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## Protection Against Child Sexual Exploitation & Abuse in the Commonwealth



EXTRATERRITORIAL LEGISLATION  
AGAINST CSEA AMONGST  
COMMONWEALTH MEMBER STATES:

RESEARCH MAPPING REF 16<sup>th</sup> October 2018

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## Child Sexual Exploitation and Abuse: A Global and Commonwealth-Wide Human Rights Issue

Child Sexual Exploitation and Abuse (CSEA) is an increasingly global human rights issue, described by some as a global humanitarian crisis.<sup>1</sup> CSEA is defined as activity including: the physical abuse of a child, such as rape; sexual assault or other physical contact of a sexual nature with a child; grooming a child as a precursor to sexual activity, whether online or offline; exploitative use of children in prostitution or other unlawful sexual exploitation; making, sharing or viewing of indecent images and videos of children (child sexual abuse materials).<sup>2</sup>

This report does not analyse legislation surrounding all forms of CSEA. For example, the exploitative use of children to produce child sexual abuse materials or images, or in 'pornographic performances' is beyond the scope of this report. Furthermore, this report does not cover legislative measures against the online grooming of children. Whilst these are prominent classifications of CSEA and certainly worthwhile research subjects, these forms of CSEA have been excluded primarily because there is less overlap with the focus of this report than more. Furthermore, both have had extensive research conducted on the legislation surrounding them, in particular the latter issue of online child grooming with the publication of an in-depth report by the International Centre for Missing and Exploited Children (ICMEC) in late 2017.<sup>3</sup>

Included in CSEA activities is the commercial sexual exploitation of children (CSEC), formerly known as 'child prostitution'. CSEC refers to sexual activities involving children in which adults offer money, food, shelter, clothing, or other items of value, either to the child in question or to a third party, such as family member or exploiter.<sup>4</sup> For the purposes of this Report, the acronym CSEC will not be used, instead such activity will be referred to as 'commercial CSEA'. In that it does not solely occur with the exchange of money, some have argued that it would be better to reference it as 'transactional'.<sup>5</sup> Whilst this is indeed a more accurate descriptor of the activity, 'commercial' is far more commonly used and widely understood.<sup>6</sup>

The activity of offenders committing crimes of CSEA extraterritoriality, or whilst travelling, is a common occurrence. For example, 10% of Thailand's five million annual tourists and visitors engage in sexual exploitation and abuse of children whilst in the country.<sup>7</sup> Such behaviour is often referred as 'child sex tourism', although this term is considered somewhat limited and outdated. 'Sexual exploitation of children in travel and tourism' or 'SECTT' is regarded as the more correct descriptor when referring to this particular phenomenon.<sup>8</sup> However, throughout this report, the term 'extraterritorial CSEA' will be used, as the abuse and exploitation of children by offenders overseas is the specific focus of this report.

Primarily, extraterritorial CSEA occurs in a commercial context, involving the exchange of goods or moneys for the sexual 'services' of a child, but many cases have been recorded without a commercial or transactional element.<sup>9</sup>

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<sup>1</sup> Fredette, K. (2009). 'International Legislative Efforts to Combat Child Sex Tourism: Evaluating the Council of Europe Convention on Commercial Child Sexual Exploitation', *Boston College International and Comparative Law Review* 32:1, pp. 1-43 (p. 1).

<sup>2</sup> National Crime Agency (NCA) (2016). 'Annual Strategic Assessment: Child Sexual Exploitation and Abuse 2016', p. 8. Available at: <https://static.lgfl.net/LgflNet/downloads/online-safety/LGfL-OS-Research-Archive-2016-NCA-ASA-CSEA.pdf> (accessed 11 September 2018); United Nations (UN) (1989); 'Convention on the Rights of the Child', p. 10. Available at: [https://downloads.unicef.org.uk/wp-content/uploads/2010/05/UNCRC\\_united\\_nations\\_convention\\_on\\_the\\_rights\\_of\\_the\\_child.pdf?\\_ga=2.169587110.687766330.1494248147-1760828396.1494248112](https://downloads.unicef.org.uk/wp-content/uploads/2010/05/UNCRC_united_nations_convention_on_the_rights_of_the_child.pdf?_ga=2.169587110.687766330.1494248147-1760828396.1494248112) (accessed 7 June 2018).

<sup>3</sup> ICMEC (2017). 'Online Grooming of Children for Sexual Purposes: Model Legislation & Global Review'. Available at: [https://www.icmec.org/wp-content/uploads/2017/09/Online-Grooming-of-Children\\_FINAL\\_9-18-17.pdf](https://www.icmec.org/wp-content/uploads/2017/09/Online-Grooming-of-Children_FINAL_9-18-17.pdf) (accessed 5 September 2018).

<sup>4</sup> Kethineni, S. and Lerner, S. (2014). 'Commercial Sexual Exploitation of Children' in J. S. Albanese (Ed.), *The Encyclopaedia of Criminology and Criminal Justice*, p. 1. London, UK: Wiley.

<sup>5</sup> Williams, T., Binagwaho, A., and Betancourt, A. (2012). 'Transactional Sex as a Form of Child Sexual Exploitation and Abuse in Rwanda: Implications for Child Security and Protection', *Child Abuse & Neglect* 36:4, pp. 354-361. Available at: <https://www.sciencedirect.com/science/article/abs/pii/S0145213412000324> (accessed 19 July 2018).

<sup>6</sup> Kethineni, S. and Lerner, S. (2014). 'Commercial Sexual Exploitation of Children' in J. S. Albanese (Ed.), *The Encyclopaedia of Criminology and Criminal Justice*, p. 1. London, UK: Wiley.

<sup>7</sup> Fredette, K. (2009). 'International Legislative Efforts to Combat Child Sex Tourism: Evaluating the Council of Europe Convention on Commercial Child Sexual Exploitation', *Boston College International and Comparative Law Review* 32:1, pp. 1-43 (p. 2).

<sup>8</sup> ECPAT (2016). 'Terminology Guidelines for the Protection of Children from Sexual Exploitation and Sexual Abuse', p. 56. Available at: <http://www.ecpat.org/wp-content/uploads/2017/12/Handbook-for-the-translation-and-adaption-of-the-Terminology-Guidelines-for-the-protection-of-children-from-sexual-exploitation-and-sexual-abuse.pdf> (accessed 6 June 2018).

<sup>9</sup> ECPAT (2008). 'Combating Child Sex Tourism: Questions & Answers', p. 6. Available at: [http://www.ecpat.org/wp-content/uploads/legacy/cst\\_faq\\_eng.pdf](http://www.ecpat.org/wp-content/uploads/legacy/cst_faq_eng.pdf) (accessed 20 August 2018).

By their very essences, both commercial and non-commercial CSEA are hidden and little-understood issues. The clandestine nature of such crimes means that solid information is unfortunately severely lacking on the subject matter, and estimates of the prevalence of offences are uncertain and often outdated.<sup>10</sup> For instance, in 2000, the International Labour Organisation (ILO) estimated that over 1.8 million children are undergoing commercial sexual exploitation.<sup>11</sup> In 2006, UNICEF estimated that 2 million children worldwide were being abused and exploited in the global sex trade.<sup>12</sup> Since both of these figures were published over a decade ago, these numbers may have significantly changed by now. Nonetheless, they are used as a reference by most organisations reporting on CSEA worldwide and therefore remain the most accurate figures available to illustrate the extent of CSEA.

No country is immune to CSEA and, as with most areas of the world, the Commonwealth is greatly afflicted.<sup>13</sup> Particularly affected regions include the Pacific, Africa, the Caribbean, and South and South-East Asia. UNICEF acknowledges 'increasing concern' in the Pacific countries 'regarding the incidence and suffering that children there experience';<sup>14</sup> ECPAT cites a 'high prevalence of both child sex tourism and trafficking in children for sexual purposes in Africa';<sup>15</sup> UNICEF notes that CSEA 'is endemic in the Caribbean region and large numbers of children are believed to be affected';<sup>16</sup> ECPAT highlights that children in South Asia suffer from 'trafficking for sexual purposes, online sexual exploitation and sexual exploitation'.<sup>17</sup>

## Who are the Victims?

All children could potentially become victims of CSEA. However, some are more at risk of being victimised than others, including runaways, children with unstable family lives, children of sex workers, those who are homeless, migrant children, AIDS orphans, those from impoverished backgrounds, out-of-school children and those from ethnic minorities.<sup>18</sup> Furthermore, the interrelatedness of CSEA and human trafficking often means that victims of sexual exploitation and abuse, both children and adults alike, are first victims of human trafficking.<sup>19</sup> Predominantly, victims of CSEA are girls, although this differs depending on the country;<sup>20</sup> in Sri Lanka, for example, 90% of commercially sexually exploited children are boys.<sup>21</sup> The majority of victims are between 13 and 18 years of age, although the under-13 victim population is growing.<sup>22</sup> It is reported that the majority of victims of sexual exploitation live in Asia

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<sup>10</sup> Hawke, A. and Raphael, A. (2016). 'Offenders on the Move: Global Study on Sexual Exploitation of Children in Travel and Tourism', *ECPAT International*, p. 13. Available at: <http://cf.cdn.unwto.org/sites/all/files/docpdf/global-report-offenders-move-final.pdf> (accessed 20 August 2018).

<sup>11</sup> International Labour Organisation (ILO). 'Commercial Sexual Exploitation of Children and Adolescents: The ILO's Response', p. 2. Available at: [https://www.ilo.org/wcmsp5/groups/public/---africa/---ro-addis\\_ababa/documents/poster/wcms\\_237022.pdf](https://www.ilo.org/wcmsp5/groups/public/---africa/---ro-addis_ababa/documents/poster/wcms_237022.pdf) (accessed 11 September 2018).

<sup>12</sup> International Labour Organisation (ILO). 'Commercial Sexual Exploitation of Children and Adolescents: The ILO's Response', p. 2. Available at: [https://www.ilo.org/wcmsp5/groups/public/---africa/---ro-addis\\_ababa/documents/poster/wcms\\_237022.pdf](https://www.ilo.org/wcmsp5/groups/public/---africa/---ro-addis_ababa/documents/poster/wcms_237022.pdf) (accessed 11 September 2018).

<sup>13</sup> ECPAT (2008). 'Combating Child Sex Tourism: Questions & Answers', p. 6. Available at: [http://www.ecpat.org/wp-content/uploads/legacy/cst\\_faq\\_eng.pdf](http://www.ecpat.org/wp-content/uploads/legacy/cst_faq_eng.pdf) (accessed 20 August 2018).

<sup>14</sup> UNICEF (2008). 'Commercial Sexual Exploitation of Children and Child Sexual Abuse in the Pacific: A Regional Report', p. 7. Available at: [https://www.unicef.org/pacificislands/Small\\_CESEC.pdf](https://www.unicef.org/pacificislands/Small_CESEC.pdf) (accessed 20 August 2018).

<sup>15</sup> ECPAT (2007). 'Confronting the Commercial Sexual Exploitation of Children in Africa', p. 5. Available at: [http://www.ecpat.org/wp-content/uploads/legacy/confronting\\_csec\\_eng\\_0.pdf](http://www.ecpat.org/wp-content/uploads/legacy/confronting_csec_eng_0.pdf) (accessed 13 September 2018).

<sup>16</sup> UNICEF. 'Sexual Abuse against Girls and Boys'. Available at: [https://www.unicef.org/easterncaribbean/ECAO\\_\\_Sexual\\_Abuse.pdf](https://www.unicef.org/easterncaribbean/ECAO__Sexual_Abuse.pdf) (accessed 12 September 2018).

<sup>17</sup> ECPAT (2017). 'Combating the Sexual Exploitation of Children in South Asia: Evolving Trends, Existing Responses and Future Priorities', p. 6. Available at: [http://www.ecpat.org/wp-content/uploads/2018/03/Regional-Overview\\_South-Asia.pdf](http://www.ecpat.org/wp-content/uploads/2018/03/Regional-Overview_South-Asia.pdf) (accessed 12 September 2018).

<sup>18</sup> International Labour Organisation (ILO). 'Commercial Sexual Exploitation of Children and Adolescents: The ILO's Response', p. 2. Available at: [https://www.ilo.org/wcmsp5/groups/public/---africa/---ro-addis\\_ababa/documents/poster/wcms\\_237022.pdf](https://www.ilo.org/wcmsp5/groups/public/---africa/---ro-addis_ababa/documents/poster/wcms_237022.pdf) (accessed 11 September 2018).

<sup>19</sup> Melrose, M. and Pearce, J. (2013). 'Introduction' in M. Melrose and J. Pearce, *Critical Perspectives on Child Sexual Exploitation and Related Trafficking*, pp. 1-8. London, UK: Palgrave Macmillan; Fredette, K. (2009). 'International Legislative Efforts to Combat Child Sex Tourism: Evaluating the Council of Europe Convention on Commercial Child Sexual Exploitation', *Boston College International and Comparative Law Review* 32:1, pp. 1-43 (p. 4).

<sup>20</sup> International Labour Organisation (ILO) (2005). 'A Global Alliance against Forced Labour'. Available at: <https://www.ilo.org/public/english/standards/relm/ilc/ilc93/pdf/rep-i-b.pdf> (accessed 11 September 2018).

<sup>21</sup> Fredette, K. (2009). 'International Legislative Efforts to Combat Child Sex Tourism: Evaluating the Council of Europe Convention on Commercial Child Sexual Exploitation', *Boston College International and Comparative Law Review* 32:1, pp. 1-43 (p. 5).

<sup>22</sup> Fredette, K. (2009). 'International Legislative Efforts to Combat Child Sex Tourism: Evaluating the Council of Europe Convention on Commercial Child Sexual Exploitation', *Boston College International and Comparative Law Review* 32:1, pp. 1-43 (p. 5).

and the Pacific region (73% out of the overall total). 14% live in Europe and Central Asia, 8% in Africa, 4% in the Americas and, finally, 1% in the Arab States.<sup>23</sup>

CSEA has an immense effect on every victim. The legacy of such exploitation and abuse is vast, and victims are often afflicted with severe physical, emotional and psychological damage for the rest of their lives, with relationships with others and themselves irrevocably changed.<sup>24</sup> Most victims experience post-traumatic stress disorder (PTSD), depression, suicidal thoughts and attempts, low self-esteem, and eating disorders, amongst other consequences.<sup>25</sup>

## Who are the Offenders?

Offenders of extraterritorial CSEA are often mischaracterised as exclusively Western paedophiles when, in fact, they originate from countries all over the world.<sup>26</sup> ECPAT asserts that offenders come from all walks of life; that they may be married or single, male or female, wealthy tourists or budget travellers, young or middle-aged or older.<sup>27</sup>

Extraterritorial CSEA has an opportunistic - or situational - facet and a premeditated - or preferential - one. The former involves tourists and business travellers who do not travel to a foreign destination for sex purposes, but make use of opportunities when they present themselves. The latter involves offenders who travel to a foreign destination for the main, and often only, purpose of engaging in sex with children. Contrary to popular assumptions, situational offenders are the most common type of offender.<sup>28</sup>

Situational offenders may not have a true sexual preference for children, but engage in sexual activity with children whilst abroad because they are 'morally and/or sexually indiscriminate or may wish to experiment with young sex partners', they have found a child easily accessible to them, or they have deluded themselves about the child's actual age or consent to the sexual activity.<sup>29</sup>

It is reasonable to suggest that preferential CSEA offenders, who travel internationally with the intention of abusing or exploiting a child, very often do so guided by the belief that they can act with impunity. Their travel in order to commit CSEA can be explained by various reasons: they may be from comparatively more affluent states than their destination with more forceful legislation against CSEA, motivated by an impression of anonymity arising from being in a foreign country, or operating under prejudicial presumptions about cultural differences in sexual "maturity" of children in their destination country.<sup>30</sup>

Perpetrators of extraterritorial CSEA can also include those who traffic children or so-called 'sex tour operators', who arrange tour packages for travellers seeking to sexually abuse a child whilst abroad.<sup>31</sup>

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<sup>23</sup> Lodinová, A. (2018). 'For Whose Pleasure? International Sex Industry and Tourism in the Caribbean', BA Geography, Palacky University Olomouc, Czech Republic, p. 11.

<sup>24</sup> Hawke, A. and Raphael, A. (2016). 'Offenders on the Move: Global Study on Sexual Exploitation of Children in Travel and Tourism', *ECPAT International*, p. 13. Available at: <http://cf.cdn.unwto.org/sites/all/files/docpdf/global-report-offenders-move-final.pdf> (accessed 20 August 2018).

<sup>25</sup> Kosuri, M. (2014). 'Child Sex Tourism: A Violation of Children's Rights', p. 2. Available at: <https://www.apa.org/international/united-nations/un-matters/kosuri-sex-tourism.pdf> (accessed 5 June 2018).

<sup>26</sup> Fredette, K. (2009). 'International Legislative Efforts to Combat Child Sex Tourism: Evaluating the Council of Europe Convention on Commercial Child Sexual Exploitation', *Boston College International and Comparative Law Review* 32:1, pp. 1-43 (p. 7).

<sup>27</sup> ECPAT (2008). 'Combating Child Sex Tourism: Questions & Answers', p. 6. Available at: [http://www.ecpat.org/wp-content/uploads/legacy/cst\\_faq\\_eng.pdf](http://www.ecpat.org/wp-content/uploads/legacy/cst_faq_eng.pdf) (accessed 20 August 2018).

<sup>28</sup> Wolfe, D. (2014). 'Most Child Sex Tourists Are "Situational Offenders", Not Pedophiles', *Huffington Post*, 11 July 2014 [online]. Available at: [https://www.huffingtonpost.ca/debbie-wolfe/sex-offenders-\\_b\\_5574933.html](https://www.huffingtonpost.ca/debbie-wolfe/sex-offenders-_b_5574933.html) (accessed 20 August 2018).

<sup>29</sup> UN Office on Drugs and Crime (UNODC) (2014). 'Protecting the Future: Improving the Response to Child Sex Offending in Southeast Asia', p. 4. Available at: [https://www.unodc.org/documents/southeastasiaandpacific/Publications/2015/childhood/2014.08.28.Protecting\\_the\\_Future-Responding\\_to\\_CSO.pdf](https://www.unodc.org/documents/southeastasiaandpacific/Publications/2015/childhood/2014.08.28.Protecting_the_Future-Responding_to_CSO.pdf) (accessed 12 September 2018).

<sup>30</sup> Koops, T., Turner, D., Neutze, J., and Briken, P. (2017). 'Child Sex Tourism - Prevalence of and Risk Factors for its Use in a German Community Sample', *BMC Public Health* 17:344, pp.1-8 (p. 2); Fredette, K. (2009). 'International Legislative Efforts to Combat Child Sex Tourism: Evaluating the Council of Europe Convention on Commercial Child Sexual Exploitation', *Boston College International and Comparative Law Review* 32:1, pp. 1-43 (p. 7).

<sup>31</sup> Fredette, K. (2009). 'International Legislative Efforts to Combat Child Sex Tourism: Evaluating the Council of Europe Convention on Commercial Child Sexual Exploitation', *Boston College International and Comparative Law Review* 32:1, pp. 1-43 (p. 6).

Extraterritorial CSEA offenders use a variety of techniques to gain access to children and communities, create opportunities to be by themselves with the child to abuse and exploit them, and avoid detection by law enforcement or members of the public.<sup>32</sup> Two main ways of operating amongst offenders have been identified as either directly approaching children themselves, such as those on the streets or within communities, or gaining access to children through networks or establishments, such as brothels.<sup>33</sup>

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<sup>32</sup> UN Office on Drugs and Crime (UNODC) (2014). 'Protecting the Future: Improving the Response to Child Sex Offending in Southeast Asia', p. 8. Available at: [https://www.unodc.org/documents/southeastasiaandpacific/Publications/2015/childhood/2014.08.28.Protecting\\_the\\_Future-Responding\\_to\\_CSO.pdf](https://www.unodc.org/documents/southeastasiaandpacific/Publications/2015/childhood/2014.08.28.Protecting_the_Future-Responding_to_CSO.pdf) (accessed 12 September 2018).

<sup>33</sup> UN Office on Drugs and Crime (UNODC) (2014). 'Protecting the Future: Improving the Response to Child Sex Offending in Southeast Asia', p. 8. Available at: [https://www.unodc.org/documents/southeastasiaandpacific/Publications/2015/childhood/2014.08.28.Protecting\\_the\\_Future-Responding\\_to\\_CSO.pdf](https://www.unodc.org/documents/southeastasiaandpacific/Publications/2015/childhood/2014.08.28.Protecting_the_Future-Responding_to_CSO.pdf) (accessed 12 September 2018).

## Extraterritorial Legislation: A Proposed Solution

In order to prevent the exploitation and abuse of children worldwide, it is crucial to deter potential offenders from committing such crimes. An effective deterrent is the possibility of prosecution. Often, however, these criminals escape prosecution by returning to their home country – where national police forces are either unaware that such a crime was committed or unable to prosecute due to lack of jurisdiction overseas.<sup>34</sup>

Extraterritorial legislation is one of the key tools in combating CSEA on a worldwide scale, as it allows legal authorities to hold citizens and residents accountable for crimes committed abroad and to undertake prosecution in their country of origin. It decreases the likelihood of those who commit crimes against children escaping legal punishment, while sending a clear message to potential offenders.<sup>35</sup> Extraterritorial legislation demonstrates that states consider the sexual exploitation of children by their citizens to be unacceptable, regardless of where the crimes took place.<sup>36</sup> Often, destination countries for CSEA are unable or even unwilling to prosecute offenders;<sup>37</sup> extraterritorial legislation is a crucial way of protecting the children of these destination countries.

When prevention and protection efforts are intensified in one country, those looking to sexually exploit children seem to just move on to another country with laxer laws.<sup>38</sup> The existence of extraterritorial legislation therefore removes the possibility of there being a 'safe haven' for paedophiles and preferential sex offenders to travel to and engage in sex with minors.<sup>39</sup> The adoption of comprehensive extraterritorial legislation is strongly recommended by agencies concerned with child protection across the world.<sup>40</sup> So far, many international commitments to increasing vigilance against child sex tourism have been signed by states, such as the Lanzarote Convention and the Convention on the Rights of the Child. However, it is evident that these commitments are rarely followed by significant state action.<sup>41</sup> Therefore, it is preferable for states to enact their own legislation against child sexual exploitation, rather than resting on the signing of various ineffectual commitments. Furthermore, it is key to ensure that enforcement of such legislation can take place, so that these laws are not just there in name only.

Extraterritorial legislation against CSEA currently exists in two forms. Some states' criminal codes inherently cover the actions of their citizens when abroad (universal jurisdiction). Section 2 of the Swedish Penal Code, for example, extends the laws of Sweden extraterritorially to all Swedish citizens. Other states have adopted extraterritorial jurisdiction when enacting new legislation against the sexual exploitation of children. For instance, passed in 2005, the Crimes Amendment Act outlines how the jurisdiction of New Zealand law extends when the sexual exploitation of children takes place.<sup>42</sup> When specifically criminalised with extraterritorial jurisdiction applied, extraterritorial legislation against CSEA exists in acts concerning three major types of crimes: Sexual Offences, Child Protection, and Human Trafficking.

The enactment and implementation of extraterritorial legislation remain major ways in which countries can stem the tide of the sexual abuse and exploitation of children by travelling offenders on a global scale, and many successful investigations and prosecutions have been recorded. The country with the highest recorded rate of prosecutions, the US, is unfortunately outside of the scope of this report as it is not a Commonwealth Member State. Nevertheless, the

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<sup>34</sup> UN Human Rights Council (June, 2012). 'Report of the Special Rapporteur on trafficking in persons, especially women and children, Joy Ngozi Ezeilo'. Available at: [https://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/report\\_of\\_the\\_special\\_rapporteur\\_en\\_1.pdf](https://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/report_of_the_special_rapporteur_en_1.pdf) (accessed 31 May 2018).

<sup>35</sup> Beaulieu, C. (2008). 'Strengthening Laws addressing child sexual exploitation: A Practical Guide', *ECPAT International*, p. 104. Available at: [http://www.ecpat.org/wp-content/uploads/legacy/Legal\\_Instrument\\_En\\_Final.pdf](http://www.ecpat.org/wp-content/uploads/legacy/Legal_Instrument_En_Final.pdf) (accessed 21 August 2018).

<sup>36</sup> Edelson, D. (2001). 'The Prosecution of Persons Who Sexually Exploit Children In Countries Other than Their Own: A Model For Amending Existing Legislation', *Fordham International Law Journal* 25:2, pp. 483-540.

<sup>37</sup> Beaulieu, C. (2008). 'Strengthening Laws addressing child sexual exploitation: A Practical Guide', *ECPAT International*, p. 105. Available at: [http://www.ecpat.org/wp-content/uploads/legacy/Legal\\_Instrument\\_En\\_Final.pdf](http://www.ecpat.org/wp-content/uploads/legacy/Legal_Instrument_En_Final.pdf) (accessed 21 August 2018).

<sup>38</sup> M'jid, N. M. (2012). 'Report of the Special Rapporteur on the Sale of Children, Child Prostitution and Child Pornography', p. 7. Available at: [https://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session25/Documents/A-HRC-25-48\\_en.doc](https://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session25/Documents/A-HRC-25-48_en.doc) (accessed 21 August 2018).

<sup>39</sup> Fredette, K. (2009). 'International Legislative Efforts to Combat Child Sex Tourism: Evaluating the Council of Europe Convention on Commercial Child Sexual Exploitation', *Boston College International and Comparative Law Review* 32:1, pp. 1-43 (p. 13).

<sup>40</sup> Fredette, K. (2009). 'International Legislative Efforts to Combat Child Sex Tourism: Evaluating the Council of Europe Convention on Commercial Child Sexual Exploitation', *Boston College International and Comparative Law Review* 32:1, pp. 1-43.

<sup>41</sup> Harvey, R. (2002). 'Fewer Words and More Action: Evaluating the Progress Made in Ending the Commercial Sexual Exploitation of Children', *ChildRIGHT*, p. 2. Available at: [https://www1.essex.ac.uk/armedcon/story\\_id/000041.pdf](https://www1.essex.ac.uk/armedcon/story_id/000041.pdf) (accessed 21 August 2018).

<sup>42</sup> Available at: <http://www.legislation.govt.nz/act/public/1961/0043/137.0/DLM327382.html> (accessed 9 August 2018).

number of prosecutions pursued under their extraterritorial legislation is far greater than any other country's, according to information available to the public, and therefore deserves recognition.

Since 2015, at least 16 offenders have been convicted for extraterritorial CSEA under the Protect Act (2003) of the US, equating to on average 4 offenders being jailed per year.<sup>43</sup> In the US, extraterritorial CSEA cases gain a lot of media attention, primarily because information on prosecutions is very accessible to the public, with press releases detailing criminal prosecutions available on the US Department of Justice website (<https://www.justice.gov/criminal>). Cases with particularly high profile in the US include that of Kenneth Gaylord Stokes, a 71 year-old man charged with 5 counts of engaging in illicit sexual conduct in foreign places and sentenced to 120 years imprisonment.<sup>44</sup> Stokes sexually abused five child victims in the Philippines, and produced and distributed child sexual abuse materials during this abuse. Also prolific is the case of Matthew Lane Durham, a 21 year-old man who volunteered as a missionary at a children's home in Kenya. Whilst at the home, Durham sexually assaulted 4 children (3 girls and 1 boy) under his care. In 2017, Durham was charged with 4 counts of engaging in illicit sexual conduct in foreign places and sentences to 40 years imprisonment.

The greater number of convictions under American law could be explained by the higher rate of American travellers being CSEA offenders, as it is reported that 1 in 4 'child sex tourists' are from the US.<sup>45</sup> However, this commendable rate is also owed to the US' commitment to combatting extraterritorial CSEA by its citizens, and resources dedicated to investigative and prosecutorial proceedings.

Extraterritorial legislation against CSEA has still not been enacted in the majority of countries globally. This lack of action is described as a 'major hurdle' in combatting the sexual exploitation and abuse of children around the world.<sup>46</sup>

### Limitations of Existing Extraterritorial Legislation

Even when extraterritorial legislation has been introduced, most countries' rates of prosecution for overseas child sex crimes are relatively low.<sup>47</sup> It has been suggested that this is due to several gaps which can be identified within the existing extraterritorial legislation adopted by states.<sup>48</sup> Further hindrances to prosecution rates also include a lack of resources to dedicate to investigative and prosecutorial proceedings, training of law enforcement and severe underreporting of CSEA offences.

A condition of dual criminality, for example, is a major limitation to existing extraterritorial legislation against CSEA. Dual criminality dictates that states will only prosecute a citizen for a crime committed in another territory if the person's actions violated the laws of both states. Therefore, legislation which requires dual criminality greatly hinders the prosecution of overseas CSEA offenders who have travelled to places with lower ages of consent and/or limited criminalisation of CSEA.<sup>49</sup> Removing the condition of dual criminality eradicates the possibility of an offender defending his actions by claiming they were legal in the state where he allegedly committed his crime.<sup>50</sup> Whilst a trend to drop dual criminality requirements is developing, a significant amount of states have yet to remove the condition from their legislation.<sup>51</sup>

<sup>43</sup> Available at: <https://www.congress.gov/bill/108th-congress/senate-bill/151> (accessed 21 August 2018).

<sup>44</sup> The Associated Press (2015). 'Sex Offender, 71, gets 120 years for Child Sex Abuse in the Philippines', *The Kansas City Star*, 5 August 2015 [online]. Available at: <https://www.kansascity.com/news/local/article30026865.html> (accessed 21 August 2018).

<sup>45</sup> Kosuri, M. and Jeglic, E. (2017). 'Child Sex Tourism: American Perceptions of Foreign Victims', *Journal of Sexual Aggression* 23:2, pp. 207-221 (p. 208).

<sup>46</sup> Kosuri, M. (2014). 'Child Sex Tourism: A Violation of Children's Rights', p. 3. Available at: <https://www.apa.org/international/united-nations/un-matters/kosuri-sex-tourism.pdf> (accessed 5 June 2018).

<sup>47</sup> Edelson, D. (2001). 'The Prosecution of Persons Who Sexually Exploit Children In Countries Other than Their Own: A Model For Amending Existing Legislation', *Fordham International Law Journal* 25:2, pp. 483-540 (p. 499).

<sup>48</sup> Beaulieu, C. (2008). 'Strengthening Laws Addressing Child Sexual Exploitation: A Practical Guide', *ECPAT International*, p. 9. Available at: [http://www.ecpat.org/wp-content/uploads/legacy/Legal\\_Instrument\\_En\\_Final.pdf](http://www.ecpat.org/wp-content/uploads/legacy/Legal_Instrument_En_Final.pdf) (accessed 21 August 2018).

<sup>49</sup> Fredette, K. (2009). 'International Legislative Efforts to Combat Child Sex Tourism: Evaluating the Council of Europe Convention on Commercial Child Sexual Exploitation', *Boston College International and Comparative Law Review* 32:1, pp. 1-43 (p. 20).

<sup>50</sup> Edelson, D. (2001). 'The Prosecution of Persons Who Sexually Exploit Children In Countries Other than Their Own: A Model For Amending Existing Legislation', *Fordham International Law Journal* 25:2, pp. 483-540.

<sup>51</sup> Fredette, K. (2009). 'International Legislative Efforts to Combat Child Sex Tourism: Evaluating the Council of Europe Convention on Commercial Child Sexual Exploitation', *Boston College International and Comparative Law Review* 32:1, pp. 1-43 (p. 21).

The lack of a universal age of consent is similarly a hindrance to existing extraterritorial legislation. Differing national ages of consent greatly complicate extraterritorial prosecution cases, particularly because, without a universally agreed upon age of consent, legislation which relies on dual criminality is undermined.<sup>52</sup> Many have argued that for fully effective protection of the world's children, all victims of CSEA should be considered as such up to the age of 18.<sup>53</sup> Furthermore, children who have reached the age of criminal responsibility, and who are found to have been victims of pimps or traffickers, can often be treated as offenders.<sup>54</sup>

Furthermore, in some states, in order for a prosecution to take place, it is first required that a complaint is made by the victim of the crime.<sup>55</sup> This severely limits the effectiveness of extraterritorial legislation and the ability of states to prosecute those who commit crimes against children overseas. The removal of the requirement for victims to file a complaint in order to initiate extraterritorial prosecution is necessary to improve existing legislation. Not only does this condition inappropriately encumber the prosecution of CSEA offenders, insisting on complaints or requests for conviction deters countries from enforcing extraterritorial legislation as a whole.<sup>56</sup>

Whilst it is a very effective way of combatting CSEA, the use of extraterritorial legislation can be challenging, labour-intensive and expensive. Often, it requires the police, and the evidence and witnesses to travel in one direction or another. The sexual nature of the crime results in difficulty in gathering conclusive evidence, which is then compounded when crimes are committed overseas. Limited resources for police to pursue extraterritorial CSEA cases means that many go un-investigated.<sup>57</sup> A further major hindrance to the enforcement of extraterritorial legislation against CSEA is chronic underreporting.<sup>58</sup> This underreporting can be attributed to a number of factors, including stigma surrounding victims of CSEA, lack of public awareness of the criminalisation of CSEA and reporting mechanisms, victims being afraid to report or unwilling to cooperate with law enforcement, and lack of trust in the criminal justice system.

The introduction of comprehensive extraterritorial legislation is clearly not enough on its own to improve prosecution rates of offenders, deter potential perpetrators and protect victims all over the world. Many limitations evidently exist which lead to lack of prosecution of CSEA offenders. Nevertheless, it is a starting point to reducing CSEA around the world, without which offenders will continue to act with impunity. The introduction of extraterritorial provisions into a country's law sends a clear message that such abhorrent behaviour will not be tolerated amongst citizens or residents.

Therefore, in order to protect all vulnerable children wherever in the world they live, it should be enacted and implemented in as many countries as possible. Furthermore, enforcement should be prioritised:

- Efforts should be made to reduce the identified hindrances to prosecutions and push extraterritorial CSEA offences up the political agenda.
- Police forces in both sending and destination countries should be trained to enforce their countries' legislation against CSEA.<sup>59</sup>
- International cooperation should be encouraged and rewarded. Embassies should cooperate with both their own countries and destination countries to prosecute extraterritorial CSEA offenders. Embassies will play a

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<sup>52</sup> Edelson, D. (2001). 'The Prosecution of Persons Who Sexually Exploit Children In Countries Other than Their Own: A Model For Amending Existing Legislation', *Fordham International Law Journal* 25:2, pp. 483-540.

<sup>53</sup> Fredette, K. (2009). 'International Legislative Efforts to Combat Child Sex Tourism: Evaluating the Council of Europe Convention on Commercial Child Sexual Exploitation', *Boston College International and Comparative Law Review* 32:1, pp. 1-43 (pp. 22-3).

<sup>54</sup> Edelson, D. (2001). 'The Prosecution of Persons Who Sexually Exploit Children In Countries Other than Their Own: A Model For Amending Existing Legislation', *Fordham International Law Journal* 25:2, pp. 483-540 (p. 535).

<sup>55</sup> Edelson, D. (2001). 'The Prosecution of Persons Who Sexually Exploit Children In Countries Other than Their Own: A Model For Amending Existing Legislation', *Fordham International Law Journal* 25:2, pp. 483-540 (p. 518).

<sup>56</sup> Beaulieu, C. (2008). 'Strengthening Laws Addressing Child Sexual Exploitation: A Practical Guide', *ECPAT International*, p. 9. Available at: [http://www.ecpat.org/wp-content/uploads/legacy/Legal\\_Instrument\\_En\\_Final.pdf](http://www.ecpat.org/wp-content/uploads/legacy/Legal_Instrument_En_Final.pdf) (accessed 21 August 2018).

<sup>57</sup> Niven, D. (2014). 'We Have the Legislation to Convict British Citizens Who Abuse Children Abroad - Why Don't We Use It More?', *The Guardian*, 19 December 2014 [online]. Available at: <https://www.theguardian.com/social-care-network/2014/dec/19/simon-harris-british-citizens-child-abuse> (accessed 21 August 2018).

<sup>58</sup> Pasha-Robinson, L. (2017). 'Child Sexual Exploitation "Woefully Underreported", Warns NSPCC', *The Independent*, 12 May 2017 [online]. Available at: <https://www.independent.co.uk/news/uk/home-news/child-sex-abuse-exploitations-nsppc-warning-under-reported-groomed-a7733151.html> (accessed 11 September 2018).

<sup>59</sup> O'Brian, M. (2008). 'Sexual Exploitation of Children and Adolescents in Tourism', *ECPAT International*, p. 8. Available at: [http://www.ecpat.org/wp-content/uploads/legacy/Thematic\\_Paper\\_CST\\_ENG.pdf](http://www.ecpat.org/wp-content/uploads/legacy/Thematic_Paper_CST_ENG.pdf) (accessed 10 September 2018).

vital role in the monitoring of convicted CSEA offenders when overseas, by informing both the destination country's police and the relevant law enforcement personnel in the offender's home country.<sup>60</sup>

- Public awareness campaigns to encourage victims' reporting of crimes should be launched by governments.

It is both the responsibility of the individual state and the international community to protect vulnerable children around the world from exploitation and abuse. To do so, it is essential that we prevent these criminals from being able to escape punishment, and ensure that anyone who commits a crime against children whilst abroad can be prosecuted both overseas and at home.

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<sup>60</sup> Edelson, D. (2001). 'The Prosecution of Persons Who Sexually Exploit Children In Countries Other than Their Own: A Model For Amending Existing Legislation', *Fordham International Law Journal* 25:2, pp. 483-540.

## Introduction to the Report and Methodology

In order to determine the extent of extraterritorial legislation against child sexual exploitation and abuse (CSEA) within the Commonwealth, this report assesses existing statutory law relating to CSEA in all Commonwealth Member States and whether these laws have extraterritorial scope. To further this assessment, the report also explores ages of majority and consent; signing or ratification status of relevant international protocols (namely, the Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography a.k.a the Optional Protocol, and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children a.k.a. the Palermo Protocol); laws which address trafficking in persons, and specifically, child trafficking, and whether they have extraterritorial scope; the States' 'Tier Level' according to the Office to Monitor and Combat Trafficking in Persons. Furthermore, this report includes a brief evaluation of non-legislative measures of note introduced by the government of the State which address CSEA.

These data points are included in order to establish each Commonwealth Member States' apparent dedication to combatting CSEA, and thereby determine the potential for success in enacting or implementing extraterritorial legislation against CSEA, or improving rates of prosecution where legislation already exists, in that State in the future.

This research and the production of this report has been undertaken by It's a Penalty, with considerable support and assistance provided by the Commonwealth Secretariat and Latham & Watkins LLP.

The scope of this report is limited to all 53 Commonwealth Member States. This focus of the report was chosen because of the significantly varied nature of the Commonwealth - in that its members often vary in culture, legal systems and economic development – which would lead to a highly interesting report. Additionally, it was identified in an initial research report produced by It's a Penalty in 2015, that extraterritorial legislation against CSEA was severely lacking in the Commonwealth, especially in comparison with other associations of states, such as the European Union or ASEAN. Furthermore, It's a Penalty had established a good working relationship with the Commonwealth Games Federation and the Commonwealth Secretariat, which facilitated the successful operation of the first stage of the research informing this report.

Throughout 2017, the questionnaire upon which a significant amount of this report is based was developed by It's a Penalty with the active collaboration of the Commonwealth Secretariat and Latham & Watkins LLP, a law firm. Please see Appendix A for the final version of the questionnaire. The questionnaire was to be distributed by the Commonwealth Secretariat amongst all Commonwealth Member States, with the States' participation being fully voluntary.

In November 2017, the questionnaire was received by all Commonwealth Member States, with a deadline for completion set for December 2017. This initial deadline was then extended to January 2018. By March 2018, the final completed questionnaires were submitted.

The questionnaire received a 53% completion rate, with the following Commonwealth Member States returning completed questionnaires: Australia, The Bahamas, Belize, Botswana, Brunei Darussalam, Cameroon, Canada, Cyprus, Gambia, Guyana, Kenya, Kiribati, Lesotho, Mauritius, Mozambique, Nauru, Rwanda, Saint Christopher and Nevis (Saint Kitts and Nevis), Seychelles, South Africa, Sri Lanka, Swaziland, Tonga, Tuvalu, Uganda, United Kingdom (UK), and Zambia. Within the report, Commonwealth Member States which completed the questionnaire will be marked by an asterisk (\*).

In addition to the research facilitated by the content of completed questionnaires, comprehensive review of secondary data was undertaken in order to expand upon information provided by representatives of the Commonwealth Member States and explore the status of States which had not completed the questionnaire. This secondary data was supplied by a range of sources, most notably including reports submitted to the United Nations Convention on the Rights of the Child (UNCRC) by the Governments of States themselves, UNCRC's Concluding Observations on States' reports, ECPAT International and associated organisations, the Office to Monitor and Combat Trafficking in Persons, States' online legislative records, academic journals, and online media articles concerning CSEA.

## Disclaimer

This report is not exhaustive in its findings, as a lot of information relating to criminalisation of CSEA and prosecutions is only known by governments of States themselves.

The information presented in this report was collected from a number of open source materials and documents available to the public. While care has been taken to ensure the accuracy of the information presented, it may not always be exact and It's a Penalty makes no argument that the report is free from error or omission. Readers should be aware that laws cited may have been amended or repealed since the time of writing.

The author of this report welcomes Commonwealth Member States who have not completed the questionnaire to do so, to add to the information contained within this report, and to correct if needed.

## **It's a Penalty**

It's a Penalty is a charitable Non-Governmental Organisation working to end abuse, exploitation and trafficking globally. Campaigns run by It's a Penalty around major sporting events harness the power of sport to protect children and vulnerable people from these crimes worldwide, positioning these events as platforms for positive change. It's a Penalty works in accordance with the United Nations Convention on the Rights of the Child, advocating that 'protection from any exploitation, abuse and violence is the right of every child'. It's a Penalty brings together sport's biggest names, governing sporting bodies, international airlines, hotels, governments, law enforcement agencies, major corporations, International NGOs and the general public. For their 2018 Campaign, It's a Penalty have been shortlisted by Beyond Sport for the Global Impact of the Year Award. Alongside their Campaign work, It's a Penalty's Research and Advocacy work seeks to impact long-term change for children worldwide by improving child protection legislation and reporting mechanisms on a global scale. For more information on It's a Penalty, please visit [www.itsapenalty.org](http://www.itsapenalty.org).

## **The Commonwealth Secretariat**

The Commonwealth is a voluntary association of 53 independent and equal sovereign states and home to 2.4 billion people. The Commonwealth Secretariat, supports member countries advance their shared goals of inclusive development, democracy and peace. The organisation helps countries to strengthen governance, build inclusive institutions and promote rule of law, access to justice and human rights in order to grow economies and boost trade, empower young people, and address threats such as climate change, debt and inequality. It does this through providing training and technical assistance, supporting decision-makers to draw up legislation and deliver policies and by deploying experts and observers who offer impartial advice and solutions to national problems while also providing systems, software and research for managing resources. At Commonwealth summits, government leaders come together to amplify their voices and achieve collective action on global challenges.

## **Summary of Report's Findings**

Overall, it can be seen that a relatively low number of Commonwealth Member States have enacted extraterritorial legislation (or jurisdiction) to combat the sexual abuse and exploitation of children by their citizens when travelling abroad. Moreover, it is clear that most of the few existing laws in place contain inconsistencies, and many difficulties have been encountered in their implementation.<sup>61</sup> While some states have introduced extraterritorial legislation that is fully comprehensive, evidently there is still much room for improvement across the Commonwealth.

### Definition of a Child/Age of Majority in Commonwealth Member States

The definitions of a child/ages of majority is somewhat consistent across the Commonwealth, with 18 years being the age of majority in most states. There are, however, some states in which the ages of majority differs from the norm. Of particular concern are that of Malawi and Zambia, both of whom formally define a child through their ages of majority as a person below the internationally-recommended 18 years old.

Under 18 years - 2 Commonwealth Member States (Malawi and Zambia\*<sup>62</sup>)

18 years - 43 Commonwealth Member States

21 years - 8 Commonwealth Member States

### Age of Consent in Commonwealth Member States

Ages of consent through the Commonwealth vary considerably. Whilst the majority of states set their ages that one can consent to sexual activity as 16 years and above, a concerning number of Commonwealth Member States have lower ages of consent than the international standard. Furthermore, homosexuality is illegal in 36 Commonwealth Member States, meaning that CSEA victims of same-sex offenders could be criminalised.

- Under 16 years - 8 Commonwealth Member States (Bangladesh, Brunei Darussalam\*, Kiribati\*, Pakistan, Papua New Guinea, Seychelles\*, Solomon Islands, Tuvalu\*)
- 16 years - 34 Commonwealth Member States
- 17 years - 1 Commonwealth Member State
- 18 years - 10 Commonwealth Member States

### Optional Protocol Status

The Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography has received a good rate of signing and ratification amongst Commonwealth Member States, demonstrating a level of dedication within the Commonwealth to combatting the sexual exploitation and abuse of children. Nevertheless, several states have still neither ratified or signed the Optional Protocol, which could suggest limitations to their will to tackle CSEA.

- Ratified - 39 Commonwealth Member States
- Signed - 7 Commonwealth Member States
- Not Ratified or Signed - 7 Commonwealth Member States (Papua New Guinea, Saint Kitts and Nevis\*, Singapore, Swaziland\*, Tonga\*, Trinidad and Tobago, Tuvalu\*)

### Commonwealth Member States without extraterritorial legislation against CSEA

A significant number of Commonwealth Member States, equating to 47% of the Commonwealth, lack extraterritorial legislation against CSEA, or, in other words, legislation which could be used to prosecute their citizens or residents for sexual abuse or exploitation of children whilst overseas. This means that a worrying number of children worldwide are unprotected from abuse at the hands of these countries' travelling offenders. Furthermore, many of these states' non-extraterritorial legislation against CSEA is insufficient, meaning that their own children are too legally unprotected from abuse and exploitation.

#### 1. Antigua and Barbuda

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<sup>61</sup> Najat Maalla M'jid (UN Human Rights Council), 'Report of the Special Rapporteur on the sale of children, child prostitution and child pornography' (2012), p. 6.

<sup>62</sup> Commonwealth Member States which completed the questionnaire will be marked by an asterisk (\*).

2. The Bahamas<sup>63</sup>
3. Bangladesh<sup>64</sup>
4. Barbados<sup>65</sup>
5. Botswana
6. Dominica
7. Ghana
8. Grenada<sup>66</sup>
9. Kiribati<sup>67</sup>
10. Malawi<sup>68</sup>
11. Mauritius
12. Mozambique<sup>69</sup>
13. Namibia<sup>70</sup>
14. Papua New Guinea
15. Saint Kitts and Nevis<sup>71</sup>
16. Saint Vincent and the Grenadines<sup>72</sup>
17. Samoa
18. Seychelles<sup>73</sup>
19. Sierra Leone
20. Solomon Islands
21. Swaziland<sup>74</sup>
22. Tonga<sup>75</sup>
23. Tuvalu<sup>76</sup>
24. Uganda<sup>77</sup>
25. United Republic of Tanzania

### Commonwealth Member States with insufficient extraterritorial legislation against CSEA

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<sup>63</sup> The Bahamas' non-extraterritorial legislation against CSEA is also insufficiently comprehensive and should be improved.

<sup>64</sup> Bangladesh's' non-extraterritorial legislation against CSEA is also insufficiently comprehensive and should be improved.

<sup>65</sup> Barbados' non-extraterritorial legislation against CSEA is also insufficiently comprehensive and should be improved.

<sup>66</sup> Grenada's non-extraterritorial legislation against CSEA is also insufficiently comprehensive and should be improved.

<sup>67</sup> Kiribati's non-extraterritorial legislation against CSEA is also insufficiently comprehensive and should be improved.

<sup>68</sup> Malawi's non-extraterritorial legislation against CSEA is also insufficiently comprehensive and should be improved.

<sup>69</sup> Mozambique's non-extraterritorial legislation against CSEA is also insufficiently comprehensive and should be improved.

<sup>70</sup> Namibia's non-extraterritorial legislation against CSEA is also insufficiently comprehensive and should be improved.

<sup>71</sup> In order to establish whether existing legislation has extraterritorial scope, online access is needed to legislation of Saint Kitts and Nevis.

<sup>72</sup> In order to establish whether existing legislation has extraterritorial scope, online access is needed to legislation of Saint Vincent and the Grenadines.

<sup>73</sup> Seychelles' non-extraterritorial legislation against CSEA is also insufficiently comprehensive and should be improved.

<sup>74</sup> In order to establish whether existing legislation has extraterritorial scope, online access is needed to legislation of Swaziland. Swaziland's non-extraterritorial legislation against CSEA is also insufficiently comprehensive and should be improved.

<sup>75</sup> Tonga's non-extraterritorial legislation against CSEA is also insufficiently comprehensive and should be improved.

<sup>76</sup> Tuvalu's non-extraterritorial legislation against CSEA is also insufficiently comprehensive and should be improved.

<sup>77</sup> Uganda's non-extraterritorial legislation against CSEA is also insufficiently comprehensive and should be improved.

Many Commonwealth Member States have extraterritorial legislation against CSEA in place, but such existing legislation needs improving or elements changed in order to be fully comprehensive. As found in this report, 34% of Commonwealth Member States fall into this category.

1. Belize<sup>78</sup>
2. Brunei<sup>79</sup>
3. Cameroon<sup>80</sup>
4. Cyprus<sup>81</sup>
5. Fiji<sup>82</sup>
6. Gambia<sup>83</sup>
7. Guyana<sup>84</sup>
8. India<sup>85</sup>
9. Jamaica<sup>86</sup>
10. Malaysia<sup>87</sup>
11. Nigeria<sup>88</sup>
12. Pakistan<sup>89</sup>
13. Rwanda<sup>90</sup>
14. Saint Lucia<sup>91</sup>

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<sup>78</sup> Existing extraterritorial legislation against CSEA under Belizean law does not comprehensively criminalise commercial or transactional CSEA.

<sup>79</sup> Existing legislation does not offer full legal protection to male victims of CSEA. Extraterritorial legislation is limited under a condition of dual criminality.

<sup>80</sup> Presently, extraterritorial legislation under Cameroonian law is limited in its criminalisation of CSEA offences and needs to be expanded.

<sup>81</sup> It remains unclear whether Cyprus exercises extraterritorial jurisdiction over its legislation criminalising CSEA. In order to improve, this needs to be confirmed.

<sup>82</sup> At present, Fijian law applies extraterritorial jurisdiction solely over the offence of 'sexual servitude', which, whilst could be applied to prosecute some cases of CSEA overseas by Fijian citizens or residents, does not cover all CSEA offences.

<sup>83</sup> Existing legislation in the Gambia criminalises 'foreign travel which promotes child prostitution' and 'child sex tourism' within the Gambia, but not specifically the crime of exploiting or abusing a child abroad.

<sup>84</sup> In order to be more comprehensive, Guyana should remove their condition of dual criminality applied to their extraterritorial legislation against CSEA.

<sup>85</sup> Indian law currently only exercises extraterritorial jurisdiction over offences within its Penal Code. However, in order to comprehensively criminalises CSEA overseas, extraterritorial jurisdiction should be extended to include the Sexual Offences Act (2012) of India. Furthermore, presently, Indian extraterritorial jurisdiction applies only to Indian citizens. In order to be more comprehensive, this jurisdiction should be extended to include residents of India.

<sup>86</sup> At present, only some offences under the Sexual Offences Act (2011) of Jamaica have extraterritorial jurisdiction applied to them. In order to comprehensively criminalises CSEA overseas, extraterritorial jurisdiction should be extended to all offences within the Act.

<sup>87</sup> Malaysian extraterritorial jurisdiction currently is only applicable to citizens and should be extended to be applicable to residents of Malaysia as well, in order to be more comprehensive.

<sup>88</sup> It is currently unknown whether the Sexual Offences Against Children Bill (2017) of Nigeria has been enacted into law, this needs confirmation.

<sup>89</sup> Pakistani extraterritorial jurisdiction currently is only applicable to citizens and should be extended to be applicable to residents of Pakistan as well, in order to be more comprehensive.

<sup>90</sup> Rwandan extraterritorial jurisdiction currently is only applicable to citizens and should be extended to be applicable to residents of Rwanda as well, in order to be more comprehensive.

<sup>91</sup> Presently, Saint Lucia law against CSEA does have extraterritorial jurisdiction, but it does not expressly protect under 12's from exploitation and abuse.

15. Sri Lanka<sup>92</sup>
16. Trinidad and Tobago<sup>93</sup>
17. Vanuatu<sup>94</sup>
18. Zambia<sup>95</sup>

The changes needed to existing extraterritorial legislation in the Commonwealth in order to improve child protection from sexual exploitation and abuse include:

- the removal of limiting conditions such as dual criminality or statutes of limitations;
- the extension of criminalisation to include all forms of CSEA;
- the extension of extraterritorial jurisdiction over anti-CSEA laws.

### Commonwealth Member States with satisfactory extraterritorial legislation against CSEA

Some Commonwealth Member States have sufficiently comprehensive extraterritorial legislation against CSEA in place, but only 19%. Even when such legislation has been introduced by states, reported prosecutions rates are low and information available to the public is limited, meaning that improvements could still be made in order to protect children from abuse at the hands of these countries' offenders.

1. Australia\*
2. Canada\*
3. Kenya\*
4. Lesotho\*
5. Malta
6. Nauru\*
7. New Zealand
8. Singapore
9. South Africa\*
10. UK\*

### Non-legislative measures to combat CSEA introduced by Government of Commonwealth Member States

This report has found that sufficient non-legislative measures have only been implemented to tackle CSEA, whether overseas or otherwise, by the Governments of 22 Commonwealth Member States, equivalent to 42%. However, overall, non-legislative measures introduced in the Commonwealth to tackle CSEA are limited. 31 Commonwealth Member States have implemented few measures and many of those which have been introduced are substandard. Therefore, 58% of the Governments of Commonwealth Member States have room for significant improvement of their anti-CSEA efforts.

### Prosecution & Reporting Rates amongst Commonwealth Member States

Numerous obstacles to high rates of prosecutions evidently exist in many Commonwealth Member States. 36 states have notably low prosecution rates for CSEA offences criminalised under non-extraterritorial legislation. Where extraterritorial legislation against CSEA does exist, it is very rare that sufficient information on prosecutions and

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<sup>92</sup> Sri Lankan extraterritorial jurisdiction currently is only applicable to citizens and should be extended to be applicable to residents of Sri Lanka as well, in order to be more comprehensive. Furthermore, there is presently a statute of limitations of 20 years attached to criminal proceedings under Sri Lankan law, which could be removed.

<sup>93</sup> Presently, extraterritorial legislation against CSEA in Trinidad and Tobago only criminalises commercial or transactional offences under the Children Act (2012). In order to be more comprehensive, this Act should be amended to apply extraterritorial jurisdiction to all forms of CSEA criminalised within.

<sup>94</sup> In order to be more comprehensive, Vanuatu should remove their condition of dual criminality applied to their extraterritorial legislation against CSEA.

<sup>95</sup> Zambian extraterritorial jurisdiction currently is only applicable to citizens and should be extended to be applicable to residents of Zambia as well, in order to be more comprehensive.

convictions under these laws is widely publicised. Governments are encouraged to not only improve their prosecution rates, but make their prosecution records more available to the public.

Furthermore, CSEA offences are specifically highlighted as under-reported in 22 Commonwealth Member States.

### Reasons why extraterritorial legislation against CSEA has not yet been enacted

In their questionnaire responses, the Governments of Commonwealth Member States offered a multitude of reasons as to why extraterritorial legislation has not yet been enacted in their states. Predominantly cited as reasons were: insufficient awareness and education amongst law enforcement and government of CSEA as an issue and the existence of such legislation; societal stigma of the offences and victims, inhibiting the introduction of such legislation; inadequate resources available to dedicate to enactment and implementation.

- CSEA is not regarded in society as a strictly criminal offence, meaning that the victim is stigmatised and very often criminalised, and that such laws will not be supported by society;
- Difficult socioeconomic conditions, high-level external debt and poverty in the State means that the enactment of such legislation is not prioritised;
- Policymakers are lacking education on the benefits of introducing extraterritorial legislation addressing CSEA and related offences;
- Lack of cooperation between relevant organisations to get evidence of such activity being committed by citizens or residents of the State;
- Lack of a need for such provisions in the country's law;
- Reluctance of victims and members of the public to come forward, meaning that the problem is regarded as nonexistent and legislation to tackle it not necessary;
- Societal preference or custom to accept compensation in the form of payment for CSEA offences from perpetrators, rather than pursue formal justice against them;
- Lack of knowledge of the existence of such legislation elsewhere in the world;
- Lack of resources (both financial and human) to dedicate to the introduction of such legislation;
- Little political will for introduction of extraterritorial legislation against CSEA;
- Victims of CSEA are often coerced into accepting apologies for crimes committed against them, rather than lodge pursue formal justice, so legislation will be unused.

### Reasons why existing extraterritorial legislation has not been used to prosecute offenders

The Governments of Commonwealth Member States where sufficient extraterritorial legislation against CSEA exists cited diverse reasons to explain why their rates of prosecution are seemingly meagre. Most commonly highlighted by government representatives in their questionnaire responses were :scarce resources, both human and financial, to specifically assign to investigative and prosecutorial proceedings for CSEA offences; low political will or pressure to prioritise prosecution of offenders and protection of victims; underreporting of CSEA cases and disinclination of victims to come forward or associate with police force.

- Lack of awareness of the existence of legislation amongst victims;
- Requirement for victims to make a formal request or complaint in order to initiate investigative proceedings;
- Victims of CSEA are often afraid to come forward and even when reported, cases are withdrawn before trial;
- No such crimes are recorded to have been committed by citizens or residents of the country;
- Lack of awareness amongst law enforcement of the existence of such legislation;
- Inability to obtain testimony from victims;
- Lack of human resources to dedicate to investigative and prosecutorial proceedings;
- Lack of financial resources to dedicate to investigative and prosecutorial proceedings;
- Weak inter-agency collaboration between police and prosecutors;
- Cases of CSEA go unreported, primarily because of the stigma suffered by victims of offences;
- Lack of prioritisation amongst law enforcement and the judiciary inhibits prosecutions;
- Reluctance of victims to cooperate with law enforcement;
- Issues with the preservation of physical evidence to be used to convict CSEA offenders;
- Effectiveness and capacity of law enforcement is limited when investigating cases of CSEA;

- Shortage of specialised personnel and resources for law enforcement covering CSEA and related offences' cases;
- Taboo nature of CSEA restricts public discussion and awareness, as well as the reporting of such cases by victims and their families.

### Suggested actions to improve enactment and implementation rates

Several valuable suggestions were made by the Governments of Commonwealth Member States of actions they believe should be undertaken in order to encourage the enactment of this extraterritorial legislation against CSEA and/or to improve the rates of prosecutions which take place under it where it presently exists. Key measures include improved awareness amongst victims and the public of CSEA and how to report offences through government-implemented educational campaigns; training of law enforcement and other personnel on how to identify offences and approach victims; programmes specifically targeting stigma surrounding and tolerance of CSEA to help protect victims.

- Increased work needs to be done to inform victims and encourage them to report offences of CSEA committed against them to the authorities;
- International cooperation, assistance and information-sharing should be encouraged;
- A system needs to be put in place to raise the trust of victims in prosecutorial proceedings and encourage victims to come forward;
- Law enforcement should be trained extensively on how to interact with victims of CSEA specifically;
- Awareness of existing laws should be raised within the community and amongst all relevant implementing agencies;
- A coordinated collaborative international approach should be introduced;
- Law reform should be promoted through advocacy, including mutual legal assistance between States;
- Continuous development of skills amongst relevant stakeholders in the Criminal Justice Sector should be implemented;
- Ongoing review of legislation and case law should be conducted to ensure that officials are kept up-to-date with the latest developments in the legal arena;
- Comprehensive support services should be ensured to be available to victims of CSEA offences as provided by the Civil Society Sector;
- Societal tolerance of CSEA offences needs to be significantly decreased in many States.

## Commonwealth Member State Reports

### Antigua and Barbuda

#### Definition of a child (Age of Majority) and Age of Consent

- The age of majority is 18 years.
- The age of consent is 16 years (only for heterosexual acts, as homosexuality is criminalised).

#### Optional Protocol Ratification

- Antigua and Barbuda ratified the Optional Protocol on 30th April 2002.

#### Anti-CSEA Laws

- The Childcare and Protection Act of Antigua and Barbuda (2003) criminalises CSEA.<sup>96</sup>
- Under this law, both the act of engaging in commercial sexual exploitation by abusing a child, and the act of subjecting a child to commercial sexual exploitation for one's benefit are criminalised.
- Under this Act, "abuse" refers to 'the sexual exploitation of a child, molestation of a child, or the involvement of a child in unlawful sexual activity, prostitution or pornography' (Part 1, Preliminary). Whilst CSEA is not specifically referenced, this definition of sufficiently comprehensive.
- The Sexual Offences Act of Antigua and Barbuda (1995) also criminalises CSEA as sexual intercourse with a person below fourteen years of age.<sup>97</sup> Similarly, between fourteen and sixteen years of age. However, 'honestly believing' that the child was above the age of sixteen is a allowable defence.

#### Extraterritorial jurisdiction? Any limiting conditions?

- No extraterritoriality is applied to the criminalisation of CSEA in Antigua and Barbuda.

#### Palermo Protocol Ratification

- Antigua and Barbuda ratified the Palermo Protocol on 17th February 2010.

#### Anti-Trafficking Laws (and specifically, anti-child trafficking)

- The Trafficking in Persons (Prevention) Act of Antigua and Barbuda (2010) criminalises the offence of human trafficking, with specific reference to child trafficking.<sup>98</sup>
- The Trafficking in Persons (Prevention) (Amendment) Act of Antigua and Barbuda (2015) amends and strengthens the 2010 Act with increased fines and length of sentences.<sup>99</sup>

#### Extraterritorial jurisdiction? Any limiting conditions?

- An offence under the Trafficking in Persons (Prevention) Act of Antigua and Barbuda (2010) has extraterritorial scope when a crime under the Act is committed by a citizen or resident. Section 5 of the Act explains that no condition of dual criminality is applied to the offence of human trafficking.<sup>100</sup>

#### Other measures of note introduced by Government to combat CSEA (whether overseas or not)

- Establishment in 2008 of a Sexual Offences Unit. This is a specialised unit created within the Royal Police Force of Antigua and Barbuda. The Unit deals with all cases of sexual offences throughout the nation including those against children — both male and female. The aim of the Unit is to give assistance in the management of investigations and the collection of forensic and other evidence to assist in the prosecution of the cases. The Unit is managed by seven officers who are specially trained in investigating sexual offences.<sup>101</sup>
- The National Child Protection Reform Committee (NCPRC) was established by the government in 2009. The main purpose of the NCPRC is to draft the National Child Protection Policy (NCP), which the stated strategic

<sup>96</sup> Available at: <http://laws.gov.ag/acts/2003/a2003-29.pdf> (accessed 17 July 2018).

<sup>97</sup> Available at: <http://www.laws.gov.ag/acts/1995/a1995-9.pdf> (accessed 17 July 2018).

<sup>98</sup> Available at: <http://www.ilo.org/dyn/natlex/docs/ELECTRONIC/86199/102037/F1250670537/ATG86199.pdf> (accessed 17 July 2018).

<sup>99</sup> Available at: <http://laws.gov.ag/acts/2015/a2015-13.pdf> (accessed 17 July 2018).

<sup>100</sup> Available at: <http://www.ilo.org/dyn/natlex/docs/ELECTRONIC/86199/102037/F1250670537/ATG86199.pdf> (accessed 17 July 2018).

<sup>101</sup> UN Committee on the Rights of the Child (CRC) (2016). 'Second to Fourth Periodic Reports of States Parties due in 2009: Antigua and Barbuda', p. 27. Available at: <http://www.refworld.org/docid/5853fe864.html> (accessed 4 July 2018).

objective of the NCPP is 'to ensure that children in Antigua and Barbuda are protected from abuse, neglect and exploitation.'<sup>102</sup> As of September 2018, however, the NCPP has not yet been finalised.

- The Innocence Project was launched in Antigua and Barbuda and is a government initiative led by the Ministry of Social Transformation, aimed at increasing public awareness of child sexual abuse.

#### Further Comments

- The Government of Antigua and Barbuda has been labelled as a 'Tier 2' level country by the Office to Monitor and Combat Trafficking in Persons,<sup>103</sup> suggesting that the Government is trying to improve efforts to combat human trafficking and therefore could be open to improving their anti-CSEA efforts.
- The UNCRC notes that Antigua and Barbuda have a 'low rate of prosecution of alleged offenders' of CSEA that occurs domestically.<sup>104</sup>

### **Australia\***

#### Definition of a child (Age of Majority) (Age of Majority) and Age of Consent

- The age of majority is 18 years.
- The age of consent varies between 16-17 years, depending on the state.

#### Optional Protocol Ratification

- Australia ratified the Optional Protocol on 8th January 2007.

#### Anti-CSEA Laws

- The Commonwealth of Australia's Criminal Code Act 1995 (the Criminal Code) provides for the prosecution of crimes relating to CSEA committed overseas as it specifically criminalises child sex offences committed outside Australia by Australian citizens, residents and body corporates (that are incorporated by Australian law or carry their activities principally in Australia) in Division 272 of the Criminal Code.<sup>105</sup>
- Alterations made in Division 272 of the Criminal Code in 2010 broadened the scope of criminalised offences, to include grooming and preparatory acts made possible by technological advances since the 1990s.<sup>106</sup> Further alterations included the inclusion of "young people" aged 16-18 years old who are exploited by others in a position of trust or authority as victims of an offence.

#### Extraterritorial jurisdiction? Any limiting conditions?

- To these divisions of the Act, extraterritorial scope is applied, to both citizens, residents and corporate bodies incorporated under Australian law, as well as those that carry on their activities principally in Australia. There are no limiting conditions.

#### Palermo Protocol Ratification

- Australia ratified the Palermo Protocol on 14th September 2005.

#### Anti-Trafficking Laws (and specifically, anti-child trafficking)

- Divisions 271.2 and 271.3 of the Criminal Code Act (1995) of Australia criminalise human trafficking.<sup>107</sup>

#### Extraterritorial jurisdiction? Any limiting conditions?

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<sup>102</sup> UN Committee on the Rights of the Child (CRC) (2016). 'Second to Fourth Periodic Reports of States Parties due in 2009: Antigua and Barbuda', p. 11. Available at: <http://www.refworld.org/docid/5853fe864.html> (accessed 4 July 2018).

<sup>103</sup> Office to Monitor and Combat Trafficking in Persons (2018). '2018 Trafficking in Persons Report: Antigua and Barbuda Tier 2'. Available at: <https://www.state.gov/j/tip/rls/tiprpt/countries/2017/271133.htm> (accessed 20 July 2018).

<sup>104</sup> UN Committee on the Rights of the Child (CRC) (2017). 'Concluding Observations: Antigua and Barbuda', p. 6. Available at: [https://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fATG%2fCO%2f2-4&Lang=en](https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fATG%2fCO%2f2-4&Lang=en) (accessed 5 July 2018).

<sup>105</sup> Available at: [http://www6.austlii.edu.au/cgi-bin/viewdoc/au/legis/cth/consol\\_act/cca1995115/sch1.html](http://www6.austlii.edu.au/cgi-bin/viewdoc/au/legis/cth/consol_act/cca1995115/sch1.html) (accessed 2 July 2018).

<sup>106</sup> Cohen, E. (2012). 'Child-Sex Tourism: an Australian issue across borders', *Border Crossing Observatory* [Online]. Available at: [http://artsonline.monash.edu.au/thebordercrossingobservatory/files/2013/02/Spotlight-Story-November-2012\\_Child-Sex-Tourism\\_Emily-Cohen.pdf](http://artsonline.monash.edu.au/thebordercrossingobservatory/files/2013/02/Spotlight-Story-November-2012_Child-Sex-Tourism_Emily-Cohen.pdf) (accessed 24 July 2018).

<sup>107</sup> Available at: [http://www6.austlii.edu.au/cgi-bin/viewdoc/au/legis/cth/consol\\_act/cca1995115/sch1.html](http://www6.austlii.edu.au/cgi-bin/viewdoc/au/legis/cth/consol_act/cca1995115/sch1.html) (accessed 2 July 2018).

- To these divisions of the Act, extraterritorial scope is applied, to both citizens, residents and corporate bodies incorporated under Australian law, as well as those that carry on their activities principally in Australia. There are no limiting conditions.

#### Other measures of note introduced by Government to combat CSEA (whether overseas or not)

- In 2017, the Government of Australia passed a law to allow passport refusal or cancellation to a person who is an Australian citizen and a convicted child sex offender, entitled the Passports Legislation Amendment (Overseas Travel by Child Sex Offenders) Act 2017. Reportedly, this Act prohibiting the travel of child sex offenders is the first of its kind in the world.<sup>108</sup> Furthermore, the Act has already been enforced; in December 2017, the law prohibited the international travel of a convicted paedophile trying to board a plane at Sydney airport.<sup>109</sup>
- In 2009, the Government of Australia launched 'Protecting Children is Everyone's Business: National Framework for Protecting Australia's Children 2009-2020'. A section of this framework is dedicated to the prevention of CSEA and improvement of victim support services.<sup>110</sup> However, the National Framework does not specifically address CSEA by Australian citizens/residents overseas.

#### Further Comments

- Australia has received international recognition as a source country for offenders travelling overseas to exploit and abuse children, particularly in the ASEAN region.<sup>111</sup>
- The Government of Australia has been praised by the Office to Monitor and Combat Trafficking in Persons and labelled as a 'Tier 1' country for their efforts to eliminate trafficking.<sup>112</sup>
- Although the level of prosecutions under Division 272 of the Criminal Code is still stated to be too low to effectively deter these crimes, Australia has successfully convicted people for CSEA offences committed abroad. According to available case reports, between 1994 and 2011, more than 30 people have been charged with child sex tourism offences in Australia. Of the charges laid, it is reported that approximately 70% have led to a successful prosecution.<sup>113</sup>
- Evidence of further prosecutions initiated against those committing CSEA abroad is difficult to find. The Commonwealth Director of Public Prosecutions, which is Australia's Federal Prosecution Service, publishes case reports on their website, but it appears to not be an exhaustive list as there are none for the crime of CSEA committed abroad.<sup>114</sup>
- The 2017 Trafficking in Persons Report for Australia reports that 3 defendants were convicted for CSEA overseas offences in 2016, and 1 was convicted in 2015.<sup>115</sup>

### **The Bahamas\***

#### Definition of a child (Age of Majority) and Age of Consent

- The age of majority is 18 years.
- The age of consent is 16 years (18 years for same-sex activity).

#### Optional Protocol Ratification

- The Bahamas ratified the Optional Protocol on 28th September 2015(a).

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<sup>108</sup> Lotto Persio, S. (2017). 'World's First Travel Ban on Pedophiles Takes Effect With Arrest in Australia', *Newsweek*, 13 December 2017 [Online]. Available at: <https://www.newsweek.com/worlds-first-travel-ban-pedophiles-takes-effect-australia-arrest-746825> (accessed 5 June 2018).

<sup>109</sup> Baidawi, A. (2017). 'Pedophile Barred From Leaving Australia as Sex Tourism Law Takes Effect', *The New York Times*, 13 December 2017 [Online]. Available at: <https://www.nytimes.com/2017/12/13/world/australia/pedophile-travel-ban.html> (accessed 5 June 2018).

<sup>110</sup> ECPAT (2012). 'Global Monitoring Report: Australia', , p. 16. [Online]. Available at: [http://www.ecpat.org/wp-content/uploads/legacy/a4a\\_v2\\_eap\\_australia.pdf](http://www.ecpat.org/wp-content/uploads/legacy/a4a_v2_eap_australia.pdf) (accessed 6 June 2018).

<sup>111</sup> ECPAT (2012). 'Global Monitoring Report: Australia', , p. 14. [Online]. Available at: [http://www.ecpat.org/wp-content/uploads/legacy/a4a\\_v2\\_eap\\_australia.pdf](http://www.ecpat.org/wp-content/uploads/legacy/a4a_v2_eap_australia.pdf) (accessed 6 June 2018).

<sup>112</sup> Office to Monitor and Combat Trafficking in Persons (2017). '2017 Trafficking in Persons Report: Australia Tier 1'. Available at: <https://www.state.gov/j/tip/rls/tiprpt/countries/2017/271137.htm> (accessed 24 May 2018).

<sup>113</sup> McNicol, J. and Schloenhardt, A. (2012). 'Australia's Child Sex Tourism Offences', *Current Issues in Criminal Justice* 23:2, pp. 369-392 (p. 378).

<sup>114</sup> CDPP. 'Case Reports' [online]. Available at: <https://www.cdpp.gov.au/case-reports> (accessed 24 July 2018).

<sup>115</sup> Office to Monitor and Combat Trafficking in Persons (2017). '2017 Trafficking in Persons Report: Australia Tier 1'. Available at: <https://www.state.gov/j/tip/rls/tiprpt/countries/2017/271137.htm> (accessed 24 May 2018).

### Anti-CSEA Laws

- Sections 10 & 11 of the Sexual Offences and Domestic Violence Act (2010) of the Bahamas, criminalise 'sexual intercourse with a person under fourteen years' and 'sexual intercourse with a person between fourteen and sixteen years' respectively.<sup>116</sup>
- No legislation of the Bahamas makes specific reference to 'child sexual exploitation' but the Trafficking in Persons (Prevention and Suppression) Act (2008), criminalises 'exploitation' and 'sexual exploitation' of all forms.<sup>117</sup>

### Extraterritorial jurisdiction? Any limiting conditions?

- No extraterritoriality is applied to the criminalisation of CSEA.

### Palermo Protocol Ratification

- The Bahamas ratified the Palermo Protocol on 26th September 2008.

### Anti-Trafficking Laws (and specifically, anti-child trafficking)

- The Trafficking in Persons (Prevention and Suppression) Act (2008) of the Bahamas, provides a mean for the prosecution of a person for the offence of trafficking in persons, as well as particular criminalisation of the offence once committed against a child.<sup>118</sup> However, this Act does not criminalise sexual activity with a child who is the victim of trafficking or sexual exploitation, but rather the actual subjugation of a child for commercial sexual exploitation.

### Extraterritorial jurisdiction? Any limiting conditions?

- No extraterritoriality is applied to the criminalisation of human trafficking.

### Other measures of note introduced by Government to combat CSEA (whether overseas or not)

- Few government initiatives concerning CSEA can be found to be in place in the Bahamas, in particular none can be found which address Bahamian citizens/residents travelling abroad and engaging in CSEA.
- However, the government of the Bahamas does seek to address CSEA domestically to a certain extent. For example, the Ministry of Health do have the SCAN (Suspected Child Abuse and Neglect) Programme in place, which focuses on developing protocol for the management of children who have been abused, as well as the prevention of future cases of abuse.<sup>119</sup>

### Further Comments

- In their questionnaire response, the Bahamas highlighted the need for further research to determine whether the abuse and exploitation of children overseas by Bahamian citizens/resident is taking place. Presently, they claim there does not appear to be a requirement for additional legislation as no evidence has been produced to prove the existence of this problem amongst those residing in the Bahamas.
- The 2017 Trafficking in Persons Report for the Bahamas confirms this sentiment as it reports that 'authorities did not [in 2016] consider child sex tourism to be a problem in The Bahamas and reported no child sex tourism investigations'.<sup>120</sup>

<sup>116</sup> Available at: [http://laws.bahamas.gov.bs/cms/images/LEGISLATION/PRINCIPAL/1991/1991-0009/SexualOffencesAct\\_1.pdf](http://laws.bahamas.gov.bs/cms/images/LEGISLATION/PRINCIPAL/1991/1991-0009/SexualOffencesAct_1.pdf) (accessed 24 May 2018).

<sup>117</sup> Available at: <http://www.ilo.org/dyn/natlex/docs/ELECTRONIC/81008/128021/F1726511050/BHS81008.pdf> (accessed 24 May 2018).

<sup>118</sup> Available at: <http://www.ilo.org/dyn/natlex/docs/ELECTRONIC/81008/128021/F1726511050/BHS81008.pdf> (accessed 24 May 2018).

<sup>119</sup> Available at:

[https://www.bahamas.gov.bs/wps/portal/public/Health%20Initiatives/SCAN!/ut/p/b1/vZLJptAGISfxQ\\_godvtYtMyG8xmdrggDjiwNNgMNsVtX6OMlFOcSzl\\_6z-0VNWfqRETIRE3KWPqkzHqu\\_S9vMekwmSTf3E72mdJvcMUKBrKIJoIRnBpyB6CsAfhgW\\_\\_EDWWfbpN3fup5-H5NF7B7RAEgERHqJlFnpIkKQ\\_mVO\\_BjAfUrtR-eJYCg05Yela9F50bOxiG-5OpFlk2KeciolaLDeusD\\_cHt098HhOnyuvunAFvqTTuUtzCNAxS1FUyNPiS1VpVVV5F2zYzBjSj2cUMflQI9Yd4WjJUhW2cS1F9MdU0y33kAY\\_DfBOL0Z2cljquUYzqThE2IBWNI-5XwT7S28BEb-uZv8leFGtcehxQURPGfXHdzAuEQI9oITL1dlbVa7Xk\\_AWWNdXzMI62B1hPBknEVgMcnUHWAHBA99NNNqeM8VOMXNNSv3bY9j2UteDdproKOR3wuKOfjdQOq\\_A4879ARqSDNoHjoy-mYg\\_e8\\_jUrE1Rm\\_TRI-A280g3bMOWxoPQ3fYCEX3skJfQkK1qTjxfYjIRUq8pNrWkNXwXx0JmyU2z9yLzMILDM42Cm\\_spOxweb6NEpE1tJueXyXVvbe7mze8T2YV-QXPFxt5En8nIOTIEmQ72RbZLE8pOQliGrkxyp0deQkBLZpD38KaegIVJyx34cHCKcBtAvygtPpEBhtH8w1uFLV8vszG3-ZBzedMezqLaIMU49owVDRfddjVZHa7-Yc\\_G6rYTp82GuGLvoZE2bVx-H53dbH4CucD-zw!!/dl4/d5/L2dBISEvZ0FBIS9nQSEH/](https://www.bahamas.gov.bs/wps/portal/public/Health%20Initiatives/SCAN!/ut/p/b1/vZLJptAGISfxQ_godvtYtMyG8xmdrggDjiwNNgMNsVtX6OMlFOcSzl_6z-0VNWfqRETIRE3KWPqkzHqu_S9vMekwmSTf3E72mdJvcMUKBrKIJoIRnBpyB6CsAfhgW__EDWWfbpN3fup5-H5NF7B7RAEgERHqJlFnpIkKQ_mVO_BjAfUrtR-eJYCg05Yela9F50bOxiG-5OpFlk2KeciolaLDeusD_cHt098HhOnyuvunAFvqTTuUtzCNAxS1FUyNPiS1VpVVV5F2zYzBjSj2cUMflQI9Yd4WjJUhW2cS1F9MdU0y33kAY_DfBOL0Z2cljquUYzqThE2IBWNI-5XwT7S28BEb-uZv8leFGtcehxQURPGfXHdzAuEQI9oITL1dlbVa7Xk_AWWNdXzMI62B1hPBknEVgMcnUHWAHBA99NNNqeM8VOMXNNSv3bY9j2UteDdproKOR3wuKOfjdQOq_A4879ARqSDNoHjoy-mYg_e8_jUrE1Rm_TRI-A280g3bMOWxoPQ3fYCEX3skJfQkK1qTjxfYjIRUq8pNrWkNXwXx0JmyU2z9yLzMILDM42Cm_spOxweb6NEpE1tJueXyXVvbe7mze8T2YV-QXPFxt5En8nIOTIEmQ72RbZLE8pOQliGrkxyp0deQkBLZpD38KaegIVJyx34cHCKcBtAvygtPpEBhtH8w1uFLV8vszG3-ZBzedMezqLaIMU49owVDRfddjVZHa7-Yc_G6rYTp82GuGLvoZE2bVx-H53dbH4CucD-zw!!/dl4/d5/L2dBISEvZ0FBIS9nQSEH/) (accessed 24 May 2018).

<sup>120</sup> Office to Monitor and Combat Trafficking in Persons (2017). '2017 Trafficking in Persons Report: The Bahamas Tier 1'. Available at: <https://www.state.gov/j/tip/rls/tiprpt/countries/2017/271140.htm> (accessed 24 May 2018).

- The Government of the Bahamas has been praised by the Office to Monitor and Combat Trafficking in Persons in the 2017 Trafficking in Persons Report for their efforts to eliminate trafficking.<sup>121</sup> The Bahamas' position as a 'Tier 1' level state shows promise for the possible enactment of extraterritorial legislation against CSEA as these offences relate often to human trafficking.

## Bangladesh

### Definition of a child (Age of Majority) and Age of Consent

- The age of majority is 18 years.
- The age of consent is 14 years (only for heterosexual acts, as homosexuality is criminalised).

### Optional Protocol Ratification

- Bangladesh ratified the Optional Protocol on 6th September 2000.

### Anti-CSEA Laws

- Sections 9 and 10 of the Prevention of Oppression Against Women and Children Act (2000, amended 2003) of Bangladesh criminalises CSEA somewhat, insofar as they criminalise the rape and 'sexual oppression' of a child, defined as a person under 14 years old, with penalties of 'imprisonment for life and with fine' and imprisonment of between 2-10 years with a fine respectively.<sup>122</sup>
- Section 78(1) of the Children's Act (2013) of Bangladesh penalises 'leading or encouraging a child to immoral activity' with a punishment of imprisonment or fine.<sup>123</sup>

### Extraterritorial jurisdiction? Any limiting conditions?

- No extraterritoriality is applied to the criminalisation of CSEA.

### Palermo Protocol Ratification

- Bangladesh has not signed or ratified the Palermo Protocol.

### Anti-Trafficking Laws (and specifically, anti-child trafficking)

- Section 6 of the Prevention of Oppression Against Women and Children Act (2000, amended 2003) of Bangladesh criminalises the trafficking of a child, with a penalty of 'death or rigorous transportation for life and also with fine' attached.<sup>124</sup>
- Section 6 of the Prevention and Suppression of Human Trafficking Act (2012) of Bangladesh comprehensively criminalises human trafficking, as well as prohibiting the trafficking of a child in particular, with a penalty of imprisonment and fine.<sup>125</sup>

### Extraterritorial jurisdiction? Any limiting conditions?

- The Prevention and Suppression of Human Trafficking Act (2012) of Bangladesh has some extraterritorial applications, however none with regards to Bangladesh citizens/residents committing offences overseas. The Act has extraterritorial application insofar as offences committed against Bangladeshi nationals outside the territory of Bangladesh, and offences committed under the Act from outside Bangladesh into the territory of Bangladesh or vice versa.<sup>126</sup>

### Other measures of note introduced by Government to combat CSEA (whether overseas or not)

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<sup>121</sup> Office to Monitor and Combat Trafficking in Persons (2017). '2017 Trafficking in Persons Report: The Bahamas Tier 1'. Available at: <https://www.state.gov/j/tip/rls/tiprpt/countries/2017/271140.htm> (accessed 24 May 2018).

<sup>122</sup> Available at: [http://iknowpolitics.org/sites/default/files/prevention\\_act\\_bangladesh.pdf](http://iknowpolitics.org/sites/default/files/prevention_act_bangladesh.pdf).

<sup>123</sup> Available at: [http://www.supremecourt.gov.bd/resources/contents/Children\\_Act\\_2013-Brief\\_Commentary\\_v4.pdf](http://www.supremecourt.gov.bd/resources/contents/Children_Act_2013-Brief_Commentary_v4.pdf) (accessed 20 August 2018).

<sup>124</sup> Available at: [http://iknowpolitics.org/sites/default/files/prevention\\_act\\_bangladesh.pdf](http://iknowpolitics.org/sites/default/files/prevention_act_bangladesh.pdf) (accessed 1 August 2018).

<sup>125</sup> Available at: <http://www.refworld.org/pdfid/543f75664.pdf> (accessed 1 August 2018).

<sup>126</sup> Available at: <http://www.refworld.org/pdfid/543f75664.pdf> (accessed 1 August 2018).

- In 2016, the Bangladeshi government investigated, prosecuted, and convicted a Bangladeshi official on a peacekeeping mission of sexually exploiting a child.<sup>127</sup> The official was dismissed from service, however was only sentenced to 1 year of imprisonment.
- Few other government efforts to combat CSEA can be found.

#### Further Comments

- The UNCRC highlighted in their 2015 report that Bangladesh only prohibits the involvement in prostitution of children under the age of 10 years.<sup>128</sup>
- The Bangladeshi government expressed that several challenges exist for their efforts to prevent and prosecute CSEA offences domestically in their report to the UNCRC. These acknowledged challenges include: legal enforcement difficulties, victims families not wanting to report the offences or seek justice, and lack of information about the procedures to follow in order to report an offence.<sup>129</sup>
- The Bangladeshi government seems to be somewhat proactive in addressing human trafficking and pursuing prosecution for trafficking offences. This is evidenced by their position as a 'Tier 2' level country in the 2017 Trafficking in Persons Report.<sup>130</sup> Within the report, it states that in 2016 the Government investigated 122 sex trafficking cases which, whilst a decrease from the previous year, is a significant amount of cases to pursue.

## **Barbados**

### Definition of a child (Age of Majority) and Age of Consent

- The age of majority is 18 years.
- The age of consent is 16 years (only for heterosexual acts, as homosexuality is criminalised).

### Optional Protocol Ratification

- Barbados has not ratified or signed the Optional Protocol.

### Anti-CSEA Laws

- Sections 4 and 5 of the Sexual Offences Act (1992) of Barbados criminalise sexual intercourse with persons under the ages of 14 and 16 respectively.<sup>131</sup> This leaves a gap in legal protection for children under the age of 18.

### Extraterritorial jurisdiction? Any limiting conditions?

- No extraterritorial scope is applied to the criminalisation of CSEA in Barbados.

### Palermo Protocol Ratification

- Barbados ratified the Palermo Protocol on 11th November 2004.

### Anti-Trafficking Laws (and specifically, anti-child trafficking)

- The Trafficking in Persons Prevention Act (2016) of Barbados criminalises human trafficking, with especially strong sentences attached to the offence of child trafficking in Section 4.<sup>132</sup>

### Extraterritorial jurisdiction? Any limiting conditions?

- Section 22 of the Act applies extraterritorial scope to human trafficking offences, however this is only applied to Barbados nationals. No statute of limitations or condition of dual criminality appears in the Act.

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<sup>127</sup> Office to Monitor and Combat Trafficking in Persons (2017). '2017 Trafficking in Persons Report: Bangladesh Tier 2'. Available at: <https://www.state.gov/j/tip/rls/tiprpt/countries/2017/271142.htm> (accessed 14 June 2018).

<sup>128</sup> UN Committee on the Rights of the Child (CRC) (2015). 'Concluding Observations on the Fifth Periodic Report of Bangladesh', p. 8. Available at: [https://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fBGD%2fCO%2f5&Lang=en](https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fBGD%2fCO%2f5&Lang=en) (accessed 19 July 2018).

<sup>129</sup> UN Committee on the Rights of the Child (CRC) (2014). 'Fifth Periodic Reports of States Parties Due in 2012: Bangladesh', p. 54. Available at: [https://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fBGD%2f5&Lang=en](https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fBGD%2f5&Lang=en) (accessed 19 July 2018).

<sup>130</sup> Office to Monitor and Combat Trafficking in Persons (2017). '2017 Trafficking in Persons Report: Bangladesh Tier 2'. Available at: <https://www.state.gov/j/tip/rls/tiprpt/countries/2017/271142.htm> (accessed 19 July 2018).

<sup>131</sup> Available at: <https://www2.ohchr.org/english/bodies/hrc/docs/ngos/lgbti2.pdf> (accessed 5 July 2018).

<sup>132</sup> Available at: <https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/102713/124283/F-630313955/BRB102713.pdf> (accessed 5 July 2018).

#### Other measures of note introduced by Government to combat CSEA (whether overseas or not)

- The Government of Barbados established a national task force for the Prevention of Trafficking in Persons in 2012.<sup>133</sup>
- Few other initiatives to specifically combat CSEA can be found to have been implemented by the Government of Barbados.

#### Further Comments

- In 2017, the UNCRC expressed their concern that Barbados' legislation does 'not provide strong protection against child sexual abuse' and that there is a distinct absence of a national policy to tackle the sexual exploitation of children.<sup>134</sup>
- In the 2018 Trafficking in Persons Report, the Government of Barbados is stated to not meet the minimum standards for the elimination of trafficking, although they are making several efforts to do so.<sup>135</sup>

### **Belize\***

#### Definition of a child (Age of Majority) and Age of Consent

- The age of majority is 18 years old.
- The age of consent is 16 years old.

#### Optional Protocol Ratification

- Belize ratified the Optional Protocol on 1st December 2003.

#### Anti-CSEA Laws

- The Commercial Sexual Exploitation of Children (Prohibition) Act (2013) of Belize criminalises commercial acts of CSEA.<sup>136</sup> It also specifically criminalises the 'offence of sex tourism' in relation to children in section 12 of the Act.
- However, the Act does not prohibit adults from engaging in sexual activity with 16- and 17-year old children in exchange for 'remuneration, gifts, goods, food, or other benefits' and therefore is not fully comprehensive.<sup>137</sup>

#### Extraterritorial jurisdiction? Any limiting conditions?

- Section 13 of the Commercial Sexual Exploitation of Children (Prohibition) Act (2013) of Belize applies extraterritorial scope to the offences contained in the Act.<sup>138</sup> Extraterritoriality under the Act applies to citizens of Belize and those who 'habitually reside' in the territory. No condition of dual criminality or statute of limitation are applied to the criminalisation of commercial CSEA.

#### Palermo Protocol Ratification

- Belize ratified the Palermo Protocol on 26th September 2003(a).

#### Anti-Trafficking Laws (and specifically, anti-child trafficking)

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<sup>133</sup> UN Committee on the Rights of the Child (CRC) (2017). 'Concluding Observations on the Second Periodic Report of Barbados', p. 10. Available at: [https://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fBRB%2fCO%2f2&Lang=en](https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fBRB%2fCO%2f2&Lang=en) (accessed 5 July 2018).

<sup>134</sup> UN Committee on the Rights of the Child (CRC) (2017). 'Concluding Observations on the Second Periodic Report of Barbados', p. 6. Available at: [https://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fBRB%2fCO%2f2&Lang=en](https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fBRB%2fCO%2f2&Lang=en) (accessed 5 July 2018).

<sup>135</sup> Office to Monitor and Combat Trafficking in Persons (2018). '2018 Trafficking in Persons Report: Barbados Tier 2'. Available at: <https://www.state.gov/j/tip/rls/tiprpt/countries/2018/282610.htm> (accessed 5 July 2018).

<sup>136</sup> Available at: <http://humandevlopment.gov.bz/wordpress/wp-content/uploads/2016/02/CSEC-Legislation.pdf> (accessed 24 May 2018).

<sup>137</sup> Office to Monitor and Combat Trafficking in Persons (2017). '2017 Trafficking in Persons Report: Belize Tier 3'. Available at: <https://www.state.gov/j/tip/rls/tiprpt/countries/2017/271146.htm> (accessed 12 June 2018).

<sup>138</sup> Available at: <http://humandevlopment.gov.bz/wordpress/wp-content/uploads/2016/02/CSEC-Legislation.pdf> (accessed 24 May 2018).

- The Trafficking in Persons (Prohibition) Act (2013) of Belize comprehensively criminalises human trafficking, with particular reference to child trafficking for CSEA purposes in Sections 11, 13 and 14.<sup>139</sup>

#### Extraterritorial jurisdiction? Any limiting conditions?

- Extraterritorial scope is applied to the Act when the offences criminalised are committed by citizens or those who 'habitually reside' in Belize. No condition of dual criminality is attached.

#### Other measures of note introduced by Government to combat CSEA (whether overseas or not)

- In 2016-17, the Belize government produced and disseminated announcements on CSEA and the links between tourism. However, according to the 2017 Trafficking in Persons Report, the government 'did not investigate, prosecute or convict any child sex tourists'.<sup>140</sup>
- Few other government initiatives specifically targeting CSEA can be found publicised by the Government of Belize.

#### Further Comments

- Despite seemingly comprehensive legislation against CSEA overseas, apart from children who are 16- and 17-years of age, no record of conviction for these offences can be found for Belize.
- The Belize government cites, in their questionnaire response, the key reasons why their extraterritorial legislation against CSEA has not been successful in implementing prosecutorial proceedings against perpetrators to be the lack of both human and financial resources.
- Furthermore, the Belize government representative suggests that to improve rates of prosecution, the following steps can be taken: 'continuously raise awareness among the public, especially young children about what CSEA is; provide training/continuous training to professional agencies responsible for and involved in the investigation and prosecution of CSEA cases, and the protection of victims; possibly develop a unit that is geared solely towards the investigation and prosecution of CSEA/human trafficking, including acts that take place in other jurisdictions.'
- The Government of Belize has been labelled as a 'Tier 3' level country by the Office to Monitor and Combat Trafficking in Persons, suggesting that their dedication to the elimination of trafficking and related crimes is sub-standard.<sup>141</sup>

## **Botswana\***

#### Definition of a child (Age of Majority) and Age of Consent

- The age of majority is 18 years.
- The age of consent is 18 years (only for heterosexual acts, as homosexuality is criminalised).

#### Optional Protocol Ratification

- Botswana ratified the Optional Protocol on 24th September 2003(a).

#### Anti-CSEA Laws

- The Children's Act (2009) of Botswana guarantees every child the rights to be free from sexual abuse, exploitation and prostitution.<sup>142</sup> Sections 56 and 57 of the Act criminalise the exploitation or 'corruption' of children. Additionally, the Act criminalises failing to report CSEA.<sup>143</sup>
- Section 193 of the Criminal Procedure and Evidence Act (1939) also criminalises the 'defilement of a girl under 16 years old (later changed to 18 with the raising of the age of consent).<sup>144</sup>

<sup>139</sup> Available at: [http://humandevlopment.gov.bz/wordpress/wp-content/uploads/2016/02/TIPS\\_Law.pdf](http://humandevlopment.gov.bz/wordpress/wp-content/uploads/2016/02/TIPS_Law.pdf) (accessed 24 May 2018).

<sup>140</sup> Office to Monitor and Combat Trafficking in Persons (2017). '2017 Trafficking in Persons Report: Belize Tier 3'. Available at: <https://www.state.gov/j/tip/rls/tiprpt/countries/2017/271146.htm> (accessed 12 June 2018).

<sup>141</sup> Office to Monitor and Combat Trafficking in Persons (2017). '2017 Trafficking in Persons Report: Belize Tier 3'. Available at: <https://www.state.gov/j/tip/rls/tiprpt/countries/2017/271146.htm> (accessed 12 June 2018).

<sup>142</sup> Available at: <http://jafbase.fr/docAfrique/Botswana/Children%20act.pdf> (accessed 29 May 2018).

<sup>143</sup> <http://www.ecpat.org/wp-content/uploads/2017/09/2017-%E2%80%93-Botswana-UPR-Report.pdf>

<sup>144</sup> Available at: <http://crm.misa.org/upload/web/BOTSWANA%20CRIMINAL%20PROCEDURE%20AND%20EVIDENCE.pdf> (accessed 29 May 2018).

- Sections 146 and 147 of the Penal Code (1964) of Botswana criminalise CSEA for children under 16 years of age.<sup>145</sup>

#### Extraterritorial jurisdiction? Any limiting conditions?

- No extraterritorial scope is applied to the Children's Act (2009) or the Criminal Procedure and Evidence Act (1939) of Botswana. Within the Penal Code (1964) of Botswana, some extraterritorial scope is applied if the act is committed 'partly within and partly beyond the jurisdiction'. However, this is not full extraterritorial jurisdiction and is not applicable to most CSEA overseas offences.

#### Palermo Protocol Ratification

- Botswana ratified the Palermo Protocol on 29th August 2002.

#### Anti-Trafficking Laws (and specifically, anti-child trafficking)

- The Anti-Human Trafficking Act (2014) of Botswana criminalises child trafficking specifically, as well as human trafficking in general.<sup>146</sup>
- 'Trafficking in children' is also criminalised in Section 114 of the Children's Act (2009) of Botswana.<sup>147</sup>

#### Extraterritorial jurisdiction? Any limiting conditions?

- Extraterritorial scope is applied to the Act in Section 30 when the offences are committed by a citizen or permanent resident of Botswana. There is no condition of dual criminality or statute of limitations attached.

#### Other measures of note introduced by Government to combat CSEA (whether overseas or not)

- Botswana is 1 of 15 southern African nations taking part in the Southern African Development Community's '10 Year SADC Strategic Plan of Action on Combating Trafficking in Persons, especially Women and Children (2009-2019)'.<sup>148</sup> The SADC Plan mobilises domestic leaders to implement UNCTOC and its protocols through legislation enactment, law enforcement training, and awareness-raising campaigns.
- The Government of Botswana established the National Children's Consultative Forum (NCCF) which chooses a selection of children to represent and advocate for children's issues at the national level.<sup>149</sup>

#### Further Comments

- The Government of Botswana has been labelled as a 'Tier 2' level country by the Office to Monitor and Combat Trafficking in Persons,<sup>150</sup> suggesting that the Government is trying to improve efforts to combat human trafficking and therefore could be open to improving their anti-CSEA efforts.
- In their questionnaire response, the Government of Botswana representative cites two key reasons why their prosecution rates for CSEA offences are low: 'lack of awareness of existence of such legislation amongst victims; requirement of victim to make a formal request or complaint in order to initiate investigative proceedings'.
- The Government of Botswana further highlighted the need for 'public awareness' in order to introduce full extraterritorial legislation against CSEA and increase prosecution rates.

## **Brunei Darussalam\***

#### Definition of a child (Age of Majority) and Age of Consent

- The age of majority is 18 years.

<sup>145</sup> Available at: <http://www.wipo.int/edocs/lexdocs/laws/en/bw/bw012en.pdf> (accessed 29 May 2018).

<sup>146</sup> Available at: <http://www.osall.org.za/docs/2011/03/Botswana-Anti-Human-Trafficking-Act-32-of-2014.pdf> (accessed 29 May 2018).

<sup>147</sup> Available at: <http://jafbase.fr/docAfrique/Botswana/Children%20act.pdf> (accessed 29 May 2018).

<sup>148</sup> ECPAT & Stepping Stones International (2017). 'Child Sexual Exploitation in Botswana', *Universal Periodic Review of the human rights situation in Botswana*, p. 8. Available at: <http://www.ecpat.org/wp-content/uploads/2017/09/2017-%E2%80%93-Botswana-UPR-Report.pdf> (accessed 29 May 2018).

<sup>149</sup> ECPAT & Stepping Stones International (2017). 'Child Sexual Exploitation in Botswana', *Universal Periodic Review of the human rights situation in Botswana*, p. 8. Available at: <http://www.ecpat.org/wp-content/uploads/2017/09/2017-%E2%80%93-Botswana-UPR-Report.pdf> (accessed 29 May 2018).

<sup>150</sup> Office to Monitor and Combat Trafficking in Persons (2018). '2018 Trafficking in Persons Report: Botswana Tier 2'. Available at: <https://www.state.gov/j/tip/rls/tiprpt/countries/2018/282618.htm> (accessed 20 July 2018).

- The age of consent differs in several pieces of legislation in Brunei Darussalam. It appears to be between 13 and 16 years, depending on whether the female involved is married or not (only for heterosexual acts, as homosexuality is criminalised).

#### Optional Protocol Ratification

- Brunei Darussalam ratified the Optional Protocol on 21st November 2006(a).

#### Anti-CSEA Laws

- Section 375 of the Penal Code (2015) of Brunei Darussalam criminalises a 'man' having sexual intercourse with a 'woman' under the age of 14 years.<sup>151</sup> However, no protection is afforded to male children under this act, or female children over the age of 14. Furthermore, only 'sexual intercourse' by penetration is criminalised in this Section. Sections 377B and 377C criminalise engaging in sexual acts in the presence of a child under 16 years of age.
- Section 377E specifically criminalises commercial CSEA overseas, or it is cited: 'commercial sex with a person under 18 outside Brunei Darussalam'.
- The Children and Young Persons Act (2012) of Brunei Darussalam criminalises the sexual abuse of a male child.<sup>152</sup> However, this offence is only referenced as to be committed by 'a person having the care of a child or young person'. Therefore, this is not a fully comprehensive criminalisation of CSEA, particularly not in relation to those who commit crimes of CSEA overseas.

#### Extraterritorial jurisdiction? Any limiting conditions?

- Section 3 of the Penal Code (2015) of Brunei Darussalam extends extraterritorial jurisdiction to all of the laws of Brunei Darussalam for citizens.<sup>153</sup> However, a condition of dual criminality is attached to the Penal Code as is indicated in Section 3: 'any person liable to be tried for an offence committed beyond the limits of Brunei Darussalam shall be dealt with according to the provisions of this Code for any act committed beyond Brunei Darussalam in the same manner as if such act had been committed within Brunei Darussalam.' It does appear that this jurisdiction only applies to citizens, and not residents of Brunei Darussalam. No statute of limitations appears in the Penal Code.
- However, in Section 377E of the Penal Code, no mention of a condition of dual criminality can be found.

#### Palermo Protocol Ratification

- Brunei Darussalam has not signed or ratified the Palermo Protocol.

#### Anti-Trafficking Laws (and specifically, anti-child trafficking)

- The Trafficking and Smuggling Persons Order (2004) of Brunei Darussalam prohibits both sex and labour trafficking.<sup>154</sup> Section 5 of the Act also specifically criminalises the 'offence of children trafficking'.
- The Women and Girls Protection Act (1984) of Brunei Darussalam also criminalises the 'traffic of women and girls'.<sup>155</sup>

#### Extraterritorial jurisdiction? Any limiting conditions?

- Extraterritorial jurisdiction is applied to this Act in Section 3. Extraterritorial scope is applicable when the offence of trafficking or smuggling is committed by a citizen of Brunei Darussalam, or 'a person to whom a Residence Permit or an Entry Permit has been issued under the Immigration Act'. Applying extraterritorial jurisdiction over the offences of a person with an Entry Permit is a significant extension beyond the usual extraterritoriality seen in other states' laws. No condition of dual criminality or statute of limitations can be found within this Act.

#### Other measures of note introduced by Government to combat CSEA (whether overseas or not)

- Few government initiatives to specifically address CSEA can be found to have been introduced by the Government of Brunei Darussalam.

<sup>151</sup> Available at: [http://www.agc.gov.bn/AGC%20Images/LAWS/ACT\\_PDF/Cap.22a.pdf](http://www.agc.gov.bn/AGC%20Images/LAWS/ACT_PDF/Cap.22a.pdf) (accessed 7 July 2018).

<sup>152</sup> [http://www.agc.gov.bn/AGC%20Images/LAWS/ACT\\_PDF/cap219.pdf](http://www.agc.gov.bn/AGC%20Images/LAWS/ACT_PDF/cap219.pdf) (accessed 7 July 2018).

<sup>153</sup> Available at: [http://www.agc.gov.bn/AGC%20Images/LAWS/ACT\\_PDF/Cap.22a.pdf](http://www.agc.gov.bn/AGC%20Images/LAWS/ACT_PDF/Cap.22a.pdf) (accessed 7 July 2018).

<sup>154</sup> Available at: <http://www.agc.gov.bn/AGC%20Images/LOB/Order/MNOP/S82-Trafficking%20and%20Smuggling%20of%20Persons%20Order%202004.pdf> (accessed 7 July 2018).

<sup>155</sup> Available at: [http://www.agc.gov.bn/AGC%20Images/LAWS/ACT\\_PDF/cap.120.pdf](http://www.agc.gov.bn/AGC%20Images/LAWS/ACT_PDF/cap.120.pdf) (accessed 7 July 2018).

### Further Comments

- In their questionnaire response, the Government of Brunei Darussalam claimed that the reason why their extraterritorial legislation against CSEA has not been used to prosecute perpetrators is that 'no offences have been committed by Brunei Darussalam nationals outside Brunei Darussalam.
- The Government of Brunei Darussalam has been labelled as a 'Tier 2' level country by the Office to Monitor and Combat Trafficking in Persons,<sup>156</sup> suggesting that the Government is trying to improve efforts to combat human trafficking and therefore could be open to improving their anti-CSEA efforts.

## **Cameroon\***

### Definition of a child (Age of Majority) and Age of Consent

- The age of majority is 21 years.
- The age of consent is 16 years (only for heterosexual acts, as homosexuality is criminalised).

### Optional Protocol Ratification

- Cameroon signed the Optional Protocol on 5th October 2001.

### Anti-CSEA Laws

- Section 344 of the Penal Code (2016) of Cameroon criminalises the 'corruption of youth, defined as a child under 18 years of age'.<sup>157</sup> Section 346 criminalises committing an 'indecent act' in the presence of a child under 16 years of age. Section 347 criminalises 'indecent to Minor between 16 and 21'.
- ASSEJA and ECPAT argue in their 2017 report on CSE in Cameroon that 'the protection of children from CSE remains insufficient'.<sup>158</sup>
- Section 5 of Law No. 98-6 (1998) of Cameroon 'on tourist activities' attaches a general obligation for the State and citizens to 'take the appropriate measures in order to combat sex tourism involving children'.<sup>159</sup>

### Extraterritorial jurisdiction? Any limiting conditions?

- Section 10 of the Penal Code (2016) of Cameroon applies extraterritorial scope to the laws of Cameroon, providing that the offence is committed by a citizen or resident.<sup>160</sup> However, a condition of dual criminality is applied to this provision; in other words, the offence which constitutes an offence in Cameroon must also be 'punishable by the law of the place of commission'. A further limiting condition is placed on this extraterritorial jurisdiction in that 'the sentence passed may not be more severe than that provided by the foreign law'.
- A statute of limitations of 10 years is placed on all criminal proceedings in Cameroon with regards to felonies committed, and of 3 years with regards to misdemeanours committed.
- Considering the insufficient criminalisation of CSEA under Cameroon law, this extraterritorial legislation against CSEA is not comprehensive.

### Palermo Protocol Ratification

- Cameroon ratified the Palermo Protocol on 6th February 2006.

### Anti-Trafficking Laws (and specifically, anti-child trafficking)

- Section 342-1 of the Penal Code (2016) of Cameroon criminalises trafficking in persons, with the trafficking of a child under 15 years of age and for sexual purposes ascribed stronger punishment.<sup>161</sup>

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<sup>156</sup> Office to Monitor and Combat Trafficking in Persons (2018). '2018 Trafficking in Persons Report: Brunei Darussalam Tier 2'. Available at: <https://www.state.gov/j/tip/rls/tiprpt/countries/2018/282620.htm> (accessed 7 July 2018).

<sup>157</sup> Available at: <http://www.wipo.int/edocs/lexdocs/laws/en/cm/cm014en.pdf> (accessed 19 June 2018).

<sup>158</sup> ASSEJA and ECPAT (2017). 'Child Sexual Exploitation in Cameroon'. Available at: [https://tbinternet.ohchr.org/Treaties/CRC/Shared%20Documents/CMR/INT\\_CRC\\_NGO\\_CMR\\_27376\\_E.doc](https://tbinternet.ohchr.org/Treaties/CRC/Shared%20Documents/CMR/INT_CRC_NGO_CMR_27376_E.doc) (accessed 19 June 2018).

<sup>159</sup> Available at: <http://barreaucameroun.org/fr/pdf/jo/JO%20-%201998%20-%20n%C2%B08.pdf> (accessed 19 June 2018).

<sup>160</sup> Available at: <http://www.wipo.int/edocs/lexdocs/laws/en/cm/cm014en.pdf> (accessed 19 June 2018).

<sup>161</sup> Available at: <http://www.wipo.int/edocs/lexdocs/laws/en/cm/cm014en.pdf> (accessed 19 June 2018).

- However, the use of 'threat, fraud, deception, force, or other forms of coercion is required' in order for the child to be considered as a victim of sex trafficking. This requirement is contrary to international standards.<sup>162</sup>

#### Extraterritorial jurisdiction? Any limiting conditions?

- Section 10 of the Penal Code (2016) of Cameroon applies extraterritorial scope to the laws of Cameroon, providing that the offence is committed by a citizen or resident.<sup>163</sup> However, a condition of dual criminality is applied to this provision; in other words, the offence which constitutes an offence in Cameroon must also be 'punishable by the law of the place of commission'. A further limiting condition is placed on this extraterritorial jurisdiction in that 'the sentence passed may not be more severe than that provided by the foreign law'.

#### Other measures of note introduced by Government to combat CSEA (whether overseas or not)

- The Government of Cameroon intends to implement a Code on Child Protection soon.<sup>164</sup> However, the implementation of this Code has been delayed and it has not yet been adopted.
- UNICEF notes in a 2017 study on Cameroon that the government lacks any coordination of child protection.<sup>165</sup>
- The National Action Plan for Promotion and Protection of Human Rights addresses some actions in order to tackle CSEA in Cameroon.<sup>166</sup>
- ASSEJA and ECPAT describe the Government of Cameroon's coordination with NGOs 'suboptimal' in the area of preventing CSEA.<sup>167</sup> Whilst the Government is involved in raising awareness about children's rights issues, the predominant amount of these style of programmes are run by NGOs in Cameroon, some of which include: the Association of Children and Youth Workers of Cameroon, Hausa Women Association for the Development, National Youth Development Coalition, KinderrechteAfrika, CIPCRE Cameroun, ALDEPA, and Plan International.<sup>168</sup>
- The National Commission on Human Rights Freedoms organises public hearing on CSEA crimes in order to encourage comprehensive punishment of offenders.<sup>169</sup>
- Reporting and law enforcement as related to crimes of CSEA are substandard in Cameroon, according to ASSEJA and ECPAT.<sup>170</sup> Low reporting rates - often caused by children or families too ashamed or afraid to speak up - are further hampered by lack of coordination of reporting hotlines and clarity as to which hotline to call. Often law enforcement has treated victims of CSEA as criminals, leading to further resistance to report.<sup>171</sup> Efforts of law enforcement to intervene are let down by insufficient evidence collection and resources (travel, communication, etc.)<sup>172</sup>

#### Further comments

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<sup>162</sup> ASSEJA and ECPAT (2017). 'Child Sexual Exploitation in Cameroon', p. 6. Available at: [https://tbinternet.ohchr.org/Treaties/CRC/Shared%20Documents/CMR/INT\\_CRC\\_NGO\\_CMR\\_27376\\_E.doc](https://tbinternet.ohchr.org/Treaties/CRC/Shared%20Documents/CMR/INT_CRC_NGO_CMR_27376_E.doc) (accessed 19 June 2018).

<sup>163</sup> Available at: <http://www.wipo.int/edocs/lexdocs/laws/en/cm/cm014en.pdf> (accessed 19 June 2018).

<sup>164</sup> ASSEJA and ECPAT (2017). 'Child Sexual Exploitation in Cameroon', p. 6. Available at: [https://tbinternet.ohchr.org/Treaties/CRC/Shared%20Documents/CMR/INT\\_CRC\\_NGO\\_CMR\\_27376\\_E.doc](https://tbinternet.ohchr.org/Treaties/CRC/Shared%20Documents/CMR/INT_CRC_NGO_CMR_27376_E.doc) (accessed 19 June 2018).

<sup>165</sup> UNICEF (2014). 'Cartographie et Analyse du Système National de Protection de l'Enfant au Cameroun', pp. 19-20. Available at: <http://www.cpcnetwork.org/wp-content/uploads/2015/10/Cartographie-Cameroun-version-finale-15-decembre-2014.pdf> (accessed 19 June 2018).

<sup>166</sup> ASSEJA and ECPAT (2017). 'Child Sexual Exploitation in Cameroon', p. 8. Available at: [https://tbinternet.ohchr.org/Treaties/CRC/Shared%20Documents/CMR/INT\\_CRC\\_NGO\\_CMR\\_27376\\_E.doc](https://tbinternet.ohchr.org/Treaties/CRC/Shared%20Documents/CMR/INT_CRC_NGO_CMR_27376_E.doc) (accessed 19 June 2018).

<sup>167</sup> ASSEJA and ECPAT (2017). 'Child Sexual Exploitation in Cameroon', p. 7. Available at: [https://tbinternet.ohchr.org/Treaties/CRC/Shared%20Documents/CMR/INT\\_CRC\\_NGO\\_CMR\\_27376\\_E.doc](https://tbinternet.ohchr.org/Treaties/CRC/Shared%20Documents/CMR/INT_CRC_NGO_CMR_27376_E.doc) (accessed 19 June 2018).

<sup>168</sup> ASSEJA and ECPAT (2017). 'Child Sexual Exploitation in Cameroon', p. 9. Available at: [https://tbinternet.ohchr.org/Treaties/CRC/Shared%20Documents/CMR/INT\\_CRC\\_NGO\\_CMR\\_27376\\_E.doc](https://tbinternet.ohchr.org/Treaties/CRC/Shared%20Documents/CMR/INT_CRC_NGO_CMR_27376_E.doc) (accessed 19 June 2018).

<sup>169</sup> ASSEJA and ECPAT (2017). 'Child Sexual Exploitation in Cameroon', p. 8. Available at: [https://tbinternet.ohchr.org/Treaties/CRC/Shared%20Documents/CMR/INT\\_CRC\\_NGO\\_CMR\\_27376\\_E.doc](https://tbinternet.ohchr.org/Treaties/CRC/Shared%20Documents/CMR/INT_CRC_NGO_CMR_27376_E.doc) (accessed 19 June 2018).

<sup>170</sup> ASSEJA and ECPAT (2017). 'Child Sexual Exploitation in Cameroon', p. 10. Available at: [https://tbinternet.ohchr.org/Treaties/CRC/Shared%20Documents/CMR/INT\\_CRC\\_NGO\\_CMR\\_27376\\_E.doc](https://tbinternet.ohchr.org/Treaties/CRC/Shared%20Documents/CMR/INT_CRC_NGO_CMR_27376_E.doc) (accessed 19 June 2018).

<sup>171</sup> ASSEJA and ECPAT (2017). 'Child Sexual Exploitation in Cameroon', p. 8. Available at: [https://tbinternet.ohchr.org/Treaties/CRC/Shared%20Documents/CMR/INT\\_CRC\\_NGO\\_CMR\\_27376\\_E.doc](https://tbinternet.ohchr.org/Treaties/CRC/Shared%20Documents/CMR/INT_CRC_NGO_CMR_27376_E.doc) (accessed 19 June 2018).

<sup>172</sup> ASSEJA and ECPAT (2017). 'Child Sexual Exploitation in Cameroon', p. 8. Available at: [https://tbinternet.ohchr.org/Treaties/CRC/Shared%20Documents/CMR/INT\\_CRC\\_NGO\\_CMR\\_27376\\_E.doc](https://tbinternet.ohchr.org/Treaties/CRC/Shared%20Documents/CMR/INT_CRC_NGO_CMR_27376_E.doc) (accessed 19 June 2018).

- A 2010 survey conducted by the National Institute of Statistics on CSEA in Cameroon is one of the only studies on the subject matter done in the country.<sup>173</sup> The survey found that an estimated 4000 children aged between 11 and 17 years are sexually exploited in Cameroon, and the average age that a child in Cameroon enters into sexual exploitation is under 15 years.<sup>174</sup>
- The Government of Cameroon has been labelled as a 'Tier 2' level country by the Office to Monitor and Combat Trafficking in Persons,<sup>175</sup> suggesting that the Government is trying to improve efforts to combat human trafficking and therefore could be open to improving their anti-CSEA efforts.
- No records of prosecutions under the extraterritorial legislation against CSEA can be found to have been pursued in Cameroon. In their questionnaire response, the Government of Cameroon representative cited that this information was 'not available'.

## Canada\*

### Definition of a child (Age of Majority) and Age of Consent

- The age of majority is between 18 and 19 years, depending on the province in Canada.
- The age of consent is 16 years.

### Optional Protocol Ratification

- Canada ratified the Optional Protocol on 14th September 2005.

### Anti-CSEA Laws

- The Criminal Code (2018) of Canada comprehensively criminalises all forms of CSEA.<sup>176</sup>
- The Protection of Communities and Exploited Persons Act (2014) of Canada criminalises commercial acts of CSEA comprehensively.<sup>177</sup>

### Extraterritorial jurisdiction? Any limiting conditions?

- Section 7 (4.1) of the Criminal Code (2018) of Canada applies extraterritorial jurisdiction to offences 'in relation to sexual offences against children'.<sup>178</sup> This jurisdiction covers offences committed by citizens and permanent residents of Canada. There is statute of limitations or condition of dual criminality attached to this section of the Criminal Code.

### Palermo Protocol Ratification

- Canada ratified the Palermo Protocol on 13th May 2002.

### Anti-Trafficking Laws (and specifically, anti-child trafficking)

- Section 118 of the Immigration and Refugee Protection Act (2002) of Canada criminalises trafficking in persons.<sup>179</sup>
- Sections 279.01, 279.02(1) and 279.03(1) of the Criminal Code (2018) of Canada comprehensively criminalise human trafficking and related crimes.<sup>180</sup> Sections 279.011, 279.02(2) and 279.03(2) of the Criminal Code specifically criminalise child trafficking and related crimes, attaching harsher penalties and sentencing.

### Extraterritorial jurisdiction? Any limiting conditions?

- Section 7 (4.11) of the Criminal Code (2018) of Canada applies extraterritorial jurisdiction to offences 'in relation to trafficking in persons'.<sup>181</sup> This jurisdiction covers offences committed by citizens and permanent

<sup>173</sup> ASSEJA and ECPAT (2017). 'Child Sexual Exploitation in Cameroon'. Available at: [https://tbinternet.ohchr.org/Treaties/CRC/Shared%20Documents/CMR/INT\\_CRC\\_NGO\\_CM\\_27376\\_E.doc](https://tbinternet.ohchr.org/Treaties/CRC/Shared%20Documents/CMR/INT_CRC_NGO_CM_27376_E.doc) (accessed 19 June 2018).

<sup>174</sup> National Institute of Statistics (2010). '*Étude Pilote sur l'Exploitation Sexuelle Commerciale des Enfants au Cameroun en 2010*'. Available at: [http://www.statistics-cameroon.org/downloads/CSEC/Note\\_synthese\\_Rapport\\_CSEC.pdf](http://www.statistics-cameroon.org/downloads/CSEC/Note_synthese_Rapport_CSEC.pdf) (accessed 19 June 2018).

<sup>175</sup> Office to Monitor and Combat Trafficking in Persons (2018). '2018 Trafficking in Persons Report: Cameroon Tier 2'. Available at: <https://www.state.gov/j/tip/rls/tiprpt/countries/2018/282627.htm> (accessed 17 July 2018).

<sup>176</sup> Available at: <http://laws-lois.justice.gc.ca/eng/acts/C-46/> (accessed 24 April 2018).

<sup>177</sup> Available at: <https://www.parl.ca/DocumentViewer/en/41-2/bill/C-36/royal-assent> (accessed 24 April 2018).

<sup>178</sup> Available at: <http://laws-lois.justice.gc.ca/eng/acts/C-46/> (accessed 24 April 2018).

<sup>179</sup> Available at: <http://laws.justice.gc.ca/eng/acts/i-2.5/> (accessed 24 April 2018).

<sup>180</sup> Available at: <http://laws-lois.justice.gc.ca/eng/acts/C-46/> (accessed 24 April 2018).

<sup>181</sup> Available at: <http://laws-lois.justice.gc.ca/eng/acts/C-46/> (accessed 24 April 2018).

residents of Canada. There is statute of limitations or condition of dual criminality attached to this section of the Criminal Code.

#### Other measures of note introduced by Government to combat CSEA (whether overseas or not)

- Measures in Canada to combat CSEA seem widespread. All provinces of Canada have adopted strategies to reduce demand for and protect children from sexual exploitation and abuse, as detailed in the Canadian Government's report to the UNCRC in 2012.<sup>182</sup> For example, in 2006, the Canadian Government implemented the Provincial Strategy to Protect Children from Sexual Abuse and Exploitation on the Internet.<sup>183</sup> The Government of Ontario, Canada, identified 138 victims in 2007 and 33 more victims were rescued by partners of the Provincial Strategy.<sup>184</sup>
- The Government of Canada has instigated several public awareness campaigns to combat CSEA.<sup>185</sup> One in particular is the distribution of a pamphlet entitled "Bon Voyage, But..." to Canadians travelling overseas, containing information and a warning about Canada's extraterritorial legislation against CSE. According to ECPAT, 'every newly issued Canadian passport is also accompanied by a copy of the booklet'.<sup>186</sup>

#### Further Comments

- Canada is rated by the Office to Monitor and Combat Trafficking in Persons as a 'Tier 1' level country in their efforts to eliminate human trafficking.<sup>187</sup>
- Despite the position of Canada as a prominent source country for offenders committing CSEA abroad,<sup>188</sup> and their comprehensive legislation addressing these offences, prosecutions for offenders is comparatively low.<sup>189</sup>
- ECPAT reports in their 2012 Monitoring Report on Canada that '146 Canadians were charged with child sex offences overseas from 1993-2007, only one was convicted under laws' against CSEA abroad.<sup>190</sup>
- Apparently low rates of prosecutions could be due to lack of public information on these cases, however, as very few are published by the Government of Canada. One recent example is that of Joseph-Charles Côté (81) who, in 2014, was convicted of 3 counts related to child pornography, 2 counts of sexual interference and 2 counts of invitation to sexual touching committed in the Dominican Republic, but only sentenced to 7 years imprisonment. It is evidenced by this case as well as others found in the public eye that in practice relatively lenient sentences are attached to CSEA offences overseas.
- The Government of Canada representative offered no comment to the final sections of the questionnaire concerning the lack of prosecutions under extraterritorial legislation against CSEA.

## Cyprus\*

### Definition of a child (Age of Majority) and Age of Consent

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<sup>182</sup> UN Committee on the Rights of the Child (CRC) (2012). 'Third and Fourth Periodic Reports of States Parties due in 2009: Canada'. Available at: [https://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fCAN%2f3-4&Lang=en](https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fCAN%2f3-4&Lang=en) (accessed 24 April 2018).

<sup>183</sup> UN Committee on the Rights of the Child (CRC) (2012). 'Third and Fourth Periodic Reports of States Parties due in 2009: Canada', p. 71. Available at: [https://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fCAN%2f3-4&Lang=en](https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fCAN%2f3-4&Lang=en) (accessed 24 April 2018).

<sup>184</sup> UN Committee on the Rights of the Child (CRC) (2012). 'Third and Fourth Periodic Reports of States Parties due in 2009: Canada', p. 72. Available at: [https://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fCAN%2f3-4&Lang=en](https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fCAN%2f3-4&Lang=en) (accessed 24 April 2018).

<sup>185</sup> ECPAT (2012). 'Global Monitoring Report: Canada', p. 17. Available at: [http://www.ecpat.org/wp-content/uploads/2016/04/A4A\\_V2\\_AM\\_CANADA.pdf](http://www.ecpat.org/wp-content/uploads/2016/04/A4A_V2_AM_CANADA.pdf) (accessed 24 April 2018).

<sup>186</sup> ECPAT (2012). 'Global Monitoring Report: Canada', p. 17. Available at: [http://www.ecpat.org/wp-content/uploads/2016/04/A4A\\_V2\\_AM\\_CANADA.pdf](http://www.ecpat.org/wp-content/uploads/2016/04/A4A_V2_AM_CANADA.pdf) (accessed 24 April 2018).

<sup>187</sup> Office to Monitor and Combat Trafficking in Persons (2018). '2018 Trafficking in Persons Report: Canada Tier 1'. Available at: <https://www.state.gov/j/tip/rls/tiprpt/countries/2018/282628.htm> (accessed 2 August 2018).

<sup>188</sup> Office to Monitor and Combat Trafficking in Persons (2018). '2018 Trafficking in Persons Report: Canada Tier 1'. Available at: <https://www.state.gov/j/tip/rls/tiprpt/countries/2018/282628.htm> (accessed 2 August 2018).

<sup>189</sup> Terri Theodore (2007). 'Canada Not Prosecuting Child-Sex Tourists: Lawyer', *The Star* [online]. Available at: [https://www.thestar.com/news/2007/12/18/canada\\_not\\_prosecuting\\_childsex\\_tourists\\_lawyer.html](https://www.thestar.com/news/2007/12/18/canada_not_prosecuting_childsex_tourists_lawyer.html) (accessed 24 April 2018).

<sup>190</sup> ECPAT (2012). 'Global Monitoring Report: Canada', p. 10. Available at: [http://www.ecpat.org/wp-content/uploads/2016/04/A4A\\_V2\\_AM\\_CANADA.pdf](http://www.ecpat.org/wp-content/uploads/2016/04/A4A_V2_AM_CANADA.pdf) (accessed 24 April 2018).

- The age of majority is 18 years.
- The age of consent is 17 years.

#### Optional Protocol Ratification

- Cyprus ratified the Optional Protocol on 6th April 2006.

#### Anti-CSEA Laws

- The Prevention and Combatting of Sexual Abuse and Sexual Exploitation and Child Pornography Law (2014) of Cyprus criminalises CSEA.<sup>191</sup>

#### Extraterritorial jurisdiction? Any limiting conditions?

- Section 5 of the Criminal Code (2003) of Cyprus applies extraterritorial jurisdiction to any criminal offence detailed in the Criminal Code or any other legislation of Cyprus.<sup>192</sup> This jurisdiction applies to nationals of Cyprus. It is accompanied by limiting conditions of dual criminality and a requirement that the offence is punishable with imprisonment of 2 years minimum. There is no statute of limitations
- However, this information conflicts with the questionnaire response by the representative of the Government of Cyprus. According to the representative of the Government of Cyprus in their questionnaire response, Section 5 only applies extraterritorial jurisdiction to offences detailed by an international Treaty or Convention binding in Cyprus and ratified by Cyprus law.<sup>193</sup> As the representative of the Government of Cyprus explains in their questionnaire response, 'in practice no International Treaty or Convention ratified by Cyprus concerning crimes relating to Child Sexual Exploitation or Online Child Sexual Exploitation so far include such a provision'. Therefore, no extraterritorial scope is applied to the Prevention and Combatting of Sexual Abuse and Sexual Exploitation and Child Pornography Law (2014) of Cyprus.

#### Palermo Protocol Ratification

- Cyprus ratified the Palermo Protocol on 22nd April 2003.

#### Anti-Trafficking Laws (and specifically, anti-child trafficking)

- The Prevention and Combatting of Trafficking and Exploitation of Persons and the Protection of Victims Law (2014) of Cyprus criminalises trafficking in persons, with specific reference made to child trafficking.<sup>194</sup>

#### Extraterritorial jurisdiction? Any limiting conditions?

- Extraterritorial scope is only applied to the Law in specific circumstances. Section 28(1) of the Law provides that Cyprus Courts have jurisdiction over offences committed abroad on behalf of a company, provided that the company is registered in Cyprus. Furthermore, Section 28(2) provides that Cyprus Courts have jurisdiction over offences committed abroad where those offences are committed using an electronic or online system that can be accessed in Cyprus, irrespective of whether it is set up in Cyprus or not. There is no statute of limitations applied.

#### Other measures of note introduced by Government to combat CSEA (whether overseas or not)

- In 2017, the Government of Cyprus funded an NGO's awareness-raising campaign aimed at reducing the demand for commercial sexual exploitation.<sup>195</sup>
- In 2016, the Government of Cyprus adopted the National Strategy and Action Plan to Combat Sexual Abuse and Exploitation of Children and Child Pornography for the years 2016-2019.<sup>196</sup>

<sup>191</sup> Available at: [https://www.ilo.org/dyn/natlex/natlex4.detail?p\\_lang=en&p\\_isn=100675&p\\_count=4&p\\_classification=04](https://www.ilo.org/dyn/natlex/natlex4.detail?p_lang=en&p_isn=100675&p_count=4&p_classification=04) (accessed 24 April 2018).

<sup>192</sup> Available at:

[https://www.ilo.org/dyn/natlex/natlex4.detail?p\\_lang=en&p\\_isn=72604&p\\_country=CYP&p\\_count=434&p\\_classification=01.04&p\\_classcount=5](https://www.ilo.org/dyn/natlex/natlex4.detail?p_lang=en&p_isn=72604&p_country=CYP&p_count=434&p_classification=01.04&p_classcount=5) (accessed 26 July 2018).

<sup>193</sup> Available at:

[https://www.ilo.org/dyn/natlex/natlex4.detail?p\\_lang=en&p\\_isn=72604&p\\_country=CYP&p\\_count=434&p\\_classification=01.04&p\\_classcount=5](https://www.ilo.org/dyn/natlex/natlex4.detail?p_lang=en&p_isn=72604&p_country=CYP&p_count=434&p_classification=01.04&p_classcount=5) (accessed 26 July 2018).

<sup>194</sup> Available at: <https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/100603/120777/F-1323565589/CYP100603%20Grk.pdf> (accessed 26 July 2018).

<sup>195</sup> Office to Monitor and Combat Trafficking in Persons (2018). '2018 Trafficking in Persons Report: Cyprus Tier 1'. Available at: <https://www.state.gov/j/tip/rls/tiprpt/countries/2018/282642.htm> (accessed 26 July 2018).

<sup>196</sup> SigmaLive (2016). 'Cyprus Approves Strategy to Fight Child Exploitation', *SigmaLive* [online]. Available at:

<http://www.sigmalive.com/en/news/local/142944/cyprus-approves-strategy-to-fight-child-exploitation> (accessed 26 July 2018).

- From 2013-2015, 170 criminal cases of CSEA that occurred
- domestically were investigated by law enforcement in Cyprus.<sup>197</sup>
- Cyprus ratified the Council of Europe Convention on Protection of Children against Sexual Exploitation and Sexual Abuse (the Lanzarote Convention) on 12th February 2015.

#### Further Comments

- Cyprus is rated by the Office to Monitor and Combat Trafficking in Persons as a 'Tier 1' level country in their efforts to eliminate human trafficking.<sup>198</sup> As evidenced in the Report, The Government of Cyprus has taken very positive and significant steps to combat human trafficking in recent years.
- The representative of Cyprus explains in their questionnaire response that 'there are situations where a citizen or resident was prosecuted for crimes committed abroad, but it is not very common'. No specific examples of CSEA related prosecutions or convictions are provided.
- Furthermore, the representative argues that such prosecutions are not very common because 'generally victims report crimes that have been committed within the jurisdiction of the country they are [in], and that it is not easy to investigate offences that have been committed abroad.'
- The representative further cites 'lack of awareness of existence of such legislation amongst victims; lack of awareness of the existence of such legislation amongst law enforcement, in order to encourage victims to report offences committed against them abroad; requirement for victim to make a formal complaint in order to initiate investigative proceedings; inability to obtain testimony from other possible victims; lack of human resources to dedicate to investigate and prosecutorial proceedings; lack of financial resources to dedicate to investigative and prosecutorial proceedings' as applicable reasons to the lack of prosecution of offenders for CSEA crimes abroad in Cyprus.
- It is evident from their response that the status of extraterritorial jurisdiction in Cyprus, particularly when relating to CSEA offences, is not clearly defined. This could be further cause of a lack of prosecutions.
- Furthermore, the questionnaire response argues that the rate of prosecutions could be significantly improved if increased work was done to inform victims and 'encourage them to report to the authorities wherever they are.' Also, they explain that 'encouragement of international cooperation, assistance and information-sharing' is needed.

## **Dominica**

#### Definition of a child (Age of Majority) and Age of Consent

- The age of majority is 18 years.
- The age of consent is 16 years.

#### Optional Protocol Ratification

- Dominica ratified the Optional Protocol on 6th December 2006(a).

#### Anti-CSEA Laws

- The Sexual Offences Act (2016) of Dominica comprehensively criminalises CSEA when offences are committed against children under the age of 16 years.<sup>199</sup>

#### Extraterritorial jurisdiction? Any limiting conditions?

- No extraterritorial scope can be found relating to the criminalisation of CSEA in Dominica.

#### Palermo Protocol Ratification

- Dominica ratified the Palermo Protocol on 17th May 2013(a).

#### Anti-Trafficking Laws (and specifically, anti-child trafficking)

<sup>197</sup> SigmaLive (2016). 'Cyprus Approves Strategy to Fight Child Exploitation', *SigmaLive* [online]. Available at: <http://www.sigmalive.com/en/news/local/142944/cyprus-approves-strategy-to-fight-child-exploitation> (accessed 26 July 2018).

<sup>198</sup> Office to Monitor and Combat Trafficking in Persons (2018). '2018 Trafficking in Persons Report: Cyprus Tier 1'. Available at: <https://www.state.gov/j/tip/rls/tiprpt/countries/2018/282642.htm> (accessed 26 July 2018).

<sup>199</sup> Available at: [http://www.dominica.gov.dm/laws/2016/Sexual%20Offences%20\(Amendment\)%20Act%202016.pdf](http://www.dominica.gov.dm/laws/2016/Sexual%20Offences%20(Amendment)%20Act%202016.pdf) (accessed 9 August 2018).

- No specific legislation prohibiting human trafficking, or indeed child trafficking, can be found to have been enacted by Dominica.
- The Offences Against the Person Act (1995) of Dominica makes it an offence to 'fraudulently allure, take away or detain a woman under the age of 18'.<sup>200</sup>
- Section 22(1) of the Sexual Offences Act (2016) of Dominica criminalises 'abduction', which could be used to prosecute trafficking offences, although clearly this is not comprehensive.<sup>201</sup>

#### Extraterritorial jurisdiction? Any limiting conditions?

- No extraterritorial scope can be found relating to either of the above mentioned Acts.

#### Other measures of note introduced by Government to combat CSEA (whether overseas or not)

- In 2010, the Government of Dominica implemented the National Action Plan on Child Sexual Abuse 2010-2013, in response to the findings of UNICEF's 'Study on Child Sexual Abuse in the Eastern Caribbean'.<sup>202</sup>
- In Dominica's 2003 Initial Report to the UNCRC, the Government of Dominica claims that 'Dominica law enforcement authorities have not been confronted with cases of sale, abduction and trafficking of children.'<sup>203</sup> This explains their lack of action in combatting CSEA as it relates to trafficking in persons.

#### Further Comments

- No Trafficking in Persons Report by the Office to Combat and Monitor Trafficking in Persons is available on Dominica.
- 900 cases of CSEA were reported in Dominica from the years 2010-2016,<sup>204</sup> indicating that the problem is prevalent in the country, whose population is under 75,000, according to the World Bank as of 2016.
- In Dominica's 2003 Initial Report to the UNCRC, the Government explains that their agencies which deal with protecting children from CSEA are 'encountering difficulties in effecting protective measures, many of which are associated with prosecuting offenders.'<sup>205</sup> Some of these reasons for lack of protection and prosecutions are: 'parents are discouraged by what they claim is the slow process from prosecution to court proceedings; psychological pressures are brought on the child during open court proceeding; parents are sometimes not willing to press charges out of sympathy for the child, mainly on account of the child's reputation being tarnished by the public'.<sup>206</sup>

## **Fiji**

#### Definition of a child (Age of Majority) and Age of Consent

- The age of majority is unstated, however the Juveniles Act (1974) suggests that it could be read as 18 years.<sup>207</sup> In this Act, a child is defined as 14 years or below, and a juvenile is 17 years or below.
- The age of consent is 16 years.

#### Optional Protocol Ratification

- Fiji signed the Optional Protocol on 16th September 2005.

#### Anti-CSEA Laws

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<sup>200</sup> Available at: <http://www.dominica.gov.dm/laws/chapters/chap10-31.pdf> (accessed 9 August 2018).

<sup>201</sup> Available at: [http://www.dominica.gov.dm/laws/2016/Sexual%20Offences%20\(Amendment\)%20Act%202016.pdf](http://www.dominica.gov.dm/laws/2016/Sexual%20Offences%20(Amendment)%20Act%202016.pdf) (accessed 9 August 2018).

<sup>202</sup> Available at: [https://www.unicef.org/easterncaribbean/ECAO\\_Dominica\\_National\\_Action\\_Plan\\_on\\_Child\\_Sexual\\_Abuse\\_Revised.pdf](https://www.unicef.org/easterncaribbean/ECAO_Dominica_National_Action_Plan_on_Child_Sexual_Abuse_Revised.pdf) (accessed 9 August 2018).

<sup>203</sup> UN Committee on the Rights of the Child (UNCRC) (2003). 'Initial Reports of States Parties due in 1993: Dominica', p. 71. Available at: [https://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2f8%2fAdd.48&Lang=en](https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2f8%2fAdd.48&Lang=en) (accessed 9 August 2018).

<sup>204</sup> Dominica News Online (2017). '1,200 Reported Child Abuse Cases in Dominica Between 2010 and 2016', *Dominica News Online* [online]. Available at: <http://dominicanewsonline.com/news/homepage/news/general/1200-reported-child-abuse-cases-in-dominica-between-2010-and-2016/> (accessed 9 August 2018).

<sup>205</sup> UN Committee on the Rights of the Child (UNCRC) (2003). 'Initial Reports of States Parties due in 1993: Dominica', p. 70. Available at: [https://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2f8%2fAdd.48&Lang=en](https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2f8%2fAdd.48&Lang=en) (accessed 9 August 2018).

<sup>206</sup> UN Committee on the Rights of the Child (UNCRC) (2003). 'Initial Reports of States Parties due in 1993: Dominica', p. 70. Available at: [https://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2f8%2fAdd.48&Lang=en](https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2f8%2fAdd.48&Lang=en) (accessed 9 August 2018).

<sup>207</sup> Available at: [http://www.ilo.org/dyn/natlex/natlex4.detail?p\\_lang=&p\\_isn=69878&p\\_classification=04](http://www.ilo.org/dyn/natlex/natlex4.detail?p_lang=&p_isn=69878&p_classification=04) (accessed 3 July 2018).

- Sections 211, 214 and 215 of the Crimes Decree (2009) of Fiji criminalise sexual intercourse and contact with children under the ages of 13, and then under the ages of 16 year.<sup>208</sup>
- Sections 226 and 227 criminalise the sexual exploitation of children under the age of 18.<sup>209</sup>
- Division 5 of the Crimes Decree (2009) of Fiji criminalises the offence of 'entering into any commercial transaction involving a slave' with particular reference to 'sexual servitude'.<sup>210</sup> In theory, this could be used to prosecute an offender who engaged in commercial acts of CSEA.

#### Extraterritorial jurisdiction? Any limiting conditions?

- No extraterritorial scope is applied to the above Sections of the Decree, however extraterritorial jurisdiction is extended over crimes relating to 'sexual servitude' under Division 5 of the Decree in Section 105.<sup>211</sup> This extraterritoriality is applied when offences are committed by a citizen or resident of Fiji, or corporation registered in Fiji.<sup>212</sup> No condition of dual criminality is attached, nor a statute of limitations.

#### Palermo Protocol Ratification

- Fiji ratified the Palermo Protocol on 18th September 2017(a).

#### Anti-Trafficking Laws (and specifically, anti-child trafficking)

- Division 6 of the Crimes Decree (2009) of Fiji criminalised all forms of sex trafficking, with increased sentences for trafficking offences committed against children.<sup>213</sup>

#### Extraterritorial jurisdiction? Any limiting conditions?

- Section 120 of the Decree extends extraterritorial jurisdiction to offences relating to trafficking in persons when committed by a citizen or resident of Fiji, or corporation registered in Fiji.<sup>214</sup> No condition of dual criminality is attached, nor a statute of limitations.

#### Other measures of note introduced by Government to combat CSEA (whether overseas or not)

- In 2009, the Fijian Government established the Child Protection Unit, as well as a reporting and follow-up system entitled: 'Break the Wall of Silence'.<sup>215</sup>
- The US State Department reported in its 2015 Human Rights Report on Fiji that commercial CSEA continues to happen in the country, but that there were no prosecutions or convictions for trafficking or exploiting children in the year.<sup>216</sup>
- Concerning anti-CSEA efforts made by Government and law enforcement in Fiji, James Roffee and John Whitehead write 'although there have been recent changes to sexual offence legislation and traditional criminal justice system responses to victims of sexual abuse, state-sanctioned responses continue to maintain victimising practices.'<sup>217</sup>
- In 2017, the Fijian police conducted public awareness campaigns and seminars aimed at children and parents to increase public knowledge about trafficking and exploitation.<sup>218</sup>

#### Further Comments

<sup>208</sup> Available at: <https://www.ilo.org/dyn/natlex/docs/SERIAL/86223/97166/F1417546453/FJI86223.pdf> (accessed 3 July 2018).

<sup>209</sup> Available at: <https://www.ilo.org/dyn/natlex/docs/SERIAL/86223/97166/F1417546453/FJI86223.pdf> (accessed 3 July 2018).

<sup>210</sup> Available at: <https://www.ilo.org/dyn/natlex/docs/SERIAL/86223/97166/F1417546453/FJI86223.pdf> (accessed 3 July 2018).

<sup>211</sup> Available at: <https://www.ilo.org/dyn/natlex/docs/SERIAL/86223/97166/F1417546453/FJI86223.pdf> (accessed 3 July 2018).

<sup>212</sup> Available at: <https://www.ilo.org/dyn/natlex/docs/SERIAL/86223/97166/F1417546453/FJI86223.pdf> (accessed 3 July 2018).

<sup>213</sup> Available at: <https://www.ilo.org/dyn/natlex/docs/SERIAL/86223/97166/F1417546453/FJI86223.pdf> (accessed 3 July 2018).

<sup>214</sup> Available at: <https://www.ilo.org/dyn/natlex/docs/SERIAL/86223/97166/F1417546453/FJI86223.pdf> (accessed 3 July 2018).

<sup>215</sup> UN Committee on the Rights of the Child (CRC) (2014). 'Concluding Observations: Fiji'. Available at: [https://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fFJI%2fCO%2f2-4&Lang=en](https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fFJI%2fCO%2f2-4&Lang=en) (accessed 3 July 2018).

<sup>216</sup> Taylor, L. (2017). 'Fiji Urged to End the Silence and Crackdown on Child Prostitution', *Thomson Reuters Foundation*, 8 December 2017 [online]. Available at: <https://www.reuters.com/article/us-fiji-sextrafficking-children/fiji-urged-to-end-the-silence-and-crackdown-on-child-prostitution-idUSKBN1E226I> (accessed 3 July 2018).

<sup>217</sup> Roffee, J. and Whitehead, J. (2016). 'Child Sexual Abuse in Fiji: Authority, Risk Factors and Responses', *Current Issues in Criminal Justice* 27:3, pp. 323-334. (Available at: [https://www.researchgate.net/publication/304495447\\_Child\\_Sexual\\_Abuse\\_in\\_Fiji\\_Authority\\_Risk\\_Factors\\_and\\_Responses](https://www.researchgate.net/publication/304495447_Child_Sexual_Abuse_in_Fiji_Authority_Risk_Factors_and_Responses) (accessed 3 July 2018)).

<sup>218</sup> Office to Monitor and Combat Trafficking in Persons (2018). '2018 Trafficking in Persons Report: Fiji Tier 2'. Available at: <https://www.state.gov/j/tip/rls/tiprpt/countries/2018/282654.htm> (accessed 3 July 2018).

- The Office to Monitor and Combat Trafficking in Persons cites lack of resources and ‘weak interagency collaboration between police and prosecutors’ as reasons why prosecutions of trafficking and exploitation cases are low.<sup>219</sup>
- Fiji is regarded as a country greatly afflicted with commercial CSEA, particularly in travel and tourism: ‘children are subjected to sex trafficking and domestic servitude. Family members, taxi drivers, foreign tourists, businessmen, and crew on foreign fishing vessels have allegedly exploited Fijian children in sex trafficking.’<sup>220</sup>
- The Government of Fiji has been labelled as a ‘Tier 2’ level country by the Office to Monitor and Combat Trafficking in Persons,<sup>221</sup> suggesting that the Government is trying to improve efforts to combat human trafficking and therefore could be open to improving their anti-CSEA efforts.
- The UNCRC highlights that amongst Fijian society ‘sexual abuse and exploitation [are] often not regarded as criminal offences...particularly if the girl is considered to be of “questionable” character or modesty, and the blame for sexual exploitation [is] frequently placed on the girl instead of the abuser’.<sup>222</sup> This could serve as explanation for Fiji’s low prosecution rates referenced above.

## The Gambia

### Definition of a child (Age of Majority) and Age of Consent

- The age of majority is 18 years.
- The age of consent is 18 years (only for heterosexual acts, as homosexuality is criminalised).

### Optional Protocol Ratification

- The Gambia ratified the Optional Protocol on 8th April 2010.

### Anti-CSEA Laws

- The Tourism Offences Act (2003) of the Gambia specifically criminalises ‘child sex tourism’ within the Gambia.<sup>223</sup>
- The Children’s Act (2005) of the Gambia criminalises CSEA in all forms, as well as particularly criminalising commercial CSEA and travel with intent to engage in CSEA.<sup>224</sup>

### Extraterritorial jurisdiction? Any limiting conditions?

- No extraterritorial jurisdiction can be found applicable to the Tourism Offences Act (2003).
- Section 32 of the Children’s Act (2009) of the Gambia criminalises ‘foreign travel which promotes child prostitution’.<sup>225</sup> This suggests extraterritorial scope relating to this particular offence. No limiting conditions can be found attached to this Section.

### Palermo Protocol Ratification

- The Gambia ratified the Palermo Protocol on 5th May 2003.

### Anti-Trafficking Laws (and specifically, anti-child trafficking)

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<sup>219</sup> Office to Monitor and Combat Trafficking in Persons (2018). ‘2018 Trafficking in Persons Report: Fiji Tier 2’. Available at: <https://www.state.gov/j/tip/rls/tiprpt/countries/2018/282654.htm> (accessed 3 July 2018).

<sup>220</sup> Office to Monitor and Combat Trafficking in Persons (2018). ‘2018 Trafficking in Persons Report: Fiji Tier 2’. Available at: <https://www.state.gov/j/tip/rls/tiprpt/countries/2018/282654.htm> (accessed 3 July 2018).

<sup>221</sup> Office to Monitor and Combat Trafficking in Persons (2018). ‘2018 Trafficking in Persons Report: Fiji Tier 2’. Available at: <https://www.state.gov/j/tip/rls/tiprpt/countries/2018/282654.htm> (accessed 3 July 2018).

<sup>222</sup> UN Committee on the Rights of the Child (CRC) (2014). ‘Concluding Observations: Fiji’. Available at: [https://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fFJI%2fCO%2f2-4&Lang=en](https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fFJI%2fCO%2f2-4&Lang=en) (accessed 3 July 2018).

<sup>223</sup> Available at: [http://www.ilo.org/dyn/natlex/natlex4.detail?p\\_lang=en&p\\_isn=68571&p\\_country=GMB&p\\_classification=01.04](http://www.ilo.org/dyn/natlex/natlex4.detail?p_lang=en&p_isn=68571&p_country=GMB&p_classification=01.04) (accessed 4 July 2018).

<sup>224</sup> Available at: <https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/90620/104569/F960858535/GMB90620%20Summary%20of%20Act.pdf> (accessed 4 July 2018).

<sup>225</sup> Available at: <https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/90622/114255/F-347615750/GMB90622.pdf> (accessed 4 July 2018).

- Section 39 of the Children's Act (2005) of the Gambia specifically criminalises the trafficking of children for sexual exploitation.<sup>226</sup>
- The Trafficking in Persons Act (2007) of the Gambia also comprehensively criminalises trafficking in persons, with harsher penalties prescribed for the offence of child trafficking.<sup>227</sup>

#### Extraterritorial jurisdiction? Any limiting conditions?

- Extraterritorial scope is applied to the Trafficking in Persons Act (2007) in Section 36 of the Act, when the offences are committed by a citizen or resident of the Gambia.<sup>228</sup> Furthermore, the Gambia exercises extraterritorial jurisdiction over offences of trafficking committed against a citizen or resident of the Gambia under this Act. No conditions of dual criminality or statute of limitations can be found within the Act.

#### Other measures of note introduced by Government to combat CSEA (whether overseas or not)

- In 2003, the Government of the Gambia, with support from UNICEF, conducted a study on CSEA in the country.<sup>229</sup> The study examined the causes of CSEA, the attitudes of children and adults, and made recommendations in order to remedy the situation in the Gambia.
- The Government of the Gambia has taken many steps to address CSEA within the Gambia by tourists, which is said to be a major issue in the country,<sup>230</sup> culminating in the introduction of the 2003 Tourism Offences Act.<sup>231</sup>
- According to the 2011 Report submitted by the Gambia to the UNCRC, every police station in the Gambia has a Child Welfare Unit.<sup>232</sup>
- The Government of the Gambia cites in their 2011 Report to the UNCRC 'inadequate resources, both financial and human' as affecting the quality of efforts made to protect children.<sup>233</sup>
- Furthermore, they claim that the 'lack of a Department of State (Ministry) for Children hampers coordination and promotion of children's issues at the Cabinet level.'<sup>234</sup>

#### Further Comments

- According to the 2011 Report submitted by the Gambia to the UNCRC, reported cases of domestic CSEA are very low, 'possibly in part because victims as well as perpetrators are stigmatised' the Government explains.<sup>235</sup>
- The Government of the Gambia has been labelled as a 'Tier 2' level country by the Office to Monitor and Combat Trafficking in Persons,<sup>236</sup> suggesting that the Government is trying to improve efforts to combat human trafficking and therefore could be open to improving their anti-CSEA efforts.

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<sup>226</sup> Available at: <https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/90620/104569/F960858535/GMB90620%20Summary%20of%20Act.pdf> (accessed 4 July 2018).

<sup>227</sup> Available at: <https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/90622/114255/F-347615750/GMB90622.pdf> (accessed 4 July 2018).

<sup>228</sup> Available at: <https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/90622/114255/F-347615750/GMB90622.pdf> (accessed 4 July 2018).

<sup>229</sup> UN Committee on the Rights of the Child (UNCRC) (2014). 'Combined Second and Third Periodic Reports of States Parties due in 2008: Gambia' p. 78. Available at: [https://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fGMB%2f2-3&Lang=en](https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fGMB%2f2-3&Lang=en) (accessed 4 July 2018).

<sup>230</sup> Office to Monitor and Combat Trafficking in Persons (2018). '2018 Trafficking in Persons Report: The Gambia Tier 2'. Available at: <https://www.state.gov/j/tip/rls/tiprpt/countries/2018/282658.htm> (accessed 4 July 2018).

<sup>231</sup> UNICEF (2008). 'The Gambia - Good Practice: Preventing and Combating Sexual Exploitation of Children in Tourism' [online]. Available at: [https://www.unicef.org/wcaro/wcaro\\_WCIII\\_good\\_practice\\_Gambia.pdf](https://www.unicef.org/wcaro/wcaro_WCIII_good_practice_Gambia.pdf) (accessed 4 July 2018).

<sup>232</sup> UN Committee on the Rights of the Child (UNCRC) (2014). 'Combined Second and Third Periodic Reports of States Parties due in 2008: Gambia' p. 13. Available at: [https://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fGMB%2f2-3&Lang=en](https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fGMB%2f2-3&Lang=en) (accessed 4 July 2018).

<sup>233</sup> UN Committee on the Rights of the Child (UNCRC) (2014). 'Combined Second and Third Periodic Reports of States Parties due in 2008: Gambia'. Available at: [https://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fGMB%2f2-3&Lang=en](https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fGMB%2f2-3&Lang=en) (accessed 4 July 2018).

<sup>234</sup> UN Committee on the Rights of the Child (UNCRC) (2014). 'Combined Second and Third Periodic Reports of States Parties due in 2008: Gambia'. Available at: [https://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fGMB%2f2-3&Lang=en](https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fGMB%2f2-3&Lang=en) (accessed 4 July 2018).

<sup>235</sup> UN Committee on the Rights of the Child (UNCRC) (2014). 'Combined Second and Third Periodic Reports of States Parties due in 2008: Gambia' p. 79. Available at: [https://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fGMB%2f2-3&Lang=en](https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fGMB%2f2-3&Lang=en) (accessed 4 July 2018).

<sup>236</sup> Office to Monitor and Combat Trafficking in Persons (2018). '2018 Trafficking in Persons Report: The Gambia Tier 2'. Available at: <https://www.state.gov/j/tip/rls/tiprpt/countries/2018/282658.htm> (accessed 4 July 2018).

## Ghana

### Definition of a child (Age of Majority) and Age of Consent

- The age of majority is between 18 and 21 years, depending on the statute.
- The age of consent is 16 years (only for heterosexual acts, as homosexuality is criminalised).

### Optional Protocol Ratification

- Ghana signed the Optional Protocol on 24th September 2003.

### Anti-CSEA Laws

- Section 101A of the Criminal Code (2012) of Ghana criminalises CSEA.<sup>237</sup>

### Extraterritorial jurisdiction? Any limiting conditions?

- No extraterritorial scope can be found to apply to the criminalisation of CSEA in Ghana.

### Palermo Protocol Ratification

- Ghana ratified the Palermo Protocol on 21st August 2012(a).

### Anti-Trafficking Laws (and specifically, anti-child trafficking)

- The Human Trafficking Act (2005) of Ghana comprehensively criminalises trafficking in persons.<sup>238</sup> However, it does allow for a fine in lieu of imprisonment in cases where the trafficker is a parent or guardian of the child victim.

### Extraterritorial jurisdiction? Any limiting conditions?

- Section 8 of the Act suggests extraterritorial scope, however it does not state it explicitly or attach any conditions or explanation.<sup>239</sup> The Act details: 'A person is liable to be tried and punished in Ghana for trafficking if the person does an act which if done within the jurisdiction of the courts in this country would have constituted the offence of trafficking.' Whether this means that Ghana exercises extraterritorial jurisdiction over trafficking offences or not is, unfortunately, rather unclear.

### Other measures of note introduced by Government to combat CSEA (whether overseas or not)

- In 2012, the Government of Ghana, in partnership with UNICEF Ghana, worked towards the strengthening of the country's Child Protection system.<sup>240</sup> The aim of this endeavour was to improve the quality of the system in order to 'prevent, protect and respond to all forms of violence, abuse and exploitation of children'. This work led to the development of Child and Family Welfare Policy, which was adopted by the Ministry of Gender, Children and Social Protection in 2014.<sup>241</sup>
- In the years preceding 2014, the Government of Ghana partnered with the ILO and IPEC in their country programme entitled "Children in Tourism in Cape Coast and Elmina in the Central Region" and withdrew 346 children from commercial CSEA.<sup>242</sup>
- Under the National Time Bound programme, in partnership with the ILO and IPEC, 100 children were withdrawn from CSEA, 2500 were prevented from being exploited, 400 families of victims were supported and five communities received sensitisation training.<sup>243</sup>

<sup>237</sup> Available at: <http://www.refworld.org/pdfid/44bf823a4.pdf> (accessed 11 July 2018).

<sup>238</sup> Available at: <https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/74422/101249/F630282635/GHA74422.pdf> (accessed 11 July 2018).

<sup>239</sup> Available at: <https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/74422/101249/F630282635/GHA74422.pdf> (accessed 11 July 2018).

<sup>240</sup> ECPAT (2015). 'Global Study on SECTT - Country-Specific Report: Ghana', p. 20. Available at: <http://www.ecpat.org/wp-content/uploads/2016/10/3.-SECTT-GHANA.pdf> (accessed 11 July 2018).

<sup>241</sup> Available at: <https://bettercarenetwork.org/sites/default/files/Child%20and%20Family%20Welfare%20Policy%20-%20Ghana.pdf> (accessed 11 July 2018).

<sup>242</sup> UN Committee on the Rights of the Child (CRC) (2014). 'Consolidated Third to Fifth Periodic Reports of States Parties Due in 2011: Ghana', p. 70. Available at: [https://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fGHA%2f3-5&Lang=en](https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fGHA%2f3-5&Lang=en) (accessed 11 July 2018).

<sup>243</sup> UN Committee on the Rights of the Child (CRC) (2014). 'Consolidated Third to Fifth Periodic Reports of States Parties Due in 2011: Ghana', p. 70. Available at: [https://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fGHA%2f3-5&Lang=en](https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fGHA%2f3-5&Lang=en) (accessed 11 July 2018).

### Further Comments

- It is reported that CSEA is a growing problem in Ghana; in 2009 an investigation conducted by a private media company in Accra showed that children are being sexually exploited in brothels throughout the capital.<sup>244</sup>
- ECPAT International are quoted as having stated in 2009 that: "Child sex tourists travelling to Ghana are aware that weak legal and social protection enables them to have greater access to vulnerable children. An interview with a child sex tourist revealed that he exchanged "food, clothes, and other things" with children for sexual contact."<sup>245</sup>
- In their 2014 Report to the UNCRC, the Government of Ghana highlight 'difficult socioeconomic conditions, high-level external debt and poverty' which constrain Ghana from fully realising the rights of children.<sup>246</sup>
- The Government of Ghana has been labelled as a 'Tier 2' level country by the Office to Monitor and Combat Trafficking in Persons,<sup>247</sup> suggesting that the Government is trying to improve efforts to combat human trafficking and therefore could be open to improving their anti-CSEA efforts.
- ECPAT reports that 'there is serious concern regarding the weak enforcement' of Ghana's anti-CSEA laws.<sup>248</sup>
- It is arguable that societal perceptions of CSEA and negative reactions to victims of these offences are reasons behind low rates of reporting and prosecutions for these crimes. These perceptions are evidenced in a journal article by Bettina Böhm entitled "'She Got Spoilt': Perceptions of Victims of Child Sexual Abuse in Ghana'.<sup>249</sup>

## **Grenada**

### Definition of a child (Age of Majority) and Age of Consent

- The age of majority is 21 years.
- The age of consent is 16 years (only for heterosexual acts, as homosexuality is criminalised).

### Optional Protocol Ratification

- Grenada ratified the Optional Protocol on 6th February 2012(a).

### Anti-CSEA Laws

- Sections 178 and 179 of the Criminal Code (2007) of Grenada criminalise the 'defilement' of a female below 13 years of age and 16 years of age respectively.<sup>250</sup> Under Section 183, very limited protection is afforded to male victims.

### Extraterritorial jurisdiction? Any limiting conditions?

- Full extraterritorial scope is not applied to the Criminal Code (2007) of Grenada.<sup>251</sup> Section 9 of the Code explains that jurisdiction is only exercised over offences is committed wholly or partly within Grenada.

### Palermo Protocol Ratification

- Grenada ratified the Palermo Protocol on 21st May 2004(a).

### Anti-Trafficking Laws (and specifically, anti-child trafficking)

<sup>244</sup> UN Committee on the Rights of the Child (CRC) (2014). 'Consolidated Third to Fifth Periodic Reports of States Parties Due in 2011: Ghana', pp. 69-70. Available at: [https://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fGHA%2f3-5&Lang=en](https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fGHA%2f3-5&Lang=en) (accessed 11 July 2018).

<sup>245</sup> ECPAT (2015). 'Global Study on SECTT - Country-Specific Report: Ghana', p. 24. Available at: <http://www.ecpat.org/wp-content/uploads/2016/10/3.-SECTT-GHANA.pdf> (accessed 11 July 2018).

<sup>246</sup> UN Committee on the Rights of the Child (CRC) (2014). 'Consolidated Third to Fifth Periodic Reports of States Parties Due in 2011: Ghana', p. 12. Available at: [https://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fGHA%2f3-5&Lang=en](https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fGHA%2f3-5&Lang=en) (accessed 11 July 2018).

<sup>247</sup> Office to Monitor and Combat Trafficking in Persons (2018). '2018 Trafficking in Persons Report: The Ghana Tier 2'. Available at: <https://www.state.gov/j/tip/rls/tiprpt/countries/2018/282661.htm> (accessed 11 July 2018).

<sup>248</sup> ECPAT (2015). 'Global Study on SECTT - Country-Specific Report: Ghana', p. 23. Available at: <http://www.ecpat.org/wp-content/uploads/2016/10/3.-SECTT-GHANA.pdf> (accessed 11 July 2018).

<sup>249</sup> Böhm, B. (2017). "'She Got Spoilt': Perceptions of Victims of Child Sexual Abuse in Ghana', *Journal of Child Sexual Abuse* 26:7, pp. 818-838.

<sup>250</sup> Available at: <http://laws.gov.gd/> (accessed 12 July 2018).

<sup>251</sup> Available at: <http://laws.gov.gd/> (accessed 12 July 2018).

- No specific criminalisation of human trafficking or indeed child trafficking can be found to exist in the laws of Grenada. In 2015, it was reported that Grenada was introducing a Human Trafficking Act,<sup>252</sup> but no record of it can be located on the Grenada Government's Law Database, which suggests it has not yet been enacted.

Extraterritorial jurisdiction? Any limiting conditions?

- n/a

Other measures of note introduced by Government to combat CSEA (whether overseas or not)

- In September 2017, the Government of Grenada appointed a Committee to develop a National Plan concerning CSEA.<sup>253</sup> The Plan has not yet been developed.
- The Government of Grenada designated the month of April every year as its 'Child Abuse Awareness and Prevention Month', during which activities are held throughout the country raising awareness about CSEA and advocating for its elimination. According to the Government in their 2009 report to the UNCRC, 'these efforts have been very successful and are considered to be partly responsible for the increase in the number of reported cases of child abuse.'<sup>254</sup>

Further Comments

- The Government of Grenada cites in their 2009 report to the UNCRC that their lack of 'the human and financial resources that will be needed to implement legislation that has been passed' has hindered their ability to follow through with the Committee's prior recommendations on how to improve their child protection efforts.<sup>255</sup>
- The Government of Grenada claims that there is significant under-reporting of CSEA offences.<sup>256</sup>
- No Trafficking in Persons Report by the Office to Combat and Monitor Trafficking in Persons is available on Grenada.

## Guyana\*

Definition of a child (Age of Majority) and Age of Consent

- The age of majority is 18 years.
- The age of consent is 16 years (only for heterosexual acts, as homosexuality is criminalised).

Optional Protocol Ratification

- Guyana ratified the Optional Protocol on 30th July 2010(a).

Anti-CSEA Laws

- The Sexual Offences Act (2010) of Guyana comprehensively criminalises all forms sexual activity with a child, including grooming and travelling with the intent to engage in CSEA, with a child defined as under the age of 16 years.<sup>257</sup>

Extraterritorial jurisdiction? Any limiting conditions?

- Section 35 of the Sexual Offences Act (2010) of Guyana applies extraterritorial jurisdiction to crimes under the Act committed by a resident or citizen or Guyana.<sup>258</sup> However, a condition of dual criminality is attached to this jurisdiction. There is no statute of limitations.

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<sup>252</sup> Straker, L. (2015). 'Human Trafficking Legislation to Be Brought to Life', *Grenada Now*, 8 September 2015 [online]. Available at: <http://www.nowgrenada.com/2015/09/human-trafficking-legislation-brought-life/> (accessed 12 July 2018).

<sup>253</sup> Hosten, D. (2017). 'Cabinet Approves Committee to Combat Child Sexual Abuse', *Grenada Now*, 6 September 2017 [online]. Available at: <http://www.nowgrenada.com/2017/09/cabinet-approves-committee-to-combat-child-sexual-abuse/> (accessed 12 July 2018).

<sup>254</sup> UN Committee on the Rights of the Child (CRC (2009). 'Second Periodic Reports of States Parties due in 1997: Grenada', p. 23. Available at: [https://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fGRD%2f2&Lang=en](https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fGRD%2f2&Lang=en) (accessed 12 July 2018).

<sup>255</sup> UN Committee on the Rights of the Child (CRC (2009). 'Second Periodic Reports of States Parties due in 1997: Grenada', p. 12. Available at: [https://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fGRD%2f2&Lang=en](https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fGRD%2f2&Lang=en) (accessed 12 July 2018).

<sup>256</sup> UN Committee on the Rights of the Child (CRC (2009). 'Second Periodic Reports of States Parties due in 1997: Grenada', p. 23. Available at: [https://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fGRD%2f2&Lang=en](https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fGRD%2f2&Lang=en) (accessed 12 July 2018).

<sup>257</sup> Available at: <https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/99460/118739/F331151140/GUY99460.pdf> (accessed 7 June 2018).

<sup>258</sup> Available at: <https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/99460/118739/F331151140/GUY99460.pdf> (accessed 7 June 2018).

#### Palermo Protocol Ratification

- Guyana ratified the Palermo Protocol on 14th September 2004(a).

#### Anti-Trafficking Laws (and specifically, anti-child trafficking)

- The Combatting of Trafficking in Persons Act (2005) of Guyana comprehensively criminalises trafficking in persons and related offences.<sup>259</sup>

#### Extraterritorial jurisdiction? Any limiting conditions?

- No extraterritorial jurisdiction is applicable to the offences of trafficking in persons in Guyana.

#### Other measures of note introduced by Government to combat CSEA (whether overseas or not)

- In 2006, the Government of Guyana established a Child Protection Unit, responsible for developing and implementing a holistic approach to major child protection issues.<sup>260</sup>
- In 2006, a National Plan of Action for Women and Children in Guyana was published by the Government of Guyana in partnership with UNICEF.<sup>261</sup> In the Government's 2010 Report to the UNCRC, they claimed that a new National Plan of Action on Commercial Sexual Exploitation of Children was a 'very high priority' for them.<sup>262</sup> However, a new Plan addressing CSEA in Guyana has not yet been actualised.
- In 2007, the Government of Guyana conducted a comprehensive legislative review concerning sexual offences, which ultimately led to the adoption of the Sexual Offences Act (2010) of Guyana detailed above.<sup>263</sup>
- In the years leading up to 2010, the Government of Guyana worked in partnership with several organisations to support the publication of various pieces of research on CSEA, and sexual violence in general, in Guyana.<sup>264</sup> This suggests their dedication to combating CSEA.

#### Further Comments

- Guyana is rated by the Office to Monitor and Combat Trafficking in Persons as a 'Tier 1' level country in their efforts to eliminate human trafficking.<sup>265</sup>
- Despite the existence of comprehensive extraterritorial legislation against CSEA, no records of prosecutions under this law in Guyana can be found.
- In their questionnaire response, the representative of the Government of Guyana argues that a 'lack of prioritisation' is the primary reason why the existing legislation has not been used to prosecute offenders who commit CSEA abroad. Further highlighted reasons given are: 'lack of a clear definition of "child sexual exploitation" and other such crimes within existing legislation; requirement for victim to make a formal request or complaint in order to initiate investigative proceedings; inability to obtain victim testimony; reluctance of victim to cooperate with law enforcement; lack of human resources to dedicate to investigative and prosecutorial proceedings'.
- Furthermore, their questionnaire response recommends that 'policy makers should be educated on the benefits of making legislation that address CSE and related offences extraterritorial'. They cite that 'prosecution rates may be low due to lack of victim testimonies or evidence. Many times, victims are afraid to come forward and cases are often withdrawn.' Also, they argue, 'a system needs to be put in place to raise

<sup>259</sup> Available at: [http://parliament.gov.gy/documents/acts/4653-act\\_no.\\_2\\_of\\_2005.pdf](http://parliament.gov.gy/documents/acts/4653-act_no._2_of_2005.pdf) (accessed 7 June 2018).

<sup>260</sup> UN Committee on the Rights of the Child (CRC) (2012). 'Combined Second to Fourth Periodic Reports of States Parties due in 2008: Guyana', p. 47. Available at: [https://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fGUY%2f2-4&Lang=en](https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fGUY%2f2-4&Lang=en) (accessed 7 June 2018).

<sup>261</sup> Available at: [https://www.unicef.org/guyana/GUY\\_CPAP\\_\\_SIGNED\\_VERSION-\\_22JAN06.pdf](https://www.unicef.org/guyana/GUY_CPAP__SIGNED_VERSION-_22JAN06.pdf) (accessed 7 June 2018).

<sup>262</sup> UN Committee on the Rights of the Child (CRC) (2012). 'Combined Second to Fourth Periodic Reports of States Parties due in 2008: Guyana', p. 80. Available at: [https://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fGUY%2f2-4&Lang=en](https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fGUY%2f2-4&Lang=en) (accessed 7 June 2018).

<sup>263</sup> UN Committee on the Rights of the Child (CRC) (2012). 'Combined Second to Fourth Periodic Reports of States Parties due in 2008: Guyana', p. 80. Available at: [https://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fGUY%2f2-4&Lang=en](https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fGUY%2f2-4&Lang=en) (accessed 7 June 2018).

<sup>264</sup> UN Committee on the Rights of the Child (CRC) (2012). 'Combined Second to Fourth Periodic Reports of States Parties due in 2008: Guyana', pp. 81-82. Available at: [https://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fGUY%2f2-4&Lang=en](https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fGUY%2f2-4&Lang=en) (accessed 7 June 2018).

<sup>265</sup> Office to Monitor and Combat Trafficking in Persons (2018). '2018 Trafficking in Persons Report: Guyana Tier 1'. Available at: <https://www.state.gov/j/tip/rls/tiprpt/countries/2018/282666.htm> (accessed 23 August 2018).

the trust of victims in the prosecutorial system and encourage victims to come forward.' Finally, they state that there is a need for personnel to be 'trained on how to interact with victims as well.'

## India

### Definition of a child (Age of Majority) and Age of Consent

- The age of majority is 18 years.
- The age of consent is 18 years (only for heterosexual acts, as homosexuality is criminalised).

### Optional Protocol Ratification

- India ratified the Optional Protocol on 16th August 2005.

### Anti-CSEA Laws

- The Child Labour (Prohibition and Regulation) Amendment Act (2016) of India criminalises commercial CSEA of children below 14 years and adolescents below 18 years.<sup>266</sup> However, sentences ascribed to these offences in the Act are relatively minimal.
- The Protection of Children from Sexual Offences Act (2012) of India comprehensively criminalises CSEA.<sup>267</sup> However, sentences ascribed to these offences in the Act are relatively minimal.
- Sections 372 and 373 of the Indian Penal Code (1860) criminalise the selling or buying a child for sexual exploitation.<sup>268</sup>

### Extraterritorial jurisdiction? Any limiting conditions?

- No extraterritorial scope is applied to the criminalisation of CSEA under the Child Labour (Prohibition and Regulation) Amendment Act (2016) or the Protection of Children from Sexual Offences Act (2012).
- Extraterritorial jurisdiction is applied to the Penal Code (1860) of India, so long as the offence is committed by a citizen of India.<sup>269</sup> No condition of dual criminality or statute of limitations is attached. However, because the offences criminalised in the Penal Code are limited (only the acts of selling or buying a child for sexual exploitation), there is not comprehensive extraterritorial legislation against CSEA in India.

### Palermo Protocol Ratification

- India ratified the Palermo Protocol on 5th May 2011.

### Anti-Trafficking Laws (and specifically, anti-child trafficking)

- The Immoral Traffic Prevention Act (1956) of India criminalises trafficking of persons for the purposes of sexual exploitation.
- The Penal Code (1860) of India criminalises child sex trafficking, although not comprehensively.<sup>270</sup>

### Extraterritorial jurisdiction? Any limiting conditions?

- Extraterritorial jurisdiction is applied to the Penal Code (1860) of India, so long as the offence is committed by a citizen of India.<sup>271</sup> No condition of dual criminality or statute of limitations is attached.

### Other measures of note introduced by Government to combat CSEA (whether overseas or not)

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<sup>266</sup> Available at:

[https://labour.gov.in/sites/default/files/THE%20CHILD%20LABOUR%20%28PROHIBITION%20AND%20REGULATION%29%20AMENDMENT%20ACT%202016\\_0.pdf](https://labour.gov.in/sites/default/files/THE%20CHILD%20LABOUR%20%28PROHIBITION%20AND%20REGULATION%29%20AMENDMENT%20ACT%202016_0.pdf) (accessed 14 August 2018).

<sup>267</sup> Available at: <http://arpan.org.in/wp-content/uploads/2014/07/POSCO-Act-English.pdf> (accessed 14 August 2018).

<sup>268</sup> Available at: <http://ncw.nic.in/acts/theindianpenalcode1860.pdf> (accessed 14 August 2018).

<sup>269</sup> Available at: <http://ncw.nic.in/acts/theindianpenalcode1860.pdf> (accessed 14 August 2018).

<sup>270</sup> Available at: <http://ncw.nic.in/acts/theindianpenalcode1860.pdf> (accessed 14 August 2018).

<sup>271</sup> Available at: <http://ncw.nic.in/acts/theindianpenalcode1860.pdf> (accessed 14 August 2018).

- In 2007, the Government of India established the National Commission for the Protection of Child Rights (NCPDR) which serves as a monitoring and evaluation body to ensure that all of India's laws are in-keeping with the Constitution of India and the Convention on the Rights of the Child.<sup>272</sup>
- In 2016, the Government of India drafted the National Plan of Action for Children (NPAC) which claims that the protection children from sexual exploitation in all forms is among one of its key objectives.<sup>273</sup> The Plan was officially adopted into policy in January 2017.
- The Government of India works in partnership with Action against Trafficking and Sexual Exploitation of Children (ATSEC) India. Joining with an NGO called Socio Legal Aid Research and Training Centre (SLARTC), ATSEC 'is doing prosecution work on behalf of the State Judiciary that normally is an exclusive right of State-appointed Public Prosecutors.'<sup>274</sup>
- According to the Government of India's 2013 report to the UNCRC, the growth of tourism in India has led to significant increase in 'child sex tourism' occurring domestically in the country.<sup>275</sup> They state that 'child sex tourism involves hotels, travel agencies and tour operators; some companies openly advertise availability of child prostitutes'.
- In 2018, India is planning to introduce the Trafficking of Persons (Prevention, Protection and Rehabilitation) Bill in order to extend their criminalisation of human trafficking.<sup>276</sup> The draft bill has, however, been met with disappointment in its lack of comprehensiveness and alignment with international human rights law.<sup>277</sup>

#### Further Comments

- CSEA is extremely prevalent in India, according to the Government of India's National Crime Records Bureau report released in 2017. The report claims that a child is sexually abused every 15 minutes in the country.<sup>278</sup>
- Despite the prevalence of the issue, CSEA is distinctly under-reported in India.<sup>279</sup>
- In their 2013 report to the UNCRC, the Government of India highlight 'lack of reporting' as a key issue hindering the realisation of children's rights in the country.<sup>280</sup> Furthermore, they state that the 'prosecution depending too heavily on witness testimony and too little on forensic and other evidence' is a major obstacle to getting justice for CSEA victims, as well as other evidentiary issues.
- The Government of India has been labelled as a 'Tier 2' level country by the Office to Monitor and Combat Trafficking in Persons,<sup>281</sup> suggesting that the Government is trying to improve efforts to combat human trafficking and therefore could be open to improving their anti-CSEA efforts.

#### **Jamaica**

##### Definition of a child (Age of Majority) and Age of Consent

- The age of majority is 18 years.

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<sup>272</sup> UN Committee on the Rights of the Child (CRC) (2013). 'Initial Reports of States Parties due in 2007: India', p. 7. Available at: [https://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fOPSC%2fIND%2f1&Lang=en](https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fOPSC%2fIND%2f1&Lang=en) (accessed 14 August 2018).

<sup>273</sup> Available at: [http://wcd.nic.in/sites/default/files/National%20Plan%20of%20Action\\_0.pdf](http://wcd.nic.in/sites/default/files/National%20Plan%20of%20Action_0.pdf) (accessed 14 August 2018).

<sup>274</sup> UN Committee on the Rights of the Child (CRC) (2013). 'Initial Reports of States Parties due in 2007: India', p. 14. Available at: [https://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fOPSC%2fIND%2f1&Lang=en](https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fOPSC%2fIND%2f1&Lang=en) (accessed 14 August 2018).

<sup>275</sup> UN Committee on the Rights of the Child (CRC) (2013). 'Initial Reports of States Parties due in 2007: India', p. 13. Available at: [https://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fOPSC%2fIND%2f1&Lang=en](https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fOPSC%2fIND%2f1&Lang=en) (accessed 14 August 2018).

<sup>276</sup> Office to Monitor and Combat Trafficking in Persons (2018). '2018 Trafficking in Persons Report: The India Tier 2'. Available at: <https://www.state.gov/j/tip/rls/tiprpt/countries/2018/282672.htm> (accessed 14 August 2018).

<sup>277</sup> UN News (2018). 'UN Experts Urge India to Align New Anti-Trafficking Bill With Human Rights Law', *UN News*, 23 July 2018 [online]. Available at: <https://news.un.org/en/story/2018/07/1015352> (accessed 14 August 2018).

<sup>278</sup> BBC News (2017). 'India sexual abuse: "Four child victims every hour"', *BBC News*, 1 December 2017 [online]. Available at: <https://www.bbc.com/news/world-asia-india-42193533> (accessed 14 August 2018).

<sup>279</sup> Das, M. (2018). 'Why Cases of Commercial Sexual Exploitation of Children Should Be Registered Under POCSO', *The News Minute*, 4 April 2018 [online]. Available at: <https://www.thenewsminute.com/article/why-cases-commercial-sexual-exploitation-children-should-be-registered-under-pocso-79010> (accessed 14 August).

<sup>280</sup> UN Committee on the Rights of the Child (CRC) (2013). 'Initial Reports of States Parties due in 2007: India', p. 16. Available at: [https://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fOPSC%2fIND%2f1&Lang=en](https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fOPSC%2fIND%2f1&Lang=en) (accessed 14 August 2018).

<sup>281</sup> Office to Monitor and Combat Trafficking in Persons (2018). '2018 Trafficking in Persons Report: The India Tier 2'. Available at: <https://www.state.gov/j/tip/rls/tiprpt/countries/2018/282672.htm> (accessed 14 August 2018).

- The age of consent is 16 years (only for heterosexual acts, as homosexuality is criminalised).

#### Optional Protocol Ratification

- Jamaica ratified the Optional Protocol on 26th August 2011.

#### Anti-CSEA Laws

- The Sexual Offences Act (2011) of Jamaica criminalises in particular 'sexual offences against children' under the age of 16.<sup>282</sup>

#### Extraterritorial jurisdiction? Any limiting conditions?

- Section 18 of the Sexual Offences Act (2011) of Jamaica applies extraterritorial jurisdiction to the offence of 'procurement' of a child, and Section 9 applies extraterritorial jurisdiction to the offence of 'sexual grooming of a child'.<sup>283</sup> No limiting conditions are stated to be attached.
- However, not all CSEA-related offences criminalised in this Act have extraterritorial jurisdiction applied to them. Therefore, there is not comprehensive extraterritorial legislation against CSEA in Jamaica.

#### Palermo Protocol Ratification

- Jamaica ratified the Palermo Protocol on 29th September 2003.

#### Anti-Trafficking Laws (and specifically, anti-child trafficking)

- The Trafficking in Persons (Prevention, Suppression, and Punishment) Act (2007) criminalises human trafficking, with particular reference to child trafficking.<sup>284</sup>

#### Extraterritorial jurisdiction? Any limiting conditions?

- Extraterritorial scope is only applied to offences of trafficking in persons in the Trafficking in Persons (Prevention, Suppression, and Punishment) Act (2007) when the offence is committed in part in Jamaica.<sup>285</sup> No further limiting conditions are attached.

#### Other measures of note introduced by Government to combat CSEA (whether overseas or not)

- In 2002, the Government of Jamaica began developing their National Framework of Action for Children (NFAC).<sup>286</sup> One of the Framework's priority areas is states as: 'protection against abuse, exploitation and violence - the creation of a society that provides protection to those children whose protection rights have been compromised'.
- The National Children's Registry conducted over 280 training sessions to educate audiences about reporting CSEA in Jamaica.<sup>287</sup>
- In their 2013 report to the UNCRC, the Government of Jamaica explain that they have undertaken several measures to prevent CSEA in recent years.<sup>288</sup> These measures include: 'conducting relevant studies on the sale of children, sexual exploitation and child pornography; providing the necessary legal framework and law reform; public education and awareness sessions to sensitise the wider community and children; entering into multilateral, regional and bilateral arrangements for the prevention detection, investigation, prosecution

<sup>282</sup> Available at: <http://moj.gov.jm/sites/default/files/laws/Sexual%20Offences%20Act.pdf> (accessed 17 July 2018).

<sup>283</sup> Available at: <http://moj.gov.jm/sites/default/files/laws/Sexual%20Offences%20Act.pdf> (accessed 17 July 2018).

<sup>284</sup> Available at:

[http://www.cda.gov.jm/sites/default/files/content/Trafficking%20in%20Persons%20\(Prevention,%20Suppression%20and%20Punishment\)-1.pdf](http://www.cda.gov.jm/sites/default/files/content/Trafficking%20in%20Persons%20(Prevention,%20Suppression%20and%20Punishment)-1.pdf) (accessed 17 July 2018).

<sup>285</sup> Available at:

[http://www.cda.gov.jm/sites/default/files/content/Trafficking%20in%20Persons%20\(Prevention,%20Suppression%20and%20Punishment\)-1.pdf](http://www.cda.gov.jm/sites/default/files/content/Trafficking%20in%20Persons%20(Prevention,%20Suppression%20and%20Punishment)-1.pdf) (accessed 17 July 2018).

<sup>286</sup> UN Committee on the Rights of the Child (CRC) (2013). 'Third and Fourth Periodic Reports of States Parties due in 2008', p. 20. Available at: [https://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fJAM%2f3-4&Lang=en](https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fJAM%2f3-4&Lang=en) (accessed 14 August 2018).

<sup>287</sup> Office to Monitor and Combat Trafficking in Persons (2018). '2018 Trafficking in Persons Report: The Jamaica Tier 2'. Available at: <https://www.state.gov/j/tip/rls/tiprpt/countries/2018/282679.htm> (accessed 14 August 2018).

<sup>288</sup> UN Committee on the Rights of the Child (CRC) (2013). 'Third and Fourth Periodic Reports of States Parties due in 2008', p. 128. Available at: [https://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fJAM%2f3-4&Lang=en](https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fJAM%2f3-4&Lang=en) (accessed 14 August 2018).

and punishment of those responsible for offences related to sexual exploitation of children.<sup>289</sup> However, specific examples of each of these initiatives are not evidenced within this report.

- In 2017, the Government of Jamaica reported no investigations, prosecutions or convictions of foreign tourists for commercial CSEA.<sup>290</sup> However, Jamaican authorities did arrest one foreign citizen for non-commercial CSEA offences.

#### Further Comments

- In recent years, media outlets in Jamaica have growingly noted the prevalence of CSEA within the country.<sup>291</sup>
- The Government of Jamaica has been labelled as a 'Tier 2' level country by the Office to Monitor and Combat Trafficking in Persons,<sup>292</sup> suggesting that the Government is trying to improve efforts to combat human trafficking and therefore could be open to improving their anti-CSEA efforts.

### **Kenya\***

#### Definition of a child (Age of Majority) and Age of Consent

- The age of majority is 18 years.
- The age of consent is 18 years (only for heterosexual acts, as homosexuality is criminalised).

#### Optional Protocol Ratification

- Kenya signed the Optional Protocol on 8th September 2000.

#### Anti-CSEA Laws

- Sections 13 & 15 of the Children's Act of Kenya (2001) safeguards children's rights to be protected from all forms of abuse and sexual exploitation.<sup>293</sup>
- Sections 11, 12, 14, 15 and 16 of the Sexual Offences Act of Kenya (2006) criminalise CSEA in all forms, including specific criminalisation of facilitating 'child sex tourism' i.e. arranging for the travel of someone else specifically for the purposes of committing a sexual offence against a child.<sup>294</sup>

#### Extraterritorial jurisdiction? Any limiting conditions?

- The Children's Act of Kenya (2001) has no extraterritorial reach.
- Section 41 of the Sexual Offences Act of Kenya (2006) applies extraterritorial jurisdiction to CSEA offences criminalised under this act, applicable to both citizens and residents of Kenya, with no condition of dual criminality.<sup>295</sup> There is no statute of limitations on offences addressed in this act.

#### Palermo Protocol Ratification

- Kenya ratified the Palermo Protocol on 16th June 2004(a).

#### Anti-Trafficking Laws (and specifically, anti-child trafficking)

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<sup>289</sup> UN Committee on the Rights of the Child (CRC) (2013). 'Third and Fourth Periodic Reports of States Parties due in 2008', p. 129. Available at: [https://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fJAM%2f3-4&Lang=en](https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fJAM%2f3-4&Lang=en) (accessed 14 August 2018).

<sup>290</sup> Office to Monitor and Combat Trafficking in Persons (2018). '2018 Trafficking in Persons Report: The Jamaica Tier 2'. Available at: <https://www.state.gov/j/tip/rls/tiprpt/countries/2018/282679.htm> (accessed 14 August 2018).

<sup>291</sup> Samms, K. (2014). 'Exploring the Context of Child Sexual Abuse in Jamaica: Addressing the Deficits', *Journal of Child Sexual Abuse* 23:2, pp. 115-127.

<sup>292</sup> Office to Monitor and Combat Trafficking in Persons (2018). '2018 Trafficking in Persons Report: The Jamaica Tier 2'. Available at: <https://www.state.gov/j/tip/rls/tiprpt/countries/2018/282679.htm> (accessed 14 August 2018).

<sup>293</sup> Available at:

<http://www.kenyalaw.org/lex/rest/db/kenyalex/Kenya/Legislation/English/Acts%20and%20Regulations/C/Children%20Act%20Cap.%20141%20-%20No.%208%20of%202001/docs/ChildrenAct8of2001.pdf> (accessed 1 August 2018).

<sup>294</sup> Available at:

<http://kenyalaw.org/lex/rest/db/kenyalex/Kenya/Legislation/English/Acts%20and%20Regulations/S/Sexual%20Offences%20Act%20Cap.%2062A%20-%20No.%203%20of%202006/docs/SexualOffencesAct3of2006.pdf> (accessed 1 August 2018).

<sup>295</sup> Available at:

<http://kenyalaw.org/lex/rest/db/kenyalex/Kenya/Legislation/English/Acts%20and%20Regulations/S/Sexual%20Offences%20Act%20Cap.%2062A%20-%20No.%203%20of%202006/docs/SexualOffencesAct3of2006.pdf> (accessed 1 August 2018).

- The Counter-Trafficking in Persons Act (2010) criminalises human trafficking, with Section 4 of the act making special mention of 'promoting child trafficking'.<sup>296</sup>

#### Extraterritorial jurisdiction? Any limiting conditions?

- Section 25 of the Counter-Trafficking in Persons Act (2010) applies extraterritorial jurisdiction to human trafficking offences criminalised under this act, applicable to both citizens and permanent residents of Kenya with no condition of dual criminality.<sup>297</sup>

#### Other measures of note introduced by Government to combat CSEA (whether overseas or not)

- In 2015, the Government of Kenya developed and published the National Plan of Action for Children in Kenya, which emphasises the need for prevention of CSEA as a key part of its aims to improve child protection in Kenya.<sup>298</sup>
- The Government of Kenya has signed a Memorandum of Understanding with neighbouring countries on tackling cross-border trafficking in persons.<sup>299</sup>
- According to their 2013 report to the UNCRC, the Government of Kenya 'works closely' with INTERPOL to aid investigations into CSEA by tourists within Kenya.<sup>300</sup>

#### Further Comments

- The Government of Kenya has been labelled as a 'Tier 2' level country by the Office to Monitor and Combat Trafficking in Persons,<sup>301</sup> suggesting that the Government is trying to improve efforts to combat human trafficking and therefore could be open to improving their anti-CSEA efforts.
- The Government of Kenya highlights in the National Plan of Action for Children in Kenya (2015) that several challenges stand in the way of the realisation of children's rights in the country. These challenges include: 'weak enforcement of legislation and policies; inadequate resources to implement planned activities; inadequate coordination of services among key stakeholders in the children sector.'<sup>302</sup>
- In their questionnaire response, the Government of Kenya suggests several reasons why the existing extraterritorial legislation against CSEA has not been used to prosecute offenders. These stated reasons include: 'lack of awareness of the existence of such legislation amongst law enforcement; lack of awareness of the existence of such legislation amongst victims; requirement for victim to make a formal request or complaint in order to initiate investigative proceedings; reluctance of victim to cooperate with law enforcement; issues with the preservation of physical evidence'.

## **Kiribati\***

#### Definition of a child (Age of Majority) and Age of Consent

- The age of majority is 18 years.
- The age of consent is 15 years (only for heterosexual acts, as homosexuality is criminalised).

#### Optional Protocol Ratification

- Kiribati ratified the Optional Protocol on 16th September 2015(a).

#### Anti-CSEA Laws

<sup>296</sup> Available at: [http://kenyalaw.org/kl/fileadmin/pdfdownloads/Acts/Counter-TraffickinginPersonsAct\\_No8of2010.pdf](http://kenyalaw.org/kl/fileadmin/pdfdownloads/Acts/Counter-TraffickinginPersonsAct_No8of2010.pdf) (accessed 1 August 2018).

<sup>297</sup> Available at: [http://kenyalaw.org/kl/fileadmin/pdfdownloads/Acts/Counter-TraffickinginPersonsAct\\_No8of2010.pdf](http://kenyalaw.org/kl/fileadmin/pdfdownloads/Acts/Counter-TraffickinginPersonsAct_No8of2010.pdf) (accessed 1 August 2018).

<sup>298</sup> Available at: [http://www.childrencouncil.go.ke/images/documents/Policy\\_Documents/National-Plan-of-Action-for-Children-in-Kenya-2015.pdf](http://www.childrencouncil.go.ke/images/documents/Policy_Documents/National-Plan-of-Action-for-Children-in-Kenya-2015.pdf) (accessed 1 August 2018).

<sup>299</sup> UN Committee on the Rights of the Child (CRC) (2015). 'Combined Third, Fourth and Fifth Periodic Reports of States Parties due in 2012', p. 16. Available at: [https://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fKEN%2f3-5&Lang=en](https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fKEN%2f3-5&Lang=en) (accessed 1 August 2018).

<sup>300</sup> UN Committee on the Rights of the Child (CRC) (2015). 'Combined Third, Fourth and Fifth Periodic Reports of States Parties due in 2012', p. 17. Available at: [https://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fKEN%2f3-5&Lang=en](https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fKEN%2f3-5&Lang=en) (accessed 1 August 2018).

<sup>301</sup> Office to Monitor and Combat Trafficking in Persons (2018). '2018 Trafficking in Persons Report: The Kenya Tier 2'. Available at: <https://www.state.gov/j/tip/rls/tiprpt/countries/2018/282683.htm> (accessed 30 August 2018).

<sup>302</sup> Available at: [http://www.childrencouncil.go.ke/images/documents/Policy\\_Documents/National-Plan-of-Action-for-Children-in-Kenya-2015.pdf](http://www.childrencouncil.go.ke/images/documents/Policy_Documents/National-Plan-of-Action-for-Children-in-Kenya-2015.pdf) (accessed 1 August 2018).

- The Penal Code (1977) of Kiribati criminalises CSEA, however only relating to girls under the age of 15 years.<sup>303</sup>

#### Extraterritorial jurisdiction? Any limiting conditions?

- Within the Penal Code (1977) of Kiribati, a degree extraterritorial scope is applied; the Government of Kiribati exercises jurisdiction over offences if the act is committed 'partly within and partly beyond the jurisdiction'. However, this is not full extraterritorial jurisdiction and is not applicable to most CSEA overseas offences.

#### Palermo Protocol Ratification

- Kiribati ratified the Palermo Protocol on 15th September 2005(a).

#### Anti-Trafficking Laws (and specifically, anti-child trafficking)

- The Measures to Combat Terrorism and Transnational Organised Crime Act (2005) of Kiribati comprehensively criminalises trafficking in persons and related crimes, with particular criminalisation of the offence of 'trafficking in children' in Section 43.<sup>304</sup>

#### Extraterritorial jurisdiction? Any limiting conditions?

- Extraterritorial scope is applied to this Act in a variety of circumstances. Namely, if the act is committed by a citizen or resident of Kiribati, if the act is committed against a citizen of Kiribati, if the offence is committed by a persons who, after the commission of the offence, is present in Kiribati, if the offence originates or transits in Kiribati.<sup>305</sup> No limiting conditions of dual criminality or statute of limitations can be found relating this Act. However, the consent of the Attorney-General of Kiribati is needed in order to institute prosecution for an offence committed outside of Kiribati.

#### Other measures of note introduced by Government to combat CSEA (whether overseas or not)

- In 2011, the Government of Kiribati instigated their National Youth Policy 2011-15, which focused on improving welfare of children and young people across the country.<sup>306</sup> Whilst CSEA was not the focus of this Policy, the prevention of CSEA issues was mentioned as part of the key strategies on 'Health and Safety'.
- In 2016, the Government of Kiribati released the National Development Plan 2016-19, which is presumably somewhat a continuation of the National Youth Policy which concluded the previous year.<sup>307</sup> Whilst again, CSEA is not the focus of the published Plan, there is significant mention of reducing sexual violence and violence against children. However, CSEA is not mentioned explicitly.
- Kiribati's law enforcement's Domestic Violence and Sexual Offences Unit operate two 24-hour hotlines for reporting exploitation and abuse.<sup>308</sup>
- In 2015, the Government of Kiribati failed to prosecute any cases against child traffickers or CSEA offenders.<sup>309</sup> Since this year, no records of any further such prosecutions can be found.

#### Further Comments

- The limited nature of Kiribati's legislation and action against CSEA might be somewhat explained by society's perceptions of the issue. As evidenced in the Government of Kiribati's 2005 report to the UNCRC, CSEA has historically not been acknowledged as a problem due to it being strictly, culturally forbidden, and attached with a great amount of shame in society; 'people did not believe, or did not want to believe, it was happening.'<sup>310</sup>
- The most recent Trafficking in Persons report on Kiribati was published in 2016. In this report, the Government of Kiribati has been labelled as a 'Tier 2' level country by the Office to Monitor and Combat

<sup>303</sup> Available at: <https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/70701/70622/F1907595502/KIR70701.pdf> (accessed 7 June 2018).

<sup>304</sup> Available at: <https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/84052/93205/F937635366/KIR84052.pdf> (accessed 7 June 2018).

<sup>305</sup> Available at: <https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/84052/93205/F937635366/KIR84052.pdf> (accessed 7 June 2018).

<sup>306</sup> Available at: [http://www.youthpolicy.org/national/Kiribati\\_2011\\_National\\_Youth\\_Policy.pdf](http://www.youthpolicy.org/national/Kiribati_2011_National_Youth_Policy.pdf) (accessed 7 June 2018).

<sup>307</sup> Available at: <http://www.mfed.gov.ki/sites/default/files/Kiribati%20Development%20Plan%202016%20-%202019.pdf> (accessed 7 June 2018).

<sup>308</sup> Available at: <http://www.mfed.gov.ki/sites/default/files/Kiribati%20Development%20Plan%202016%20-%202019.pdf> (accessed 7 June 2018).

<sup>309</sup> Office to Monitor and Combat Trafficking in Persons (2016). '2016 Trafficking in Persons Report: The Kiribati Tier 2'. Available at: <https://www.state.gov/j/tip/rls/tiprpt/countries/2016/258796.htm> (accessed 7 June 2018).

<sup>310</sup> UN Committee on the Rights of the Child (CRC) (2005). 'Initial Report of States Parties due in 1998: Kiribati', p. 29. Available at: [https://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fKIR%2f1&Lang=en](https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fKIR%2f1&Lang=en) (accessed 7 June 2018).

- Trafficking in Persons,<sup>311</sup> suggesting that the Government is trying to improve efforts to combat human trafficking and therefore could be open to improving their anti-CSEA efforts.
- The 2016 Trafficking in Persons report highlights the issues of CSEA by tourists and resultant child trafficking in Kiribati, citing that 'visiting ship crew members, mainly Asian men, exploit children and some women in commercial sex.'<sup>312</sup>
  - In their questionnaire response, the Government of Kiribati representative recommends several actions that could pave the way for the enactment of extraterritorial legislation against CSEA in Kiribati. They suggest that work be done to 'improve more cooperation between relevant organisations to get evidence if such is actually happening in the country.'

## Lesotho\*

### Definition of a child (Age of Majority) and Age of Consent

- The age of majority is 21 years.
- The age of consent is 18 years.

### Optional Protocol Ratification

- Lesotho ratified the Optional Protocol on 24th September 2003.

### Anti-CSEA Laws

- The Sexual Offences Act (2003) of Lesotho comprehensively criminalises CSEA.<sup>313</sup>

### Extraterritorial jurisdiction? Any limiting conditions? Any limiting conditions?

- Section 35 of the Act attaches extraterritorial jurisdiction to the offences detailed within it, so long as the offences are committed by a citizen or permanent resident of Lesotho. No limiting conditions can be found.

### Palermo Protocol Ratification

- Lesotho ratified the Palermo Protocol on 24th September 2003.

### Anti-Trafficking Laws (and specifically, anti-child trafficking)

- The Anti-Trafficking in Persons Act (2011) of Lesotho criminalises human trafficking and related offences, however trafficking of children is not specifically addressed or comprehensively criminalised.<sup>314</sup>
- The Child Welfare and Protection Act (2011) of Lesotho comprehensively criminalises child trafficking.<sup>315</sup>

### Extraterritorial jurisdiction? Any limiting conditions?

- Section 4 of the Anti-Trafficking in Persons Act (2011) of Lesotho attaches extraterritorial jurisdiction to the offences detailed within it, so long as the offences are committed by a citizen or permanent resident of Lesotho. No limiting conditions can be found.
- No extraterritorial scope is applied to the Child Welfare and Protection Act (2011) of Lesotho.

### Other measures of note introduced by Government to combat CSEA (whether overseas or not)

- In 2003, the Government of Lesotho implemented the Gender and Development Policy, which obliges them to formulate laws and policies to protect victims of CSEA.<sup>316</sup> No record of a new Policy being developed could be found.

<sup>311</sup> Office to Monitor and Combat Trafficking in Persons (2016). '2016 Trafficking in Persons Report: Kiribati Tier 2'. Available at: <https://www.state.gov/j/tip/rls/tiprpt/countries/2016/258796.htm> (accessed 7 June 2018).

<sup>312</sup> Office to Monitor and Combat Trafficking in Persons (2016). '2016 Trafficking in Persons Report: The Kiribati Tier 2'. Available at: <https://www.state.gov/j/tip/rls/tiprpt/countries/2016/258796.htm> (accessed 7 June 2018).

<sup>313</sup> Available at: [https://lesotholii.org/ls/legislation/act/2003/3/lesotho\\_sexual\\_offences\\_act\\_2003\\_pdf\\_14292.pdf](https://lesotholii.org/ls/legislation/act/2003/3/lesotho_sexual_offences_act_2003_pdf_14292.pdf) (accessed 12 July 2018).

<sup>314</sup> Available at: [https://www.unodc.org/res/cld/document/anti-trafficking-in-persons-act-2011\\_html/Lesotho\\_TIP\\_Act\\_2011.pdf](https://www.unodc.org/res/cld/document/anti-trafficking-in-persons-act-2011_html/Lesotho_TIP_Act_2011.pdf) (accessed 12 July 2018).

<sup>315</sup> Available at: <http://jafbase.fr/docAfrique/Lesotho/children%20act%20lesotho.pdf> (accessed 12 July 2018).

<sup>316</sup> UN Committee on the Rights of the Child (CRC) (2017). 'Second Periodic Reports of States Parties due in 1999: Lesotho', p. 44. Available at: [https://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fLSO%2f2&Lang=en](https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fLSO%2f2&Lang=en) (accessed 12 July 2018).

- In their 2017 report to the UNCRC, the Government of Lesotho failed cite an extensive list of recent efforts they have made to combat CSEA.<sup>317</sup>
- The few measures taken by the Government of Lesotho to tackle CSEA have not been entirely effective.<sup>318</sup>

#### Further Comments

- The Government of Lesotho highlights in their 2017 report to the UNCRC that the sentences for CSEA-related offences are not sufficiently harsh, specifically arguing that they serve as 'inadequate deterrents for the crimes.'<sup>319</sup>
- The Government of Lesotho has been labelled as a 'Tier 2' level country by the Office to Monitor and Combat Trafficking in Persons,<sup>320</sup> suggesting that the Government is trying to improve efforts to combat human trafficking and therefore could be open to improving their anti-CSEA efforts.
- The Government of Lesotho argues that CSEA in the country is growing at was is seemingly an alarming rate.<sup>321</sup>
- Furthermore, the report to the UNCRC claims that oftentimes CSEA offences are unreported, and even when they are reported 'police seldom secure convictions as children make poor witnesses.'<sup>322</sup> The Government of Lesotho states that judges are distrustful of children very commonly and that the child's testimony is 'not sufficiently weighted against that of an opponent adult witness'. This is a highly concerning assessment, which could explain the lack of prosecutions for offences of CSEA committed abroad.
- The Government of Lesotho offered no further insights in their response to the questionnaire.

## **Malawi**

### Definition of a child (Age of Majority) and Age of Consent

- The age of majority is 16 years.
- The age of consent is 16 years.

### Optional Protocol Ratification

- Malawi ratified the Optional Protocol on 7th October 2009.

### Anti-CSEA Laws

- Section 160B(1) of the Penal Code Amendment Act (2012) of Malawi criminalises sexual activity with a child under 16 years of age.<sup>323</sup> Sections 132, 133, 134, 137, and 155 of the Penal Code (1999) of Malawi also criminalise CSEA relating to primarily female victims in various forms.<sup>324</sup>

### Extraterritorial jurisdiction? Any limiting conditions?

- Extraterritorial scope is only applied to the Penal Code (1999) of Malawi when the offender is a Malawi citizen 'being a person employed in the public service of Malawi'. Therefore, Malawi does not have fully comprehensive extraterritorial legislation against CSEA.

### Palermo Protocol Ratification

- Malawi ratified the Palermo Protocol on 17th March 2005.

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<sup>317</sup> UN Committee on the Rights of the Child (CRC) (2017). 'Second Periodic Reports of States Parties due in 1999: Lesotho', pp. 43-44. Available at: [https://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fLSO%2f2&Lang=en](https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fLSO%2f2&Lang=en) (accessed 12 July 2018).

<sup>318</sup> Weber, S. (2013). 'National Response Efforts to Address Sexual Violence and Exploitation Against Children in Lesotho: A Desktop Study', *AIDSTAR-One* [online]. Available at: [https://www.jsi.com/JSIInternet/Inc/Common/\\_download\\_pub.cfm?id=13952&lid=3](https://www.jsi.com/JSIInternet/Inc/Common/_download_pub.cfm?id=13952&lid=3) (accessed 12 July 2018).

<sup>319</sup> UN Committee on the Rights of the Child (CRC) (2017). 'Second Periodic Reports of States Parties due in 1999: Lesotho', p. 24. Available at: [https://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fLSO%2f2&Lang=en](https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fLSO%2f2&Lang=en) (accessed 12 July 2018).

<sup>320</sup> Office to Monitor and Combat Trafficking in Persons (2018). '2018 Trafficking in Persons Report: Lesotho Tier 2'. Available at: <https://www.state.gov/j/tip/rls/tiprpt/countries/2018/282692.htm> (accessed 12 July 2018).

<sup>321</sup> UN Committee on the Rights of the Child (CRC) (2017). 'Second Periodic Reports of States Parties due in 1999: Lesotho', p. 44. Available at: [https://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fLSO%2f2&Lang=en](https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fLSO%2f2&Lang=en) (accessed 12 July 2018).

<sup>322</sup> UN Committee on the Rights of the Child (CRC) (2017). 'Second Periodic Reports of States Parties due in 1999: Lesotho', p. 44. Available at: [https://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fLSO%2f2&Lang=en](https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fLSO%2f2&Lang=en) (accessed 12 July 2018).

<sup>323</sup> Available at: <https://malawilii.org/mw/legislation/act/2012/13> (accessed 9 August 2018).

<sup>324</sup> Available at: [https://malawilii.org/system/files/consolidatedlegislation/701/penal\\_code\\_pdf\\_14611.pdf](https://malawilii.org/system/files/consolidatedlegislation/701/penal_code_pdf_14611.pdf) (accessed 9 August 2018).

#### Anti-Trafficking Laws (and specifically, anti-child trafficking)

- The Trafficking in Persons Act (2015) of Malawi comprehensively criminalise human trafficking, as well as specifically criminalises the offence of trafficking children.<sup>325</sup>
- The Child Care, Protection and Justice Act (2010) of Malawi expressly criminalises child trafficking, attaching punishments up to and including life imprisonment for offenders.<sup>326</sup>

#### Extraterritorial jurisdiction? Any limiting conditions?

- Extraterritorial jurisdiction is exercised over the Trafficking in Persons Act (2015) of Malawi where the offender is a citizen or resident of Malawi. No condition of dual criminality or statute of limitations is apparent.
- No extraterritorial scope is applied to the Child Care, Protection and Justice Act (2010) of Malawi.

#### Other measures of note introduced by Government to combat CSEA (whether overseas or not)

- No specific National Plan of Action addresses CSEA.<sup>327</sup> However, other Plans do touch upon CSEA issues, such as the National Plan of Action for Orphans and Other Vulnerable Children (2009-2016), the National HIV and AIDS Action Framework and the Child Labour National Plan of Action. The Malawi Growth and Development Strategy 2011-2016 also cites the exploitation of children as a key issue to combat.<sup>328</sup>
- The National Child Helpline of Malawi (116) reportedly assists thousands of children a year, a significant proportion of which are victims of CSEA.<sup>329</sup>
- Efforts made by Malawi to encourage victims to come forward and investigate offences of CSEA seem sufficient. For example, the Government of Malawi has installed Police Victim Support Units (PVSU) in 34 Police Stations across the country.<sup>330</sup> Furthermore, the Government of Malawi has overseen the development of '350 Community Victim Support Units, over 8000 Community Based Childcare centres and more than 3000 Children's Corners provide assistance and surveillance at community level.'<sup>331</sup>
- However, few specific programmes addressing CSEA are noted by the Government of Malawi in their 2015 report to the UNCRC.<sup>332</sup>

#### Further Comments

- Following the 2014 Report produced by the Law Commission of Malawi concerning existing legislation against trafficking in persons, the Government of Malawi introduced the Trafficking in Persons Act (2015) to rectify the gaps identified within the report.<sup>333</sup> This is indicative of their willingness to reform when their attention is brought to an issue within national legislation, particularly as it related to offences against children.
- The Government of Malawi claims in their 2015 report to the UNCRC that awareness of CSEA is increasing in the country, partly attributed to growing media attention.<sup>334</sup> This is corroborated by ECPAT in their 2016 report on CSEA and related issues in Malawi.<sup>335</sup>

<sup>325</sup> Available at: <https://www.ilo.org/dyn/natlex/docs/MONOGRAPH/99187/118283/F-139474004/MWI99187%201.pdf> (accessed 9 August 2018).

<sup>326</sup> Available at: <https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/90369/104130/F179063148/MWI90369.pdf> (accessed 9 August 2018).

<sup>327</sup> ECPAT (2016). 'Executive Summary: Malawi', p. 2. Available at: [http://www.ecpat.org/wp-content/uploads/2016/11/Ex\\_Summary\\_Malawi\\_Final.pdf](http://www.ecpat.org/wp-content/uploads/2016/11/Ex_Summary_Malawi_Final.pdf) (accessed 9 August 2018).

<sup>328</sup> ECPAT (2016). 'Executive Summary: Malawi', p. 2. Available at: [http://www.ecpat.org/wp-content/uploads/2016/11/Ex\\_Summary\\_Malawi\\_Final.pdf](http://www.ecpat.org/wp-content/uploads/2016/11/Ex_Summary_Malawi_Final.pdf) (accessed 9 August 2018).

<sup>329</sup> ECPAT (2016). 'Executive Summary: Malawi', p. 3. Available at: [http://www.ecpat.org/wp-content/uploads/2016/11/Ex\\_Summary\\_Malawi\\_Final.pdf](http://www.ecpat.org/wp-content/uploads/2016/11/Ex_Summary_Malawi_Final.pdf) (accessed 9 August 2018).

<sup>330</sup> ECPAT (2016). 'Executive Summary: Malawi', p. 3. Available at: [http://www.ecpat.org/wp-content/uploads/2016/11/Ex\\_Summary\\_Malawi\\_Final.pdf](http://www.ecpat.org/wp-content/uploads/2016/11/Ex_Summary_Malawi_Final.pdf) (accessed 9 August 2018).

<sup>331</sup> ECPAT (2016). 'Executive Summary: Malawi', p. 4. Available at: [http://www.ecpat.org/wp-content/uploads/2016/11/Ex\\_Summary\\_Malawi\\_Final.pdf](http://www.ecpat.org/wp-content/uploads/2016/11/Ex_Summary_Malawi_Final.pdf) (accessed 9 August 2018).

<sup>332</sup> UN Committee on the Rights of the Child (CRC) (2015). 'Third to Fifth Periodic Reports of States Parties due in 2013: Malawi'. Available at: [https://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fMWI%2f3-5&Lang=en](https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fMWI%2f3-5&Lang=en) (accessed 9 August 2018).

<sup>333</sup> UN Committee on the Rights of the Child (CRC) (2015). 'Third to Fifth Periodic Reports of States Parties due in 2013: Malawi', pp.15-16. Available at: [https://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fMWI%2f3-5&Lang=en](https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fMWI%2f3-5&Lang=en) (accessed 9 August 2018).

<sup>334</sup> UN Committee on the Rights of the Child (CRC) (2015). 'Third to Fifth Periodic Reports of States Parties due in 2013: Malawi', p. 15. Available at: [https://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fMWI%2f3-5&Lang=en](https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fMWI%2f3-5&Lang=en) (accessed 9 August 2018).

<sup>335</sup> ECPAT (2016). 'Executive Summary: Malawi', p. 4. Available at: [http://www.ecpat.org/wp-content/uploads/2016/11/Ex\\_Summary\\_Malawi\\_Final.pdf](http://www.ecpat.org/wp-content/uploads/2016/11/Ex_Summary_Malawi_Final.pdf) (accessed 9 August 2018).

- The Government of Malawi has been labelled as a 'Tier 2' level country by the Office to Monitor and Combat Trafficking in Persons,<sup>336</sup> suggesting that the Government is trying to improve efforts to combat human trafficking and therefore could be open to improving their anti-CSEA efforts.

## Malaysia

### Definition of a child (Age of Majority) and Age of Consent

- The age of majority is 18 years.
- The age of consent is 16 years (only for heterosexual acts, as homosexuality is criminalised).

### Optional Protocol Ratification

- Malaysia ratified the Optional Protocol on 12th April 2012(a).

### Anti-CSEA Laws

- The Child Act (2001) of Malaysia criminalises CSEA, including commercial sexual exploitation of children.<sup>337</sup> Section 31(1) of this Act also makes it an offence for a person having the care of a child to sexually abuse the child or cause or permit the child to be so abused.
- The Penal Code (2015) of Malaysia criminalises a male having sexual intercourse with a female under the age of 16 years, with or without her consent.<sup>338</sup> No protection is afforded to male victims in these sections of the Code.
- The Sexual Offences of Children Act (2017) of Malaysia comprehensively criminalises CSEA and commercial sexual exploitation of children.<sup>339</sup>

### Extraterritorial jurisdiction? Any limiting conditions?

- No extraterritorial scope is applied to the Child Act (2001) of Malaysia.
- Extraterritorial jurisdiction is only applied to the Penal Code (2015) of Malaysia for offences 'against the state', 'terrorism' and 'organised crime'. Offences of CSEA do fit into any of these defined offences.
- Extraterritorial scope is applied to the Sexual Offences Against Children Act (2017) of Malaysia, but only is the offence is committed by a citizen of Malaysia. No further limiting conditions can be found.

### Palermo Protocol Ratification

- Malaysia ratified the Palermo Protocol on 26th February 2009(a).

### Anti-Trafficking Laws (and specifically, anti-child trafficking)]

- The Anti-Trafficking in Persons and Anti-Smuggling of Migrants Act (2007) of Malaysia criminalises human trafficking, with particular reference to the offence of child trafficking.<sup>340</sup>

### Extraterritorial jurisdiction? Any limiting conditions?

- Extraterritorial scope is applied to offences of human trafficking in this Act so long as the offence is committed by a citizen or permanent resident of Malaysia. No limiting conditions can be found attached to this Act.

### Other measures of note introduced by Government to combat CSEA (whether overseas or not)

- The Government of Malaysia has adopted two major National Policies to implement and improve the protection of children in the country. According to ECPAT and End CSEC Network Malaysia, the National Child

<sup>336</sup> Office to Monitor and Combat Trafficking in Persons (2018). '2018 Trafficking in Persons Report: Malawi Tier 2'. Available at: <https://www.state.gov/j/tip/rls/tiprpt/countries/2018/282700.htm> (accessed 9 August 2018).

<sup>337</sup> Available at: <https://www.unicef.org/malaysia/Child-Act-2001.pdf> (accessed 7 August 2018).

<sup>338</sup> Available at: <http://www.agc.gov.my/agcportal/uploads/files/Publications/LOM/EN/Penal%20Code%20%5BAct%20574%5D2.pdf> (accessed 7 August 2018).

<sup>339</sup> Available at:

[https://violenceagainstchildren.un.org/sites/violenceagainstchildren.un.org/files/documents/other\\_documents/sexual\\_offences\\_against\\_children\\_bill\\_eng.pdf](https://violenceagainstchildren.un.org/sites/violenceagainstchildren.un.org/files/documents/other_documents/sexual_offences_against_children_bill_eng.pdf) (accessed 7 August 2018).

<sup>340</sup> Available at: <http://www.agc.gov.my/agcportal/uploads/files/Publications/LOM/EN/Act%20670.pdf> (accessed 7 August 2018).

- Policy and the National Child Protection Policy both specifically address CSEA in Malaysia, with special measures to be taken including 'advocacy, prevention, support service, and research and development'.<sup>341</sup>
- The Government of Malaysia created their Childline 15999 hotline, which is free-of-charge, nationwide and open 24 hours a day.<sup>342</sup>
  - Several governmental instruments have been introduced in order to increase child protection efforts. These include the establishment of Child Protection Teams, which coordinate locally-based services in each of Malaysia's districts. The strategies developed by the Child Protection Teams are implemented in communities by Children's Activity Centres.<sup>343</sup> It is reported, however, that these measures are not fully effective in ensuring children's rights. ECPAT and End CSEC Network Malaysia cite, for example, that both 'often lack the specialised skills necessary...some lack even the training to cover issues surround child sexual abuse.'
  - In 2017, the Government of Malaysia prosecuted 36 offenders under the newly-introduced Sexual Offences Against Children Act (2017).<sup>344</sup> However, none of these reported are related to CSEA offences committed by Malaysian citizens overseas.

#### Further Comments

- In 2011, CRIN reported that commercial CSEA in Malaysia increased, citing that an average of 150 children, both from Malaysia and neighbouring countries, every year were being inducted into commercial sexual exploitation.<sup>345</sup>
- A 2017 article published by the South China Morning Post reported that communities in Malaysia are still 'in denial' about CSEA in their country, surprisingly even after the renowned conviction of British offender, Richard Huckle in 2014.<sup>346</sup>
- A Malaysian NGO, Tenaganita, reported that 5000 children were involved in 'child sex tourism' in 2015 throughout the regions of Klang Valley, Bukit Bintang and Chow Kit.<sup>347</sup>
- The Government of Malaysia has been labelled as a 'Tier 2' level country by the Office to Monitor and Combat Trafficking in Persons,<sup>348</sup> suggesting that the Government is trying to improve efforts to combat human trafficking and therefore could be open to further improving their anti-CSEA efforts.
- Disappointment with Malaysia's rate of conviction for CSEA offences has been expressed. According to data released by the Malaysian police, the years 2012-2016 saw 13,000 cases of CSEA reported but only 140 convictions were reached in this time period.<sup>349</sup>

## Malta

### Definition of a child (Age of Majority) and Age of Consent

<sup>341</sup> ECPAT and End CSEC Network Malaysia (2018). 'Sexual Exploitation of Children in Malaysia', *Universal Periodic Review of the Human Rights Situation in Malaysia*, p. 4. Available at: <http://www.ecpat.org/wp-content/uploads/2018/07/Universal-Periodical-Review-Sexual-Exploitation-of-Children-Malaysia.pdf> (accessed 7 August 2018).

<sup>342</sup> ECPAT and End CSEC Network Malaysia (2018). 'Sexual Exploitation of Children in Malaysia', *Universal Periodic Review of the Human Rights Situation in Malaysia*, p. 8. Available at: <http://www.ecpat.org/wp-content/uploads/2018/07/Universal-Periodical-Review-Sexual-Exploitation-of-Children-Malaysia.pdf> (accessed 7 August 2018).

<sup>343</sup> ECPAT and End CSEC Network Malaysia (2018). 'Sexual Exploitation of Children in Malaysia', *Universal Periodic Review of the Human Rights Situation in Malaysia*, p. 5. Available at: <http://www.ecpat.org/wp-content/uploads/2018/07/Universal-Periodical-Review-Sexual-Exploitation-of-Children-Malaysia.pdf> (accessed 7 August 2018).

<sup>344</sup> Bernama (2017). '36 Cases Prosecuted Under Sexual Offences Against Children Act Since July', *The Malay Mail*, 8 November 2017 [online]. Available at: <https://www.malaymail.com/s/1505705/36-cases-prosecuted-under-sexual-offences-against-children-act> (accessed 7 August).

<sup>345</sup> ECPAT and End CSEC Network Malaysia (2018). 'Sexual Exploitation of Children in Malaysia', *Universal Periodic Review of the Human Rights Situation in Malaysia*, p. 3. Available at: <http://www.ecpat.org/wp-content/uploads/2018/07/Universal-Periodical-Review-Sexual-Exploitation-of-Children-Malaysia.pdf> (accessed 7 August 2018).

<sup>346</sup> SCMP (2017). 'Paedophile's Victims "In Denial", Counsellors Say', *South China Morning Post*, 15 January 2017 [online]. Available at: <https://www.scmp.com/news/asia/southeast-asia/article/2062303/malaysian-communities-remain-denial-about-child-sex-abuse> (accessed 7 August 2018).

<sup>347</sup> ECPAT and End CSEC Network Malaysia (2018). 'Sexual Exploitation of Children in Malaysia', *Universal Periodic Review of the Human Rights Situation in Malaysia*, p. 4. Available at: <http://www.ecpat.org/wp-content/uploads/2018/07/Universal-Periodical-Review-Sexual-Exploitation-of-Children-Malaysia.pdf> (accessed 7 August 2018).

<sup>348</sup> Office to Monitor and Combat Trafficking in Persons (2018). '2018 Trafficking in Persons Report: Malaysia Tier 2'. Available at: <https://www.state.gov/j/tip/rls/tiprpt/countries/2018/282701.htm> (accessed 7 August 2018).

<sup>349</sup> Ananthalakshmi, A. (2016). 'Child Sex Abuse Crimes "Going Unpunished" in Malaysia', *The Independent*, 14 November 2016 [online]. Available at: <https://www.independent.co.uk/news/world/asia/malaysia-child-sex-abuse-crimes-unpunished-a7416096.html> (accessed 7 August 2018).

- The age of majority is 18 years.
- The age of consent is 16 years.

#### Optional Protocol Ratification

- Malta ratified the Optional Protocol on 28th September 2010.

#### Anti-CSEA Laws

- The Criminal Code (2010) of Malta criminalises CSEA, defined as a person below 16 years, in all forms.<sup>350</sup>

#### Extraterritorial jurisdiction? Any limiting conditions?

- Section 208B of the Code applies extraterritorial jurisdiction to the criminalisation of CSEA, where the act is committed by a Maltese national, permanent resident, or for the benefit of a body corporate registered in Malta. Furthermore, extraterritoriality is also exercised over offences of this nature committed against a national or resident of Malta.

#### Palermo Protocol Ratification

- Malta ratified the Palermo Protocol on 24th September 2003.

#### Anti-Trafficking Laws (and specifically, anti-child trafficking)

- The Criminal Code (2010) of Malta criminalises the offence of 'traffic of persons', with particular reference to the 'traffic of a minor'.<sup>351</sup>

#### Extraterritorial jurisdiction? Any limiting conditions?

- Section 248E of the Code explains that extraterritorial scope is applied to the criminalisation of trafficking under the Criminal Code (2010) of Malta where the act is committed by a Maltese national, permanent resident, or for the benefit of a body corporate registered in Malta. Furthermore, extraterritoriality is also exercised over offences of this nature committed against a national or resident of Malta.

#### Other measures of note introduced by Government to combat CSEA (whether overseas or not)

- Limited measures to reduce and tackle CSEA are noted by the Government of Malta in their 2012 report to the UNCRRC.<sup>352</sup>
- In 2017, the Government of Malta introduced their National Children's Policy.<sup>353</sup> Unfortunately, this Policy only mentions CSEA issues in passing.
- Malta ratified the Council of Europe Convention on Protection of Children against Sexual Exploitation and Sexual Abuse (the Lanzarote Convention) on 6th September 2010.

#### Further Comments

- No official records exist on the sexual exploitation and trafficking of children in Malta. However, research conducted has determined that child sexual abuse is increasingly common in the country. ECPAT reports that a study conducted in Malta found that 'out of more than 100 interviewees, 25% stated that they had been abused.'<sup>354</sup>
- In 2017, a British man was arrested by the Maltese Police Force, acting on behalf of the National Crime Agency, on historical child sexual abuse offences.<sup>355</sup> He was extradited to the UK to be tried in Britain.
- No recorded prosecutions under the existing extraterritorial law against CSEA can be found to have been pursued by the Maltese law enforcement.

<sup>350</sup> Available at: <http://www.justiceservices.gov.mt/DownloadDocument.aspx?app=lom&itemid=8574> (accessed 26 July 2018).

<sup>351</sup> Available at: <http://www.justiceservices.gov.mt/DownloadDocument.aspx?app=lom&itemid=8574> (accessed 26 July 2018).

<sup>352</sup> UN Committee on the Rights of the Child (CRC) (2012). 'Second Periodic Reports of States Parties due in 1997: Malta'. Available at: [https://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fMLT%2f2&Lang=en](https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fMLT%2f2&Lang=en) (accessed 26 July 2018).

<sup>353</sup> Available at: <https://family.gov.mt/en/Documents/National%20Children%27s%20Policy%202017.pdf> (accessed 26 July 2018).

<sup>354</sup> ECPAT (2016). 'Stop Sex Trafficking of Children & Young People: Malta', p. 4. Available at: [http://www.ecpat.org/wp-content/uploads/legacy/Factsheet\\_Malta.pdf](http://www.ecpat.org/wp-content/uploads/legacy/Factsheet_Malta.pdf) (accessed 26 July 2018).

<sup>355</sup> NCA (2017). 'Man Suspected of 1970s Child Sex Offences Arrested in Malta', *The National Crime Agency*, 3 August 2017 [online]. Available at: <http://www.nationalcrimeagency.gov.uk/news/1167-man-suspected-of-1970s-child-sex-offences-arrested-in-malta> (accessed 26 July 2018).

- The Government of Malta has been labelled as a 'Tier 2' level country by the Office to Monitor and Combat Trafficking in Persons,<sup>356</sup> suggesting that the Government is trying to improve efforts to combat human trafficking and therefore could be open to further improving their anti-CSEA efforts.
- In the 2018 Trafficking in Persons report, it is noted that 'the slow pace' of court proceedings in Malta plays a considerable role in hampering prosecutions, particularly when they rely on the testimony of victims in court.<sup>357</sup>

## Mauritius\*

### Definition of a child (Age of Majority) and Age of Consent

- The age of majority is 18 years.
- The age of consent is 16 years.

### Optional Protocol Ratification

- Mauritius ratified the Optional Protocol on 14th June 2011.

### Anti-CSEA Laws

- The Child Protection Act (1995) of Mauritius criminalises CSEA, as well as the commercial sexual exploitation of children.<sup>358</sup>

### Extraterritorial jurisdiction? Any limiting conditions?

- No extraterritorial scope is applied to the Child Protection Act (1995).

### Palermo Protocol Ratification

- Mauritius ratified the Palermo Protocol on 21st April 2003.

### Anti-Trafficking Laws (and specifically, anti-child trafficking)

- The Combating of Trafficking in Persons Act (2009) of Mauritius criminalises human trafficking and related offences, however it does not specifically criminalise child trafficking.<sup>359</sup>
- The Child Protection Act (1995) of Mauritius specifically criminalises child trafficking.<sup>360</sup>

### Extraterritorial jurisdiction? Any limiting conditions?

- Section 15(1) of the Combating of Trafficking in Persons Act (2009) applies extraterritorial jurisdiction to offences of trafficking in persons when committed by a citizen or resident of Mauritius. There is no condition of dual criminality or statute of limitations attached.
- No extraterritorial scope is applied to the Child Protection Act (1995).

### Other measures of note introduced by Government to combat CSEA (whether overseas or not)

- The Government of Mauritius' National Children's Council reportedly organises regular public awareness campaigns on CSEA, which are delivered in educational institutions and organisations across the island.<sup>361</sup>

<sup>356</sup> Office to Monitor and Combat Trafficking in Persons (2018). '2018 Trafficking in Persons Report: Malta Tier 2'. Available at: <https://www.state.gov/j/tip/rls/tiprpt/countries/2018/282704.htm> (accessed 26 July 2018).

<sup>357</sup> Office to Monitor and Combat Trafficking in Persons (2018). '2018 Trafficking in Persons Report: Malta Tier 2'. Available at: <https://www.state.gov/j/tip/rls/tiprpt/countries/2018/282704.htm> (accessed 26 July 2018).

<sup>358</sup> Available at: <http://dpp.govmu.org/English/Documents/Legislation/CHILD%20PROTECTION.pdf> (accessed 24 May 2018).

<sup>359</sup> Available at: <http://attorneygeneral.govmu.org/English/Documents/A-Z%20Acts/C/Page%202/COMBATING%20OF%20TRAFFICKING%20IN%20PERSONS%20ACT.pdf> (accessed 24 May 2018).

<sup>360</sup> Available at: <http://dpp.govmu.org/English/Documents/Legislation/CHILD%20PROTECTION.pdf> (accessed 24 May 2018).

<sup>361</sup> UN Committee on the Rights of the Child (CRC) (2013). 'Combined Third to Fifth Periodic Reports of States Parties due in 2011: Mauritius', p. 21. Available at: [https://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fMUS%2f3-5&Lang=en](https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fMUS%2f3-5&Lang=en) (accessed 24 May 2018).

From July 2008-June 2009, for example, a total of 15,130 students, 512 teachers and 985 parents were educated on these matters.<sup>362</sup>

- According to a 2018 report released on child sexual exploitation in Mauritius, the Government of Mauritius has not demonstrated overt dedication to pursuing the prosecution of CSEA offenders for such crimes.<sup>363</sup>
- Despite low prosecution rates, the Government of Mauritius has instituted training courses specifically on CSEA and trafficking in persons for members of its police force, in order to improve knowledge, skills and techniques amongst law enforcement in order to deal with CSEA-related cases.<sup>364</sup> However, the UNCRRC argues that the training has been conducted by inadequately trained personnel.<sup>365</sup>
- The Ministry of Gender Equality, Child Development and Family Welfare appears to be the main Government body which deals with issues of CSEA, with particular focus on assisting victims of CSEA.<sup>366</sup>
- In 2016, the National Child Protection Committee launched its first symposium on 'Child Protection against All sorts of Exploitation including Commercial and Sexual Exploitation in Travel and Tourism'.<sup>367</sup>
- The Government of Mauritius has introduced a Child Development Unit within their police force to specifically address and investigate CSEA-related cases, however it is reported to be inadequately staffed in order to deal with the number of cases it is assigned.<sup>368</sup>

#### Further Comments

- No formal research has been conducted on the extent of commercial CSEA in Mauritius, however an experienced social worker in the country estimated that at least 500 children below the age of 18 are being commercially sexually exploited presently.<sup>369</sup>
- Mauritius is reported to be one of the most prevalent destinations for travelling child sex offenders in Africa, and many cases of CSEA in context of travel and tourism have taken place in the country.<sup>370</sup>
- The Government of Mauritius has been labelled as a 'Tier 2' level country by the Office to Monitor and Combat Trafficking in Persons,<sup>371</sup> suggesting that the Government is trying to improve efforts to combat human trafficking and therefore could be open to further improving their anti-CSEA efforts.
- The Government of Mauritius offered no further insights in their response to the questionnaire.

#### **Mozambique\***

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<sup>362</sup> UN Committee on the Rights of the Child (CRC) (2013). 'Combined Third to Fifth Periodic Reports of States Parties due in 2011: Mauritius', p. 39. Available at: [https://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fMUS%2f3-5&Lang=en](https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fMUS%2f3-5&Lang=en) (accessed 24 May 2018).

<sup>363</sup> Halley Movement & Pan-Mauritius Coalition and ECPAT (2018). 'Sexual Exploitation of Children in Mauritius', *Human Rights Council*, p. 4. Available at: <http://www.ecpat.org/wp-content/uploads/2018/07/Universal-Periodical-Review-Sexual-Exploitation-of-Children-Mauritius.pdf> (accessed 24 May 2018).

<sup>364</sup> UN Committee on the Rights of the Child (CRC) (2013). 'Combined Third to Fifth Periodic Reports of States Parties due in 2011: Mauritius', p. 21. Available at: [https://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fMUS%2f3-5&Lang=en](https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fMUS%2f3-5&Lang=en) (accessed 24 May 2018).

<sup>365</sup> UN Committee on the Rights of the Child (CRC) (2015). 'Concluding Observations: Mauritius', p. 8. Available at: [https://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fMUS%2fCO%2f3-5&Lang=en](https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fMUS%2fCO%2f3-5&Lang=en) (accessed 24 May 2018).

<sup>366</sup> UN Committee on the Rights of the Child (CRC) (2013). 'Combined Third to Fifth Periodic Reports of States Parties due in 2011: Mauritius', p. 100. Available at: [https://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fMUS%2f3-5&Lang=en](https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fMUS%2f3-5&Lang=en) (accessed 24 May 2018).

<sup>367</sup> Halley Movement & Pan-Mauritius Coalition and ECPAT (2018). 'Sexual Exploitation of Children in Mauritius', *Human Rights Council*, p. 8. Available at: <http://www.ecpat.org/wp-content/uploads/2018/07/Universal-Periodical-Review-Sexual-Exploitation-of-Children-Mauritius.pdf> (accessed 24 May 2018).

<sup>368</sup> UN Committee on the Rights of the Child (CRC) (2015). 'Concluding Observations: Mauritius', p. 8. Available at: [https://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fMUS%2fCO%2f3-5&Lang=en](https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fMUS%2fCO%2f3-5&Lang=en) (accessed 24 May 2018).

<sup>369</sup> Halley Movement & Pan-Mauritius Coalition and ECPAT (2018). 'Sexual Exploitation of Children in Mauritius', *Human Rights Council*, p. 3. Available at: <http://www.ecpat.org/wp-content/uploads/2018/07/Universal-Periodical-Review-Sexual-Exploitation-of-Children-Mauritius.pdf> (accessed 24 May 2018).

<sup>370</sup> Halley Movement & Pan-Mauritius Coalition and ECPAT (2018). 'Sexual Exploitation of Children in Mauritius', *Human Rights Council*, p. 4. Available at: <http://www.ecpat.org/wp-content/uploads/2018/07/Universal-Periodical-Review-Sexual-Exploitation-of-Children-Mauritius.pdf> (accessed 24 May 2018).

<sup>371</sup> Office to Monitor and Combat Trafficking in Persons (2018). '2018 Trafficking in Persons Report: Mauritius Tier 2'. Available at: <https://www.state.gov/j/tip/rls/tiprpt/countries/2018/282707.htm> (accessed 23 August 2018).

#### Definition of a child (Age of Majority) and Age of Consent

- The age of majority is 18 years.
- The age of consent is 16 years.

#### Optional Protocol Ratification

- Mozambique ratified the Optional Protocol on 6th March 2003(a).

#### Anti-CSEA Laws

- The Law on the Promotion and Protection of the Rights of Children (2008) of Mozambique ensures the rights of children.<sup>372</sup> However, this law does not directly criminalise violations of children's rights, and offences of CSEA, as no punishments are ascribed therein.

#### Extraterritorial jurisdiction? Any limiting conditions?

- No extraterritorial scope is applied.

#### Palermo Protocol Ratification

- Mozambique ratified the Palermo Protocol on 20th September 2006.

#### Anti-Trafficking Laws (and specifically, anti-child trafficking)

- The Law on the Prevention and Combat Against Human Trafficking (2008) of Mozambique criminalises human trafficking and related crimes, with particular mention of the trafficking of children.<sup>373</sup>

#### Extraterritorial jurisdiction? Any limiting conditions?

- Section 3 of the Law extends extraterritorial jurisdiction to trafficking in persons offences committed outside of Mozambique. No limiting conditions can be found.

#### Other measures of note introduced by Government to combat CSEA (whether overseas or not)

- The National Council on Child Rights (CNAC) was created in 2009 to serve as a coordination body which supervises, propels and assists the implementation of child protection and advancement programmes approved by the Government of Mozambique.<sup>374</sup>
- In previous years, various National Action Plans adopted by the Government of Mozambique address CSEA. Namely, the National Action Plan for Children 2006-2011 and the Plan of Action for Orphaned and Vulnerable Children 2005-2010.<sup>375</sup> However such plans for the current year have not been found.
- In 2018, the Government of Mozambique launched the National Action Plan on Women, Peace and Security (2018-2022) which, although does not primarily focus on children or CSEA, does prioritise the prevention of sexual abuse and violence against women and girls.<sup>376</sup>
- Mozambique is actively involved in the combatting trafficking in persons in the Southern Africa region. The Government of Mozambique is a member of the Southern African Development Community (SADC), which in 2009 adopted their 10-Year Strategic Plan of Action on Combating Trafficking in Persons especially Women and Children in the SADC Region.<sup>377</sup>

#### Further Comments

<sup>372</sup> Available at: <http://www.rededpi.org.mz/index.php/pt/component/edocman/?task=document.viewdoc&id=6&Itemid=> (accessed 12 July 2018).

<sup>373</sup> Available at: <http://www.refworld.org/country,,,LEGISLATION,MOZ,,57c425614,0.html> (accessed 12 July 2018).

<sup>374</sup> Human Rights Committee (2013). 'Comments from Civil Society Organisations in Mozambique on the List of Issues', p. 23. Available at: [https://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/MOZ/INT\\_CCPR\\_NGO\\_MOZ\\_15541\\_E.pdf](https://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/MOZ/INT_CCPR_NGO_MOZ_15541_E.pdf) (accessed 12 July 2018).

<sup>375</sup> ECPAT (2010). 'Comments on the Status of Children's Right to Protection Against Sexual Exploitation in Mozambique', *Human Rights Council*, p. 1. Available at: [https://lib.ohchr.org/HRBodies/UPR/Documents/Session10/MZ/ECPAT\\_ChildProstitutionPornographyTrafficking\\_eng.pdf](https://lib.ohchr.org/HRBodies/UPR/Documents/Session10/MZ/ECPAT_ChildProstitutionPornographyTrafficking_eng.pdf) (accessed 12 July 2018).

<sup>376</sup> Journal du Cameroun (2018). 'Mozambique Unveils 5-Year Action Plan on Women, Peace and Security', *Journal du Cameroun*, 11 June 2018 [online]. Available at: <https://www.journalducameroun.com/en/mozambique-unveils-5-year-action-plan-on-women-peace-and-security/> (accessed 12 July 2018).

<sup>377</sup> ECPAT (2010). 'Comments on the Status of Children's Right to Protection Against Sexual Exploitation in Mozambique', *Human Rights Council*, p. 3. Available at: [https://lib.ohchr.org/HRBodies/UPR/Documents/Session10/MZ/ECPAT\\_ChildProstitutionPornographyTrafficking\\_eng.pdf](https://lib.ohchr.org/HRBodies/UPR/Documents/Session10/MZ/ECPAT_ChildProstitutionPornographyTrafficking_eng.pdf) (accessed 12 July 2018).

- The Government of Mozambique has been labelled as a 'Tier 2' level country by the Office to Monitor and Combat Trafficking in Persons,<sup>378</sup> suggesting that the Government is trying to improve efforts to combat human trafficking and therefore could be open to further improving their anti-CSEA efforts.
- The Government of Mozambique offered no further insights in their response to the questionnaire.

## Namibia

### Definition of a child (Age of Majority) and Age of Consent

- The age of majority is 21 years (however it is expected to be lowered to 18 with new legislation soon to be introduced).
- The age of consent is 16 years (only for heterosexual acts, as homosexuality is criminalised).

### Optional Protocol Ratification

- Namibia ratified the Optional Protocol on 16th April 2002.

### Anti-CSEA Laws

- The Combating of Rape Act (2000) of Namibia criminalises 'sexual acts' with a person under coercive circumstances, which include the victim being under the age of 14 years.<sup>379</sup> This, whilst beneficial that it is in place, is not sufficient to be regarded as fully comprehensive CSEA criminalisation.
- Section 14 of the Combating of Immoral Practices Act (1980) of Namibia criminalises 'sexual offences with youths', defined as under the age of 16 years.<sup>380</sup>

### Extraterritorial jurisdiction? Any limiting conditions?

- No extraterritorial jurisdiction is applied to the criminalisation of CSEA in Namibia.

### Palermo Protocol Ratification

- Namibia ratified the Palermo Protocol on 16th August 2002.

### Anti-Trafficking Laws (and specifically, anti-child trafficking)

- The Combating Trafficking in Persons Act (2018) of Namibia comprehensively criminalises human trafficking, specifically mentioning child trafficking, and related offences.<sup>381</sup>
- Chapter 14 criminalises the Child Care and Protection Act (2015) of Namibia specifically and comprehensively criminalises child trafficking.<sup>382</sup>

### Extraterritorial jurisdiction? Any limiting conditions?

- Extraterritorial jurisdiction is applied to the offences of human trafficking under both the Combating Trafficking in Persons Act and the Child Care and Protection Act, when the offence is committed by a citizen or resident of Namibia, against a citizen or resident of Namibia, or if the offender is present in Namibia following the commission of the offence.

### Other measures of note introduced by Government to combat CSEA (whether overseas or not)

- The Government of Namibia has established Women and Child Protection Units (WCPU) in all of the country's regions in order to strengthen law enforcement efforts regarding child protection.<sup>383</sup> Through these WCPUs,

<sup>378</sup> Office to Monitor and Combat Trafficking in Persons (2018). '2018 Trafficking in Persons Report: Mozambique Tier 2'. Available at: <https://www.state.gov/j/tip/rls/tiprpt/countries/2018/282715.htm> (accessed 23 August 2018).

<sup>379</sup> Available at: <http://www.lac.org.na/laws/pdf/comrape.pdf> (accessed 2 August 2018).

<sup>380</sup> Available at: [http://www.lac.org.na/laws/annoSWA/CRIMINAL%20LAW%20AND%20PROCEDURE%20\(1980\)%20-%20Combating%20of%20Immoral%20Practices%20Act%2021%20of%201980%20\(annotated\).pdf](http://www.lac.org.na/laws/annoSWA/CRIMINAL%20LAW%20AND%20PROCEDURE%20(1980)%20-%20Combating%20of%20Immoral%20Practices%20Act%2021%20of%201980%20(annotated).pdf) (accessed 2 August 2018).

<sup>381</sup> Available at: [https://laws.parliament.na/cms\\_documents/combating-of-trafficking-in-persons--63572e8e99.pdf](https://laws.parliament.na/cms_documents/combating-of-trafficking-in-persons--63572e8e99.pdf) (accessed 2 August 2018).

<sup>382</sup> Available at: [https://laws.parliament.na/cms\\_documents/child-care-and-protection-e8f8372ec9.pdf](https://laws.parliament.na/cms_documents/child-care-and-protection-e8f8372ec9.pdf) (accessed 2 August 2018).

<sup>383</sup> UN Committee on the Rights of the Child (CRC) (2012). 'Concluding Observations: Namibia', p. 10. Available at: [https://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fNAM%2fCO%2f2-3&Lang=en](https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fNAM%2fCO%2f2-3&Lang=en) (accessed 2 August 2018).

the Government of Namibia has provided specialised training relating to CSEA for police officers and social workers, although on a somewhat limited scale.<sup>384</sup>

- The Ministry of Gender Equality and Child Welfare appears to be the main arm of Government concerned with CSEA issues in Namibia. In addition to the Ministry, the Government of Namibia has introduced the Orphans and Vulnerable Children Permanent Task Force to tackle problems facing orphans and vulnerable children in the country, including CSEA.<sup>385</sup>

#### Further Comments

- The problem of CSEA appears to be growing to be a significant problem in Namibia, as reported by UNICEF.<sup>386</sup>
- Despite high rates of CSEA in Namibia, the prosecution rate for such crimes are very low, with extrajudicial settlements being highly common, therefore meaning that offenders often act with impunity.<sup>387</sup>
- The Government of Namibia has been labelled as a 'Tier 2' level country by the Office to Monitor and Combat Trafficking in Persons,<sup>388</sup> suggesting that the Government is trying to improve efforts to combat human trafficking and therefore could be open to further improving their anti-CSEA efforts.

### **Nauru\***

#### Definition of a child (Age of Majority) and Age of Consent

- The age of majority is unknown officially, however in their questionnaire response, the representative of the Government of Nauru states that they define a child as a person below 18 years.
- The age of consent is 16 years (only for heterosexual acts, as homosexuality is criminalised).

#### Optional Protocol Ratification

- Nauru signed the Optional Protocol on 8th September 2000.

#### Anti-CSEA Laws

- Division 7.3 of the Crimes Act (2016) of Nauru criminalises CSEA and commercial acts of CSEA, defined as under the age of 16 years.<sup>389</sup>

#### Extraterritorial jurisdiction? Any limiting conditions?

- The Crimes Act applies extraterritorial jurisdiction to CSEA offences with children below the 16 years: 'causing etc child under 16 years old to engage in sexual activity; engaging child to provide commercial sexual services; promoting or organising travel for unlawful sexual activity with child under 16 years old'. Extraterritorial jurisdiction is dependent on the crime being committed by a citizen or resident of Nauru or person found in Nauru, or if it is committed against a citizen or resident of Nauru. No limiting conditions can be found.

#### Palermo Protocol Ratification

- Nauru ratified the Palermo Protocol on 12th July 2012.

#### Anti-Trafficking Laws (and specifically, anti-child trafficking)

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<sup>384</sup> UN Committee on the Rights (CRC) (2011). 'Second and Third Periodic Reports of States Parties due in 1997 and 2002', p. 73. Available at: [https://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fNAM%2f2-3&Lang=en](https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fNAM%2f2-3&Lang=en) (accessed 2 August 2018).

<sup>385</sup> US Department of Labor (2005). 'Namibia', p. 334. Available at: <https://www.dol.gov/ilab/reports/child-labor/findings/tda2004/namibia.pdf> (accessed 2 August 2018).

<sup>386</sup> UNICEF (2016). 'Increasing Legal Protection for Children from Sexual Exploitation and Abuse in Namibia'. Available at: [https://www.unicef.org/namibia/na.COP\\_Legal\\_Brief\\_2016\\_web.pdf](https://www.unicef.org/namibia/na.COP_Legal_Brief_2016_web.pdf) (accessed 2 August 2018).

<sup>387</sup> UN Committee on the Rights of the Child (CRC) (2012). 'Concluding Observations: Namibia', p. 10. Available at: [https://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fNAM%2fCO%2f2-3&Lang=en](https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fNAM%2fCO%2f2-3&Lang=en) (accessed 2 August 2018).

<sup>388</sup> Office to Monitor and Combat Trafficking in Persons (2018). '2018 Trafficking in Persons Report: Namibia Tier 2'. Available at: <https://www.state.gov/j/tip/rls/tiprpt/countries/2018/282716.htm> (accessed 2 August 2018).

<sup>389</sup> Available at: [http://ronlaw.gov.nr/nauru\\_lpms/files/acts/f68fdcd4363b5f0b4630ac4c9c9f1202.pdf](http://ronlaw.gov.nr/nauru_lpms/files/acts/f68fdcd4363b5f0b4630ac4c9c9f1202.pdf) (accessed 9 August 2018).

- The Immigration Act (2014) of Nauru criminalises trafficking in persons, as well as trafficking in children particularly.<sup>390</sup>

#### Extraterritorial jurisdiction? Any limiting conditions?

- Extraterritorial scope is applied under this Act when the offence is committed by a Nauruan citizen or visa holder. No limiting conditions can be found.

#### Other measures of note introduced by Government to combat CSEA (whether overseas or not)

- From 2008-2015, the Government of Nauru had their National Youth Policy in place, which prioritised improving the quality of life of Nauru's children and young people<sup>391</sup>. This Policy, however, barely mentions CSEA or how to address such issues.
- The UNCRC acknowledges that the Government of Nauru has taken several steps to increase and improve child protection policies and legislation in recent years.<sup>392</sup>

#### Further Comments

- No Trafficking in Persons Report by the Office to Combat and Monitor Trafficking in Persons is available on Nauru.
- It is reported that 30% of girls under the age of 15 years in Nauru have been sexually abused.<sup>393</sup>
- There are no recorded uses of the existing legislation being used to prosecute offenders in Nauru.
- In the UNCRC's 2016 report on Nauru, the capacity and effectiveness of the Nauruan police force regarded CSEA offences is recorded as limited.<sup>394</sup>
- In their questionnaire response, the representative of the Government of Nauru states that there the extraterritorial legislation against CSEA in Nauru has never been relevant to any case.
- Their response suggests several actions to be undertaken to improve rates of prosecution: 'awareness of the laws within the community and for all relevant implementing agencies is encouraged. The police can only act on reports of complaints filed by complainants, which means that awareness and empowerment of community members to be able to recognise CSEA [is needed].'

## **New Zealand**

#### Definition of a child (Age of Majority) and Age of Consent

- The age of majority is 18 years.
- The age of consent is 16 years.

#### Optional Protocol Ratification

- New Zealand ratified the Optional Protocol on 20th September 2011.

#### Anti-CSEA Laws

- Section 144A of the Crimes Act (2005) of New Zealand specifically comprehensively criminalises CSEA outside New Zealand, including commercial CSEA with children under the age of 18 years.<sup>395</sup>

#### Extraterritorial jurisdiction? Any limiting conditions?

<sup>390</sup> Available at: [http://ronlaw.gov.nr/nauru\\_lpms/files/acts/da3dd40c56e3444c0f58b7ac9d2a4f04.pdf](http://ronlaw.gov.nr/nauru_lpms/files/acts/da3dd40c56e3444c0f58b7ac9d2a4f04.pdf) (accessed 9 August 2018).

<sup>391</sup> Available at: [http://www.youthpolicy.org/national/Nauru\\_2008\\_National\\_Youth\\_Policy.pdf](http://www.youthpolicy.org/national/Nauru_2008_National_Youth_Policy.pdf) (accessed 9 August 2018).

<sup>392</sup> UN Committee on the Rights of the Child (CRC) (2016). 'Concluding Observations: Nauru', p. 15. Available at: [https://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fNURU%2fCO%2f1&Lang=en](https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fNURU%2fCO%2f1&Lang=en) (accessed 9 August 2018).

<sup>393</sup> UN Committee on the Rights of the Child (CRC) (2016). 'Concluding Observations: Nauru', p. 15. Available at: [https://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fNURU%2fCO%2f1&Lang=en](https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fNURU%2fCO%2f1&Lang=en) (accessed 9 August 2018).

<sup>394</sup> UN Committee on the Rights of the Child (CRC) (2016). 'Concluding Observations: Nauru', p. 15. Available at: [https://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fNURU%2fCO%2f1&Lang=en](https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fNURU%2fCO%2f1&Lang=en) (accessed 9 August 2018).

<sup>395</sup> Available at: <http://www.legislation.govt.nz/act/public/1961/0043/137.0/DLM327382.html> (accessed 9 August 2018).

- Extraterritorial jurisdiction applies to CSEA offences committed by a citizen or resident of New Zealand. No limiting conditions can be found.

#### Palermo Protocol Ratification

- New Zealand ratified the Palermo Protocol on 18th July 2002.

#### Anti-Trafficking Laws (and specifically, anti-child trafficking)

- The Crimes Act (1961) of New Zealand criminalises trafficking in people, with the trafficking of a child under the age of 18 years as an aggravating factor.<sup>396</sup>

#### Extraterritorial jurisdiction? Any limiting conditions?

- Extraterritorial jurisdiction is applied to the offences of trafficking in persons if committed by a citizen or resident of New Zealand or person found in New Zealand, or against a citizen or resident of New Zealand.

#### Other measures of note introduced by Government to combat CSEA (whether overseas or not)

- In 2001, the Government of New Zealand launched their initiative entitled 'Protect Our Innocence' as part of their National Plan of Action against the Commercial Sexual Exploitation of Children to specifically tackle CSEA. However, ECPAT reports, it fell short of targets as a result of low levels of interagency coordination.<sup>397</sup>
- New Zealand law enforcement does not appear to have a specialised unit targeting on CSEA acts which this report focuses on, but there are units in place which specifically address child sexual abuse materials and online CSEA: The Censorship Compliance Unit of the Department of Internal Affairs, the Online Child Exploitation Across New Zealand team, and the New Zealand Customs Service Child Exploitation Operations Team.<sup>398</sup>
- ECPAT argues in their 2018 report on the sexual exploitation of children in New Zealand that Government coordination amongst organisations which address CSEA and related matters, such as the Ministry for Children, the New Zealand Police and NGOs, is limited.<sup>399</sup>
- Several awareness-raising initiatives and programmes have been implemented by the Government of New Zealand in recent years, which focus on the identification and monitoring of those who are at risk of becoming victims of CSEA.<sup>400</sup>

#### Further Comments

- New Zealand is rated by the Office to Monitor and Combat Trafficking in Persons as a 'Tier 1' level country in their efforts to eliminate human trafficking.<sup>401</sup>
- No records of CSEA offences overseas being prosecuted under the existing New Zealand law prohibiting such acts can be found. In 2017, the Government did however prosecute three defendants for 'child sex trafficking'.<sup>402</sup>

## **Nigeria**

#### Definition of a child (Age of Majority) and Age of Consent

- The age of majority is 18 years.
- The age of consent is 18 years (only for heterosexual acts, as homosexuality is criminalised).

<sup>396</sup> Available at: <http://www.legislation.govt.nz/act/public/1961/0043/137.0/DLM327382.html> (accessed 9 August 2018).

<sup>397</sup> ECPAT (2018). 'Sexual Exploitation of Children in New Zealand', *Human Rights Council*, p. 8. Available at: <http://www.ecpat.org/wp-content/uploads/2018/07/Universal-Periodical-Review-Sexual-Exploitation-of-Children-2018-New-Zealand.pdf> (accessed 9 August 2018).

<sup>398</sup> UN Committee on the Rights of the Child (CRC) (2016). 'Reports of States Parties due in 2013: New Zealand', p. 6. Available at: [https://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fOPSC%2fNZL%2f1&Lang=en](https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fOPSC%2fNZL%2f1&Lang=en) (accessed 9 August 2018).

<sup>399</sup> ECPAT (2018). 'Sexual Exploitation of Children in New Zealand', *Human Rights Council*, p. 6. Available at: <http://www.ecpat.org/wp-content/uploads/2018/07/Universal-Periodical-Review-Sexual-Exploitation-of-Children-2018-New-Zealand.pdf> (accessed 9 August 2018).

<sup>400</sup> ECPAT (2018). 'Sexual Exploitation of Children in New Zealand', *Human Rights Council*, p. 6. Available at: <http://www.ecpat.org/wp-content/uploads/2018/07/Universal-Periodical-Review-Sexual-Exploitation-of-Children-2018-New-Zealand.pdf> (accessed 9 August 2018).

<sup>401</sup> Office to Monitor and Combat Trafficking in Persons (2018). '2018 Trafficking in Persons Report: New Zealand Tier 1'. Available at: <https://www.state.gov/j/tip/rls/tiprpt/countries/2018/282719.htm> (accessed 9 August 2018).

<sup>402</sup> Office to Monitor and Combat Trafficking in Persons (2018). '2018 Trafficking in Persons Report: New Zealand Tier 1'. Available at: <https://www.state.gov/j/tip/rls/tiprpt/countries/2018/282719.htm> (accessed 9 August 2018).

#### Optional Protocol Ratification

- Nigeria ratified the Optional Protocol on 27th September 2010.

#### Anti-CSEA Laws

- The Sexual Offences Bill (2013) of Nigeria criminalises commercial and non-commercial sexual acts with children under the age of 18 years.<sup>403</sup> The Bill also criminalises the offence of 'child sex tourism'. It is unclear whether this has been enacted into law, however.

#### Extraterritorial jurisdiction? Any limiting conditions?

- Extraterritorial scope is applied to the criminalisation of CSEA under the Sexual Offences Bill (2013) of Nigeria, if the offence is committed by a citizen or permanent resident of Nigeria. No limiting conditions can be found. However, it is unclear whether this has been enacted into law.

#### Palermo Protocol Ratification

- Nigeria ratified the Palermo Protocol on 28th June 2001.

#### Anti-Trafficking Laws (and specifically, anti-child trafficking)

- The Trafficking in Persons (Prohibition) Enforcement and Administration Act (2015) criminalises human trafficking, with child sex trafficking punished more severely.<sup>404</sup>

#### Extraterritorial jurisdiction? Any limiting conditions?

- No extraterritorial scope can be found to be applied to this Act.

#### Other measures of note introduced by Government to combat CSEA (whether overseas or not)

- The Government of Nigeria does not have a National Action Plan specifically aimed at addressing CSEA.<sup>405</sup> However, in 2013 they did launch their National Priority Agenda for Vulnerable Child 2013-2020, which is focused on ensuring children's rights in Nigeria.
- The Government of Nigeria is reported to be working towards the establishment of a National Child Protection and Enforcement Agency, which would be charged with investigating and prosecuting CSEA offenders. However, such an agency has not yet been implemented.<sup>406</sup>
- In 2016, the Government of Nigeria launched the 'National Campaign to End all Forms of Violence Against Children by 2016', demonstrating their commitment to tackling such issues.<sup>407</sup>

#### Further Comments

- The Government of Nigeria has been labelled as a 'Tier 2' level country by the Office to Monitor and Combat Trafficking in Persons,<sup>408</sup> suggesting that the Government is trying to improve efforts to combat human trafficking and therefore could be open to improving their anti-CSEA efforts.
- CSEA in Nigeria, particularly within the travel and tourism industry, is reported to be on the rise.<sup>409</sup>

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<sup>403</sup> Available at: <https://nass.gov.ng/document/download/1347> (accessed 11 July 2018).

<sup>404</sup> Available at: <https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/101267/121929/F958851509/NGA101267%20Part%201.pdf> (accessed 11 July 2018).

<sup>405</sup> Women Consortium of Nigeria and ECPAT (2018). 'Sexual Exploitation of Children in Nigeria', *Human Rights Council*, p. 4. Available at: <http://www.ecpat.org/wp-content/uploads/2018/07/Universal-Periodical-Review-Sexual-Exploitation-of-Children-Nigeria.pdf> (accessed 11 July 2018).

<sup>406</sup> Women Consortium of Nigeria and ECPAT (2018). 'Sexual Exploitation of Children in Nigeria', *Human Rights Council*, p. 5. Available at: <http://www.ecpat.org/wp-content/uploads/2018/07/Universal-Periodical-Review-Sexual-Exploitation-of-Children-Nigeria.pdf> (accessed 11 July 2018).

<sup>407</sup> Women Consortium of Nigeria and ECPAT (2018). 'Sexual Exploitation of Children in Nigeria', *Human Rights Council*, p. 7. Available at: <http://www.ecpat.org/wp-content/uploads/2018/07/Universal-Periodical-Review-Sexual-Exploitation-of-Children-Nigeria.pdf> (accessed 11 July 2018).

<sup>408</sup> Office to Monitor and Combat Trafficking in Persons (2018). '2018 Trafficking in Persons Report: The Nigeria Tier 2'. Available at: <https://www.state.gov/j/tip/rls/tiprpt/countries/2018/282722.htm> (accessed 11 July 2018).

<sup>409</sup> Women Consortium of Nigeria and ECPAT (2018). 'Sexual Exploitation of Children in Nigeria', *Human Rights Council*, p. 3. Available at: <http://www.ecpat.org/wp-content/uploads/2018/07/Universal-Periodical-Review-Sexual-Exploitation-of-Children-Nigeria.pdf> (accessed 11 July 2018).

- The UNCRC reports that numbers of successful prosecutions for CSEA-related crimes are low in Nigeria.<sup>410</sup>
- No records of prosecutions or convictions under the existing extraterritorial legislation against CSEA in Nigeria can be found.

## Pakistan

### Definition of a child (Age of Majority) and Age of Consent

- The age of majority is 18 years.
- The age of consent (the age at which one can marry and therefore engage in sex) is 18 years for males, and 14-16 years for females (only for heterosexual acts, as homosexuality is criminalised).

### Optional Protocol Ratification

- Pakistan ratified the Optional Protocol on 5th July 2011.

### Anti-CSEA Laws

- The Criminal Law (Amendment) (Offences in the Name or on pretext of Honour) Act (2016) of Pakistan criminalises CSEA.<sup>411</sup>

### Extraterritorial jurisdiction? Any limiting conditions?

- Extraterritorial scope is applied to all laws of Pakistan in Section 4 of the Penal Code (1860) of Pakistan, when committed by a citizen of Pakistan or 'any person in the service of Pakistan'.<sup>412</sup>

### Palermo Protocol Ratification

- Pakistan has not signed or ratified the Palermo Protocol.

### Anti-Trafficking Laws (and specifically, anti-child trafficking)

- Section 396A of the Penal Code (2016) of Pakistan criminalises human trafficking, with particular mention of child trafficking, however not comprehensively.<sup>413</sup>

### Extraterritorial jurisdiction? Any limiting conditions?

- Extraterritorial scope is applied to all laws of Pakistan in Section 4 of the Penal Code (1860) of Pakistan, when committed by a citizen of Pakistan or 'any person in the service of Pakistan'.<sup>414</sup>

### Other measures of note introduced by Government to combat CSEA (whether overseas or not)

The Government of Pakistan cites in its 2015 report to the UNCRC that limited initiatives have been introduced to address CSEA.<sup>415</sup> However, it is evident that it has improved its efforts focused on tackling CSEA in recent years, alongside efforts addressing human trafficking.<sup>416</sup>

The UNCRC highlights that measures adopted by the Government of Pakistan are lacking in effectiveness and justice is very often limited for victims as their reporting of crimes results in their being stigmatised by society.<sup>417</sup>

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<sup>410</sup> The UN Committee on the Rights of the Child (CRC) (2010). 'Concluding Observations: Nigeria', p. 22. Available at: [https://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fNGA%2fCO%2f3-4&Lang=en](https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fNGA%2fCO%2f3-4&Lang=en) (accessed 11 July 2018).

<sup>411</sup> Available at: [http://www.na.gov.pk/uploads/documents/1481353572\\_553.pdf](http://www.na.gov.pk/uploads/documents/1481353572_553.pdf) (accessed 13 August 2018).

<sup>412</sup> Available at: <https://www.oecd.org/site/adboecdanti-corruptioninitiative/46816797.pdf> (accessed 13 August 2018).

<sup>413</sup> Available at: [http://www.na.gov.pk/uploads/documents/1467011388\\_916.pdf](http://www.na.gov.pk/uploads/documents/1467011388_916.pdf) (accessed 13 August 2018).

<sup>414</sup> Available at: <https://www.oecd.org/site/adboecdanti-corruptioninitiative/46816797.pdf> (accessed 13 August 2018).

<sup>415</sup> UN Committee on the Rights of the Child (CRC) (2015). 'Fifth Periodic Report of States Parties due in 2012', p. 44. Available at: [https://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fPAK%2f5&Lang=en](https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fPAK%2f5&Lang=en) (accessed 13 August 2018).

<sup>416</sup> Office to Monitor and Combat Trafficking in Persons (2018). '2018 Trafficking in Persons Report: The Pakistan Tier 2'. Available at: <https://www.state.gov/j/tip/rls/tiprpt/countries/2018/282725.htm> (accessed 13 August 2018).

<sup>417</sup> UN Committee on the Rights of the Child (CRC) (2016). 'Concluding Observations: Pakistan', p. 8. Available at: [https://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fPAK%2fCO%2f5&Lang=en](https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fPAK%2fCO%2f5&Lang=en) (accessed 13 August 2018).

The Office to Combat and Monitor Trafficking in Persons further corroborates as it suggests that the Government of Pakistan's measures to combat CSEA and related crimes, whilst improving, are still not adequate compared to the scale of the problem in the country.<sup>418</sup>

#### Further Comments

CSEA in Pakistan appears to be a prevalent problem, as it is reported that 3445 children were sexually abused in 2017.<sup>419</sup>

ECPAT notes that CSEA offences are under-reported and, even when they are reported to the authorities, many cases are not pursued by the police.<sup>420</sup>

The Government of Pakistan has been labelled as a 'Tier 2' level country by the Office to Monitor and Combat Trafficking in Persons,<sup>421</sup> suggesting that the Government is trying to improve efforts to combat human trafficking and therefore could be open to improving their anti-CSEA efforts.

## **Papua New Guinea**

#### Definition of a child (Age of Majority) and Age of Consent

The age of majority is undefined formally, however the National Youth Policy of Papua New Guinea suggests that a 'youth' is under the age of 25 years.

The age of consent is 16 years (for females) and 14 years (for males) (only for heterosexual acts, as homosexuality is criminalised).

#### Optional Protocol Ratification

Papua New Guinea has not signed or ratified the Optional Protocol.

#### Anti-CSEA Laws

The Criminal Code Amendment Act (2013) of Papua New Guinea criminalises rape of a child below 16 years, with aggravating circumstances attached if they are below 10 years.<sup>422</sup>

The Criminal Code (1974) of Papua New Guinea criminalises sexual acts with children under 16.<sup>423</sup>

#### Extraterritorial jurisdiction? Any limiting conditions?

No extraterritorial scope is applied to the criminalisation of CSEA in Papua New Guinea.

#### Palermo Protocol Ratification

Papua New Guinea has not signed or ratified the Palermo Protocol.

#### Anti-Trafficking Laws (and specifically, anti-child trafficking)

The Criminal Code Amendment Act (2013) of Papua New Guinea criminalises trafficking in persons.<sup>424</sup>

#### Extraterritorial jurisdiction? Any limiting conditions?

No extraterritorial scope is applied to the Act.

#### Other measures of note introduced by Government to combat CSEA (whether overseas or not)

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<sup>418</sup> Office to Monitor and Combat Trafficking in Persons (2018). '2018 Trafficking in Persons Report: The Pakistan Tier 2'. Available at: <https://www.state.gov/j/tip/rls/tiprpt/countries/2018/282725.htm> (accessed 13 August 2018).

<sup>419</sup> Monitoring Report (2018). '3,445 Children Sexually Abused in Pakistan in 2017: Report', *Pakistan Today*, 19 April 2018 [online]. Available at: <https://www.pakistantoday.com.pk/2018/04/19/3445-children-sexually-abused-in-pakistan-in-2017-report/> (accessed 13 August 2018).

<sup>420</sup> ECPAT (2011). 'Global Monitoring: Pakistan', p. 9. Available at: [http://www.ecpat.org/wp-content/uploads/legacy/A4A\\_V2\\_SA\\_PAKISTAN.pdf](http://www.ecpat.org/wp-content/uploads/legacy/A4A_V2_SA_PAKISTAN.pdf) (accessed 13 August 2018).

<sup>421</sup> Office to Monitor and Combat Trafficking in Persons (2018). '2018 Trafficking in Persons Report: The Pakistan Tier 2'. Available at: <https://www.state.gov/j/tip/rls/tiprpt/countries/2018/282725.htm> (accessed 13 August 2018).

<sup>422</sup> Available at: [http://www.parliament.gov.pg/uploads/acts/13A\\_06.pdf](http://www.parliament.gov.pg/uploads/acts/13A_06.pdf) (accessed 17 July 2018).

<sup>423</sup> Available at: [https://ihl-databases.icrc.org/applic/ihl/ihl-nat.nsf/0/04c49944817d24c8c12576fd00438671/\\$FILE/Papua%20New%20Guinea-%20Criminal%20Code.pdf](https://ihl-databases.icrc.org/applic/ihl/ihl-nat.nsf/0/04c49944817d24c8c12576fd00438671/$FILE/Papua%20New%20Guinea-%20Criminal%20Code.pdf) (accessed 17 July 2018).

<sup>424</sup> Available at: [http://www.parliament.gov.pg/uploads/acts/13A\\_06.pdf](http://www.parliament.gov.pg/uploads/acts/13A_06.pdf) (accessed 17 July 2018).

Few measures undertaken by the Government of Papua New Guinea to address CSEA can be found. In the UNCRRC's Concluding Observations on the Government of Papua New Guinea's 2003 report, for example, no significant efforts to tackle these issues were noted.<sup>425</sup>

In 2015, the Government of Papua New Guinea launched their National Plan of Action to Eliminate Child Labour in Papua New Guinea, which features CSEA as points of focus.<sup>426</sup>

#### Further Comments

Several sources cite the rate of CSEA in Papua New Guinea as having reached an alarming prevalence, with 50% of sexual violence survivors being children.<sup>427</sup>

In their 2015 National Plan of Action on Child Labour, the Government of Papua New Guinea note that CSEA offences are rarely reported and have very 'low visibility' amongst society and law enforcement.<sup>428</sup>

The Government of Papua New Guinea has been labelled as a 'Tier 3' level country by the Office to Monitor and Combat Trafficking in Persons, suggesting that their dedication to the elimination of trafficking and related crimes is sub-standard.<sup>429</sup>

### **Rwanda\***

#### Definition of a child (Age of Majority) and Age of Consent

The age of majority is 18 years.

The age of consent is 16 years.

#### Optional Protocol Ratification

Rwanda ratified the Optional Protocol on 14th March 2002(a).

#### Anti-CSEA Laws

The Penal Code (2012) of Rwanda criminalises 'indecent assault against a child', 'defilement' and 'rape', as well as commercial sexual exploitation of a child, thereby comprehensively criminalising CSEA.<sup>430</sup>

#### Extraterritorial jurisdiction? Any limiting conditions?

- Article 13 of the Code applies extraterritorial jurisdiction to offences under Rwandan law, if committed by a national of Rwanda. No limiting conditions can be found other than the requirement for those charged with felonies to be tried within 10 years.

#### Palermo Protocol Ratification

Rwanda ratified the Palermo Protocol on 26th September 2003.

#### Anti-Trafficking Laws (and specifically, anti-child trafficking)

Chapter 8 of the Penal Code (2012) of Rwanda criminalises the trafficking in persons and related offences, as well as child trafficking specifically.<sup>431</sup>

A draft law to further criminalisation of trafficking in persons and exploitation is currently under consideration, it is entitled the Law on the Prevention, Suppression, and Punishment of Trafficking-in-Persons and Exploitation of Others.

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<sup>425</sup> UN Committee on the Rights of the Child (CRC) (2004). 'Concluding Observations: Papua New Guinea'. Available at: [https://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CR%2fC%2f15%2fAdd.229&Lang=en](https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CR%2fC%2f15%2fAdd.229&Lang=en) (accessed 17 July 2018).

<sup>426</sup> Available at: [https://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/---ilo-suva/documents/publication/wcms\\_360536.pdf](https://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/---ilo-suva/documents/publication/wcms_360536.pdf) (accessed 17 July 2018).

<sup>427</sup> Alfred, C. (2016). 'The Shocking Reality of The Sexual Violence Epidemic In Papua New Guinea', *The Huffington Post*, 5 March 2016 [online]. Available at: [https://www.huffingtonpost.co.uk/entry/papua-new-guinea-sexual-violence\\_us\\_56d9fca1e4b0ffe6f8e974f2](https://www.huffingtonpost.co.uk/entry/papua-new-guinea-sexual-violence_us_56d9fca1e4b0ffe6f8e974f2) (accessed 17 July 2018).

<sup>428</sup> P. 17. Available at: [https://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/---ilo-suva/documents/publication/wcms\\_360536.pdf](https://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/---ilo-suva/documents/publication/wcms_360536.pdf) (accessed 17 July 2018).

<sup>429</sup> Office to Monitor and Combat Trafficking in Persons (2017). '2017 Trafficking in Persons Report: Papua New Guinea Tier 3'. Available at: <https://www.state.gov/j/tip/rls/tiprpt/countries/2018/282728.htm> (accessed 17 July 2018).

<sup>430</sup> Available at: [https://www.unodc.org/res/cld/document/rwa/1999/penal-code-of-rwanda\\_html/Penal\\_Code\\_of\\_Rwanda.pdf](https://www.unodc.org/res/cld/document/rwa/1999/penal-code-of-rwanda_html/Penal_Code_of_Rwanda.pdf) (accessed 6 June 2018).

<sup>431</sup> Available at: [https://www.unodc.org/res/cld/document/rwa/1999/penal-code-of-rwanda\\_html/Penal\\_Code\\_of\\_Rwanda.pdf](https://www.unodc.org/res/cld/document/rwa/1999/penal-code-of-rwanda_html/Penal_Code_of_Rwanda.pdf) (accessed 6 June 2018).

#### Extraterritorial jurisdiction? Any limiting conditions?

Article 13 and 15 of the Penal Code (2012) of Rwanda applies extraterritorial jurisdiction to trafficking in persons offences. No limiting conditions can be found other than the requirement for those charged with felonies to be tried within 10 years.

#### Other measures of note introduced by Government to combat CSEA (whether overseas or not)

From 2003, the Government of Rwanda has had their National Policy for Orphans and Other Vulnerable Children, which specifies the need to prevent CSEA.<sup>432</sup> No development of a new such policy can be found to be active.

In 2011, the Government of Rwanda, through their Ministry of Gender and Family, adopted their 'Strategic Plan for the Integrated Child Rights Policy in Rwanda'.<sup>433</sup> One of the cited 'Guiding Principles' within the plan is that 'abuse, exploitation and violence against children are intolerable'.

The National Child Rights Observatory Department within the National Human Rights Commission in Rwanda serves as a monitoring mechanism regarding children's rights, including protection from CSEA.<sup>434</sup>

In 2017, the Government of Rwanda implemented several awareness-raising campaigns aimed at reducing the demand for commercial sexual exploitation.<sup>435</sup>

#### Further Comments

The Government of Rwanda has been labelled as a 'Tier 2' level country by the Office to Monitor and Combat Trafficking in Persons,<sup>436</sup> suggesting that the Government is trying to improve efforts to combat human trafficking and therefore could be open to improving their anti-CSEA efforts.

According to UNICEF in their 2018 report on Children's Rights in Rwanda, legislation enforcement is lacking in the country, with low rates of prosecution for CSEA cases resulting from delays in the judicial system.<sup>437</sup>

Commercial or 'transactional' CSEA is reportedly a growing concern in Rwanda.<sup>438</sup>

The Government of Rwanda offered no further insights in their response to the questionnaire.

### **Saint Kitts and Nevis\***

#### Definition of a child (Age of Majority) and Age of Consent

The age of majority is 18 years.

The age of consent is 16 years (only for heterosexual acts, as homosexuality is criminalised).

#### Optional Protocol Ratification

Saint Kitts and Nevis have not signed or ratified the Optional Protocol.

#### Anti-CSEA Laws

The Status of Children (Amendment) Act (2008) of Saint Kitts and Nevis is said to criminalise CSEA, however no online access to this act can be established to substantiate these claims.

The Offences Against the Person (Amendment) Act (2012) of Saint Kitts and Nevis is also said to criminalise CSEA, however no online access to this act can be established to substantiate these claims.

#### Extraterritorial jurisdiction? Any limiting conditions?

No extraterritorial scope can be found.

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<sup>432</sup> Available at: [https://www.unicef.org/rwanda/RWA\\_resources\\_ovcrwanda.pdf](https://www.unicef.org/rwanda/RWA_resources_ovcrwanda.pdf) (accessed 6 June 2018).

<sup>433</sup> Available at: [https://www.unicef.org/rwanda/RWA\\_resources\\_icrpstratplan.pdf](https://www.unicef.org/rwanda/RWA_resources_icrpstratplan.pdf) (accessed 6 June 2018).

<sup>434</sup> UNICEF (2018). 'Situation Analysis of Children in Rwanda: Summary Report', p. 23. Available at: [https://www.unicef.org/rwanda/RWA\\_resources\\_sitansummary.pdf](https://www.unicef.org/rwanda/RWA_resources_sitansummary.pdf) (accessed 6 September 2018).

<sup>435</sup> Office to Monitor and Combat Trafficking in Persons (2018). '2018 Trafficking in Persons Report: The Rwanda Tier 2'. Available at: <https://www.state.gov/j/tip/rls/tiprpt/countries/2018/282737.htm> (accessed 19 July 2018).

<sup>436</sup> Office to Monitor and Combat Trafficking in Persons (2018). '2018 Trafficking in Persons Report: The Rwanda Tier 2'. Available at: <https://www.state.gov/j/tip/rls/tiprpt/countries/2018/282737.htm> (accessed 19 July 2018).

<sup>437</sup> UNICEF (2018). 'Situation Analysis of Children in Rwanda: Summary Report', p. 26. Available at: [https://www.unicef.org/rwanda/RWA\\_resources\\_sitansummary.pdf](https://www.unicef.org/rwanda/RWA_resources_sitansummary.pdf) (accessed 6 September 2018).

<sup>438</sup> Williams, T., Binagwaho, A., and Betancourt, A. (2012). 'Transactional Sex as a Form of Child Sexual Exploitation and Abuse in Rwanda: Implications for Child Security and Protection', *Child Abuse & Neglect* 36:4, pp. 354-361. Available at: <https://www.sciencedirect.com/science/article/abs/pii/S0145213412000324> (accessed 19 July 2018).

### Palermo Protocol Ratification

Saint Kitts and Nevis ratified the Palermo Protocol on 21st May 2004.

### Anti-Trafficking Laws (and specifically, anti-child trafficking)

The Trafficking in Persons (Prevention) Act (2008) of Saint Kitts and Nevis criminalises trafficking in persons, with particular reference to child trafficking.<sup>439</sup>

### Extraterritorial jurisdiction? Any limiting conditions?

Extraterritorial scope is applied to the offences of trafficking in persons, if carried out by a citizen of Saint Kitts and Nevis. No further limiting conditions can be found.

### Other measures of note introduced by Government to combat CSEA (whether overseas or not)

From 2010-2013, the Government of Saint Kitts and Nevis implemented their National Action Plan on Child Sexual Abuse.<sup>440</sup> It is unclear whether a new plan has been or is being developed.

The last UNCRC report on Saint Kitts and Nevis submitted was in 1999, and few other government initiatives to combat CSEA can be found to have been undertaken in Saint Kitts and Nevis in recent years.

### Further Comments

NGOs in the country have reported that CSEA is a 'major problem' in Saint Kitts and Nevis.<sup>441</sup>

CSEA offences appear severely under-reported in Saint Kitts and Nevis, with UNICEF noting that 'much work is yet to be done' to encourage reporting rates to improve.<sup>442</sup> Furthermore, several hindrances are cited as instrumental in the low reporting rates, such as societal stigma towards victims of CSEA, cultural perceptions of childhood being considerably lower than legal definitions, and lack of fear of repercussions by perpetrators.

No Trafficking in Persons Report by the Office to Combat and Monitor Trafficking in Persons is available on Saint Kitts and Nevis.

In their questionnaire response, the representative of the Government of Saint Kitts and Nevis reports that it is unknown whether the existing legislation has been used to prosecute offenders. No further insights were offered.

## **Saint Lucia**

### Definition of a child (Age of Majority) and Age of Consent

The age of majority is 18 years.

The age of consent is 16 years (only for heterosexual acts, as homosexuality is criminalised).

### Optional Protocol Ratification

St Lucia ratified the Optional Protocol on 8th October 2013.

### Anti-CSEA Laws

The Criminal Code (2004) of Saint Lucia criminalises CSEA with children defined as under 16 years. According to the UNCRC, however, the Criminal Code 'limits the reporting of CSEA to that committed against "young persons" and therefore does not protect children under 12 years of age from sexual abuse'.<sup>443</sup> Therefore this criminalisation is not sufficient.

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<sup>439</sup> Available at:

[https://www.oas.org/dsp/documents/trata/Saint%20Kitts%20and%20Nevis/National%20Legislation/Trafficking%20in%20Persons%20\(Prevention\)%20Act.pdf](https://www.oas.org/dsp/documents/trata/Saint%20Kitts%20and%20Nevis/National%20Legislation/Trafficking%20in%20Persons%20(Prevention)%20Act.pdf) (accessed 12 June 2018).

<sup>440</sup> Available at: [https://www.unicef.org/easterncaribbean/ECAO\\_\\_SKN\\_Draft\\_National\\_Action\\_Plan\\_on\\_Child\\_Sexual\\_Abuse\\_Revised\\_Final.pdf](https://www.unicef.org/easterncaribbean/ECAO__SKN_Draft_National_Action_Plan_on_Child_Sexual_Abuse_Revised_Final.pdf) (accessed 12 June 2018).

<sup>441</sup> US Department of State (2017). 'Country Reports on Human Rights Practices for 2017: Saint Kitts and Nevis', p. 9. Available at: <https://www.state.gov/documents/organization/277599.pdf> (accessed 12 June 2018).

<sup>442</sup> UNICEF (2017). 'Situation Analysis of Children in Saint Kitts and Nevis', p. 60. Available at: [https://www.unicef.org/easterncaribbean/ECAO\\_St\\_Kitts\\_Sitan\\_2017.pdf](https://www.unicef.org/easterncaribbean/ECAO_St_Kitts_Sitan_2017.pdf) (accessed 12 June 2018).

<sup>443</sup> UN Committee on the Rights of the Child (CRC) (2014). 'Concluding Observations: Saint Lucia', p. 8. Available at: [https://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fLCA%2fCO%2f2-4&Lang=en](https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fLCA%2fCO%2f2-4&Lang=en) (accessed 23 August 2018).

Extraterritorial jurisdiction? Any limiting conditions?

No extraterritorial scope can be found to be applied to the Code.

Palermo Protocol Ratification

St Lucia ratified the Palermo Protocol on 16th July 2013(a).

Anti-Trafficking Laws (and specifically, anti-child trafficking)

The Counter-Trafficking Act (2010) of Saint Lucia criminalises trafficking in persons, with trafficking of a child under the age of 18 years set as an aggravating circumstance.<sup>444</sup>

Extraterritorial jurisdiction? Any limiting conditions?

No extraterritorial scope is applied under this Act.

Other measures of note introduced by Government to combat CSEA (whether overseas or not)

- In 2006, acknowledging the problem of CSEA within their country, the Government of Saint Lucia commissioned a report on the issue entitled the Child Development and Children at Risk Report. Several recommendations emerged as a result, including implementing specialised training on CSEA for frontline workers who interact with children.<sup>445</sup>
- The Division of Human Services within the Ministry of Health, Human Services and Gender Relations is the main government agency charged with protecting children's rights in Saint Lucia.<sup>446</sup>
- In recent years, the Government of Saint Lucia implemented widespread public-awareness campaigns, including a campaign entitled 'Break the Silence', as well as several training workshops on CSEA.<sup>447</sup>
- The UNCRC highlights a lack of information to be available to the public and authorities on laws, policies, measures and resources for preventing and tackling CSEA.<sup>448</sup>
- Presently, no National Plans exist to specifically address CSEA or related matters in Saint Lucia.<sup>449</sup>

Further Comments

The Government of Saint Lucia has been labelled as a 'Tier 2' level country by the Office to Monitor and Combat Trafficking in Persons,<sup>450</sup> suggesting that the Government is trying to improve efforts to combat human trafficking and therefore could be open to improving their anti-CSEA efforts.

Saint Lucia is reportedly one of the Caribbean nations that is greatly afflicted with CSEA.<sup>451</sup>

According to the Organisation of East Caribbean States, CSEA in Saint Lucia is a problem in the country which is growing exponentially.<sup>452</sup> This could, of course, be attributed to increased reporting due to increased public awareness of how to report.

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<sup>444</sup> Available at: [https://oig.cepal.org/sites/default/files/2010\\_lca\\_countertraffickingact.pdf](https://oig.cepal.org/sites/default/files/2010_lca_countertraffickingact.pdf) (accessed 23 August 2018).

<sup>445</sup> UN Committee on the Rights of the Child (CRC) (2013). 'Combined Second to Fourth Periodic Reports of States Parties due in 2010: Saint Lucia', p. 31. Available at: [https://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fLCA%2f2-4&Lang=en](https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fLCA%2f2-4&Lang=en) (accessed 23 August 2018).

<sup>446</sup> UNICEF (2015). 'Saint Lucia: 2015 Child Protection Statistical Digest', p. 17. Available at: [https://www.unicef.org/easterncaribbean/ECAO\\_St\\_Lucia\\_Child\\_Protection\\_Statistical\\_Digest\\_2015.pdf](https://www.unicef.org/easterncaribbean/ECAO_St_Lucia_Child_Protection_Statistical_Digest_2015.pdf) (accessed 23 August 2018).

<sup>447</sup> UN Committee on the Rights of the Child (CRC) (2014). 'Concluding Observations: Saint Lucia', p. 8. Available at: [https://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fLCA%2fCO%2f2-4&Lang=en](https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fLCA%2fCO%2f2-4&Lang=en) (accessed 23 August 2018).

<sup>448</sup> UN Committee on the Rights of the Child (CRC) (2014). 'Concluding Observations: Saint Lucia', pp. 10-11. Available at: [https://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fLCA%2fCO%2f2-4&Lang=en](https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fLCA%2fCO%2f2-4&Lang=en) (accessed 23 August 2018).

<sup>449</sup> UN Committee on the Rights of the Child (CRC) (2013). 'Combined Second to Fourth Periodic Reports of States Parties due in 2010: Saint Lucia', p. 31. Available at: [https://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fLCA%2f2-4&Lang=en](https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fLCA%2f2-4&Lang=en) (accessed 23 August 2018).

<sup>450</sup> Office to Monitor and Combat Trafficking in Persons (2018). '2018 Trafficking in Persons Report: The St. Lucia Tier 2'. Available at: <https://www.state.gov/j/tip/rls/tiprpt/countries/2018/282752.htm> (accessed 23 August 2018).

<sup>451</sup> Basilyous, L. and Durgampudi, P. (2016). 'Child Sexual Abuse in Saint Lucia', *International Public Health Journal* 8:3. Available at: <https://www.questia.com/library/journal/1P3-4257354071/child-sexual-abuse-in-saint-lucia> (accessed 23 August 2018).

<sup>452</sup> The St. Lucia Times (2018). 'OECS Official Says Child Abuse Reports Increasing', *The St. Lucia Times*, 9 July 2018 [online]. Available at: <https://stluciatimes.com/2018/07/09/oecs-official-says-child-abuse-reports-increasing/> (accessed 23 August 2018).

## Saint Vincent and the Grenadines

### Definition of a child (Age of Majority) and Age of Consent

The age of majority is 18 years.

The age of consent is 16 years (only for heterosexual acts, as homosexuality is criminalised).

### Optional Protocol Ratification

Saint Vincent and the Grenadines ratified the Optional Protocol on 15th September 2005(a).

### Anti-CSEA Laws

It is reported that both the Domestic Violence Act (2015) and the Criminal Code (1988) of Saint Vincent and the Grenadines criminalise CSEA. However, no online access to either of these acts can be established to substantiate these claims.

### Extraterritorial jurisdiction? Any limiting conditions?

No extraterritorial scope can be found.

### Palermo Protocol Ratification

Saint Vincent and the Grenadines ratified the Palermo Protocol on 29th October 2010.

### Anti-Trafficking Laws (and specifically, anti-child trafficking)

The Prevention of Trafficking in Persons Act (2011) of Saint Vincent and the Grenadines criminalises trafficking in persons. However, no online access to this act can be established to substantiate these claims.

### Extraterritorial jurisdiction? Any limiting conditions?

No extraterritorial scope can be found.

### Other measures of note introduced by Government to combat CSEA (whether overseas or not)

Few government initiatives to address CSEA in Saint Vincent and the Grenadines are referenced in the Government's 2013 report to the UNCRRC.<sup>453</sup>

### Further Comments

The UNCRRC highlights, in their 2017 report on Saint Vincent and the Grenadines, that there is a very low rate of prosecutions and convictions for CSEA-related offences in the country.<sup>454</sup>

The Government of Saint Vincent and the Grenadines has been labelled as a 'Tier 2' level country by the Office to Monitor and Combat Trafficking in Persons,<sup>455</sup> suggesting that the Government is trying to improve efforts to combat human trafficking and therefore could be open to improving their anti-CSEA efforts.

## Samoa

### Definition of a child (Age of Majority) and Age of Consent

The age of majority is 21 years.

The age of consent is 16 years (only for heterosexual acts, as homosexuality is criminalised).

### Optional Protocol Ratification

Samoa ratified the Optional Protocol on 29th April 2016(a).

### Anti-CSEA Laws

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<sup>453</sup> UN Committee on the Rights of the Child (CRC) (2013). 'Second and Third Periodic Report (Consolidated): Saint Vincent and the Grenadines'. Available at: [https://tbinternet.ohchr.org/Treaties/CRC/Shared%20Documents/VCT/CRC\\_C\\_VCT\\_2-3\\_6718\\_E.pdf](https://tbinternet.ohchr.org/Treaties/CRC/Shared%20Documents/VCT/CRC_C_VCT_2-3_6718_E.pdf) (accessed 12 June 2018).

<sup>454</sup> UN Committee on the Rights of the Child (CRC) (2017). 'Concluding Observations: Saint Vincent and the Grenadines', p. 6. Available at: [https://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fVCT%2fCO%2f2-3&Lang=en](https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fVCT%2fCO%2f2-3&Lang=en) (accessed 12 June 2018).

<sup>455</sup> Office to Monitor and Combat Trafficking in Persons (2018). '2018 Trafficking in Persons Report: The St. Vincent and the Grenadines Tier 2'. Available at: <https://www.state.gov/j/tip/rls/tiprpt/countries/2018/282754.htm> (accessed 24 July 2018).

Parts 7 and 8 of the Crimes Act (2013) of Samoa criminalise sexual conduct with, as well as commercial sexual exploitation of, children under the age of 16 years - but the victims of such crimes are primarily defined as girls, not boys.<sup>456</sup>

Extraterritorial jurisdiction? Any limiting conditions?

No extraterritorial scope can be found to be applied to the criminalisation of CSEA in Samoa.

Palermo Protocol Ratification

Samoa has not signed or ratified the Palermo Protocol.

Anti-Trafficking Laws (and specifically, anti-child trafficking)

Part 13 of the Crimes Act (2015) of Samoa criminalises trafficking in persons, with specific criminalisation of trafficking of children for sexual exploitation purposes.<sup>457</sup>

Extraterritorial jurisdiction? Any limiting conditions?

In this Part of the Act, extraterritorial scope can be found to be applied to the criminalisation of trafficking in persons in Samoa. It is not specified whether the act needs to be committed by a citizen or resident of Samoa in order to have extraterritorial scope. No further limiting conditions can be found.

Other measures of note introduced by Government to combat CSEA (whether overseas or not)

The Government of Samoa, through the Ministry of Women, Community and Social Development launches a multimedia campaign each year on the 'Prevention of Children from Abuse, Neglect and Exploitation' to raise awareness amongst the public on child protection matters.<sup>458</sup>

Few other CSEA-specific initiatives can be found to have been introduced by the Government of Samoa. Nevertheless, in their report to the UNCRC in 2015, the Government seems open to improving their efforts to prevent such crimes.

Further Comments

ECPAT reports that commercial CSEA in Samoa, particularly in a travel and tourism context, is widespread.<sup>459</sup>

The Government of Samoa reports that incidences of CSEA are relatively high in their country.<sup>460</sup>

The UNCRC notes that there is a distinct lack of information and data on CSEA within Samoa.<sup>461</sup>

No Trafficking in Persons Report by the Office to Combat and Monitor Trafficking in Persons is available on Samoa.

Reporting, prosecution and conviction rates are reportedly very low for CSEA offences within Samoa, resulting from several reasons: cultural customs preferring settling cases through village councils, rather than formal justice systems; lack of awareness amongst children that reporting mechanisms exist; shortage of specialised personnel and resources for law enforcement dealing with CSEA cases; fear of stigmatisation from reporting a case.<sup>462</sup>

## Seychelles\*

Definition of a child (Age of Majority) and Age of Consent

The age of majority is 18 years.

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<sup>456</sup> Available at: <https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/93579/124323/F-1523655815/WSM93579%202015.pdf> (accessed 26 July 2018).

<sup>457</sup> Available at: <https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/93579/124323/F-1523655815/WSM93579%202015.pdf> (accessed 26 July 2018).

<sup>458</sup> UN Committee on the Rights of the Child (CRC) (2015). 'Second to Fourth Periodic Reports of States Parties due in 2011: Samoa', p. 62. Available at: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G15/087/29/PDF/G1508729.pdf?OpenElement> (accessed 26 July 2018).

<sup>459</sup> Christiansen, L. (2009). 'Child Sex Tourism in Samoa', *ECPAT: Expert Paper*, p. 1. Available at: <http://www.ecpat.org/wp-content/uploads/2016/10/4.7-Expert-Paper-Christiansen-Lurelene.pdf> (accessed 26 July 2018).

<sup>460</sup> UN Committee on the Rights of the Child (CRC) (2015). 'Second to Fourth Periodic Reports of States Parties due in 2011: Samoa', p. 61. Available at: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G15/087/29/PDF/G1508729.pdf?OpenElement> (accessed 26 July 2018).

<sup>461</sup> UN Committee on the Rights of the Child (CRC) (2016). 'Concluding Observations: Samoa', p. 8. Available at: [https://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fCO%2f2f2-4&Lang=en](https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fCO%2f2f2-4&Lang=en) (accessed 26 July 2018).

<sup>462</sup> UN Committee on the Rights of the Child (CRC) (2016). 'Concluding Observations: Samoa', p. 8. Available at: [https://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fCO%2f2f2-4&Lang=en](https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fCO%2f2f2-4&Lang=en) (accessed 26 July 2018).

The age of consent is 15 years.

#### Optional Protocol Ratification

Seychelles ratified the Optional Protocol on 11th December 2012.

#### Anti-CSEA Laws

Section 135 of the Penal Code (1955) of Seychelles criminalises CSEA to an extent, however not fully comprehensively.<sup>463</sup>

#### Extraterritorial jurisdiction? Any limiting conditions?

No extraterritorial jurisdiction is applied to the criminalisation of CSEA in Seychelles.

#### Palermo Protocol Ratification

Seychelles ratified the Palermo Protocol on 22nd April 2003.

#### Anti-Trafficking Laws (and specifically, anti-child trafficking)

The Prohibition of Trafficking in Persons Act (2014) of Seychelles criminalises human trafficking, as well as specifically criminalises the offence of child trafficking.<sup>464</sup>

#### Extraterritorial jurisdiction? Any limiting conditions?

No extraterritorial jurisdiction is applied to the criminalisation of trafficking in Seychelles.

#### Other measures of note introduced by Government to combat CSEA (whether overseas or not)

From 2005-2009, the Government of Seychelles implemented their National Plan of Action for Children. However, this Plan was not re-launched for following years.<sup>465</sup>

In 2014, the Social Affairs Department, in partnership with other agencies working in child protection, launched an educational programme for primary schools covering CSEA prevention and reporting as the focus.<sup>466</sup>

A Child Protection team was set up as part of the police force in 2015. However, the team only consists of 4 police officers.<sup>467</sup>

#### Further Comments

In recent years, cases of CSEA in Seychelles have been seemingly on the rise, with numbers of reports continuing to grow.<sup>468</sup> This growth, of course, could also be explained by an increase in awareness amongst victims of reporting mechanisms.

The Government of Seychelles has been labelled as a 'Tier 2' level country by the Office to Monitor and Combat Trafficking in Persons,<sup>469</sup> suggesting that the Government is trying to improve efforts to combat human trafficking and therefore could be open to improving their anti-CSEA efforts.

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<sup>463</sup> Available at: [https://greybook.seyilii.org/w/se/CAP158#lfragment/zoupio-\\_Toc384202773/BQCwghziBcwMYgK4DsDWSziQewE4BUBTADwBdoAvbRABwEtsBaAfX2zgGYAOfgCYADHwDswjgEoANMmyICEAlqJCuAJ7QA5BskQ4ubABsDAYSRpoAQmQ7CYXaiUr1Wm3YQBIPKQBC6gEoAogAyaQBqAIIAcSYBkqRgAEbQpOzi4ka](https://greybook.seyilii.org/w/se/CAP158#lfragment/zoupio-_Toc384202773/BQCwghziBcwMYgK4DsDWSziQewE4BUBTADwBdoAvbRABwEtsBaAfX2zgGYAOfgCYADHwDswjgEoANMmyICEAlqJCuAJ7QA5BskQ4ubABsDAYSRpoAQmQ7CYXaiUr1Wm3YQBIPKQBC6gEoAogAyaQBqAIIAcSYBkqRgAEbQpOzi4ka) (accessed 24 May 2018).

<sup>464</sup> Available at: <https://seylilii.org/sc/sc/legislation/Act%209%20of%202014%20Prohibition%20of%20Trafficking%20in%20Persons%20Act%2C%202014.compressed.pdf> (accessed 24 May 2018).

<sup>465</sup> UN Committee on the Rights of the Child (CRC) (2018). 'Concluding Observations: Seychelles', p. 2. Available at: [https://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fc%2fSYC%2fCO%2f5-6&Lang=en](https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fc%2fSYC%2fCO%2f5-6&Lang=en) (accessed 24 May 2018).

<sup>466</sup> UN Committee on the Rights of the Child (CRC) (2015). Combined Fifth and Sixth Periodic Reports of States Parties due in 2016: Seychelles', p. 27. Available at: [https://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fc%2fSYC%2f5-6&Lang=en](https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fc%2fSYC%2f5-6&Lang=en) (accessed 24 May 2018).

<sup>467</sup> UN Committee on the Rights of the Child (CRC) (2015). Combined Fifth and Sixth Periodic Reports of States Parties due in 2016: Seychelles', p. 27. Available at: [https://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fc%2fSYC%2f5-6&Lang=en](https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fc%2fSYC%2f5-6&Lang=en) (accessed 24 May 2018).

<sup>468</sup> UN Committee on the Rights of the Child (CRC) (2018). 'Concluding Observations: Seychelles', p. 8. Available at: [https://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fc%2fSYC%2fCO%2f5-6&Lang=en](https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fc%2fSYC%2fCO%2f5-6&Lang=en) (accessed 24 May 2018).

<sup>469</sup> Office to Monitor and Combat Trafficking in Persons (2018). '2018 Trafficking in Persons Report: The Seychelles Tier 2'. Available at: <https://www.state.gov/j/tip/rls/tiprpt/countries/2018/282741.htm> (accessed 16 August 2018).

In their questionnaire response, the representative of the Government of Seychelles highlighted the lack of need for such legislation in the country as reason for its lack of enactment: 'when the need arises, the law-makers will make necessary provisions'.

Furthermore, they cited as reasons for low prosecution rates for domestic CSEA offences: 'lack of a clear definition of "child sexual exploitation" and other such crimes within existing legislation; lack of awareness of such legislation amongst law enforcement and victims; requirement for victim to make a formal request or complaint in order to initiate investigative proceedings'.

## Sierra Leone

### Definition of a child (Age of Majority) and Age of Consent

The age of majority is 18 years.

The age of consent is 18 years (only for heterosexual acts, as homosexuality is criminalised).

### Optional Protocol Ratification

Sierra Leone ratified the Optional Protocol on 17th September 2001.

### Anti-CSEA Laws

The Sexual Offences Act (2012) of Sierra Leone comprehensively criminalises CSEA, including the specific offence of 'organising or promoting child sex tourism' for a third party other than the offender.<sup>470</sup>

### Extraterritorial jurisdiction? Any limiting conditions?

No extraterritorial scope can be found applied to this Act.

### Palermo Protocol Ratification

Sierra Leone ratified the Palermo Protocol on 12th August 2014.

### Anti-Trafficking Laws (and specifically, anti-child trafficking)

The Anti-Human Trafficking Act (2005) of Sierra Leone criminalises trafficking in persons, however does not specifically criminalise or mention child trafficking.<sup>471</sup>

### Extraterritorial jurisdiction? Any limiting conditions?

Section 14 of the Act applies extraterritorial jurisdiction over offences of trafficking in persons if the act is committed by a citizen of Sierra Leone. No limiting conditions can be found.

### Other measures of note introduced by Government to combat CSEA (whether overseas or not)

The Ministry of Social Welfare, Gender and Children's Affairs is the main government arm responsible for the protection of children. In 2017, it operated a temporary shelter for victims, however the project did not receive permanent funding.<sup>472</sup>

In 2012, the Government of Sierra Leone released the 'Sierra Leone National Action Plan on Gender-Based Violence', which covers sexual offences against children, although not solely focused on CSEA.<sup>473</sup>

Few Government initiatives addressing CSEA, domestically or otherwise, can be found to have been reported by the Government of Sierra Leone.

### Further Comments

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<sup>470</sup> Available at: <http://www.sierra-leone.org/Laws/2012-12.pdf> (accessed 13 June 2018).

<sup>471</sup> Available at: <http://www.sierra-leone.org/Laws/2005-7p.pdf> (accessed 19 July 2018).

<sup>472</sup> Office to Monitor and Combat Trafficking in Persons (2018). '2018 Trafficking in Persons Report: The Sierra Leone Tier 2'. Available at: <https://www.state.gov/j/tip/rls/tiprpt/countries/2018/282742.htm> (accessed 19 July 2018).

<sup>473</sup> UN Committee on the Rights of the Child (CRC) (2015). 'Combined Third, Fourth and Fifth Periodic Reports of States Parties due in 2012', p. 43. Available at: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G15/010/36/PDF/G1501036.pdf?OpenElement> (accessed 19 July 2018).

The Government of Sierra Leone has been labelled as a 'Tier 2' level country by the Office to Monitor and Combat Trafficking in Persons,<sup>474</sup> suggesting that the Government is trying to improve efforts to combat human trafficking and therefore could be open to improving their anti-CSEA efforts.

In recent years, CSEA in Sierra Leone has been increasing, particularly due to the catastrophic Ebola outbreak of 2015. Reportedly, CSEA has risen by almost 70% in some parts of the country.<sup>475</sup>

Even with increasing reports, the UNCRS notes that CSEA in Sierra Leone is still highly underreported, resulting from reluctance of families of victims and members of the public to come forward and the societal practice of parents of victims accepting payment from perpetrators instead of reporting cases to the police.<sup>476</sup>

CSEA in a travel and tourism context also appears to be an issue in Sierra Leone. The Office to Monitor and Combat Trafficking in Persons reports that whilst domestic demand fuels the majority of child trafficking for sexual exploitation purposes, foreign tourists are also responsible for an increase.<sup>477</sup>

Despite increasing reports of CSEA, perpetrators in Sierra Leone very often escape prosecution.<sup>478</sup>

## Singapore

### Definition of a child (Age of Majority) and Age of Consent

The age of majority is 21 years.

The age of consent is 16 years (only for heterosexual acts, as homosexuality is criminalised).

### Optional Protocol Ratification

Singapore has not signed or ratified the Optional Protocol.

### Anti-CSEA Laws

The Penal Code (Amendment) Act (2007) of Singapore comprehensively criminalises commercial CSEA (of a child under the age of 18 years) outside of Singapore when committed by a citizen or permanent resident, as well as organising or promoting travel outside Singapore with the intention of CSEA overseas.<sup>479</sup> The only defence to this charge is if a person under the age of 21 committed the crime believing that the victims was of or above 18 years of age.

Section 376A of the Penal Code (2008) of Singapore criminalises 'sexual penetration' of a child under the age of 16 years.<sup>480</sup>

Section 2 of the Children and Young Persons Act (1993) of Singapore criminalises the commission of any 'obscene or indecent act' with any child or young person, defined as under the age of 14 and 16 years of age.

### Extraterritorial jurisdiction? Any limiting conditions?

The Penal Code (2008) of Singapore applies extraterritorial jurisdiction to all offences criminalised under Singapore law,<sup>481</sup> including CSEA committed overseas, when committed by a citizen or permanent resident of Singapore. No statute of limitations or condition of dual criminality can be found to apply to the Penal Code.

### Palermo Protocol Ratification

Singapore ratified the Palermo Protocol on 28th September 2015(a).

### Anti-Trafficking Laws (and specifically, anti-child trafficking)

<sup>474</sup> Office to Monitor and Combat Trafficking in Persons (2018). '2018 Trafficking in Persons Report: The Sierra Leone Tier 2'. Available at: <https://www.state.gov/j/tip/rls/tiprpt/countries/2018/282742.htm> (accessed 19 July 2018).

<sup>475</sup> Gledhill, R. (2016). 'Shocking Rise in Child Rape in Sierra Leone', *Christian Today*, 26 September 2016 [online]. Available at: <https://www.christiantoday.com/article/shocking-rise-in-child-rape-in-sierra-leone/96405.htm> (accessed 19 July 2018).

<sup>476</sup> UN Committee on the Rights of the Child (2016). 'Concluding Observations: Sierra Leone', p. 5. Available at: [https://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fSLE%2fCO%2f3-5&Lang=en](https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fSLE%2fCO%2f3-5&Lang=en) (accessed 19 July 2018).

<sup>477</sup> Office to Monitor and Combat Trafficking in Persons (2018). '2018 Trafficking in Persons Report: The Sierra Leone Tier 2'. Available at: <https://www.state.gov/j/tip/rls/tiprpt/countries/2018/282742.htm> (accessed 19 July 2018).

<sup>478</sup> UN Committee on the Rights of the Child (2016). 'Concluding Observations: Sierra Leone', p. 5. Available at: [https://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fSLE%2fCO%2f3-5&Lang=en](https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fSLE%2fCO%2f3-5&Lang=en) (accessed 19 July 2018).

<sup>479</sup> Available at: <https://sso.agc.gov.sg/Acts-Supp/51-2007/Published/20080128?DocDate=20080128> (accessed 13 June 2018).

<sup>480</sup> Available at: <https://sso.agc.gov.sg/Act/PC1871> (accessed 13 June 2018).

<sup>481</sup> Available at: <https://sso.agc.gov.sg/Act/PC1871> (accessed 13 June 2018).

The Children and Young Persons Act (1993) of Singapore specifically criminalises the trafficking of children.<sup>482</sup>

#### Extraterritorial jurisdiction? Any limiting conditions?

The Penal Code (2008) of Singapore applies extraterritorial jurisdiction to all offences criminalised under Singapore law,<sup>483</sup> including trafficking in persons, when committed by a citizen or permanent resident of Singapore. No statute of limitations or condition of dual criminality can be found to apply to the Penal Code.

#### Other measures of note introduced by Government to combat CSEA (whether overseas or not)

The Ministry of Social and Family Development is the leading government agency which is responsible for protecting children.<sup>484</sup> The Ministry has undertaken several public awareness initiative publicising children's rights in recent years.

Currently, the Government of Singapore is undergoing review of their CSEA laws as well as child sexual abuse materials laws in order to assess whether sentences need enhancing or new laws need to be introduced.<sup>485</sup>

Few other government initiatives to specifically tackle CSEA are highlighted by the Government of Singapore in their 2017 report submitted to the UNCRC.

#### Further Comments

The Government of Singapore has been labelled as a 'Tier 2' level country by the Office to Monitor and Combat Trafficking in Persons,<sup>486</sup> suggesting that the Government is trying to improve efforts to combat human trafficking and therefore could be open to improving their anti-CSEA efforts.

According to the Office to Monitor and Combat Trafficking in Persons, a small number of Singapore residents 'facilitate and engage' in CSEA overseas.<sup>487</sup>

ECPAT suggests that the Government of Singapore should improve their efforts to prosecute CSEA offenders, as well as increasing efforts to identify and assist victims.<sup>488</sup>

## **Solomon Islands**

#### Definition of a child (Age of Majority) and Age of Consent

The age of majority is 18 years.

The age of consent is 15 years (only for heterosexual acts, as homosexuality is criminalised).

#### Optional Protocol Ratification

Solomon Islands signed the Optional Protocol on 24th September 2009.

#### Anti-CSEA Laws

The Penal Code (Amendment) (Sexual Offences) Act (2016) of Solomon Islands comprehensively criminalises CSEA.<sup>489</sup>

#### Extraterritorial jurisdiction? Any limiting conditions?

No extraterritorial scope is applied to the Penal Code of Solomon Islands.

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<sup>482</sup> Available at: <https://sso.agc.gov.sg/Act/CYPA1993> (accessed 13 June 2018).

<sup>483</sup> Available at: <https://sso.agc.gov.sg/Act/PC1871> (accessed 13 June 2018).

<sup>484</sup> UN Committee on the Rights of the Child (CRC) (2017). 'Fourth and Fifth Periodic Reports of States Parties due in 2017: Singapore', p. 9. Available at: [https://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fSGP%2f4-5&Lang=en](https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fSGP%2f4-5&Lang=en) (accessed 13 June 2018).

<sup>485</sup> UN Committee on the Rights of the Child (CRC) (2017). 'Fourth and Fifth Periodic Reports of States Parties due in 2017: Singapore', p. 41. Available at: [https://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fSGP%2f4-5&Lang=en](https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fSGP%2f4-5&Lang=en) (accessed 13 June 2018).

<sup>486</sup> Office to Monitor and Combat Trafficking in Persons (2018). '2018 Trafficking in Persons Report: The Singapore Tier 2'. Available at: <https://www.state.gov/j/tip/rls/tiprpt/countries/2018/282743.htm> (accessed 13 August 2018).

<sup>487</sup> Office to Monitor and Combat Trafficking in Persons (2018). '2018 Trafficking in Persons Report: The Singapore Tier 2'. Available at: <https://www.state.gov/j/tip/rls/tiprpt/countries/2018/282743.htm> (accessed 13 August 2018).

<sup>488</sup> ECPAT (2009). 'Factsheet: Sex Trafficking of Children in Singapore', p. 5. Available at: [http://www.ecpat.org/wp-content/uploads/legacy/Factsheet\\_Singapore.pdf](http://www.ecpat.org/wp-content/uploads/legacy/Factsheet_Singapore.pdf) (accessed 13 June 2018).

<sup>489</sup> Available at: [https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/102536/124009/F-1540739092/SOL102536.pdf%22%20%5Ct%20%22\\_blank](https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/102536/124009/F-1540739092/SOL102536.pdf%22%20%5Ct%20%22_blank) (accessed 2 August 2018).

### Palermo Protocol Ratification

Solomon Islands has not signed or ratified the Palermo Protocol.

### Anti-Trafficking Laws (and specifically, anti-child trafficking)

Articles 143 and 145 of the Penal Code (1996) of Solomon Islands criminalise human trafficking and child trafficking for sexual exploitation purposes specifically.<sup>490</sup>

The Immigration Act (2012) of Solomon Islands also criminalises human trafficking and other related offences.<sup>491</sup>

### Extraterritorial jurisdiction? Any limiting conditions?

No extraterritorial scope is applied to the criminalisation of human trafficking in the Solomon Islands.

### Other measures of note introduced by Government to combat CSEA (whether overseas or not)

In 2008, the Government of Solomon Islands introduced a referral network entitled 'Safenet' which links the FSC, CCC, SWD, the Public Solicitors Office and RSIPF.<sup>492</sup> The network continually meets to share information and develop improved referral systems for CSEA victims.

The Government of Solomon Islands implemented their National Children's Policy in 2010, a core focus of which is monitoring and improving child protection legislation in the country.<sup>493</sup> However, this Policy expired in 2015 and another does not appear to be in development.

### Further Comments

The Government of Solomon Islands has been labelled as a 'Tier 2' level country by the Office to Monitor and Combat Trafficking in Persons,<sup>494</sup> suggesting that the Government is trying to improve efforts to combat human trafficking and therefore could be open to improving their anti-CSEA efforts.

It has been reported that children from Solomon Islands are being continually sexually exploited and abused by workers from abroad who are employed as loggers in the country.<sup>495</sup>

A report released by ECPAT and Save the Children in 2015 noted that commercial or transactional CSEA in the Solomon Islands is also on the rise.<sup>496</sup>

CSEA offences in the Solomon Islands, despite their apparent prevalence, remain severely underreported.<sup>497</sup>

The UNCRC notes that the Government of Solomon Islands lacks sufficient resources to enforce its laws against CSEA.<sup>498</sup>

## **South Africa\***

### Definition of a child (Age of Majority) and Age of Consent

The age of majority is 18 years.

The age of consent is 16 years.

<sup>490</sup> Available at: <http://policehumanrightsresources.org/wp-content/uploads/2016/03/Penal-Code-Solomon-Islands.pdf> (accessed 2 August 2018).

<sup>491</sup> Available at: <http://www.parliament.gov.sb/files/legislation/Acts/2012/Immigration%20Act%202011.pdf> (accessed 2 August 2018).

<sup>492</sup> UN Committee on the Rights of the Child (CRC) (2017). 'Combined Second and Third Periodic Reports of States Parties due in 2007: Solomon Islands', p. 28. Available at: [https://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fSLB%2f2-3&Lang=en](https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fSLB%2f2-3&Lang=en) (accessed 2 August 2018).

<sup>493</sup> UN Committee on the Rights of the Child (CRC) (2017). 'Combined Second and Third Periodic Reports of States Parties due in 2007: Solomon Islands', p. 8. Available at: [https://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fSLB%2f2-3&Lang=en](https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fSLB%2f2-3&Lang=en) (accessed 2 August 2018).

<sup>494</sup> Office to Monitor and Combat Trafficking in Persons (2018). '2018 Trafficking in Persons Report: The Solomon Islands Tier 2'. Available at: <https://www.state.gov/j/tip/rls/tiprpt/countries/2018/282746.htm> (accessed 2 August 2018).

<sup>495</sup> Radio New Zealand (2018). 'Solomons Islanders Being Sexually Exploited by Loggers', *Radio New Zealand*, 10 August 2018 [online]. Available at: <https://www.radionz.co.nz/international/pacific-news/363779/solomons-islanders-being-sexually-exploited-by-loggers> (accessed 13 August 2018).

<sup>496</sup> Maebiru, V., Ryan, S., and Tung, J. (2015). 'Sexual Exploitation of Children by Travelling Workers in the Solomon Islands'. Available at: <http://www.ecpat.org/wp-content/uploads/2016/10/4.29-Expert-Paper-Save-the-Children.pdf> (accessed 2 August 2018).

<sup>497</sup> Save the Children (2015). 'Dynamics of Child Trafficking and Commercial Sexual Exploitation of Children in Solomon Islands', p. 13. Available at: <https://www.savethechildren.org.au/getmedia/0c62c66f-16c1-4ba5-aa93-f13251ec786f/Child-Trafficking-and-CSEC-in-Solomon-Islands.pdf.aspx> (accessed 2 August 2018).

<sup>498</sup> UN Committee on the Rights of the Child (CRC) (2018). 'Concluding Observations: Solomon Islands', p. 5. Available at: [https://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fSLB%2fCO%2f2-3&Lang=en](https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fSLB%2fCO%2f2-3&Lang=en) (accessed 2 August 2018).

### Optional Protocol Ratification

South Africa ratified the Optional Protocol on 30th June 2003(a).

### Anti-CSEA Laws

The Criminal Law (Sexual Offences and Related Matters) Amendment Act (2007) of South Africa criminalises CSEA comprehensively.<sup>499</sup>

### Extraterritorial jurisdiction? Any limiting conditions?

Section 61 of the Act applies extraterritorial jurisdiction to the criminalisation of CSEA, when the act is committed by a citizen, resident of or corporate body registered in South Africa. No limiting conditions can be found.

### Palermo Protocol Ratification

South Africa ratified the Palermo Protocol on 20th February 2004.

### Anti-Trafficking Laws (and specifically, anti-child trafficking)

The Criminal Law (Sexual Offences and Related Matters) Amendment Act (2007) of South Africa criminalises trafficking for sexual purposes.<sup>500</sup>

The Prevention and Combating of Trafficking in Persons Act (2013) criminalises all forms of trafficking in persons.<sup>501</sup>

### Extraterritorial jurisdiction? Any limiting conditions?

Section 61 of the Criminal Law Amendment Act applies extraterritorial jurisdiction to the criminalisation of trafficking for sexual purposes, when the act is committed by a citizen of, resident of or corporate body registered in South Africa. No limiting conditions can be found.

Section 12 of the Prevention and Combating of Trafficking in Persons Act applied extraterritorial jurisdiction to the criminalisation of trafficking in persons, when the act is committed by a citizen of, resident of or corporate body registered in South Africa. No limiting conditions can be found.

### Other measures of note introduced by Government to combat CSEA (whether overseas or not)

In 2009, the Government of South Africa launched their 'National Policy Guidelines for Victim Empowerment' focused on responses to CSEA victims.<sup>502</sup>

The Government of South Africa has introduced several training programmes regarding prevention and identification of CSEA for law enforcement personnel. In 2017, for example, the Department of Social Development organised 6 workshops on CSEA for a total of 198 social workers, 5 police officers, 3 Department of Home Affairs and a Department of Labour representative.<sup>503</sup>

In 2012, the Government released the 'National Policy Framework on the Management of Sexual Offences' which guides intersectoral implementation of the Sexual Offences Act and the prevention of offences of CSEA.<sup>504</sup>

The South African Police Service implements annual awareness-raising initiatives during times such as Child Protection Week, Youth Month, Women's Month, and the 16 Days of No Violence against Women and Children.<sup>505</sup>

### Further Comments

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<sup>499</sup> Available at: [https://www.saps.gov.za/resource\\_centre/acts/downloads/sexual\\_offences/sexual\\_offences\\_act32\\_2007\\_eng.pdf](https://www.saps.gov.za/resource_centre/acts/downloads/sexual_offences/sexual_offences_act32_2007_eng.pdf) (accessed 24 May 2018).

<sup>500</sup> Available at: [https://www.saps.gov.za/resource\\_centre/acts/downloads/sexual\\_offences/sexual\\_offences\\_act32\\_2007\\_eng.pdf](https://www.saps.gov.za/resource_centre/acts/downloads/sexual_offences/sexual_offences_act32_2007_eng.pdf) (accessed 24 May 2018).

<sup>501</sup> Available at: <http://www.justice.gov.za/legislation/acts/2013-007.pdf> (accessed 24 May 2018).

<sup>502</sup> UN Committee on the Rights of the Child (CRC) (2016). 'Reports of States Parties due in 2005: South Africa', p. 22. Available at: [https://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fOPSC%2fZAF%2f1&Lang=en](https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fOPSC%2fZAF%2f1&Lang=en) (accessed 24 May 2018).

<sup>503</sup> Office to Monitor and Combat Trafficking in Persons (2018). '2018 Trafficking in Persons Report: South Africa Tier 2'. Available at: <https://www.state.gov/j/tip/rls/tiprpt/countries/2018/282748.htm> (accessed 23 August 2018).

<sup>504</sup> UN Committee on the Rights of the Child (CRC) (2016). 'Reports of States Parties due in 2005: South Africa', p. 26. Available at: [https://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fOPSC%2fZAF%2f1&Lang=en](https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fOPSC%2fZAF%2f1&Lang=en) (accessed 24 May 2018).

<sup>505</sup> UN Committee on the Rights of the Child (CRC) (2016). 'Reports of States Parties due in 2005: South Africa', p. 21. Available at: [https://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fOPSC%2fZAF%2f1&Lang=en](https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fOPSC%2fZAF%2f1&Lang=en) (accessed 24 May 2018).

- The Government of South Africa has been labelled as a 'Tier 2' level country by the Office to Monitor and Combat Trafficking in Persons,<sup>506</sup> suggesting that the Government is trying to improve efforts to combat human trafficking and therefore could be open to further improving their anti-CSEA efforts.
- South Africa is reportedly a 'major hub' for CSEA offences in a travel and tourism context, or 'child sex tourism', in Africa.<sup>507</sup>
- The rate of prosecution for CSEA offences overseas seems relatively low. In 2009/11, for example, only 1 case of such offences was prosecuted under the existing extraterritorial legislation.<sup>508</sup> No further records of such prosecutions can be found.
- Furthermore, it is found that victims of commercial CSEA are often criminalised for acts of 'prostitution' and face re-victimisation in the criminal justice and health systems.<sup>509</sup>
- In their questionnaire response, the Government of South Africa representative argues that a 'coordinated collaborative international approach would be essential to ensure compliance to those international obligations and protocols, specifically targeting those countries that do not have the necessary legal framework in place to combat these transgressions and/or offences'.
- Furthermore, they highlight several initiatives to improve prosecution rates for CSEA offences abroad: 'promoting law reform through advocacy, including mutual legal assistance between countries; continuous skills development of relevant stakeholders in the Criminal Justice Sector; ongoing review of legislation and case law to ensure that those officials are updated with the latest developments in law; ensuring that comprehensive support services are available to the victims of these offences as provided by the Civil Society sector; targeted public awareness campaigns in the communities.'

## Sri Lanka\*

### Definition of a child (Age of Majority) and Age of Consent

The age of majority is 18 years.

The age of consent is 16 years (only for heterosexual acts, as homosexuality is criminalised).

### Optional Protocol Ratification

Sri Lanka ratified the Optional Protocol on 22nd September 2006.

### Anti-CSEA Laws

The Penal Code (1883) of Sri Lanka criminalises CSEA in all forms.<sup>510</sup>

### Extraterritorial jurisdiction? Any limiting conditions?

Section 9(1)(f) of the Judicature Act (2018) of Sri Lanka applies extraterritorial jurisdiction to offences of CSEA if committed by a Sri Lankan citizen whilst abroad. No condition of dual criminality is found, however a statute of limitations of 20 years is placed upon criminal proceedings in Sri Lanka.<sup>511</sup>

### Palermo Protocol Ratification

Sri Lanka ratified the Palermo Protocol on 15th June 2015.

### Anti-Trafficking Laws (and specifically, anti-child trafficking)

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<sup>506</sup> Office to Monitor and Combat Trafficking in Persons (2018). '2018 Trafficking in Persons Report: South Africa Tier 2'. Available at: <https://www.state.gov/j/tip/rls/tiprpt/countries/2018/282748.htm> (accessed 23 August 2018).

<sup>507</sup> UN Committee on the Rights of the Child (CRC) (2016). 'Concluding Observations: South Africa', p. 5. Available at: [https://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fOPSC%2fZAF%2fCO%2f1&Lang=en](https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fOPSC%2fZAF%2fCO%2f1&Lang=en) (accessed 24 May 2018).

<sup>508</sup> UN Committee on the Rights of the Child (CRC) (2016). 'Reports of States Parties due in 2005: South Africa', p. 10. Available at: [https://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fOPSC%2fZAF%2f1&Lang=en](https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fOPSC%2fZAF%2f1&Lang=en) (accessed 24 May 2018).

<sup>509</sup> UN Committee on the Rights of the Child (CRC) (2016). 'Concluding Observations: South Africa', p. 8. Available at: [https://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fOPSC%2fZAF%2fCO%2f1&Lang=en](https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fOPSC%2fZAF%2fCO%2f1&Lang=en) (accessed 24 May 2018).

<sup>510</sup> Available at: [http://hrlibrary.umn.edu/research/srilanka/statutes/Penal\\_Code.pdf](http://hrlibrary.umn.edu/research/srilanka/statutes/Penal_Code.pdf) (accessed 17 July 2018).

<sup>511</sup> Available at: [https://www.srilankalaw.lk/gazette/2018\\_pdf/09-2018\\_E.pdf](https://www.srilankalaw.lk/gazette/2018_pdf/09-2018_E.pdf) (accessed 17 July 2018).

The Penal Code (Amendment) Act (2006) of Sri Lanka criminalises trafficking in persons.<sup>512</sup>

#### Extraterritorial jurisdiction? Any limiting conditions?

Section 9(1)(f) of the Judicature Act (2018) of Sri Lanka applies extraterritorial jurisdiction to offences of trafficking in persons if committed by a Sri Lankan citizen whilst abroad. No condition of dual criminality is found, however a statute of limitations of 20 years is placed upon criminal proceedings in Sri Lanka.<sup>513</sup>

#### Other measures of note introduced by Government to combat CSEA (whether overseas or not)

- The National Child Protection Authority (NCPA) of Sri Lanka held awareness-raising events on CSEA in a travel and tourism context, or 'child sex tourism' throughout 2017, targeting local officials in coastal areas, hotels and schools.<sup>514</sup>
- The NCPA leads government work on preventing CSEA and dealing with cases which arise. The Authority also operates Sri Lanka's '1929' children's helpline and reporting hotline.<sup>515</sup>
- According to the representative of the Government of Sri Lanka in their questionnaire response, 'Sri Lanka is actively involved in monitoring the incidence of child sexual abuse by its citizens and takes stringent measures to apprehend, investigate and prosecute such offenders under the aforementioned provisions.'
- 5 Women and Children's Desks have been established in police stations in the Eastern Province of Sri Lanka to specifically address cases concerning CSEA.<sup>516</sup>

#### Further Comments

- The Government of Sri Lanka has been labelled as a 'Tier 2' level country by the Office to Monitor and Combat Trafficking in Persons,<sup>517</sup> suggesting that the Government is trying to improve efforts to combat human trafficking and therefore could be open to further improving their anti-CSEA efforts.
- CSEA in Sri Lanka appears to be a growing concern, particularly in a travel and tourism context.<sup>518</sup>
- Furthermore, the UNCRC suggests that 'a climate of impunity frequently prevails' concerning a relative lack of prosecutions on CSEA offences in Sri Lanka.<sup>519</sup>
- From 2016-2017, the Government of Sri Lanka initiated 2 prosecutions for cases of CSEA domestically.<sup>520</sup>
- No further insights on prosecution rates or obstacles to implementation were put forward by the representative of the Government of Sri Lanka in their questionnaire response.

## **Swaziland\***

#### Definition of a child (Age of Majority) and Age of Consent

The age of majority is 18 years.

The age of consent is 16 years (only for heterosexual acts, as homosexuality is criminalised).

#### Optional Protocol Ratification

Swaziland has not signed or ratified the Optional Protocol.

<sup>512</sup> Available at: <https://www.oecd.org/site/adboecdanti-corruptioninitiative/46817262.pdf> (accessed 17 July 2018).

<sup>513</sup> Available at: [https://www.srilankalaw.lk/gazette/2018\\_pdf/09-2018\\_E.pdf](https://www.srilankalaw.lk/gazette/2018_pdf/09-2018_E.pdf) (accessed 17 July 2018).

<sup>514</sup> Office to Monitor and Combat Trafficking in Persons (2018). '2018 Trafficking in Persons Report: Sri Lanka Tier 2'. Available at: <https://www.state.gov/j/tip/rls/tiprpt/countries/2018/282751.htm> (accessed 17 July 2018).

<sup>515</sup> UN Committee on the Rights of the Child (CRC) (2017). 'Combined Fifth and Sixth Periodic Reports of States Parties due in 2015', p. 27. Available at: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G17/049/09/PDF/G1704909.pdf?OpenElement> (accessed 17 July 2018).

<sup>516</sup> UN Committee on the Rights of the Child (CRC) (2017). 'Combined Fifth and Sixth Periodic Reports of States Parties due in 2015', p. 36. Available at: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G17/049/09/PDF/G1704909.pdf?OpenElement> (accessed 17 July 2018).

<sup>517</sup> Office to Monitor and Combat Trafficking in Persons (2018). '2018 Trafficking in Persons Report: Sri Lanka Tier 2'. Available at: <https://www.state.gov/j/tip/rls/tiprpt/countries/2018/282751.htm> (accessed 17 July 2018).

<sup>518</sup> Nazim, A. (2018). 'Child Sexual Exploitation in Sri Lanka: An Unaddressed Issue', *Roar Media*, 26 March 2018 [online]. Available at: <https://roar.media/english/life/in-the-know/child-sexual-exploitation-in-sri-lanka-an-unaddressed-issue/> (accessed 17 July 2018).

<sup>519</sup> UN Committee on the Rights of the Child (CRC) (2018). 'Concluding Observations: Sri Lanka', p. 6. Available at: [https://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fLKA%2fCO%2f5-6&Lang=en](https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fLKA%2fCO%2f5-6&Lang=en) (accessed 17 July 2018).

<sup>520</sup> Office to Monitor and Combat Trafficking in Persons (2018). '2018 Trafficking in Persons Report: Sri Lanka Tier 2'. Available at: <https://www.state.gov/j/tip/rls/tiprpt/countries/2018/282751.htm> (accessed 17 July 2018).

### Anti-CSEA Laws

The Sexual Offences and Domestic Violence Act (2018) criminalises CSEA, although not comprehensively. However, no online access to this act can be established to substantiate the details of the criminalisation of CSEA.

### Extraterritorial jurisdiction? Any limiting conditions?

Extraterritorial jurisdiction can not be found applied to this act because no online access to this act can be established to substantiate these claims.

### Palermo Protocol Ratification

Swaziland ratified the Palermo Protocol on 24th September 2012.

### Anti-Trafficking Laws (and specifically, anti-child trafficking)

The People Trafficking and People Smuggling (Prohibition) Act (2009) of Swaziland criminalises trafficking in persons and child trafficking specifically. However, no online access to this act can be established to substantiate these claims. The Government of Swaziland is in the process of passing the Trafficking in Persons and Migrant Smuggling Bill, which has been waiting to be enacted for the past 2 years.<sup>521</sup> The bill will comprehensively criminalise trafficking in persons, however it has not yet been passed into law.

### Extraterritorial jurisdiction? Any limiting conditions?

Section 4 of the act applies extraterritorial jurisdiction to offences of trafficking in persons. No further information on whether this jurisdiction covers crimes committed by citizens or residents of Swaziland, or what limiting conditions are attached, can be found as no online access to this act is available.

### Other measures of note introduced by Government to combat CSEA (whether overseas or not)

Limited measures can be found to have been undertaken by the Government of Swaziland to tackle CSEA. The most recent UNCRC report on Swaziland was published in 2006, which means any information therein is very outdated.

### Further Comments

- The Government of Swaziland has been labelled as a 'Tier 2' level country by the Office to Monitor and Combat Trafficking in Persons,<sup>522</sup> suggesting that the Government is trying to improve efforts to combat human trafficking and therefore could be open to improving their anti-CSEA efforts.
- The Government of Swaziland offered no further insights in their response to the questionnaire.

## **Tonga\***

### Definition of a child (Age of Majority) and Age of Consent

The age of majority is 18 years.

The age of consent is 16 years (only for heterosexual acts, as homosexuality is criminalised).

### Optional Protocol Ratification

Tonga has not signed or ratified the Optional Protocol.

### Anti-CSEA Laws

The Criminal Offences Act (1988) of Tonga criminalises 'carnal knowledge of girl' and 'indecent assault on child', which while substantial enough to cover elements of CSEA offence, is not fully comprehensive.<sup>523</sup>

### Extraterritorial jurisdiction? Any limiting conditions?

No extraterritorial scope is applied to the Act.

### Palermo Protocol Ratification

<sup>521</sup> Office to Monitor and Combat Trafficking in Persons (2018). '2018 Trafficking in Persons Report: Swaziland Tier 2'. Available at: <https://www.state.gov/j/tip/rls/tiprpt/countries/2017/271290.htm> (accessed 7 August 2018).

<sup>522</sup> Office to Monitor and Combat Trafficking in Persons (2018). '2018 Trafficking in Persons Report: Swaziland Tier 2'. Available at: <https://www.state.gov/j/tip/rls/tiprpt/countries/2017/271290.htm> (accessed 7 August 2018).

<sup>523</sup> Available at: <https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/73337/95725/F665862081/TON73337.pdf> (accessed 5 June 2018).

Tonga ratified the Palermo Protocol on 3rd October 2014(a).

#### Anti-Trafficking Laws (and specifically, anti-child trafficking)

The Counter Terrorism and Transnational Organized Crime Act (2013) of Tonga criminalises trafficking in part, with harsher penalties attached for offences against children, but only defines trafficking as a transnational crime.<sup>524</sup>

#### Extraterritorial jurisdiction? Any limiting conditions?

No extraterritorial scope is applied to the Act.

#### Other measures of note introduced by Government to combat CSEA (whether overseas or not)

In 2017, the Government of Tonga provided funding to an NGO for programmes to assist women and children victims of crime, including CSEA, such as counselling, shelter, and legal services.<sup>525</sup>

The Women & Children Crisis Center Tonga works with the Police Domestic Violence Unit and the Ministry of Health who together aim to eliminate all forms of violence against women and children in the country.<sup>526</sup> They focus on victim empowerment and raising awareness.

No further evidence of government initiatives to combat CSEA can be found, primarily because no UNCRC report has ever been submitted by the Government of Tonga.

#### Further Comments

The Government of Tonga has been labelled as a 'Tier 2' level country by the Office to Monitor and Combat Trafficking in Persons,<sup>527</sup> suggesting that the Government is trying to improve efforts to combat human trafficking and therefore could be open to improving their anti-CSEA efforts.

It is reported that sexual assault cases, as well as CSEA cases, are on the rise in Tonga.<sup>528</sup>

In their questionnaire response, the Government of Tonga representative cites several reasons as to why extraterritorial legislation against CSEA has not been enacted in Tonga, including 'lack of knowledge of the existence of such legislation elsewhere in the world; lack of prioritisation amongst lawmakers for the introduction of such legislation; lack of resources to dedicate to the introduction of such legislation; lack of political will for the introduction of such legislation'.

Furthermore, they suggest actions to take in order to encourage the introduction of such legislation: 'prioritisation amongst lawmakers for the introduction of such legislation; prioritisation of funds and resources to dedicate to the introduction of such legislation; strong political will to support the introduction of such legislation'.

## **Trinidad and Tobago**

#### Definition of a child (Age of Majority) and Age of Consent

The age of majority is 18 years.

The age of consent is 16 years.

#### Optional Protocol Ratification

Trinidad and Tobago has not signed or ratified the Optional Protocol.

#### Anti-CSEA Laws

The Sexual Offences Act (2000) of Trinidad and Tobago criminalises sexual intercourse with children under 16 years, although not comprehensively criminalising CSEA.<sup>529</sup>

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<sup>524</sup> Available at: <https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/98656/117471/F-1641177339/TON98656.pdf> (accessed 5 June 2018).

<sup>525</sup> Office to Monitor and Combat Trafficking in Persons (2018). '2018 Trafficking in Persons Report: The Tonga Tier 2'. Available at: <https://www.state.gov/j/tip/rls/tiprpt/countries/2017/271300.htm> (accessed 2 August 2018).

<sup>526</sup> Available at: <https://www.tongawccc.org/> (accessed 5 June 2018).

<sup>527</sup> Office to Monitor and Combat Trafficking in Persons (2018). '2018 Trafficking in Persons Report: The Tonga Tier 2'. Available at: <https://www.state.gov/j/tip/rls/tiprpt/countries/2017/271300.htm> (accessed 2 August 2018).

<sup>528</sup> Moala, K. (2016). 'Sexual Assault Crimes on the Rise in Tonga', *Taimi Tonga*, 21 March 2016 [online]. Available at: <http://taimiotonga.net/sexual-assault-crimes-on-the-rise-in-tonga/> (accessed 5 June 2018).

<sup>529</sup> Available at: <http://ilo.org/dyn/natlex/docs/ELECTRONIC/96147/113541/F779547297/TTO96147.pdf> (accessed 5 June 2018).

The Children Act (2012) of Trinidad and Tobago specifically criminalises commercial CSEA, including 'paying for the sexual services of a child', as well as other forms of CSEA quite comprehensively, with children defined as under 16 years.<sup>530</sup>

#### Extraterritorial jurisdiction? Any limiting conditions?

No extraterritorial scope can be found applied to the Sexual Offences Act.

Section 119 of the Children Act applies extraterritorial scope to offences under the Act, including the criminalisation of commercial CSEA, if committed by a national of Trinidad and Tobago. No limiting conditions can be found.

#### Palermo Protocol Ratification

Trinidad and Tobago ratified the Palermo Protocol on 6th November 2007.

#### Anti-Trafficking Laws (and specifically, anti-child trafficking)

The Trafficking in Persons Act (2012) of Trinidad and Tobago criminalises human trafficking, with particular criminalisation of trafficking in children.<sup>531</sup>

#### Extraterritorial jurisdiction? Any limiting conditions?

Section 47 of the Act extends extraterritorial jurisdiction over offences of trafficking in persons, if committed by a national of Trinidad and Tobago. No limiting conditions can be found.

#### Other measures of note introduced by Government to combat CSEA (whether overseas or not)

Limited measures can be found to have been undertaken by the Government of Trinidad and Tobago to tackle CSEA. The most recent UNCRC report on Trinidad and Tobago was published in 2006, which means any information therein is very outdated.

#### Further Comments

- The Government of Trinidad and Tobago has been labelled as a 'Tier 2' level country by the Office to Monitor and Combat Trafficking in Persons,<sup>532</sup> suggesting that the Government is trying to improve efforts to combat human trafficking and therefore could be open to improving their anti-CSEA efforts.
- CSEA is reportedly a significant issue in Trinidad and Tobago, with 915 cases of CSEA being reported to the Children's Authority of Trinidad and Tobago in the 2015-2016 period.<sup>533</sup>

### **Tuvalu\***

#### Definition of a child (Age of Majority) and Age of Consent

The age of majority is 18 years.

The age of consent is 15 years (only for heterosexual acts, as homosexuality is criminalised).

#### Optional Protocol Ratification

Tuvalu has not signed or ratified the Optional Protocol.

#### Anti-CSEA Laws

The Penal Code (1965) of Tuvalu criminalises 'defilement' of girls under 15 years, however this is not comprehensive criminalisation of CSEA in all forms or for all victims.<sup>534</sup>

#### Extraterritorial jurisdiction? Any limiting conditions?

No extraterritorial scope is applied to the Code.

<sup>530</sup> Available at: <http://www.ttparliament.org/legislations/a2012-12.pdf> (accessed 5 June 2018).

<sup>531</sup> Available at: [http://rgd.legalaffairs.gov.tt/laws2/alphabetical\\_list/lawspdfs/12.10.pdf](http://rgd.legalaffairs.gov.tt/laws2/alphabetical_list/lawspdfs/12.10.pdf) (accessed 18 July 2018).

<sup>532</sup> Office to Monitor and Combat Trafficking in Persons (2018). '2018 Trafficking in Persons Report: Trinidad and Tobago Tier 2'. Available at: <https://www.state.gov/j/tip/rls/tiprpt/countries/2017/271301.htm> (accessed 18 July 2018).

<sup>533</sup> Children's Authority of Trinidad and Tobago (2016). 'Statistical Report on Sexual Abuse Against Children in Trinidad & Tobago', p. 1. Available at: <https://tchildren.org/images/pdf/NINE-MONTH%20REPORT%20ON%20SEXUAL%20ABUSE%20CASES%20-%20APRIL%202016.pdf> (accessed 18 July 2018).

<sup>534</sup> Available at: [http://www.wipo.int/wipolex/en/text.jsp?file\\_id=197529#LinkTarget\\_1713](http://www.wipo.int/wipolex/en/text.jsp?file_id=197529#LinkTarget_1713) (13 June 2018).

### Palermo Protocol Ratification

Tuvalu has not signed or ratified the Palermo Protocol.

### Anti-Trafficking Laws (and specifically, anti-child trafficking)

The Counter Terrorism and Transnational Organised Crimes Act (2009) criminalises trafficking in persons and related offences, as well as specifically criminalising trafficking in children.<sup>535</sup>

### Extraterritorial jurisdiction? Any limiting conditions?

Section 80 of the Act applies extraterritorial jurisdiction to offences of trafficking, if committed by a citizen or resident of Tuvalu, against a citizen or resident of Tuvalu, or committed by a person who, after the commission of the offence, is present in Tuvalu. No limiting conditions can be found.

### Other measures of note introduced by Government to combat CSEA (whether overseas or not)

Presently, the Government of Tuvalu are in the process of preparing the Child Protection and Welfare Bill (2017) to be passed into law, which seeks to empower the government to take action ensuring children's rights are protected throughout the country.<sup>536</sup>

The Government introduced the National Advisory Committee for Children's Rights (NACCR) to monitor, advise and coordinate national efforts relating to the implementation of the Convention on the Rights of the Child.<sup>537</sup>

Few other government initiatives to tackle CSEA are cited in the Government of Tuvalu's recent report to the UNCRRC.

### Further Comments

No Trafficking in Persons Report by the Office to Combat and Monitor Trafficking in Persons is available on Tuvalu.

The UNCRRC notes that CSEA is a highly under-reported issue in Tuvalu, despite the apparent prevalence of abuse and exploitation of children in the country cited in various studies.<sup>538</sup>

Furthermore, when cases of CSEA are reported, it is argued that there are several barriers to justice for victims, including many women and girls being coerced into accepting mere apologies for crimes of sexual abuse or exploitation committed against them.<sup>539</sup>

## **Uganda\***

### Definition of a child (Age of Majority) and Age of Consent

The age of majority is 18 years.

The age of consent is 18 years (only for heterosexual acts, as homosexuality is criminalised).

### Optional Protocol Ratification

Uganda ratified the Optional Protocol on 30th November 2001(a).

### Anti-CSEA Laws

The Penal Code (Amendment) Act (2007) of Uganda criminalises sexual acts with a child, however it law does not comprehensively criminalise CSEA.<sup>540</sup>

<sup>535</sup> Available at: <https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/85519/95792/F818905621/TUV85519.pdf> (accessed 13 June 2018).

<sup>536</sup> UN Committee on the Rights of the Child (CRC) (2018). 'Combined Second, Third, Fourth and Fifth Periodic Report: Tuvalu', p. 2. Available at: [https://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fTUV%2f2-5&Lang=en](https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fTUV%2f2-5&Lang=en) (accessed 5 September 2018).

<sup>537</sup> UN Committee on the Rights of the Child (CRC) (2018). 'Combined Second, Third, Fourth and Fifth Periodic Report: Tuvalu', p. 9. Available at: [https://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fTUV%2f2-5&Lang=en](https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fTUV%2f2-5&Lang=en) (accessed 5 September 2018).

<sup>538</sup> UN Committee on the Rights of the Child (CRC) (2013). 'Concluding Observations: Tuvalu', p. 8. Available at: [https://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fTUV%2fCO%2f1&Lang=en](https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fTUV%2fCO%2f1&Lang=en) (accessed 13 June 2018).

<sup>539</sup> UN Committee on the Rights of the Child (CRC) (2013). 'Concluding Observations: Tuvalu', p. 8. Available at: [https://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fTUV%2fCO%2f1&Lang=en](https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fTUV%2fCO%2f1&Lang=en) (accessed 13 June 2018).

<sup>540</sup> Available at: [https://ulii.org/system/files/legislation/act/2007/8/the\\_penal\\_code\\_amendment\\_act\\_no\\_8\\_of\\_2007\\_pdf\\_96734.pdf](https://ulii.org/system/files/legislation/act/2007/8/the_penal_code_amendment_act_no_8_of_2007_pdf_96734.pdf) (accessed 17 July 2018).

The Children (Amendment) Act (2016) of Uganda criminalises sexual exploitation of children specifically.<sup>541</sup>

Extraterritorial jurisdiction? Any limiting conditions?

No extraterritorial jurisdiction is extended to the criminalisation of CSEA in Uganda.

Palermo Protocol Ratification

Uganda signed the Palermo Protocol on 12th December 2000, but have not ratified it.

Anti-Trafficking Laws (and specifically, anti-child trafficking)

The Prevention of Trafficking in Persons Act (2009) of Uganda criminalises human trafficking and related offences, including specifically criminalising the trafficking of children.<sup>542</sup>

Extraterritorial jurisdiction? Any limiting conditions?

Section 19 of the Act applies extraterritorial jurisdiction to offences of trafficking in persons, if committed by a citizen or resident of Uganda. No limiting conditions can be found.

Other measures of note introduced by Government to combat CSEA (whether overseas or not)

From 2008-2012, the Government of Uganda adopted their 'National Plan of Action on Child Sexual Abuse and Exploitation', demonstrating their dedication to tackling CSEA.<sup>543</sup> Unfortunately such a specifically targeting Plan has not been renewed for recent years. Instead, the Government of Uganda has implemented the 'National Action Plan for Child Well-Being 2016-2021' which is more general in its aims.<sup>544</sup> The Plan does still prioritise protection of children from violence, including CSEA, nevertheless.

Few government initiatives to address CSEA are cited in the Government of Uganda's report to the UNCRRC.<sup>545</sup>

Further Comments

- The Government of Uganda has been labelled as a 'Tier 2' level country by the Office to Monitor and Combat Trafficking in Persons,<sup>546</sup> suggesting that the Government is trying to improve efforts to combat human trafficking and therefore could be open to further improving their anti-CSEA efforts.
- Sources have suggested that CSEA in Uganda has reached 'epidemic' levels, with a total of 9,598 cases of CSEA reported to the police in 2013.<sup>547</sup>
- An international organisation has estimated that between 7,000-12,000 children are being commercially sexually exploited in Uganda.<sup>548</sup>
- Media reports and other research projects have suggested that Uganda is increasingly a favoured destination for offenders travelling with the intention of exploiting and abuse children.<sup>549</sup>
- In their questionnaire response, the Government of Uganda representative notes that there is a low prosecution rate for CSEA- and trafficking-related offences. Furthermore, their response cites 'reluctance of victim to cooperate with law enforcement' as a key reason why rates of prosecution for CSEA offences are low.
- The representative of the Government of Uganda suggests that 'witness protection for the victims' would encourage increased reporting, 'considering that perpetrators are well organised wealthy criminals'.

<sup>541</sup> Available at: <https://ulii.org/system/files/legislation/act/2016/2016/Children%20%28Amendment%29%20Act%202016.pdf> (accessed 17 July 2018).

<sup>542</sup> Available at: <https://ulii.org/node/24737> (accessed 17 July 2018).

<sup>543</sup> ECPAT Uganda Chapter (2008). 'The Uganda National Plan of Action on Child Sexual Abuse and Exploitation (2008-2012)'. Available at: [https://www.unicef.org/uganda/National\\_Plan\\_of\\_Action\\_on\\_CSEC.pdf](https://www.unicef.org/uganda/National_Plan_of_Action_on_CSEC.pdf) (accessed 17 July 2018).

<sup>544</sup> Available at: <https://bettercarenetwork.org/sites/default/files/Uganda%20Child%20Well-Being%20Plan.pdf> (17 July 2018).

<sup>545</sup> UN Committee on the Rights of the Child (CRC) (2008). 'Initial Reports of States Parties due in 2004: Uganda'. Available at: [https://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fOPAC%2fUGA%2f1&Lang=en](https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fOPAC%2fUGA%2f1&Lang=en) (accessed 17 July 2018).

<sup>546</sup> Office to Monitor and Combat Trafficking in Persons (2018). '2018 Trafficking in Persons Report: Uganda Tier 2'. Available at: <https://www.state.gov/j/tip/rls/tiprpt/countries/2018/282772.htm> (accessed 17 July 2018).

<sup>547</sup> Lamwaka, S. (2013). 'In Uganda, Childhood Sexual Assault Is An Epidemic', *Bust* [online]. Available at: <https://bust.com/feminism/16778-child-molestors.html> (accessed 17 July 2018).

<sup>548</sup> Office to Monitor and Combat Trafficking in Persons (2018). '2018 Trafficking in Persons Report: Uganda Tier 2'. Available at: <https://www.state.gov/j/tip/rls/tiprpt/countries/2018/282772.htm> (accessed 17 July 2018).

<sup>549</sup> ECPAT (2013). 'Global Monitoring Report: Uganda', p. 17. Available at: [http://www.ecpat.org/wp-content/uploads/legacy/a4a\\_v2\\_af\\_uganda\\_0.pdf](http://www.ecpat.org/wp-content/uploads/legacy/a4a_v2_af_uganda_0.pdf) (accessed 17 July 2018).

However, this seems to refer specifically to crimes of trafficking and those who profit from the exploitation of children, not necessarily to those who sexually abuse children as we are addressing in this project primarily.

## United Kingdom\*

### Definition of a child (Age of Majority) and Age of Consent

The age of majority is 18 years.

The age of consent is 16 years.

### Optional Protocol Ratification

The UK ratified the Optional Protocol on 20th February 2009.

### Anti-CSEA Laws

The Sexual Offences Act (2003) of the UK comprehensively criminalises CSEA, including grooming of a child to commit crimes of CSEA.<sup>550</sup>

The Sexual Offences Act (2009) of Scotland criminalises CSEA.<sup>551</sup>

The Sexual Offences Order (2008) of Northern Ireland criminalises CSEA.<sup>552</sup>

### Extraterritorial jurisdiction? Any limiting conditions?

Section 72 of the Act of the UK applies extraterritorial jurisdiction over crimes of CSEA if committed by a UK national or resident. However, a condition of dual criminality is applied to jurisdiction over UK residents, but not over citizens. No further limiting conditions can be found.

Section 54A of the Act of Scotland applies extraterritorial jurisdiction over crimes of CSEA if committed by a UK national or resident. However, a condition of dual criminality is applied to jurisdiction over Scotland or UK residents, but not over citizens. No further limiting conditions can be found.

Section 76 of the Act of Northern Ireland applies extraterritorial jurisdiction over crimes of CSEA if committed by a UK national or resident. However, a condition of dual criminality is applied to jurisdiction over Scotland or UK residents, but not over citizens. No further limiting conditions can be found.

### Palermo Protocol Ratification

The UK ratified the Palermo Protocol on 9th February 2006.

### Anti-Trafficking Laws (and specifically, anti-child trafficking)

The Modern Slavery Act (2015) of the UK criminalises human trafficking and related offences, however does not specifically criminalise child trafficking.<sup>553</sup>

The Human Trafficking and Exploitation Act (2015) of Scotland criminalises trafficking in persons offences.<sup>554</sup>

### Extraterritorial jurisdiction? Any limiting conditions?

Extraterritorial jurisdiction is applied over human trafficking offences, but only if committed by a UK national. No further limiting conditions can be found.

### Other measures of note introduced by Government to combat CSEA (whether overseas or not)

In 2011, the Government of the UK published their 'Tackling Child Sexual Exploitation Action Plan' which specifically sought to address CSEA across the country. Following the introduction of this plan, the Director of Public Prosecutions and the Association of Chief Police Officers adjusted police and prosecutorial attitudes towards alleged cases of CSEA.<sup>555</sup>

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<sup>550</sup> Available at: <https://www.legislation.gov.uk/ukpga/2003/42/contents> (accessed 21 August 2018).

<sup>551</sup> Available at: <https://www.legislation.gov.uk/asp/2009/9> (accessed 21 August 2018).

<sup>552</sup> Available at: <https://www.legislation.gov.uk/nisi/2008/1769> (accessed 21 August 2018).

<sup>553</sup> Available at: <http://www.legislation.gov.uk/ukpga/2015/30/section/2/enacted> (accessed 21 August 2018).

<sup>554</sup> Available at: <http://www.legislation.gov.uk/asp/2015/12/contents/enacted> (accessed 21 August 2018).

<sup>555</sup> UN Committee on the Rights of the Child (CRC) (2015). 'Fifth Periodic Reports of States Parties due in 2014: United Kingdom', p. 42. Available at: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G15/044/91/PDF/G1504491.pdf?OpenElement> (accessed 21 August 2018).

The Government of the UK launched a public communications campaign targeting awareness about CSEA entitled 'Together, we can tackle child abuse'.<sup>556</sup>

In 2014, the Government of the UK introduced a £1.8m programme targeting child safeguarding within the Overseas Territories, aiming to strengthen the evidence base on CSEA in these states and progress into prevention of these offences.<sup>557</sup>

The National Group on Sexual Violence Against Children and Vulnerable People (SVACV) has been established to coordinate and implement prevention measures to combat CSEA. Similarly, in Scotland, the Scottish Child Sexual Exploitation Ministerial Working Group has been introduced.

The Government of the UK has implemented risk and prevention orders, which act as restrictions on travel and other actions of potential re-offenders of CSEA.<sup>558</sup>

In 2016, the Government launched their new Child Sexual Exploitation Response Unit which aims to support professionals from all sectors regarding CSEA.<sup>559</sup>

### Further Comments

Despite Government responses combatting CSEA increasing, it appears that the problem is still growing in the UK, particularly in an online context.<sup>560</sup>

The UNCRC highlights a low prosecution rate for CSEA offences, particularly when compared to the prevalence of the issue in the UK as well as relatively widespread public awareness.<sup>561</sup>

Where prosecutions have been made under existing extraterritorial legislation against CSEA, the cases have received a very high profile in the UK. For instance, the case of Richard Huckle, dubbed 'Britain's worst paedophile', who was convicted in 2016 with 22 life sentences for 71 counts of serious sexual assaults on children in Malaysia.<sup>562</sup> Posing as an English teacher doing good works, Huckle abused children from the age of six months to 12-years-old over a nine-year-period.

- Another prolific case of CSEA overseas prosecution is that of Mark Frost, who abused nine children in Thailand between 2009 and 2012, as well as two children during the 1980s/1990s in the UK.<sup>563</sup> For his crimes, Frost was sentenced to 13 life sentences.
- In a previous research project conducted on behalf of It's a Penalty by Freshfields Bruckhaus Deringer, several difficulties were identified by UK prosecutors which limit successful convictions of CSEA cases overseas, including: 'incompatible local legal systems and customs which cause significant practical difficulties; lack of political will; international bureaucracy.'
- The Government of the UK has been praised by the Office to Monitor and Combat Trafficking in Persons and labelled as a 'Tier 1' country for their efforts to eliminate trafficking.<sup>564</sup>

## United Republic of Tanzania

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<sup>556</sup> UK Government (2017). 'Tackling Child Sexual Exploitation: Progress Report', p. 4. Available at: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/592588/Tackling\\_Child\\_Sexual\\_Exploitation\\_-\\_Progress\\_Report\\_\\_web\\_.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/592588/Tackling_Child_Sexual_Exploitation_-_Progress_Report__web_.pdf) (accessed 21 August 2018).

<sup>557</sup> UN Committee on the Rights of the Child (CRC) (2015). 'Fifth Periodic Reports of States Parties due in 2014: United Kingdom', p. 10. Available at: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G15/044/91/PDF/G1504491.pdf?OpenElement> (accessed 21 August 2018).

<sup>558</sup> BBC News (2013). 'New Powers to Restrict Potential Sex Offenders', *BBC News*, 9 October 2013 [online]. Available at: <https://www.bbc.co.uk/news/uk-24461921> (accessed 21 August 2018).

<sup>559</sup> UK Government (2017). 'Tackling Child Sexual Exploitation: Progress Report', p. 4. Available at: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/592588/Tackling\\_Child\\_Sexual\\_Exploitation\\_-\\_Progress\\_Report\\_\\_web\\_.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/592588/Tackling_Child_Sexual_Exploitation_-_Progress_Report__web_.pdf) (accessed 21 August 2018).

<sup>560</sup> UN Committee on the Rights of the Child (CRC) (2016). 'Concluding Observations: United Kingdom', p. 10. Available at: [https://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fGBR%2fCO%2f5&Lang=en](https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fGBR%2fCO%2f5&Lang=en) (accessed 21 August 2018).

<sup>561</sup> UN Committee on the Rights of the Child (CRC) (2016). 'Concluding Observations: United Kingdom', p. 10. Available at: [https://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fGBR%2fCO%2f5&Lang=en](https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fGBR%2fCO%2f5&Lang=en) (accessed 21 August 2018).

<sup>562</sup> Payton, M. (2016). 'Richard Huckle: Britain's "Worst Paedophile" Jailed for 71 Sex Crimes Against Children and Babies in Malaysia', *The Independent*, 6 June 2016 [online]. Available at: <https://www.independent.co.uk/news/uk/crime/richard-huckle-britains-worst-paedophile-jailed-for-71-sex-crimes-against-children-in-malaysia-a7067141.html> (accessed 21 August 2018).

<sup>563</sup> BBC News (2017). 'Paedophile Mark Frost Jailed for Life for Abuse of Boys in UK and Asia', *BBC News*, 8 February 2017 [online]. Available at: <https://www.bbc.co.uk/news/uk-38911168> (accessed 21 August 2018).

<sup>564</sup> Office to Monitor and Combat Trafficking in Persons (2017). '2017 Trafficking in Persons Report: United Kingdom Tier 1'. Available at: <https://www.state.gov/j/tip/rls/tiprpt/countries/2018/282775.htm> (accessed 24 May 2018).

### Definition of a child (Age of Majority) and Age of Consent

The age of majority is 18 years.

The age of consent is 18 years (only for heterosexual acts, as homosexuality is criminalised).

### Optional Protocol Ratification

The United Republic of Tanzania ratified the Optional Protocol on 24th April 2003(a).

### Anti-CSEA Laws

The Children's Act (2011) of Zanzibar criminalises CSEA.<sup>565</sup>

The Sexual Offences Provisions Act (1998) of Tanzania Mainland criminalises CSEA.<sup>566</sup>

### Extraterritorial jurisdiction? Any limiting conditions?

No extraterritorial scope is applied to the Children's Act of Zanzibar.

No extraterritorial scope is applied to the Sexual Offences Provisions Act of Tanzania Mainland.

### Palermo Protocol Ratification

The United Republic of Tanzania ratified the Palermo Protocol on 24th May 2006.

### Anti-Trafficking Laws (and specifically, anti-child trafficking)

The Sexual Offences Provisions (1998) of Tanzania Mainland criminalises trafficking in persons.<sup>567</sup>

The Anti-Trafficking in Persons Act (2008) of the United Republic of Tanzania criminalises trafficking in persons and related offences, with particular mention of the offence of child trafficking.<sup>568</sup>

### Extraterritorial jurisdiction? Any limiting conditions?

No extraterritorial scope is applied to the Sexual Offences Provisions Act of Tanzania Mainland.

No extraterritorial scope is applied to the Anti-Trafficking in Persons Act of the United Republic of Tanzania.

### Other measures of note introduced by Government to combat CSEA (whether overseas or not)

The Government of the United Republic of Tanzania adopted the National Costed Plan of Action 2007-2011 for Most Vulnerable Children for Tanzania Mainland, and the Most Vulnerable Children Costed Action Plan (2010-2015) in Zanzibar, both of which address CSEA and related issues. There appears, however, to be no renewed plans like previous years' being developed.<sup>569</sup>

According to the Office to Monitor and Combat Trafficking in Persons, the Government of the United Republic of Tanzania's efforts to combat CSEA, particularly commercial CSEA and 'child sex tourism', 'have had no discernible impact' on the levels of the problem across the country.<sup>570</sup>

The Tanzania Police Force has established Gender and Children's Desks across the United Republic in order to improve the way in which police handle cases and encourage increased reporting of CSEA cases.<sup>571</sup>

### Further Comments

- The Government of the United Republic of Tanzania has been labelled as a 'Tier 2' level country by the Office to Monitor and Combat Trafficking in Persons,<sup>572</sup> suggesting that the Government is trying to improve efforts to combat human trafficking and therefore could be open to improving their anti-CSEA efforts.

<sup>565</sup> Available at: <https://bettercarenetwork.org/sites/default/files/Children%27s%20Act%20of%20Zanzibar%202011.pdf> (accessed 7 August 2018).

<sup>566</sup> Available at: [http://www.saflii.org/tz/legis/num\\_act/sospa1998366.pdf](http://www.saflii.org/tz/legis/num_act/sospa1998366.pdf) (accessed 7 August 2018).

<sup>567</sup> Available at: [http://www.saflii.org/tz/legis/num\\_act/sospa1998366.pdf](http://www.saflii.org/tz/legis/num_act/sospa1998366.pdf) (accessed 7 August 2018).

<sup>568</sup> Available at: <https://www.lrct.go.tz/download/translated-laws/engliash-vision/THE%20ANT-TRAFFICKING%20PERSON.pdf> (accessed 7 August 2018).

<sup>569</sup> UN Committee on the Rights of the Child (CRC) (2013). 'Third to Fifth Periodic Reports of States Parties due in 2012: United Republic of Tanzania', pp. 13-14. Available at: [https://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fTZA%2f3-5&Lang=en](https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fTZA%2f3-5&Lang=en) (accessed 7 August 2018).

<sup>570</sup> Office to Monitor and Combat Trafficking in Persons (2018). '2018 Trafficking in Persons Report: Tanzania Tier 2'. Available at: <https://www.state.gov/j/tip/rls/tiprpt/countries/2018/282763.htm> (accessed 7 August 2018).

<sup>571</sup> UN Committee on the Rights of the Child (CRC) (2013). 'Third to Fifth Periodic Reports of States Parties due in 2012: United Republic of Tanzania', p. 72. Available at: [https://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fTZA%2f3-5&Lang=en](https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fTZA%2f3-5&Lang=en) (accessed 7 August 2018).

<sup>572</sup> Office to Monitor and Combat Trafficking in Persons (2018). '2018 Trafficking in Persons Report: Tanzania Tier 2'. Available at: <https://www.state.gov/j/tip/rls/tiprpt/countries/2018/282763.htm> (accessed 7 August 2018).

- Reportedly, CSEA in travel and tourism in the United Republic of Tanzania, and in particular Zanzibar, is a prevalent issue.<sup>573</sup>
- The UNCRC notes that female victims of CSEA are often reluctant to report their abuse to the police, thereby making the issue highly underreported, due to the stigma society in the United Republic of Tanzania places on child survivors of sexual offences.<sup>574</sup>

## Vanuatu

### Definition of a child (Age of Majority) and Age of Consent

The age of majority is 18 years.

The age of consent is 18 years.

### Optional Protocol Ratification

Vanuatu ratified the Optional Protocol on 17th May 2007.

### Anti-CSEA Laws

The Penal Code (2006) of Vanuatu criminalises CSEA.<sup>575</sup>

### Extraterritorial jurisdiction? Any limiting conditions?

Section 4 of the Code applies extraterritorial jurisdiction to all offences under Vanuatu law, if committed by a citizen of Vanuatu. A condition of dual criminality is applied, but no statute of limitations is attached.<sup>576</sup>

### Palermo Protocol Ratification

Vanuatu has not signed or ratified the Palermo Protocol.

### Anti-Trafficking Laws (and specifically, anti-child trafficking)

The Penal Code (2006) of Vanuatu criminalises trafficking in person<sup>577</sup>

### Extraterritorial jurisdiction? Any limiting conditions?

Section 4 of the Code of Vanuatu applies extraterritorial jurisdiction to all offences under Vanuatu law, if committed by a citizen of Vanuatu. A condition of dual criminality is applied, but no statute of limitations is attached.<sup>578</sup>

### Other measures of note introduced by Government to combat CSEA (whether overseas or not)

In 2016, the Government of Vanuatu promulgated their 'National Child Protection Policy 2016-2026', a key area of which is the protection of children from CSEA.<sup>579</sup>

The Government of Vanuatu has not implemented a specific body to coordinate child protection service delivery.<sup>580</sup>

The Vanuatu Women's Center, although not specifically child-focused, provides some services to CSEA victims, including counselling support and training of professionals who interact with victims.<sup>581</sup>

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<sup>573</sup> Office to Monitor and Combat Trafficking in Persons (2018). '2018 Trafficking in Persons Report: Tanzania Tier 2'. Available at: <https://www.state.gov/j/tip/rls/tiprpt/countries/2018/282763.htm> (accessed 7 August 2018).

<sup>574</sup> UN Committee on the Rights of the Child (CRC) (2015). 'Concluding Observations: United Republic of Tanzania', p. 9. Available at: [https://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fTZA%2fCO%2f3-5&Lang=en](https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fTZA%2fCO%2f3-5&Lang=en) (accessed 7 August 2018).

<sup>575</sup> Available at: [http://www.wipo.int/wipolex/en/text.jsp?file\\_id=198052#LinkTarget\\_411](http://www.wipo.int/wipolex/en/text.jsp?file_id=198052#LinkTarget_411) (accessed 20 August 2018).

<sup>576</sup> Available at: [http://www.wipo.int/wipolex/en/text.jsp?file\\_id=198052#LinkTarget\\_680](http://www.wipo.int/wipolex/en/text.jsp?file_id=198052#LinkTarget_680) (accessed 20 August 2018).

<sup>577</sup> Available at: [http://www.wipo.int/wipolex/en/text.jsp?file\\_id=198052#LinkTarget\\_411](http://www.wipo.int/wipolex/en/text.jsp?file_id=198052#LinkTarget_411) (accessed 20 August 2018).

<sup>578</sup> Available at: [http://www.wipo.int/wipolex/en/text.jsp?file\\_id=198052#LinkTarget\\_680](http://www.wipo.int/wipolex/en/text.jsp?file_id=198052#LinkTarget_680) (accessed 20 August 2018).

<sup>579</sup> Available at: [https://mjcs.gov.vu/images/policy/Vanuatu\\_National\\_Child\\_Protection\\_Policy\\_2016-2026\\_FINAL\\_Nov16.pdf](https://mjcs.gov.vu/images/policy/Vanuatu_National_Child_Protection_Policy_2016-2026_FINAL_Nov16.pdf) (accessed 20 August 2018).

<sup>580</sup> P. 17. Available at: [https://mjcs.gov.vu/images/policy/Vanuatu\\_National\\_Child\\_Protection\\_Policy\\_2016-2026\\_FINAL\\_Nov16.pdf](https://mjcs.gov.vu/images/policy/Vanuatu_National_Child_Protection_Policy_2016-2026_FINAL_Nov16.pdf) (accessed 20 August 2018).

<sup>581</sup> UN Committee on the Rights of the Child (CRC) (2016). 'Second Periodic Reports of States Parties due in 2010', p. 23. Available at: [https://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fVUT%2f2&Lang=en](https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fVUT%2f2&Lang=en) (accessed 20 August 2018).

There is no specialised police unit for CSEA victims under the Vanuatu Police Force.<sup>582</sup>

#### Further Comments

No Trafficking in Persons Report by the Office to Combat and Monitor Trafficking in Persons is available on Vanuatu. CSEA are, reportedly, common in Vanuatu but the taboo nature of the issues restricts public discussion and awareness.<sup>583</sup> This is further corroborated by the UNCRC's report on Vanuatu.<sup>584</sup> The UNCRC notes a lack of information on investigations, prosecutions and convictions of CSEA offenders in Vanuatu.<sup>585</sup>

### **Zambia\***

#### Definition of a child (Age of Majority) and Age of Consent

The age of majority is undefined officially, however the Government of Zambia representative suggests that a child or "young person" is defined as any person under 15 years.

The age of consent is 16 years (only for heterosexual acts, as homosexuality is criminalised).

#### Optional Protocol Ratification

Zambia signed the Optional Protocol on 29th September 2008.

#### Anti-CSEA Laws

The Penal Code (1931) of Zambia criminalises 'defilement of girls under 16' and 'indecent assault of boys under 14', but does not criminalise CSEA comprehensively.<sup>586</sup>

The Penal Code (Amendment) Act (2005) of Zambia further criminalises CSEA, particularly in a commercial context.<sup>587</sup>

#### Extraterritorial jurisdiction? Any limiting conditions?

Section 6 of the Penal Code applies extraterritorial jurisdiction over offences relating to CSEA criminalised in the Code, if committed by a citizen of Zambia.

#### Palermo Protocol Ratification

Zambia ratified the Palermo Protocol on 24th April 2005(a).

#### Anti-Trafficking Laws (and specifically, anti-child trafficking)

The Anti-Human Trafficking Act (2008) of Zambia comprehensively criminalises trafficking in persons, with harsher penalties attached for the trafficking of a child.<sup>588</sup>

#### Extraterritorial jurisdiction? Any limiting conditions?

Section 99 of the Act applies extraterritorial jurisdiction to offences of trafficking in persons, if the offence is committed by a citizen or resident of Zambia, or against a citizen of Zambia. No limiting conditions can be found.

#### Other measures of note introduced by Government to combat CSEA (whether overseas or not)

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<sup>582</sup> UN Committee on the Rights of the Child (CRC) (2017). 'Concluding Observations: Vanuatu', p. 6. Available at: [https://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fvUT%2fCO%2f2&Lang=en](https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fvUT%2fCO%2f2&Lang=en) (accessed 20 August 2018).

<sup>583</sup> Department of Foreign Affairs and Trade (Australian Government) (2011). 'Vanuatu National Survey on Women's Lives and Relationships, May 2011'. Available at: <https://dfat.gov.au/about-us/publications/Pages/vanuatu-national-survey-on-women-s-lives-and-relationships-may-2011.aspx> (accessed 20 August 2018).

<sup>584</sup> UN Committee on the Rights of the Child (CRC) (2017). 'Concluding Observations: Vanuatu', p. 6. Available at: [https://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fvUT%2fCO%2f2&Lang=en](https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fvUT%2fCO%2f2&Lang=en) (accessed 20 August 2018).

<sup>585</sup> UN Committee on the Rights of the Child (CRC) (2017). 'Concluding Observations on Optional Protocol: Vanuatu', p. 5. Available at: [https://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fOPSC%2fvUT%2fCO%2f1&Lang=en](https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fOPSC%2fvUT%2fCO%2f1&Lang=en) (accessed 20 August 2018).

<sup>586</sup> Available at: <http://www.parliament.gov.zm/sites/default/files/documents/acts/Penal%20Code%20Act.pdf> (accessed 19 July 2018).

<sup>587</sup> Available at: [http://www.africanchildforum.org/clr/Legislation%20Per%20Country/Zambia/zambia\\_penal-amt\\_2005\\_en.pdf](http://www.africanchildforum.org/clr/Legislation%20Per%20Country/Zambia/zambia_penal-amt_2005_en.pdf) (accessed 17 July 2018).

<sup>588</sup> Available at: <http://ilo.org/dyn/natlex/docs/MONOGRAPH/79940/86184/F202769530/ZMB79940.pdf> (accessed 17 July 2018).

ECPAT notes in their 2015 report that the Government of Zambia have introduced relatively few initiatives deliberately targeting CSEA.<sup>589</sup>

The Zambia Police Service Victim Support Unit has been established by the Government to tackle CSEA.<sup>590</sup> However, the efforts made by the Unit have been limited, according to the Government of Zambia in their 2015 report to the UNCRC.

Few other government initiatives to address CSEA are highlighted by the Government of Zambia.

#### Further Comments

- The Government of Zambia has been labelled as a 'Tier 2' level country by the Office to Monitor and Combat Trafficking in Persons,<sup>591</sup> suggesting that the Government is trying to improve efforts to combat human trafficking and therefore could be open to improving their anti-CSEA efforts.
- ECPAT reports in their 2015 assessment of commercial CSEA of children in Zambia that 'child sex tourism' is a growing problem in the country.<sup>592</sup>
- The UNCRC highlights that offenders of CSEA very often act with impunity in Zambia because of a distinctly low rate of convictions and societal tolerance of such offences.<sup>593</sup>
- No records can be found of prosecutions pursued by the Government of Zambia under the existing extraterritorial legislation against CSEA.
- The Government of Zambia offered no further insights in their response to the questionnaire.

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<sup>589</sup> Available at: ECPAT (2015). 'Country-Specific Report: Zambia', p. 18. Available at: <http://www.ecpat.org/wp-content/uploads/2016/10/3.-SECTT-ZAMBIA.pdf> (accessed 17 July 2018).

<sup>590</sup> UN Committee on the Rights of the Child (CRC) (2015). 'Combined Second, Third and Fourth Periodic Reports of States Parties due in 2009: Zambia', p. 42. Available at: [https://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fZMB%2f2-4&Lang=en](https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fZMB%2f2-4&Lang=en) (accessed 17 July 2018).

<sup>591</sup> Office to Monitor and Combat Trafficking in Persons (2018). '2018 Trafficking in Persons Report: Zambia Tier 2'. Available at: <https://www.state.gov/j/tip/rls/tiprpt/countries/2018/282782.htm> 2 (accessed 4 July 2018).

<sup>592</sup> Available at: ECPAT (2015). 'Country-Specific Report: Zambia', p. 15. Available at: <http://www.ecpat.org/wp-content/uploads/2016/10/3.-SECTT-ZAMBIA.pdf> (accessed 17 July 2018).

<sup>593</sup> UN Committee on the Rights of the Child (CRC) (2016). 'Concluding Observations: Zambia', p. 8. Available at: [https://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fZMB%2fCO%2f2-4&Lang=en](https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fZMB%2fCO%2f2-4&Lang=en) (accessed 17 July 2018).

## Concluding Observations and Recommendations

As evidenced throughout this report, many significant efforts have been undertaken by the Governments of Commonwealth Member States to protect children from sexual exploitation and abuse, both within their own country and overseas. However, this report has also found that most states lack provisions in law which allow them to prosecute their citizens or residents for the abuse of children whilst abroad. Furthermore, many states in which extraterritorial legislation against CSEA exists have limiting conditions attached to this legislation, or have not satisfactorily criminalised all forms of CSEA. In order to be fully effective in preventing child sexual exploitation and prosecuting offenders, any existing or future legislation should: not rely on the condition of dual criminality; apply the extraterritorial jurisdiction to both citizens and residents; include clear definitions of child sexual exploitation-related crimes. In total, only 10 Commonwealth Member States have satisfactory extraterritorial legislation against CSEA. Even in the states where such legislation has been enacted, its use to prosecute offenders has been insubstantial, and child protection is further limited by conditions such as dual criminality, or insufficient criminalisation of CSEA offences.

In conclusion, the extent of child sexual exploitation and abuse, both within the Commonwealth and beyond, warrants more action and effort than are presently being exerted on the part of governments to combat this global scourge. In order to improve child protection both within their countries and on a worldwide scale, Commonwealth Member States should prioritise the following measures:

- Enact comprehensive legislation against CSEA with extraterritorial jurisdiction over both citizens and residents, which is not subject to a statute of limitations;
- Harmonise ages of consent and majority in line with international recommendations;
- Increase political will to pursue prosecutions of CSEA offenders, both who have offended overseas and domestically;
- Ensure adequate human, financial and technical resources for investigative and prosecutorial proceedings with regards to cases of CSEA;
- Conduct awareness-raising activities and campaigns to combat the stigmatisation of victims of CSEA in society and communities;
- Establish, publicise and maintain a national three-digit 24/7 helpline for child victims and concerned members of the public which is free to use and staffed by trained counsellors;
- Develop child-friendly justice systems and services;
- Dedicate improved amounts of resources for the training of relevant personnel dealing with victims of CSEA;
- Ensure the development of programmes and policies which target the prevention of CSEA, and recovery and social reintegration for victims;
- Establish mechanisms, procedures and guidelines to ensure proper handling and mandatory reporting of cases of CSEA;
- Strengthen regional and international cooperation in investigations and arrests, information- and expertise-sharing on convicted travellers, and mutual legal assistance.

## Appendix A (Questionnaire sent to Commonwealth Member States)

If A, a citizen, or B, a resident, of a [NAMED STATE] committed crimes relating to child sexual exploitation whilst abroad, are there provisions in law which would allow for their prosecution in your State?

In other words,

Is your country a State Party to the Protocol to Prevent, Suppress and Punish Trafficking in Persons (Palermo Protocol)?

Does your Country have legislation that is in compliance with the Protocol?

Does this legislation provide for extraterritorial reach against nationals committing the offence abroad?

Does the legislation provide for extraterritorial reach against an offender who commits the offence against a citizen of your State?

Does your country have legislation against Child Sexual Exploitation? If so, please cite below and specify the following:

What type of conduct does the legislation define as Child Sexual Exploitation?

What is the age limit for the legislation against Child Sexual Exploitation to apply (i.e., until what age is a person considered a "child"; what is the age of consent)?

- 3. Does this legislation against Child Sexual Exploitation have an extraterritorial reach? If so, please cite the extra territorial reach provision and indicate:**

If it applies to citizens of your country, person who is ordinarily residents in your country or to individuals that may be in transit through your country.

If there is a statute of limitations, and from which moment it begins to run.

- 4. If the answer to (1) and (2) is NO, does your country have any criminal legislation which has an extraterritorial reach? If so, please cite and indicate:**

Could this legislation be used to prosecute a citizen or resident who has committed crimes relating to Child Sexual Exploitation whilst abroad? If so, please indicate:

If there is a statute of limitations, and from which moment it would begin to run.

Has this legislation been used to prosecute a citizen or resident who has committed crimes relating to child sexual exploitation whilst abroad? If so, please indicate:

If NO to any preceding questions, please select the reason(s) why such legislation has not been enacted and/or, if it exists, why such legislation has failed to prosecute perpetrators? Please [X] as many reasons as needed.

Reason(s) why extraterritorial legislation against CSE has not been enacted:

- Lack of knowledge of the existence of such legislation elsewhere in the world
- Lack of prioritisation amongst law-makers for the introduction of such legislation

- Lack of resources to dedicate to the introduction of such legislation
- Lack of political will for the introduction of such legislation
- Other(s)

Reason(s) why extraterritorial legislation against CSE has not been used to prosecute perpetrators:

- Lack of a clear definition of 'child sexual exploitation' and other such crimes within existing legislation
- Lack of awareness of the existence of such legislation amongst law enforcement
- Lack of awareness of the existence of such legislation amongst victims
- Requirement for victim to make a formal request or complaint in order to initiate investigative proceedings
- Existence of a 'dual criminality' requirement
- Inability to obtain victim testimony
- Reluctance of victim to cooperate with law enforcement
- Lack of protection of the victim against criminalisation, deportation, etc. if the victim cooperates with law enforcement
- Issues with the preservation of physical evidence
- Lack of human resources to dedicate to investigative and prosecutorial proceedings
- Lack of financial resources to dedicate to investigative and prosecutorial proceedings
- Lack of a dedicated national agency or unit to enforce extraterritorial legislation
- Lack of international cooperation or assistance or information sharing with investigative and prosecutorial proceedings
- Discretion of the Prosecutor (or other competent authority) to decide whether or not to press charges (lack of obligation to justify decision not to prosecute)
- Other(s)

**What could be done to encourage the enactment of this extraterritorial legislation against CSE and/or improve the rates of prosecutions which take place under it in your country?**

**END OF DOCUMENT**