

## ECOSOC Resolution 2002/14

### **Promoting effective measures to deal with the issues of missing children and sexual abuse or exploitation of children**

*The Economic and Social Council,*

*Recalling* the Convention on the Rights of the Child,<sup>1</sup> the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography,<sup>2</sup> the United Nations Convention against Transnational Organized Crime<sup>3</sup> and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime,<sup>4</sup>

*Recalling also* the Universal Declaration of Human Rights,<sup>5</sup>

*Recalling further* General Assembly resolution 50/145 of 21 December 1995 on the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, in which the Assembly endorsed the resolutions adopted by the Ninth Congress, including resolution 7 of 7 May 1995 on children as victims and perpetrators of crime and the United Nations criminal justice programme,<sup>6</sup>

*Recalling* the First World Congress against Commercial Sexual Exploitation of Children, held in Stockholm from 27 to 31 August 1996, and the Declaration and Agenda for Action<sup>7</sup> adopted by the World Congress to promote the protection of the rights of the child and end the commercial sexual exploitation of children, in particular by applying the Convention on the Rights of the Child and other relevant instruments,

*Recalling also* the Second World Congress against Commercial Sexual Exploitation of Children, held in Yokohama, Japan, from 17 to 20 December 2001, at which the participants adopted the Yokohama Global Commitment 2001,<sup>8</sup> welcoming the enhancement by States of actions towards the elimination of child prostitution, child pornography and trafficking in children for sexual purposes,

*Recalling further* International Labour Organization Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, of 17 June 1999, which prohibits forced or obligatory labour of all people under the age of 18,

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<sup>1</sup> General Assembly resolution 44/25, annex.

<sup>2</sup> General Assembly resolution 54/263, annex II.

<sup>3</sup> General Assembly resolution 55/25, annex I.

<sup>4</sup> *Ibid.*, annex II.

<sup>5</sup> General Assembly resolution 217 A (III).

<sup>6</sup> See *Report of the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Cairo, 29 April-8 May 1995* (A/CONF.169/16/Rev.1) chap. I.

<sup>7</sup> A/51/385, annex.

<sup>8</sup> See A/S-27/12, annex.

**I. Action to promote cooperation with civil society in dealing with the issues of missing children and sexual abuse or exploitation of children**

*Convinced* that civil society can play a role in the fight against the disappearance of children and that organizations or a structured network of associations can be useful in finding missing children and in preventing and countering that problem,

*Convinced also* that civil society can also play a role in the fight against sexual abuse or exploitation of children and that organizations or a structured network of associations can be useful in assisting sexually abused or exploited children and in preventing and countering that problem,

1. *Encourages* Member States to facilitate cooperation between the competent authorities and qualified organizations or associations of civil society involved in tracing missing children or in assisting sexually abused or exploited children;

2. *Emphasizes* that such cooperation does not prejudice the role of the competent authorities in conducting investigations and proceedings;

3. *Calls upon* Member States to examine the possibility, taking into account the resources available, of providing, inter alia, a toll-free hotline or other means of communication or encouraging arrangements, for instance through the use of the Internet, whereby the qualified organizations or associations referred to in paragraph 1 above could make a hotline available twenty-four hours a day;

4. *Also calls upon* Member States to establish appropriate arrangements, to the extent necessary, in accordance with their legislation pertaining to investigations and proceedings, in order to facilitate the mutual exchange, between such organizations or associations and the competent authorities, of appropriate information concerning the tracing of missing or sexually abused or exploited children.

**II. Measures against child prostitution**

*Recalling* the Convention on the Rights of the Child, *\_/* in article 34 (a) of which States parties are called upon to prevent the inducement or coercion of a child to engage in any unlawful sexual activity,

*Noting* that, in article 3, paragraph 1 (b), of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography,<sup>9</sup> States parties are called upon to ensure that the act of offering, obtaining, procuring or providing a child for prostitution is fully covered under their criminal or penal law,

*Considering* that child prostitution is undeniably a traumatic experience for the children involved,

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<sup>9</sup> General Assembly resolution 54/263, annex II.

*Reaffirming* the need to make persons who procure or obtain the sexual services of children responsible for their action, which violates the rights and the dignity of the children involved,

*Calls upon* Member States to take immediate steps to provide for the effective and proportional punishment, under their domestic law, of persons who procure or obtain the sexual services of children.

### **III. Time limits for criminal proceedings in cases involving the sexual abuse or exploitation of children**

*Emphasizing* that sexual abuse or exploitation provokes traumas among children who are the victims of such abuse or exploitation and that that experience may affect them throughout their life,

*Emphasizing also* that the perpetrators are often to be found within the family, among the acquaintances or friends of the family, or among other persons in the immediate environment of or holding a position of authority over the victims,

*Considering* that the victims of sexual abuse or exploitation generally need time to reach the level of maturity required to perceive the abusive nature of the events that they have experienced, to express their opinion about those events and to dare to denounce them,

*Calls upon* Member States to make every effort to ensure, in conformity with domestic legislation, that the time limit for bringing criminal proceedings in cases involving the sexual abuse or exploitation of a child does not obstruct the effective prosecution of the offender, for instance, by considering the possibility of postponing the beginning of the time limit until the child has reached the age of civil majority.

*37th plenary meeting  
24 July 2002*