Raising Understanding among Children and Young People on the OPSC



OPTIONAL PROTOCOL TO THE CONVENTION ON THE RIGHTS OF THE CHILD ON THE SALE OF CHILDREN, CHILD PROSTITUTION AND CHILD PORNOGRAPHY (OPSC)

CHILDREN ARE NOT FOR SALE AND MUST BE PROTECTED FROM SEXUAL EXPLOITATION

WHAT COUNTRIES SHOULD DO TO ENSURE CHILDREN
AND YOUNG PEOPLE ARE NOT SOLD OR USED FOR
PROSTITUTION AND PORNOGRAPHY

Acknowledgements

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- Save the Children
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- World Vision
- FCPAT International

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Office of the UN Special Representative of the Secretary-General on Violence against Children 633 - 3rd Avenue, 6th floor
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www.srsg.violenceagainstchildren.org
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Dear Reader,

Governments, organizations and people around the world are committed to ensuring the rights of the child and keeping children and young people protected from harm. Over the years, many important promises and commitments have been made at the international level to give children a safe and secure childhood. All children should know that these promises exist and be able to refer to them when needed.

This booklet explains the contents of one of these international commitments: the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography (or the OPSC for short). The OPSC is important because it explains what can be done to stop sexual violence against children and how we can help the children affected.

The official version of the OPSC includes many technical and legal terms (for example: jurisdiction and extradition). Terms that can be difficult for people of all ages to understand. With the support and guidance from children, we have chosen to include and keep many of these terms within this booklet and provide explanations. Children told us that while these terms may be difficult to understand, it is helpful to learn about them. For these reasons, this version of the OPSC may be best used by older children and young people and with the support of knowledgeable adults, teachers and group leaders.

If you have more questions or need to use the OPSC for legal purposes, we recommend that you refer to the official, full length version (a link has been provided at the end of this publication).

In this booklet you can learn:

- What is the United Nations?
- What is a Convention and what is an Optional Protocol?
- How does the OPSC address certain forms of violence against children?
- And more helpful information.

We encourage you to widely share the information in this booklet with other people, especially children and young people in your family, school and community. We also encourage you to share the information with your online community. You can also start a discussion with your friends on how to protect yourselves. Teachers, caregivers, and organizations that are working to end violence will also benefit from this booklet. If you would like to find more information about this topic or would like to take action, please see the 'Research and Advocacy' section at the end of the publication.



Do remember...

This booklet mainly talks about issues related to sexual violence. This information may be difficult to read and some readers may feel sad, worried or fearful. If this is the case, you may wish to talk to someone about the issues addressed by the publication. Think about talking to someone you trust and who can support you to find the help you may need. This could be a parent, caregiver, teacher, social worker, a sister or brother.

Sincerely,

ManaSantoslais

Marta Santos Pais, Special Representative of the Secretary-General on Violence against Children

Getting Started

Before learning more about the Optional Protocol (OPSC), let's first begin by understanding some main words and issues related to this document.

What are Human Rights?

Every child has the same human rights. Some of your human rights have to do with the basic physical needs to grow and be healthy. For example, you have the right to food, water, shelter and basic health care. Some of your human rights have to do with how other people treat you. You have the right to be treated with dignity and respect. Some of your rights have to do with your need to be cared for, to develop and be part of your communities. You have the right to an education, to express your own ideas and opinions, to access information and to participate in making decisions about issues that affect you. You also have the right to be protected from all forms of violence and to not be discriminated against because of who you are or where you come from.

What is the United Nations?

The United Nations, or 'UN' for short, is an international body made up of different parts and sections. It is a place where all the countries of the world can discuss problems and deal with issues that affect them. The UN has a key role in trying to maintain international peace and security but also deals with issues such as the environment, health, education, the protection of children, women, persons with disabilities and more. The UN takes many actions to support human rights. This includes developing international agreements that are called Treaties, Conventions and Protocols.

What is a Convention?

A convention is a written legal agreement made by governments to guarantee people's rights or to solve a particular problem. A convention lists the promises (also called 'commitments') governments have made on an issue (for example: to protect children's rights). These commitments are part of international law.

What is the Convention on the Rights of the Child?

On 20 November 1989 the United Nations General Assembly adopted the UN Convention on the Rights of the Child. This is also known as the CRC. The CRC recognizes the human rights of all children, every boy and girl, everywhere in the world. According to the CRC, any person under the age of 18 is considered a child. The CRC is the most universally accepted human rights convention in history.

What is Ratification?

When a government 'ratifies' a convention, it becomes a legal obligation for that country to respect it. By ratifying a convention, a government becomes a 'State Party' and is saying that it promises to do the things outlined in the convention.

What is an Optional Protocol?

Optional Protocols are created to complement an existing convention and recognize new commitments governments need to respect (for example: to protect children from sexual exploitation or to improve the protection of children affected by armed conflict). Optional Protocols, once ratified by a government, carry the same strength as a convention and can be used in the same way.

For example: the Convention on the Rights of the Child has three Optional Protocols: The first protects the rights of children who are in situations of armed conflict; the second protects children who are victims of different forms of sale and sexual exploitation; and the third has to do with a 'communications procedure' and how children or their representatives can file a complaint when their rights have been violated.

Want to learn more?

A lot of the information found in this section was borrowed from a series of booklets called the 'What is...' leaflets. These 10 leaflets have been developed for children and young people and help to explain many different things about the UN. You can find links to all of the leaflets at the end of this publication.



The OPSC in Brief

Now, let's take a brief look at the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography, or the 'OPSC' for short.

The OPSC deals with three main forms of violence, including:

- The sale of children
- Child prostitution
- · Child pornography

This booklet can help you understand these issues in more detail.

Sale of Children

This is when a child is given or sold for money or for some other form of profit (like goods, gifts or some form of assistance). When the OPSC discusses the sale of children, it includes the sale of children for many different purposes, including: for forced work, for dangerous work, for illegal work, to become a child soldier, for an arranged or temporary marriage, for sexual abuse, for sexual exploitation and for illegal adoption. The OPSC also covers the trading of children's organs for money or for some other form of profit.

Sometimes the sale of a child can involve 'trafficking'. Trafficking is when someone has been moved from one place to another for the purpose of exploitation including through labour, forced marriage or sexual exploitation. For instance, some people take children far away from their homes and sell them to other people who will force them to beg in the streets or work illegally in other people's homes or in agriculture (or farming).



Child Prostitution

Prostitution is when someone gives someone else money, gifts or favours in exchange for sex. Child prostitution happens when children are sexually abused in exchange for money, food, clothes, shelter or protection. These payments are sometimes made directly to the child, but other times to someone else who has control over the child.

Adults can trick, pressure, threaten or force children into prostitution. The exploitation of children in prostitution may happen in various places, including: on the street, in clubs, bars, brothels, hotels, private houses or schools.

Child Pornography

Child pornography includes images (pictures and video), sound recordings or written words of children being sexually abused. These images, recordings and words are used by adults for sexual purposes and most often include photographs or films of children's private parts, adults doing sexual things to a child or children doing sexual things to each other. Child pornography is often shared, traded or sold among adults.

These child abuse images may be found in many places, including: on the internet, on mobile/cell phones, on films, DVDs, videos and in photographs, magazines, books, cartoons and posters.



Why is the OPSC important?

The Convention on the Rights of the Child (CRC) includes a number of articles (or sections) that address the protection of children from sexual exploitation. For instance:

- Article 19 asks government to ensure that children are properly cared for and protected from all forms of violence, including sexual abuse.
- Article 32 protects children from work that is dangerous, or that might harm their health or their education.
- Article 34 protects children from 'all forms of sexual exploitation and sexual abuse'.
- Article 35 asks governments to ensure children are not kidnapped, sold or trafficked.
- Article 39 asks governments to help child victims with every step of their recovery.

The OPSC is very helpful because it defines and deals in more detail with three important problems: the sale of children, child prostitution and child pornography. This helps governments, parliaments, organizations and people working with children do what is needed to ensure child victims are kept safe, to ensure criminals are brought to justice and to improve laws and policies to protect children from sexual violence.

Governments that ratify the OPSC agree that acts such as the sale of children, child prostitution and child pornography are very serious crimes. The OPSC asks governments to 'criminalize' these acts. This means that governments have to make sure they are punished by the criminal law of the country and that the criminals are brought to justice. When this happens, it is important that child victims receive help to make sure they feel safe and understand what is going on. The OPSC also describes how child victims should be protected and supported during the legal process and in court cases.

Governments who sign on to the OPSC also agree that child victims have the right to seek 'compensation for damages from those legally responsible'. This means that child victims should be able to start legal action against whoever is responsible for the crime committed against them and get compensation for what happened. Compensation can include money or other things (for example: medical care or social support) that can help a victim heal and recover from the harm suffered.

The OPSC was accepted/adopted by the United Nations General Assembly in 2000 and entered into force on 18 January 2002.

Want to learn more?

The definitions found in this section have been inspired by the OPSC and also ECPAT International's important publications and work to help children and young people understand these issues. Please visit their website for more information, including child friendly material:









The OPSC in Detail

Now, let's look at the OPSC in more detail.

The OPSC has 17 different articles.

Articles 1 through 3 outline the main reasons for developing the OPSC and define the main forms of violence.

Article 1 - Prohibit

This article states that governments who sign on to the OPSC agree to make the sale of children, child prostitution and child pornography illegal.

Article 2 - Definitions

This article defines the three main forms of violence addressed by the protocol. These are:

- · Sale of Children
- Child Prostitution
- Child Pornography

[The definitions have been provided on pages 8 and 9 of this booklet]

Article 3 - Forms of violence

This article lists the acts that governments should make illegal through their criminal laws, these include:

- The sale of children, including for the purpose of:
 - · Sexually exploiting the child
 - Selling the child's organs
 - Forcing them to work
- · The illegal adoption of a child
- Using or providing children for child prostitution
- Making, selling, sharing or having child abuse images

The OPSC asks governments to make sure these acts are considered serious crimes and that anyone who commits these acts is punished, including people who try to commit them or help to commit them. Sometimes, a private company (for instance, a hotel, a club, a bar) is involved in these crimes. For this reason, the OPSC asks countries to make sure private companies can also be made responsible.

The OPSC deals with certain forms of violence. There are other international agreements that address other forms of violence and abuse. Some of these are listed in the 'Research and Advocacy' section of this booklet.



Articles 4 through 7 ask countries to overcome some difficulties linked to their justice and legal systems.

Article 4 - Jurisdiction

This article discusses 'jurisdiction'. This means having the power to make legal decisions and judgments over someone or something. This article is important because it asks governments to be clear about who has the power to make legal decisions and judgments against anyone who violates the OPSC through the sale of children, child prostitution and child pornography.

This can be a challenging and complex issue.

For instance, the victim may be living in one country and the offender may come from another country. Which country should bring the suspect to justice? Should it be the country of the victim or the country of the offender? What if the laws in each country are different?

Or sometimes the violations may have taken place on a ship or on an airplane, where it is less clear which country is responsible.

Article 4 calls upon governments to be clear about how their own legal system will handle the various cases and to make sure their courts can deal with crimes that have happened inside the country or on board of ships and planes registered in the country.



Article 5 - Extradition

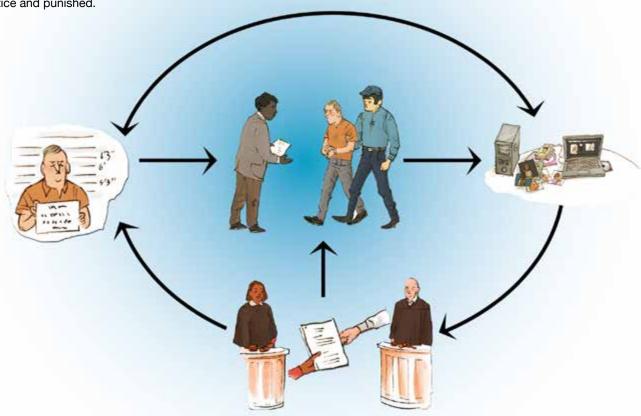
11

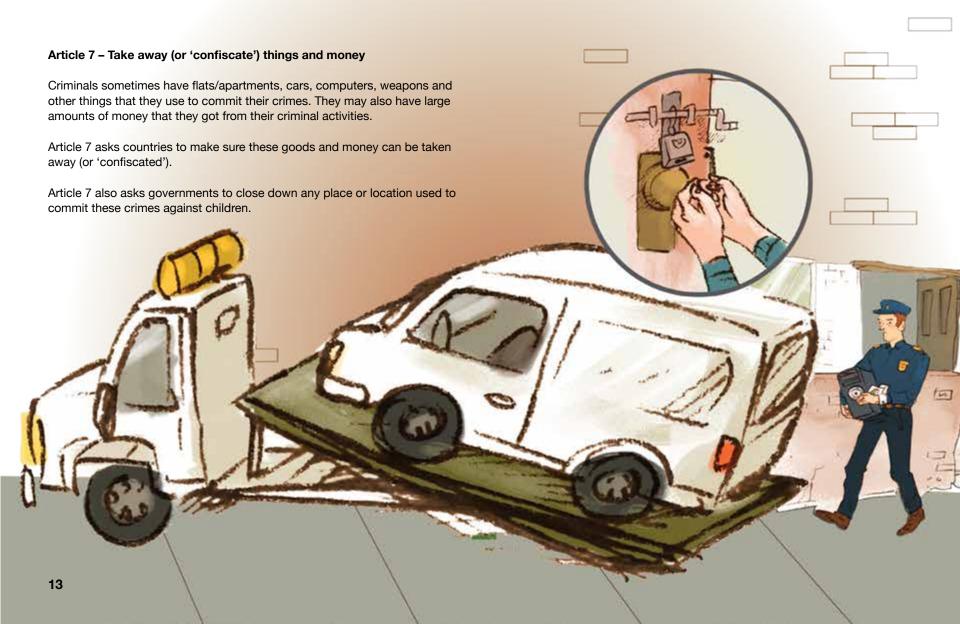
Article 5 explains what countries should do if an 'extradition' is needed. Extradition is when an accused person (or a criminal) is transferred from one country to another country to be brought to justice for trial and/or punishment. Extraditions are sometimes needed if a person commits a crime (like sexually abusing a child) in one country and then runs away to another country to avoid punishment.

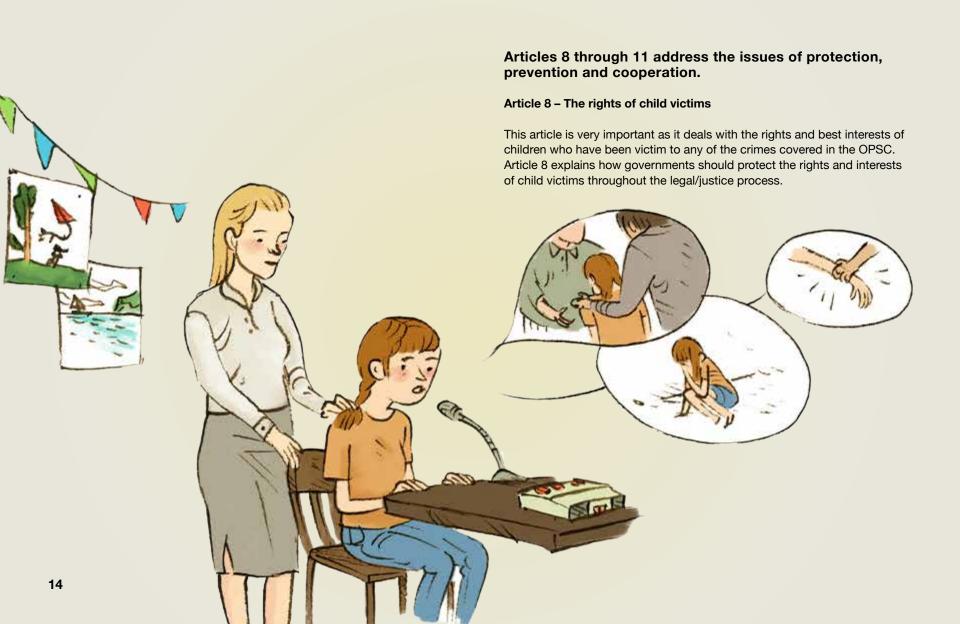
Extraditions can be complicated because countries have different legal systems and ways to deal with crimes. And, not all countries have signed international agreements to solve the extradition problem. The OPSC tries to address some of these complications. For example, it allows countries that have not signed an agreement covering extradition to send someone back (extradite), if both countries have signed the OPSC.

Article 6 - Legal assistance and cooperation

Each country has its own legal system, its own police and its own courts. Because many criminals commit crimes in different countries or run away to different countries, it is important for the authorities of different countries to collaborate. Article 6 asks governments to work together and support each other in their efforts to investigate crimes and to make sure the criminals can be found, brought to justice and punished.







Actions to be taken include the following:

- Making sure legal procedures are sensitive to the special needs of the child victim and that the procedures take into account how scary and difficult it can be for children to be involved in court cases. For instance, authorities should make rooms available that are nice and friendly for children to tell their story. An audio or video recording of the child victim's story could be made so the child doesn't have to repeat the story many times or tell it when the criminal is in the same room.
- Making sure child victims know about their rights and that they are aware of everything that is happening with their own case.
- Making sure the child victim's voice and concerns are heard and considered during the procedure.
- Giving the child victim support throughout the legal process.
- Making sure the privacy and identity of the child victim is protected (for instance, to ensure the child's name and picture does not appear in newspapers or on TV).
- Protecting child victims, their family and other witnesses and keeping them safe from people who may try to scare them or hurt them for telling their story.
- Making sure the procedures do not take too long.
- Guaranteeing the safety of the people and organizations who help prevent the crimes, protect children and support the child victims on their way towards recovery and healing.
- Ensuring that training is offered to people who work with child victims (such as police officers, lawyers, social workers, judges and more).



Article 9 - Preventing and healing

Article 9 describes the actions that have to be taken to prevent harm and to help child victims recover and heal.

The OPSC asks governments to create laws, policies and programs to prevent the sale of children, child prostitution and child pornography. As some children may be more at risk than others, countries are requested to pay special attention to the most vulnerable children.

The OPSC asks governments to make sure both adults and children know about these crimes and the actions that should be taken to prevent them, keep children safe and seek help when needed. Governments should raise awareness in every way they can, including through information campaigns, education and training. Government should support the participation of communities – and children in particular – in these information, education and training initiatives. They should also ban any kind of material advertising or encouraging these crimes against children.



Article 9 also recognizes the rights of the child victim. It states that child victims have the right to get help and assistance. This includes help for their physical and psychological, mental and emotional healing and recovery. It also includes help in finding the way towards a safe and happy future.

This article also states that child victims have the right to seek 'compensation for damages from those legally responsible'. This means that child victims should be able to start legal procedures against whoever is responsible for the crime committed against them in order to get compensation (money, medical care or other benefits) for what happened.







Article 10 – Coordination and international cooperation

Article 10 recognises the importance of working together at the national and international levels.

At the national level, there are many organizations and institutions that can help end violence against children, including: governmental services, parliaments, child advocates, civil society organizations and businesses. Coordination of all these efforts is important so they can produce the best possible results for children and prevent any risk of violence and abuse against them.

At the international level, countries should use all available opportunities to:

- Strengthen the prevention of violence against children.
- Make sure criminals are brought to justice and punished.
- Ensure children are protected.
- Provide victims with the best possible chances to recover and live happy lives.

Article 10 asks governments to consider the root causes of these offences (for example: poverty, discrimination and armed conflict). Countries are asked to work together to build peaceful and fair societies. Those countries that can help other countries in need of financial and other forms of assistance are invited to do so.

Article 11 - The best law for the child should always apply

International agreements are the result of a negotiation made between countries. They contain the promises that countries agree to fulfil. But sometimes the national law contains better solutions; in those cases, the OPSC tells countries that the actions that are best for children should always apply.

Articles 12 through 17 deal with technical aspects that are important to this international agreement.

Article 12 - Reporting

Countries should not forget about their promises and should regularly look at the situation of children. For this reason, the OPSC asks each country to explain (or report on) the actions it has taken to respect its promises and commitments. Every few years, this information is collected in a report that has to be sent to the Committee on the Rights of the Child.

Country reports to the Committee on the Rights of the Child can be found at:



http://www.unhcr.org/refworld/publisher,CRC,STATEPARTIESREP,,,0.html

Articles 13 through 17

This last portion of the OPSC deals with other technical aspects of this international agreement. These include advice for countries that sign and ratify the OPSC, and the possibility for a country to leave the agreement or to propose changes.

The Committee on the Rights of the Child

The Committee on the Rights of the Child is a group of 18 international children's rights experts who monitor or look at how countries/governments are respecting the commitments and promises they made when they ratified the Convention on the Rights of the Child and/or its Optional Protocols.



Multiple Choice Questions

Circle the correct answer for each of the following questions.



The OPSC entered into force on:

- a) 19 January 2001
- **b)** 18 January 2002
- c) 18 December 2001
- d) 18 December 2002



The OPSC makes this issue illegal:

- a) Child pornography
- b) Sale of children
- c) Child prostitution
- d) All of the above



'Extradition' means:

- a) Having power to make legal decisions and judgments over someone or something
- **b)** Making sure legal procedures are sensitive to the special needs of the child victim
- c) When the government of one country sends someone to another country for the purpose of criminal trial and/or punishment
- d) None of the above



As of 2013, the Convention on the Rights of the Child has:

- a) 1 optional protocol
- b) 2 optional protocols
- c) 3 optional protocols
- d) The Convention on the Rights of the Child has no optional protocol

True Or False Questions

Governments should have no role in helping educate child victims, their families, and communities at large about the harmful effects of the offences covered in the OPSC.

TRUE

FALSE

Child victims have the right to seek compensation 'for damages from those legally responsible'.

TRUE

FALSE

Every 'sale of a child' includes 'trafficking'.

3

TRUE

FALSE

Governments should cooperate with each other to bring people who commit the offences covered in the OPSC to justice.

TRUE

FALSE

Circle either 'true' or 'false' for each statement below.





5

The Committee on the Rights of the Child is a group of 75 international children's rights experts.

TRUE

FALSE

6

Courts should have special rooms made just for children and they should use audio or video recordings of the child victim's statement so that s/he can avoid direct contact with the person who abused them.

TRUE

FALSE

7

Even though two countries have not signed an extradition treaty between each other, they can still extradite someone if they have both signed onto the OPSC.

TRUE

FALSE

8

Legal procedures involving a child victim should always take a long time to complete.

TRUE

FALSE

Word Scramble

At the end of each sentence there is a hidden word that is all mixed up.

Try to make a real word with the mixed up letters to complete each of the sentences.

EXAMPLE

The UN does not make laws and is not a world _____.

(VENENGROMT)

The answer: The UN does not make laws and is not a world GOVERNMENT.

1

Child _____is illegal.

(TUPONSTIROTI)

2

Unfortunately, there is a lot of child pornography on the _____.

(ETRITNEN)

3

The child _____ should be protected throughout any criminal procedures.

(TIVMIC)

4

Sometimes the sale of a child is for the purpose of sexual

(ITLOEATPIONX)

5

Raising _____ will help to prevent the offences covered in the OPSC.

(EARWASENS)

Word Search

See if you can find the words inside the box.

Keep in mind, the words can be spelled backwards, sideways, up and down and diagonally.

- OPSC
- Internet
- Child
- Sale
- Protect
- Extradite
- Exploit
- Victim
- Trafficked
- Rights

D	Р	R	0	Т	Е	С	Т	0	S
E	R	R	U	Р	C	D	T	X	Ε
K	F	М	E	R	S	I	Н	Q	М
С	V	Т	М	Z	Z	C	0	I	C
I	R	I	G	Η	T	S	T	N	H
F	S	0	G	R	>	C	Z	I	
F	Α	L	Z	Н	I	V	D	K	L
Α	L	Р	F	>	T	Е	J	R	D
R	E	X	Т	R	A	D	I	T	Ш
T	T	Ε	N	R	Ш	T	N		Z

What Do You Think?

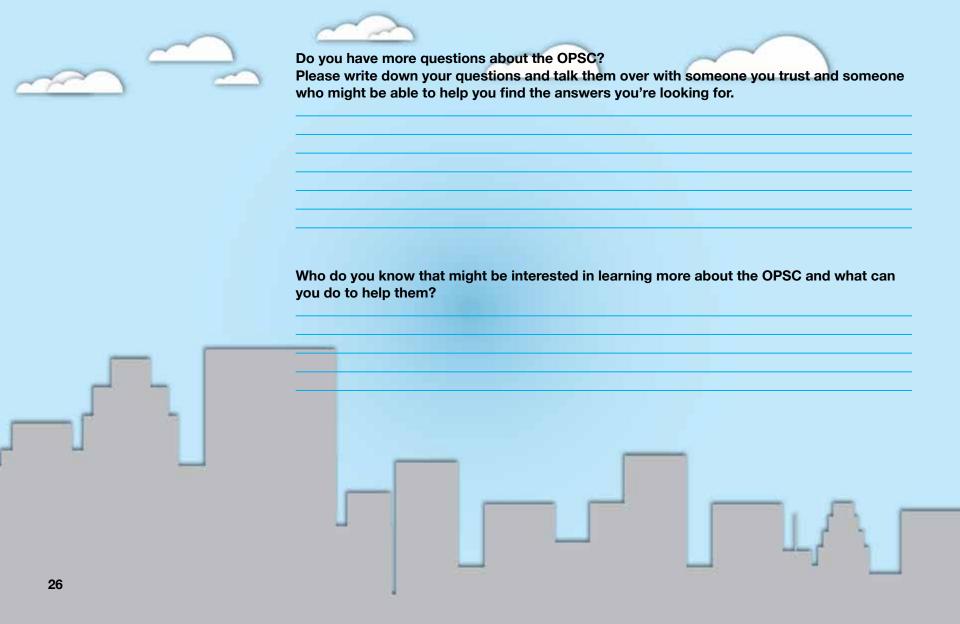
Please consider the questions below:



Do you believe that the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography is useful? Please explain why you feel this way.

In which ways will the OPSC help people to understand more about children's rights?

Do you think there are any problems with the OPSC? Please explain.



Research & Advocacy

Special Representative of the Secretary-General on Violence against Children
The Special Representative is a global independent advocate for the prevention
and elimination of all forms of violence against children.

http://srsg.violenceagainstchildren.org/

OPSC

The full and official version of the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography, is available at: http://www2.ohchr.org/english/law/crc-sale.htm

OPSC Ratification

To find out if your country has 'ratified' (or agrees with) the OPSC, please visit: http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-11-c&chapter=4&lang=en

Optional Protocol to the Convention on the Rights of the Child on a Communications Procedure for Children and Young People
The document is available at: http://srsq.violenceagainstchildren.org/



'What is...' leaflets

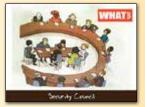
There is a series of books called the 'What is...' leaflets. These 10 leaflets have been developed for children and young people and help to explain many different things about the United Nations.



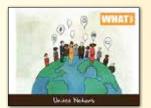
















For example:

- What is... the United Nations?
- What is... the UN General Assembly?
- What is... the Security Council?
- What is... the Human Rights Council?
- What is... a Convention and a Treaty?
- What is... Children's Participation?
- What is... a Special Representative?
- What is... an Omnibus Resolution?
- What is... a Complaints Procedure for the CRC?
- What is... the UN Convention on the Rights of the Child?

Please visit the website:

http://resourcecentre.savethechildren.se/content/library
to access all of the 'What is...' leaflets. Once you are at the site, type in
'What is...' into the search field and you will receive a full listing of all the
leaflets.

ECPAT International

For more information, visit their website: www.ecpat.net

Handbook on the OPSC

Another useful tool for better understanding the OPSC is:

UNICEF, Handbook on the Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography, UNICEF: Innocenti Research Centre, February 2009. ISBN: 978-88-89129-85-2

http://www.unicef-irc.org/publications/pdf/optional_protocol_eng.pdf

Convention on the Rights of the Child

To learn more about the UN Convention on the Rights of the Child and your rights, you can see the resource (mentioned earlier) What is... the UN Convention on the Rights of the Child or you can read the Convention in 58 different languages by visiting:

http://www.unicef.org/magic/briefing/uncorc.html

The site includes links to the official text and also reader friendly versions.

Let us follow the Road Map to end violence against children

This book tells about the Study conducted by the United Nations on the issue of violence facing children and young people and their recommendations to countries to prevent and stop all forms of violence against children. It also tells about the follow up work on the recommendations of the Study. http://resourcecentre.savethechildren.se/content/library/documents/let-us-follow-road-map-end-violence-against-children

The following resources can be found at: http://resourcecentre.savethechildren.se/content/library

One Step Beyond – Advocacy Handbook for Children and Young People If you are thinking about doing some research or developing a detailed advocacy plan to end violence against children, we encourage you to read this book. It can help you organize your actions for creating change.

Safe You Safe Me

A resource for younger children, 7-12 years of age, to learn and understand about the types of violence faced by children throughout the world and to give them some ideas on how they can protect themselves from violence.

Equal You and Equal Me

This book provides information on discrimination, why it happens and how it affects children.

Participation with You and Participation with Me

A book aimed at motivating everyone under the age of 18 to learn more about child and youth participation in all aspects of life and society, and about what national and local governments are doing to make sure these rights are being respected.

Our Right to be protected from Violence: Activities for Learning and Taking Action for Children and Young People

This book gives you more information about the United Nations Secretary-General's Study on Violence against Children. It also lists various activities that can be used to learn about issues of violence against children and it provides you with some activity ideas for taking action.

United Nations Secretary-General's Study on Violence against Children - Adapted for Children and Young People

A child friendly summary of the official UN Study report and recommendations, including a useful word bank that can help to explain some of the language you come across when reading or talking about the issue of violence against children.

World Report on Violence against Children

This is a more detailed report (364 pages), explaining the causes of violence against children, the impacts and it provides more details about violence in the home and family, in the workplace, in schools, care and judicial systems and in the community.

Answers to "Test Your Knowledge"

Multiple Choice Questions

Word Search

- 1. The answer is (b)
- 2. The answer is (d)
- 3. The answer is (c)
- 4. The answer is (c)

True or False Statements:

- 1. False
- 2. True
- 3. False
- 4. True
- 5. False
- 6. True
- 7. True
- 8. False

Word Scramble:

- 1. Prostitution
- 2. Internet
- 3. Victim
- 4. Exploitation
- 5. Awareness

D	Р	R	0	Т	Ε	С	Т	0	S
Ε	R	R	U	Р	C	D	T	X	Ę
K	F	М	E	R	S	I	Н	Q	M
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The Special Representative of the Secretary-General on Violence against Children is an independent global advocate in favour of the prevention and elimination of all forms of violence against children, mobilizing action and political support to achieve progress the world over. The mandate of the SRSG is anchored in the Convention on the Rights of the Child and other international human rights instruments and framed by the UN Study on Violence against Children.

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