initiative includes developing national roadmaps and legislative toolkits to help Member States achieve their goals, while simultaneously harmonizing legal frameworks, by providing Child Online Protection National Strategy Guidance.

In collaboration with the ITU, the following actions to enhance security in the use of Information and Communication Technologies (ICTs) have been taken: **Ghana's** ICT Ministry signed an agreement with the ITU to establish a National Computer Incident Response Team (CIRT), which serves as a national focus point to coordinate cybersecurity incident responses to cyberattacks in the country; **Egypt** launched the National Committee for Child Online Safety in 2013 to develop a strategy for protecting and empowering children online, including awareness materials, enhancing related curriculum in schools, and establishing a code of ethics for Internet Service Providers in Egypt; **Zambia** has set up over 100 ICT clubs in schools focusing on online safety and productive usage of ICTs, and a specialized child protection unit was created within the police force.

**International Telecommunication Union, About the Child Online Protection Initiative, at http://www.itu.int/en/cop/Pages/about_cop.aspx (last visited Nov. 10, 2016).*

¹⁷ For purposes of this report, we looked generally for mentions of child sexual exploitation in a country's National Strategy/Action Plan, with child pornography being one of the components covered. A National Strategy/Action Plan may focus on child online protection or even cybercrime if it also mentions crimes against children. A National Strategy/Action Plan that is specific to trafficking, unless child pornography is specifically addressed within the plan, is not sufficient to reach the benchmark for this report. Cross-sector collaboration and funding support for related programs are often mentioned in a National Strategy/Action Plan; however, in the absence of a clear National Strategy/Action Plan addressing child sexual exploitation or child pornography, the commitment of funding support and/or cross-sector partnerships were not considered sufficient to fulfill the benchmark for the purposes of this publication.

¹⁸ The Ministry of Health and Social Affairs: Sweden, *National Action Plan for Safeguarding Children from Sexual Exploitation 4*, Article no. S.2008.024, Dec. 2007, at <http://www.government.se/contentassets/fb78975ee42f41349f782189fbee929a/national-action-plan-for-safeguarding-children-from-sexual-exploitation> (last visited Oct. 21, 2016) (on file with the International Centre for Missing & Exploited Children).

Funding support for related programs

Funding support for programs with a focus on protecting children from sexual exploitation, including child pornography, is critical. This funding may come from government allocation or from local, national, regional, and international organizations and institutions. It is a clear demonstration of the government's recognition of the issue of child sexual abuse and exploitation and its willingness to develop programs, tools, and mechanisms to deter future criminal acts and provide protection for victims. Once sufficient resources are allocated to combat child sexual exploitation, including child pornography, data on expenditures should be collected in the interest of evaluating and improving implementation measures and program outcomes. Furthermore, active monitoring of these measures can deter and prevent corruption, which can undermine the impact and integrity of these programs.¹⁹

Cross-sector partnerships

Cross-sector partnerships are key in identifying the trends in abuses committed against children, developing resources to combat the problem, protecting the children who have been or may be harmed, and fostering a successful global response to combat child pornography. The problem is far-reaching, and everyone has a role to play. Collaboration between agents from multiple sectors allows for more inventive and expansive action against emerging challenges, technological advances that provide new opportunities for offenders, and the growing magnitude of child sexual abuse and exploitation. These partnerships can maximize resources by encouraging information-sharing and avoiding duplication of efforts.

These alliances may also facilitate formal agreements between agencies involved in child protection; foster community engagement programs; and help with the development of prevention, awareness, and training campaigns.

These partnerships can also lead to the establishment of regional task forces, thereby increasing the reach of localized initiatives and further enhancing the protection of children.

It is also important to stimulate multi-national, public-private partnerships. Working alliances among governments, local, national, and international law enforcement agencies, NGOs, and the private sector may provide a mechanism for alerting authorities of ongoing investigations; facilitate data exchange; address cross-border issues; and disrupt the movement of criminals. In addition to providing funding, the private sector can be vital in the development of innovative solutions. The social responsibility of industry and private sector

Good Practice – Cross-Sector Partnerships

Leading technology companies, including Apple, Facebook, Google, Microsoft, Twitter, and Yahoo!, joined 17 national governments and international organizations in a pledge to protect children from online sexual exploitation in November 2015. Formerly known as the #WeProtect initiative, now the WePROTECT Global Alliance, brings together partners from industry, international and civil society organizations, and governments to coordinate their efforts to help protect children online. Now more than 70 countries are involved in the initiative and committed to the common goals.

For their part, the technology companies pledged to develop new technology, tools, and expertise to help keep children safer on the Internet. Since the pledge, two networks that produced child pornography have been dismantled in Guatemala, a national study on online child protection has been undertaken in the Philippines, and a police unit on online crimes against children has been established in Jordan.

**Tech companies and governments pledge to protect millions of children from sexual exploitation online, UNICEF, Nov. 17, 2015, at https://www.unicef.org/media/media_86244.html (last visited Nov. 10, 2016). See also, WePROTECT global Alliance, at <http://www.weprotect.org> (last visited Nov. 10, 2016).*

¹⁹ UN Committee on the Rights of the Child, *Consideration of Reports Submitted by States Parties Under Article 44 of the Convention: Romania 4*, Fifty-first session, June 12, 2009 (on file with the International Centre for Missing & Exploited Children).

leaders to provide safe products and services compels them to be part of a collective response to child pornography offenses and prevent abuse originating from channels they control.²⁰

Reporting mechanisms²¹

In order for a law prohibiting child sexual abuse material to be effective, the public must be aware of and have access to proper reporting mechanisms to inform law enforcement when criminal activity against a child is suspected or has been committed. Victims and their families may lack trust in available services, fearing public exposure, stigmatization, or harassment, dissuading them from reporting any abuse.²² However, reporting mechanisms offer trained services, support, and advice that can be sought in confidence as well as a means to notify the appropriate authorities of crimes against children ensuring a timely response. They also can serve as a platform for awareness campaigns and highlight the importance of public support in combating online crimes against children.

Good Practice – Reporting Mechanisms

Founded in 1999, with funding and support from the European Commission, the International Association of Internet Hotlines (INHOPE) is an active and collaborative network of 51 hotlines in 45 countries worldwide, dealing with illegal content online and committed to stamping out child sexual abuse from the Internet. INHOPE comprises the INHOPE Association and the INHOPE Foundation, a charity constituted in 2010 to help new hotlines with start-up activities in emerging markets. INHOPE hotlines offer the public a way of anonymously reporting online material, including child sexual abuse material, they suspect to be illegal. Hotlines ensure that reports are investigated and if illegal content is found that the information is passed to the relevant law enforcement agency, and in many cases, the ISP hosting the content.

*INHOPE, *At A Glance*, at <http://www.inhope.org/gns/who-we-are/at-a-glance.aspx> (last visited Nov. 10, 2016).

A core aspect of a National Strategy Plan should be a well-publicized, safe, and accessible cyber-tipline, hotline, helpline, or alternative reporting mechanism. These mechanisms should be: available nationwide; 24 hours a day, 7 days a week; free of charge; accessible to both children and adults; staffed by properly-trained personnel; and sustainable, regardless of current technology and available resources.

Mandatory reporting for certain individuals, such as medical professionals, educators, and other child-serving professionals, further expands the ability of agencies to track, monitor, and prosecute child sexual exploitation and expedites the response time as these professionals are often the first to recognize and report the abuse.²³ Likewise, mandatory reporting by Internet Service Providers (ISPs) can also allow for instances of child pornography to be quickly identified and investigated. These reports should be triaged to ensure prompt response and follow-up occurs; however, priority should be given to those cases where there is imminent danger to a child.²⁴

²⁰ Mark Latonero, *Human Trafficking Online: The Role of Social Networking Sites and Online Classifieds: Future Action for Trafficking Online*, UNIVERSITY OF SOUTHERN CALIFORNIA CENTER ON COMMUNICATION LEADERSHIP & POLICY (2011), at https://technologyandtrafficking.usc.edu/files/2011/09/HumanTrafficking_FINAL.pdf (last visited Oct. 21, 2016) (on file with the International Centre for Missing & Exploited Children).

²¹ For the purposes of this publication, reporting mechanisms refer to a hotline (telephone or cyber-tipline) through which the public and others can report suspected illegal activity regarding child sexual exploitation. This category does not refer to a helpline that provides support and advice to victims or a service simply referring the victims out for services without a reporting function.

²² UN Special Representative to the Secretary General on Violence Against Children Marta Santos Pais, *Removing the Stigma: Senior UN child rights experts call for safe, accessible and child-sensitive counselling and complaint mechanisms to address violence against children*, March 9, 2011, at http://srsg.violenceagainstchildren.org/story/2011-03-09_112 (last visited Oct. 21, 2016) (on file with the International Centre for Missing & Exploited Children).

²³ UN Special Representative of the Secretary-General on Violence against Children & the Special Rapporteur on the Sale of Children, Child Prostitution and Child Pornography, *Safe and child-sensitive counselling, complaint and reporting mechanisms to address violence against children* (2012), at http://srsg.violenceagainstchildren.org/sites/default/files/publications_final/web_safe_final.pdf (last visited Oct. 21, 2016) (on file with the International Centre for Missing & Exploited Children).

²⁴ *Cybertipline: Purpose and Function*, NATIONAL CENTER FOR MISSING & EXPLOITED CHILDREN, at <http://www.missingkids.org/cybertipline> (last visited Oct. 21, 2016).

Awareness-building campaigns

It is crucial that the public be aware of laws, tools, and other available services to ensure they are equipped to act and respond if a child in their community is suspected to have been or has been affected by sexual abuse or exploitation. It is important that programs, such as training sessions, conferences, and public outreach, focused on the issue of child sexual exploitation, including child pornography, be made available to the public, including parents, children, teachers, and child-serving professionals in schools and throughout communities. Through awareness campaigns, advocacy organizations can influence public opinion and garner active support from the government, public, and other potential investors to help better protect children.²⁵ When fully implemented, public awareness and community engagement can also allow law enforcement to investigate more quickly and react more effectively.

Good Practice – Awareness Campaigns

It is estimated that about 1 in 5 children in Europe are victims of some form of sexual violence. The Council of Europe Campaign to stop sexual violence against children was launched in November 2010 in Rome, Italy, with the primary objective of increasing the level of commitment and action needed to stop sexual violence against children. Through the campaign, the Council of Europe seeks to empower governments, parliaments, professional networks, academia, business communities, civil society, parents and children, so that they take the necessary steps to stop sexual violence against children. The Campaign also seeks to achieve greater implementation of the Lanzarote Convention. The Campaign consists of a Parliamentary component, Congressional component, and public-private partnerships with ministries, national and local authorities, the media, publishing and public transport companies, and other private partners. Numerous awareness materials have been developed by the Council of Europe and are publicly available at: <http://www.underwearrule.org>.

*Council of Europe, *One in Five*, at http://www.coe.int/t/DG3/children/1in5/default_en.asp (last visited Nov. 10, 2016).

Capacity building programs

Once legislation is in place, those who are charged with enforcing the law must be trained on the relevant legal provisions. For instance, law enforcement officers, social workers, attorneys, judges, and other professional groups working for and with children should receive specialized training on child sexual abuse and exploitation, including child pornography. This training may include understanding the issue, recognizing child sexual abuse and exploitation, investigating and collecting evidence of cybercrimes committed against children, and identifying and interviewing child victims. Policies should be adapted to meet changing trends and technologies to ensure the necessary resources are available for investigation of offenses.²⁶ Capacity building allows for increased attention to be given to the investigation and prevention of child pornography, and provide platforms for broad discussion and exchange of experience and ideas.²⁷

Good Practice – Capacity Building Programs

Since 2003, the International Centre for Missing & Exploited Children (ICMEC) has trained more than 10,500 law enforcement officers, investigators, prosecutors, and other specialists from over 118 countries. ICMEC deploys instructors and technology tools to law enforcement to combat online sexual abuse and exploitation and more effectively investigate cases involving missing children. In 2015, ICMEC expanded its training efforts to include programs for teachers, NGOs, medical professionals, and others working in the field of child protection.

*International Centre for Missing & Exploited Children, *Global Training Academy*, at www.icmec.org (last visited Nov. 10, 2016).

²⁵ The Ministry of Health and Social Affairs: Sweden, *supra* note 18, at 22.

²⁶ The Ministry of Health and Social Affairs: Sweden, *supra* note 18, at 14.

²⁷ *Id.* at 35.

Provision of services for victims

Child victims of sexual abuse and exploitation, including child pornography, and their families should receive services immediately in order to minimize on-going trauma and to help them return to a sense of normalcy quickly. These services may be medical, social, psychological, and legal. They must be appropriate and administered in a timely manner by professionals trained to work with children. In addition, provisions should be established that protect children who have been subjected to sexual exploitation from further victimization during investigation, judicial proceedings, and/or treatment.²⁸

It is important to note that all child victims should be considered in need of recovery and reintegration and not held criminally liable or treated as offenders for their role in the criminal activity. All children, regardless of economic or social situation, deserve special attention and access to care without discrimination.²⁹ They should be encouraged to express their opinions and share their perspectives, which may provide valuable input to the agencies involved, improve existing measures, and ensure any action taken is in the best interests of the child.

Good Practice – Provision of Services for Victims

In 1985, the National Children’s Advocacy Center was established in the U.S. to act as a coordinating point and central location for the work of a multi-disciplinary team (MDT) providing services to children and families affected by abuse. The MDT, comprised of the prosecutor’s office, local law enforcement, child protective services, mental health professionals, and the local health department, worked together to coordinate investigations and interventions for children who had been sexually abused. The team also determined that a child-friendly environment that was both physically and psychologically safe was essential to lessening the trauma to the child. This Children’s Advocacy Center (CAC) model spread quickly and today there are 950 CACs across the U.S. The model also has been implemented in 25 countries around the world.

*National Children’s Advocacy Center, *Multidisciplinary Team*, at <http://www.nationalcac.org/multidisciplinary-team/>. See also, <http://www.nationalcac.org/history/> (last visited Nov. 10, 2016).

Research and data collection³⁰

Without undertaking research and collecting data on a particular issue, policymakers may not be aware of the true scope of child sexual exploitation and child pornography in their country. Data is needed for many reasons including to: assess crime trends; develop innovative ways to address and ultimately reduce crime; build and grow the necessary resources, programs, and services; and allocate the human and financial resources to support those programs and services. A uniform set of indicators should be developed and applied across agencies to secure comparable and complementary data.³¹ Specialized entities may also be established to ultimately be responsible for the area of child sexual abuse and exploitation, including child pornography.³²

²⁸ *Id.* at 30.

²⁹ Committee on the Rights of the Child: *Romania*, *supra* note 19 at 6-7.

³⁰ For the purposes of this publication, any evidence of the collection of data around the issue of child pornography, including trends concerning victims or perpetrators, and recidivism rates are considered sufficient. This includes reports concerning the situation of child sexual exploitation including child pornography in the country/region, even in the absence of statistics or other numeric data.

³¹ Committee on the Rights of the Child: *Romania*, *supra* note 19 at 5.

³² The Ministry of Health and Social Affairs: Sweden, *supra* note 18, at 32.

Good Practice – Research and Data Collection

Many organizations, such as ECPAT, ICMEC, International Justice Mission, Save the Children, Terre des Hommes, and UNICEF collect data and undertake research related to child exploitation. These efforts, coupled with information-collection from government entities, yield a better understanding of the scope of the problem and allow stakeholders to identify gaps and develop responses. For example, the UN Special Rapporteur on the sale of children, child prostitution, and child pornography conducts an average of two country visits annually at the invitation of the country. These visits provide an opportunity for constructive dialogue with the governments enabling the Special Rapporteur to understand the scope of child sexual exploitation in the country and to provide recommendations. Reports containing the findings, conclusions, and recommendations are presented to the UN General Assembly and Human Rights Council following each country visit. More than 100 countries have extended standing invitations for visits and requested the reports to help them address the root causes of child exploitation and develop appropriate responses.

**International Justice Resource Center, Special Rapporteur on the sale of children, child prostitution, and child pornography, at <http://www.ijrcenter.org/special-rapporteur-on-the-sale-of-children-child-prostitution-and-child-pornography/> (last visited Nov. 10, 2016).*

International Law

Child pornography is a multi-jurisdictional problem that demands a global response. Successfully combating child sexual exploitation and child pornography on a global scale requires uniform goals so that child predators cannot concentrate efforts in countries where they believe a more permissive environment might exist. A holistic and uniform approach is the most effective means of combating the sexual exploitation of children because it allows for consistency in criminalization and punishment, raises public awareness of the problem, increases services available to assist victims, and improves overall law enforcement efforts at the national, regional, and international levels. Complying with and implementing international legal standards is an initial step in addressing child pornography.

There are three integral legal instruments on the international level that address child pornography and the implementation of measures regarding child sexual abuse and exploitation, specifically child pornography: the Optional Protocol to the (UN) Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography; the Convention on Cybercrime; and the Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse. All three instruments are effective tools for combating the sexual exploitation and abuse of children because they contain specific definitions of offenses, as well as provisions requiring punishment for criminalized behavior allowing for more effective prosecution of perpetrators. The ratification or accession to international legal instruments commits States Parties to undertake concrete actions to implement the elements of the law.

This section highlights select articles of these conventions that address the specific areas outlined in the implementation benchmarks.

Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography

The Optional Protocol to the (UN) Convention on the Rights of the Child on the sale of children, child prostitution and child pornography³³ (Optional Protocol) addresses the criminalization of sale of children, child prostitution and child pornography.

The Optional Protocol was opened for signature by the UN General Assembly on 25 May 2000 and entered into force on 18 January 2002.³⁴ Currently, 173 countries have ratified the Optional Protocol and 9 others have signed, but not yet ratified, it.³⁵

The articles highlighted in this section represent those that may concern implementation of measures regarding child pornography.

- Article 4 addresses the importance of establishing jurisdiction over offenses related to child pornography and/or sexual exploitation.
- Article 6 encourages States Parties to afford one another assistance, in conformity with any treaties or other arrangements, with investigations or criminal or extradition proceedings brought concerning child pornography and/or sexual exploitation offenses.
- Article 7 addresses the need for law enforcement to possess the authority to investigate these offenses and seize any necessary evidence related to the crime.
- Article 8 requires that States Parties adopt appropriate measures to protect the rights and interests of child victims at all stages of the criminal justice process: the Article recognizes the vulnerability of child victims and the importance of adapting procedures to meet their special needs. The Article also encourages appropriate training of persons who work with child victims.
- Article 9 requires that States Parties promote public awareness through information sharing, education, and training about the harmful effects of offenses related to child pornography and sexual exploitation and the preventive measures that may be taken/are available. States Parties should encourage community participation in awareness raising programs. In addition, States Parties are required to provide all appropriate victim services ensuring full social reintegration as well as full physical and psychological recovery.
- Article 10 encourages the strengthening of international cooperation by multilateral, regional, and bilateral arrangements for the prevention, detection, investigation, prosecution, and punishment of those responsible for acts involving child pornography and sexual exploitation. States Parties, in a position to do so, should provide financial, technical, or other needed assistance.
- Article 12 requires that States Parties collect data and provide regular reports to the UN Committee on the Rights of the Child with comprehensive information on the measures undertaken to implement the Optional Protocol.

³³ *Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography*, G.A. Res. 54/263, Annex II, U.N. Doc. A/54/49, Vol. III, art. 2, para. C, entered into force Jan. 18, 2002 [hereafter *Optional Protocol*] (on file with the International Centre for Missing & Exploited Children).

³⁴ *Id.* at Chapter IV Human Rights 11.c.

³⁵ See *Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography*, U.N. Treaty Collection Status Chart, at https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-11-c&chapter=4&clang=en (last visited Dec. 20, 2016) (on file with the International Centre for Missing & Exploited Children).

Convention on Cybercrime

Developments in technology have enabled cyber-criminals to be located in different jurisdictions (*i.e.*, countries) from the victims who are affected by their criminal behavior. As a result, the Council of Europe developed the Convention on Cybercrime (Budapest Convention)³⁶ with the hope of implementing a cooperative and uniform approach to the prosecution of cybercrime.

The Budapest Convention is open for signature by the Council of Europe member States and the non-member States that have participated in its elaboration, and for accession by other non-member States. Currently, 49 countries (40 member States and 9 non-member States) have ratified the Budapest Convention, and 6 other countries (5 member States and 1 non-member State) have signed, but not ratified.³⁷

Pertinent to the area of child sexual exploitation is Section 1, Title 3 of the Budapest Convention, entitled “Content-Related Offenses”:

- Article 9 defines “child pornography” and addresses the substantive criminal legislative measures required relating to child pornography.
- Article 12 (1) addresses corporate liability by encouraging organizations to be actively involved in protecting children and the community from offenses originating in their networks or affiliated channels.
- The Budapest Convention addresses mutual assistance amongst member States. This section emphasizes the importance of mutual assistance to the widest extent possible for the purpose of investigations or proceedings concerning offenses related to computer systems and data, or for the collection of evidence in electronic form of a criminal offense. Article 35 recommends the designation of a point of contact available on a continual and consistent basis, in order to ensure the provision of immediate assistance to other agents investigating or prosecuting these offenses.

³⁶ *Convention on Cybercrime, opened for signature* Nov. 23, 2001, <http://conventions.coe.int/Treaty/en/Treaties/Html/185.htm> entered into force Jul. 1, 2004 (last visited Dec. 20, 2016) (on file with the International Centre for Missing & Exploited Children).

³⁷ See *Convention on Cybercrime (CETS 185): Chart of Signatures and Ratifications*, at <http://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/185/signatures> (last visited Dec. 20, 2016) (on file with the International Centre for Missing & Exploited Children).

Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse

The Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (Lanzarote Convention)³⁸ focuses on ensuring the best interests of children through prevention of abuse and exploitation, protection and assistance for victims, punishment of perpetrators, and promotion of national and international law enforcement cooperation.

The Lanzarote Convention was opened for signature on 25 October 2007, and entered into force on 1 July 2010. The Lanzarote Convention is open for signature by member States, non-member States that have participated in the Convention's elaboration, by the European Community, and for accession by other non-member States. Currently, 41 member States have ratified the Lanzarote Convention, and 6 other member States have signed, but not ratified.³⁹

The Lanzarote Convention encourages an array of preventive measures combating all forms of sexual exploitation and sexual abuse of children. Any specific article may mention or be relevant to multiple benchmarks addressed in this publication.

Articles concerning preventive measures – capacity building programs, awareness campaigns, cross-sector collaboration, and services for victims

- Article 5 recommends appropriate recruitment, training, and awareness raising of persons working with children ensuring they have an adequate knowledge of sexual exploitation and sexual abuse of children, the means to identify victims, and the protocol to report offenses.
- Article 7 recommends preventive intervention programs or services be provided to persons who fear that they might commit a sexual offense, specifically one against a child.
- Article 8 promotes awareness raising campaigns to provide educational information on the issue of sexual exploitation and sexual abuse of children as well as the preventive measures that may be taken.
- Article 9 encourages a holistic approach including the participation of children, the private sector, the media, and civil society. The information and communication technology sector, the tourism and travel industry, and the banking and finance sectors especially should implement internal norms through self-regulation or co-regulation to prevent child abuse and exploitation. The media should be encouraged to distribute appropriate and accurate information concerning aspects of child abuse and exploitation. Each Party must ensure effective allocation of funds of these projects and programs.
- Article 10 addresses measures of coordination and collaboration on a national or local level between the different agencies in charge of the protection from the prevention of and the fight against child abuse and exploitation, specifically the education sector, the health sector, social services, and law enforcement and judicial authorities. This Article also emphasizes the importance of data collection for the purpose of observing and evaluating the phenomenon of

³⁸ *Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (CETS 201)*, Oct. 25, 2007, at <http://conventions.coe.int/Treaty/EN/treaties/Html/201.htm> entered into force Jul. 1, 2010 (last visited Sept. 27, 2016) (on file with the International Centre for Missing & Exploited Children).

³⁹ See *Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (CETS 201): Chart of Signatures and Ratifications*, at <http://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/201/signatures> (last visited Sept. 27, 2016) (on file with the International Centre for Missing & Exploited Children).

sexual abuse and exploitation of children, with due respect for the requirements of personal data protection.

- Article 11 encourages the establishment of effective social programs and multidisciplinary structures to provide the necessary support for victims, their close relatives, and for any person who is responsible for their care.
- Article 12 suggests that each Party actively encourage any person who knows about or suspects, in good faith, sexual abuse or exploitation of children to report these facts to the competent services as well as ensure the confidentiality of the professionals reporting an incident.
- Article 13 requires that information services such as hotlines and helplines be established to receive reports of suspected child sexual abuse or exploitation and provide advice and/or counseling to callers confidentially or with respect for the person's anonymity.
- Article 14 addresses the need for victim assistance, in the short and long term, regarding their physical and psycho-social recovery. Rehabilitation and reintegration efforts should take due account of the child's views, needs, and concerns.

Articles concerning investigations, prosecutions, and convictions

- Article 25 addresses jurisdiction over child sexual abuse and exploitation.
- Article 26 addresses corporate liability and the accountability of organizations or companies that fail to prevent the commission of offenses due to a lack of supervision or control of those under their authority.
- Article 27 describes sanctions and measures related to convictions of child sexual abuse and exploitation.
- Article 30 emphasizes that investigations and criminal proceedings are to be carried out in the best interest and respecting the rights of the child. A protective approach should be taken towards victims as to prevent re-victimization, ensuring that the investigations and criminal proceedings do not aggravate the trauma experienced by the child, and that the criminal justice response is followed by assistance. Specialized units or investigative services should be enabled to identify victims of the offenses by analyzing child pornography material, specifically evidence such as photographs and audiovisual recordings transmitted or made available through the use of information and communication technologies.
- Article 31 explores measures that should be taken to protect the rights and interests of victims, including their special needs as witnesses, at all stages of investigations and criminal proceedings. Immediate and competent execution of judicial and administrative proceedings should be guaranteed. Victims should have access, provided free of charge where warranted, to legal aid and guidance.
- Article 32 dictates that initiation of proceedings not be dependent upon the report or accusation made by a victim, and that the proceedings may continue even if the victim has withdrawn his or her statements.
- Article 33 encourages that there be a sufficient period of time ensured for the efficient start of proceedings of an offense considerate to the gravity of the crime in question.
- Article 34 emphasizes that persons, units, or services in charge of investigations should be specialized and trained in the field of combating sexual exploitation and sexual abuse of children. Such units or services should be provided adequate financial resources so that they may effectively achieve all their responsibilities.

- Article 35 promotes proper methods and considerations be taken when interviewing a child victim of sexual exploitation or abuse.
- Article 36 emphasizes that information pertinent to these offenses and their consequences should be available for the benefit of all persons involved in the proceedings, in particular judges, prosecutors, and lawyers.
- Article 37 suggests each Party establish methods of collecting and storing data related to the identity and to the genetic profile of persons convicted of these offenses with the intention of aiding any future investigations.
- Article 38 encourages the application of relevant international and regional instruments, arrangements agreed on the basis of uniform or reciprocal legislation and internal laws in the fight against child sexual exploitation and abuse.

Articles concerning reporting mechanisms

- Article 41 encourages the establishment of monitoring mechanisms to facilitate the collection, analysis and exchange of information, experience, and good practice between Parties to improve their capacity to prevent and combat sexual exploitation and sexual abuse of children.

Country-specific findings

This section presents the country-specific findings for each of the 161 countries having anti-child pornography legislation in place according to the 8th Edition of *Child Pornography: Model Legislation & Global Review*. A checkmark indicates that some evidence was found that a country has taken action to support and enhance the effectiveness of their national legislation.

Implementation Benchmark Review

✘ = No
✓ = Yes

Country	<u>Investigations, Arrests, Prosecutions, Convictions</u>	<u>National Strategy</u> ⁴⁰	<u>Reporting Mechanisms</u> ⁴¹	<u>Awareness Building Campaigns</u>	<u>Capacity Building Programs</u>	<u>Victim Services</u>	<u>Research/Data Collection</u>
Albania	✘	✘	✓	✓	✓	✓	✓
Algeria	✘	✓	✘ ⁴²	✓	✓	✓	✓
Andorra	✓	✘	✘	✘	✘	✘	✘
Angola	✘	✘	✘	✘	✓	✘	✘
Antigua & Barbuda	✓	✘	✓	✘	✓	✓	✘
Argentina	✓	✓	✓	✓	✓	✓	✓

⁴⁰ For the purposes of this report, a national strategy or national action plan that addresses child protection or child sexual abuse and exploitation is included as long as specific reference is made to child pornography. National strategies or action plans that are specific to trafficking, without reference to child pornography were not considered.

⁴¹ For the purposes of this report, “reporting mechanisms” refers to hotlines that receive reports concerning child sexual exploitation. It does not refer to helplines that connect callers to relevant services for victims of sexual abuse or exploitation, but do not take reports and provide the information to law enforcement or another designated agency.

⁴² There is a helpline in Algeria that provides assistance to callers concerning sexual abuse and exploitation, but it does not provide a reporting mechanism/function.

Country	Investigations, Arrests, Prosecutions, Convictions	National Strategy	Reporting Mechanisms	Awareness Building Campaigns	Capacity Building Programs	Victim Services	Research/Data Collection
Armenia	✓	✗	✓	✓	✗	✓	✓
Aruba	✓	✗	✓	✓	✓ ⁴³	✓	✗ ⁴⁴
Australia	✓	✓	✓	✓	✓	✓	✓
Austria	✓	✓	✓	✓	✓	✓	✓
Azerbaijan	✗	✗	✓	✓	✓	✗	✗
Bahamas	✓	✗	✓	✗	✓	✓	✗
Bahrain	✓	✗	✓	✗	✓	✓	✗
Bangladesh	✓	✓	✓	✓	✓	✓	✗

⁴³ The staff of the Youth and Sexual Offences Unit of the Aruban Police Force is trained and certified in dealing with child abuse and child pornography. Letter from the Office of the Minister Plenipotentiary of Aruba, Washington, D.C., to the International Centre for Missing & Exploited Children (Sept. 16, 2016) (on file with the International Centre for Missing & Exploited Children).

⁴⁴ The Parliament approved important changes in the civil code of Aruba during September 2016. One relevant article regulates the task and responsibilities of a Central Point of Registration of all cases of child neglect and child abuse. During the last quarter of 2016 the Ministry of Justice in cooperation with the Ministry of Social Affairs and the Ministry of Public Health will appoint an organization to officially fulfill these tasks and responsibilities. The Central Point of Registration will be the organization to provide national data regarding all cases of child neglect and child abuse and also information regarding the effectivity of the different partner organizations, including guidance and treatment to victims and the child protection process. Letter from the Office of the Minister Plenipotentiary of Aruba, Washington, D.C., to the International Centre for Missing & Exploited Children (Sept. 16, 2016) (on file with the International Centre for Missing & Exploited Children).

Country	Investigations, Arrests, Prosecutions, Convictions	National Strategy	Reporting Mechanisms	Awareness Building Campaigns	Capacity Building Programs	Victim Services	Research/Data Collection
Barbados	✓	✓	✓	✓	✓	✓	✓
Belarus	✓	✓	✓	✓	✓	✓	✓
Belgium	✓	✓	✓	✓	✓	✓	✓
Belize	✓	✗	✓	✓	✗	✗	✗
Bhutan	✓	✓	✓	✗ ⁴⁵	✓	✓	✓ ⁴⁶
Bolivia	✓	✓	✗ ⁴⁷	✓	✓	✓	✓

⁴⁵ A National Communications for Development Strategy on Child Protection is to be finalized in 2016, which will be used to create awareness on various child protection thematic areas. Letter from the Permanent Mission of the Kingdom of Bhutan to the United Nations, New York, to the International Centre for Missing & Exploited Children (Aug. 15, 2016) (on file with the International Centre for Missing & Exploited Children).

⁴⁶ The First Violence Against Children Study has been completed, which will provide baseline data and inform planning and implementation of programs to prevent and respond to child protection issues. The National Commission for Women and Children (NCWC) is also working on the establishment of a Management Information System on Child Protection, which will be the central data system that will house all data on child protection issues. Letter from the Permanent Mission of the Kingdom of Bhutan to the United Nations, New York, to the International Centre for Missing & Exploited Children (Aug. 15, 2016) (on file with the International Centre for Missing & Exploited Children).

See also, The Study On Violence Against Children in Bhutan, May 2016, <http://www.ncwc.gov.bt/en/files/publication/consolidate%20report%20of%20the%20three%20phases.pdf> (last visited Dec. 13, 2016) (on file with the International Centre for Missing & Exploited Children).

⁴⁷ Linea 156 is a helpline in the Autonomous Municipal Government of La Paz, that provides assistance to children and youth suffering from abuse and/or violence. For more information, see http://www.childhelplineinternational.org/media/124284/study_child_helpines_chi-plan_roa.pdf.

Bolivia is reportedly in the process of establishing a hotline through the REDES Foundation. Since 2014, the REDES Foundation has been developing an initiative in collaboration with the International Association of Internet Hotlines (INHOPE). "The main objective is to set up a hotline to report and eliminate child sexual abuse content online. The hotline will be part of a global network, and will have the support of Interpol. The initiative works through an international database coordinated by Interpol. Anonymous complaints can be made to the hotline of online child sexual abuse content. Hotline operators then remove the content, once it has been confirmed that it violates human rights." See Global Information Society Watch 2015, *Sexual rights and the internet* 66-68, at <https://www.giswatch.org/sites/default/files/gw2015-bolivia.pdf> (last visited Dec. 13, 2016) (on file with the International Centre for Missing & Exploited Children).

<u>Country</u>	<u>Investigations, Arrests, Prosecutions, Convictions</u>	<u>National Strategy</u>	<u>Reporting Mechanisms</u>	<u>Awareness Building Campaigns</u>	<u>Capacity Building Programs</u>	<u>Victim Services</u>	<u>Research/Data Collection</u>
Bosnia and Herzegovina	✓	✓	✓	✓	✓	✓	✗
Botswana	✓	✗	✓	✓	✗	✓	✓
Brazil	✓	✓	✓	✓	✓	✓	✓
Brunei Darussalam	✗	✓	✓	✓	✓	✓	✗
Bulgaria	✓	✓	✓	✓	✓	✓	✓
Burundi	✗	✗	✗	✗	✗	✗	✗
Cambodia	✓	✓	✓	✓	✓	✓	✗
Cameroon	✗	✗	✗	✓	✓	✓	✓
Canada	✓	✓	✓	✓	✓	✓	✓
Cape Verde	✗	✗	✓	✗	✗	✓	✗

Country	<u>Investigations, Arrests, Prosecutions, Convictions</u>	<u>National Strategy</u>	<u>Reporting Mechanisms</u>	<u>Awareness Building Campaigns</u>	<u>Capacity Building Programs</u>	<u>Victim Services</u>	<u>Research/Data Collection</u>
Central African Republic	✗	✗	✗	✗	✗	✓	✗
Chile	✓	✓	✓	✓	✓	✓	✓
China ⁴⁸	✓	✓	✓	✓	✓	✗	✗
Colombia	✓	✓	✓	✓	✓	✓	✓
Comoros	✗	✗	✗	✗	✗	✗	✗
Congo	✗	✗	✗	✗	✗	✗	✗
Costa Rica	✓	✓	✓	✓	✓	✓	✗
Cote d'Ivoire	✗	✗	✗	✓	✓	✓	✗
Croatia	✓	✓	✓	✓	✓	✓	✓

⁴⁸ Hong Kong, Macau, and Taiwan each meet all of the benchmarks with the exception of having a national strategy or national action plan.

<u>Country</u>	<u>Investigations, Arrests, Prosecutions, Convictions</u>	<u>National Strategy</u>	<u>Reporting Mechanisms</u>	<u>Awareness Building Campaigns</u>	<u>Capacity Building Programs</u>	<u>Victim Services</u>	<u>Research/Data Collection</u>
Cuba	✓	✗	✗	✗	✗	✗	✗
Cyprus	✓	✓	✓	✓	✓	✓	✓
Czech Republic	✓	✓	✓	✓	✓	✓	✓
Democratic Republic of Congo	✗	✗	✗ ⁴⁹	✗	✓	✗	✗
Denmark	✓	✓	✓	✓	✓	✓	✓
Djibouti	✗	✗	✗	✗	✗	✗	✗
Dominican Republic	✓	✗	✓	✓	✓	✓	✗
Ecuador	✓	✗	✗	✗	✓	✗	✗

⁴⁹ The Democratic Republic of Congo has a helpline, but it does not provide a reporting mechanism/function.

Country	Investigations, Arrests, Prosecutions, Convictions	National Strategy	Reporting Mechanisms	Awareness Building Campaigns	Capacity Building Programs	Victim Services	Research/Data Collection
Egypt	✗	✓	✗ ⁵⁰	✗	✓	✗	✓
El Salvador	✓	✓	✗ ⁵¹	✓	✓	✓	✓
Estonia	✓	✓	✓	✓	✓	✓	✓
Fiji	✓	✗	✓	✓	✓	✓	✓
Finland	✓	✓	✓	✓	✓	✓	✗
France	✓	✗	✓	✓	✓	✓	✓
Gambia, The	✓	✓	✓	✓	✓	✓	✓

⁵⁰ Egypt has a helpline, but it does not provide a reporting mechanism/function.

⁵¹ El Salvador has a helpline, but it does not provide a reporting mechanism/function.

<u>Country</u>	<u>Investigations, Arrests, Prosecutions, Convictions</u>	<u>National Strategy</u>	<u>Reporting Mechanisms</u>	<u>Awareness Building Campaigns</u>	<u>Capacity Building Programs</u>	<u>Victim Services</u>	<u>Research/Data Collection</u>
Georgia	✓	✗	✓	✗	✓	✓	✗
Germany	✓	✓	✓	✓	✓	✓	✓
Ghana	✓	✗	✗	✓	✓	✓	✓
Greece	✓	✗	✓	✓	✓	✓	✓
Grenada	✗	✓	✓	✓	✓	✓	✗
Guatemala	✓	✗	✗	✓	✓	✗	✗
Guinea	✗	✗	✗	✗	✗	✗	✗
Haiti	✗	✗	✗	✗	✗	✗	✗
Holy See, The	✓	✗	✗	✗	✗	✗	✗

Country	Investigations, Arrests, Prosecutions, Convictions	National Strategy	Reporting Mechanisms	Awareness Building Campaigns	Capacity Building Programs	Victim Services	Research/Data Collection
Honduras	✓	✓	✓	✓	✓	✓	✗
Hungary	✓	✓	✓	✓	✓	✓	✓
Iceland	✓	✓	✓	✓	✓	✓	✓
India	✓	✓	✓	✗	✓	✗	✓
Indonesia	✓	✓	✓	✓	✗	✓	✗
Ireland	✓	✓	✓	✓	✓	✓	✓
Israel	✓	✗ ⁵²	✓	✓	✓	✓	✓
Italy	✓	✓	✓	✓	✓	✓	✓

⁵² Israel is in the process of developing a national strategy for the protection of children from sexual exploitation and raising public awareness for safe use of the internet, for example: hosting “Safer Internet Day”; holding extensive discussions within the relevant Knesset Committees; and conducting joint programs of government authorities and civil society organizations. See, Global Alliance Against Child Sexual Abuse Online, Reporting Form – Announcement of Actions, Israel, https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/organized-crime-and-human-trafficking/global-alliance-against-child-abuse/docs/commitments/ga_commitment_-_israel_en.pdf (last visited Dec. 15, 2016).

<u>Country</u>	<u>Investigations, Arrests, Prosecutions, Convictions</u>	<u>National Strategy</u>	<u>Reporting Mechanisms</u>	<u>Awareness Building Campaigns</u>	<u>Capacity Building Programs</u>	<u>Victim Services</u>	<u>Research/Data Collection</u>
Jamaica	✓	✗	✓	✗	✓	✓	✓
Japan	✓	✓	✓	✓	✓	✓	✓
Jordan	✓	✓	✗	✓	✓	✓	✗
Kazakhstan	✓	✓	✓	✓	✓	✗	✗
Kenya	✓	✓	✓	✗	✓	✓	✓
Kosovo	✓	✓	✗	✓	✓	✓	✓
Kyrgyzstan	✗	✓	✗	✓	✗	✓	✗
Lao People's Democratic Republic	✓	✓	✓	✓	✓	✓	✓
Latvia	✓	✗	✓	✓	✓	✓	✓

Country	Investigations, Arrests, Prosecutions, Convictions	National Strategy	Reporting Mechanisms	Awareness Building Campaigns	Capacity Building Programs	Victim Services	Research/Data Collection
Lesotho	✓	✗	✗	✗	✓	✗	✗
Liberia	✓	✗	✓	✓	✓	✗	✓
Liechtenstein	✓	✓	✓	✓	✓	✓	✗ ⁵³
Lithuania	✓	✓	✓	✓	✓	✓	✓
Luxembourg	✓	✗ ⁵⁴	✓	✓	✓	✓	✗
Macedonia	✓	✓	✓	✓	✓	✗	✓
Madagascar	✓	✗	✓	✓	✓	✗	✓

⁵³ Due to the size of the country and, therefore, the small number of cases, there is no research in this area and it is difficult to provide data beyond the official statistics of the national police (which listed 7 cases of abuse of minors in 2015). Email from the Embassy of Liechtenstein to the International Centre for Missing & Exploited Children (Aug. 30, 2016) (on file with the International Centre for Missing & Exploited Children).

⁵⁴ Luxembourg adopted a National Action Plan against Sexual Exploitation of Children under the Ministry of Family and Integration in 1996. A more recent National Action Plan was not found.

<u>Country</u>	<u>Investigations, Arrests, Prosecutions, Convictions</u>	<u>National Strategy</u>	<u>Reporting Mechanisms</u>	<u>Awareness Building Campaigns</u>	<u>Capacity Building Programs</u>	<u>Victim Services</u>	<u>Research/Data Collection</u>
Malawi	✗	✓	✓	✓	✓	✓	✗
Malaysia	✗	✓	✓	✓	✓	✓	✓
Mali	✗	✗	✗	✗	✓	✗	✗
Malta	✓	✗	✓	✓	✓	✓	✓
Mauritania	✗	✓	✗	✓	✗	✓	✗
Mauritius	✗	✓	✗	✓	✓	✓	✓
Mexico	✓	✓	✓	✓	✓	✓	✓
Moldova	✓	✓	✓	✓	✓	✓	✓
Monaco	✗	✗	✗	✓	✗	✗	✓

<u>Country</u>	<u>Investigations, Arrests, Prosecutions, Convictions</u>	<u>National Strategy</u>	<u>Reporting Mechanisms</u>	<u>Awareness Building Campaigns</u>	<u>Capacity Building Programs</u>	<u>Victim Services</u>	<u>Research/Data Collection</u>
Mongolia	✗	✓	✓	✓	✓	✓	✓
Montenegro	✓	✓	✓	✓	✓	✗	✓
Morocco	✓	✓	✗	✓	✓	✓	✓
Myanmar	✗	✗	✗	✗	✗	✗	✗
Namibia	✗	✗	✗ ⁵⁵	✓	✓	✓	✓
Netherlands	✓	✓	✓	✓	✓	✓	✓
New Zealand	✓	✓	✓	✓	✓	✓	✓
Nicaragua	✓	✓	✓	✓	✓	✓	✓
Niger	✗	✗	✗	✗	✗	✗	✓

⁵⁵ Namibia has a helpline, but it does not provide a reporting mechanism/function.

<u>Country</u>	<u>Investigations, Arrests, Prosecutions, Convictions</u>	<u>National Strategy</u>	<u>Reporting Mechanisms</u>	<u>Awareness Building Campaigns</u>	<u>Capacity Building Programs</u>	<u>Victim Services</u>	<u>Research/Data Collection</u>
Nigeria	✓	✗	✗	✓	✓	✓	✗
Norway	✓	✓	✓	✓	✓	✓	✓
Oman	✗	✗	✓	✓	✓	✗	✗
Panama	✓	✓	✓	✓	✓	✓	✗
Papua New Guinea	✗	✗	✗	✗	✗	✗	✓
Paraguay	✓	✓	✓	✓	✓	✓	✗
Peru	✓	✓	✓	✓	✓	✓	✓
Philippines	✓	✓	✓	✓	✓	✓	✓
Poland	✓	✗	✓	✓	✓	✗	✗

Country	Investigations, Arrests, Prosecutions, Convictions	National Strategy	Reporting Mechanisms	Awareness Building Campaigns	Capacity Building Programs	Victim Services	Research/Data Collection
Portugal	✓	✗	✓	✓	✓	✗	✗
Qatar	✓	✗	✓	✓	✓	✗	✗
Romania	✓	✗	✓	✓	✓	✓	✗ ⁵⁶
Russia	✓	✗	✓	✓	✓	✓	✓
Rwanda	✗	✗	✗	✓	✓	✗	✗
St. Kitts and Nevis	✗	✗	✓	✓	✓	✓	✗
St. Vincent & the Grenadines	✗	✗	✗	✓	✗	✓	✓
San Marino	✗	✗	✗	✗	✗	✗	✗

⁵⁶ Two separate national systems of data collection have been developed in Romania with a specific focus on human trafficking (adult and child). See, European Union Agency for Fundamental Rights, *Thematic Study on Child Trafficking – Romania 15*, at https://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/child-trafficking-09-romania_en_5.pdf (last visited Dec. 20, 2016).

<u>Country</u>	<u>Investigations, Arrests, Prosecutions, Convictions</u>	<u>National Strategy</u>	<u>Reporting Mechanisms</u>	<u>Awareness Building Campaigns</u>	<u>Capacity Building Programs</u>	<u>Victim Services</u>	<u>Research/Data Collection</u>
Sao Tome and Principe	✗	✗	✗	✗	✗	✗	✗
Saudi Arabia	✗	✗	✓	✗	✓	✗	✗
Senegal	✗	✗	✓	✓	✓	✓	✗
Serbia	✓	✓	✓	✓	✓	✓ ⁵⁷	✓
Seychelles	✓	✗	✗	✓	✗	✗	✗
Sierra Leone	✗	✗	✗	✓	✓	✗	✗
Singapore	✓	✓	✓	✓	✓	✓	✓

⁵⁷ Serbia plans to develop a national system of victim support services, in accordance with EU Directive 2012/29/EU, together with the strengthening of procedural guarantees in accordance with EU standards, to ensure the rights, support and protection of victims of crime/injured parties, in accordance with Directive 2012/29/EC (EU Directive - Victims). Letter from Embassy of the Republic of Serbia (Office of Human and Minority Rights, Belgrade, Republic of Serbia) to the International Centre for Missing & Exploited Children (Sept. 26, 2016) (on file with the International Centre for Missing & Exploited Children).

Country	Investigations, Arrests, Prosecutions, Convictions	National Strategy	Reporting Mechanisms	Awareness Building Campaigns	Capacity Building Programs	Victim Services	Research/Data Collection
Slovak Republic	✓	✓	✓	✓	✓	✓	✗
Slovenia	✓	✓	✓	✓	✓	✓	✗
South Africa	✓	✓	✓	✓	✓	✓	✓
South Korea	✓	✓	✓	✓	✓	✓	✓
South Sudan	✗	✗	✗	✗	✗	✗	✓
Spain	✓	✓	✓	✓	✓	✓	✓
Sri Lanka	✓	✓	✓	✓	✓	✓	✓
Sudan	✗	✗	✓	✓	✗	✓	✗
Suriname	✗	✓ ⁵⁸	✓	✓	✗	✓	✓

⁵⁸ Suriname's Integral Plan for Children and Adolescents (2012-2016) specifically focuses on combating all forms of violence against children and the worst forms of child labour including: slavery, trafficking, debt bondage and other forms of forced labour; forced recruitment for use in armed conflict; child pornography and child prostitution, sale of children and illicit activities such as drug related activities; and hazardous work. The Presidential Task Force Child and Youth Policy is updating the priorities for the new plan of action. See, Human Rights Council Working Group on the Universal Periodic Review Twenty-fifth session 2-13 May 2016, *National report submitted in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21 – Suriname*, https://www.upr-info.org/sites/default/files/document/sudan/session_25_-_may_2016/a_hrc_wg.6_25_sur_1_e.pdf (last visited Dec. 20, 2016).

Country	Investigations, Arrests, Prosecutions, Convictions	National Strategy	Reporting Mechanisms	Awareness Building Campaigns	Capacity Building Programs	Victim Services	Research/Data Collection
Swaziland	✗	✗	✗	✗	✗	✗	✓
Sweden	✓	✓	✓	✓	✓	✓	✓
Switzerland	✓	✗	✓	✓	✓	✓	✓
Tajikistan	✗	✓ ⁵⁹	✗	✗	✗	✗	✗
Tanzania	✗	✗	✓	✗	✓	✓	✓
Thailand	✓	✗	✓	✓	✓	✗	✓
Timor Leste	✗	✗	✗	✗	✗	✗	✓

⁵⁹ In October 2014, the Government of Tajikistan approved the National Programme for the Elimination of the Worst Forms of Child Labour in the Republic of Tajikistan for 2015-2020. The National Programme calls for the complete elimination of the worst forms of child labour, including child pornography, as defined by the International Labour Organization (ILO) Convention Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, 1999 (no. 182). See, The Government of Tajikistan, The Ministry of Labor, Migration and Employment Population, *Government Decrees*, at <http://www.mehnat.tj/mehnat/en/%D2%9B%D0%B0%D1%80%D0%BE%D1%80%D0%B8-%D2%B3%D1%83%D0%BA%D1%83%D0%BC%D0%B0%D1%82/> (last visited Dec. 23, 2016). See also, National Programme for the elimination of the worst forms of child labor in the Republic of Tajikistan 2015-2020, at <http://www.no-childlabour.tj/ru/%D0%9D%D0%B0%D1%86.%20%D0%BF%D1%80%D0%BE%D0%B3%D1%80%D0%B0%D0%BC%D0%BC%D0%B0%20%D0%9D%D0%A4%D0%94%D0%A2.pdf> (last visited Dec. 23, 2016).

<u>Country</u>	<u>Investigations, Arrests, Prosecutions, Convictions</u>	<u>National Strategy</u>	<u>Reporting Mechanisms</u>	<u>Awareness Building Campaigns</u>	<u>Capacity Building Programs</u>	<u>Victim Services</u>	<u>Research/Data Collection</u>
Togo	✓	✗	✓	✓	✓	✓	✗
Tonga	✗	✗	✗	✗	✗	✗	✗
Trinidad and Tobago	✓	✗	✓	✓	✓	✓	✓
Turkey	✓	✗	✓	✓	✓	✓	✗
Turkmenistan	✓	✗	✗	✗	✗	✗	✗
Uganda	✓	✓	✓	✓	✓	✓	✓
Ukraine	✓	✗	✓	✓	✓	✓	✗
United Arab Emirates	✓	✗	✓	✓	✓	✓	✗
United Kingdom	✓	✓	✓	✓	✓	✓	✓

<u>Country</u>	<u>Investigations, Arrests, Prosecutions, Convictions</u>	<u>National Strategy</u>	<u>Reporting Mechanisms</u>	<u>Awareness Building Campaigns</u>	<u>Capacity Building Programs</u>	<u>Victim Services</u>	<u>Research/Data Collection</u>
United States	✓	✓	✓	✓	✓	✓	✓
Uruguay	✓	✓	✓	✓	✓	✓	✓
Uzbekistan	✗	✗	✗	✗	✓	✗	✗
Vanuatu	✗	✗	✗	✗	✗	✗	✓
Venezuela	✓	✓	✗	✓	✓	✗	✓
Vietnam	✓	✗	✓	✓	✓	✓	✓
Zambia	✗	✓	✗	✓	✓	✗	✗

Conclusion

Over the past ten years, ICMEC's research regarding the status of child pornography legislation around the world has demonstrated slow and steady progress. It is, however, apparent that legislative progress is just the first step towards creating a comprehensive response to child sexual abuse material. A full range of supporting mechanisms, along with sufficient funding support, are needed in order to ensure the full engagement of child protection systems globally, and to safeguard the future for the world's children.



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