



CONVENTION ON THE RIGHTS OF THE CHILD

OPTIONAL PROTOCOL ON THE SALE OF CHILDREN, CHILD PROSTITUTION AND CHILD PORNOGRAPHY

Providing legal protection for children against the worst forms of exploitation

- The Convention on the Rights of the Child (CRC), a universally agreed set of non-negotiable standards and obligations, provides protection and support for the rights of children.
- In adopting the CRC, the international community recognised that people under 18 years of age often need special care and protection that adults do not.
- To help stem the growing abuse and exploitation of children worldwide, the United Nations General Assembly in 2000 adopted two Optional Protocols to the CRC to increase the protection of children from involvement in armed conflicts and from sexual exploitation.
- The Optional Protocol on the sale of children, child prostitution and child pornography draws special attention to the criminalisation of these serious violations of children's rights and emphasizes the importance of fostering increased public awareness and international cooperation in efforts to combat them.
- The Optional Protocols must always be interpreted in light of the original treaty as a whole, in this case guided by the principles of non-discrimination, best interests of the child and child participation.
- As of 2009, Malaysia has not ratified this Optional Protocol.

Protecting children from exploitation, prostitution and child pornography

- Commercial sexual exploitation of children—such as the sale of children, child prostitution, child sex tourism and child pornography—are prevalent all over the world.
- An estimated one million children (mainly girls but also a significant number of boys) enter the multi-billion dollar commercial sex trade every year, suffering degradation and life-threatening risk.
- Articles 34 and 35 of the CRC say that governments should protect children from all forms of sexual exploitation and abuse and take all measures possible to ensure that they are not abducted, sold or trafficked.
- The CRC's Optional Protocol on the sale of children, child prostitution and child pornography supplements the CRC by providing States with detailed requirements to end the sexual exploitation and abuse of children. It also protects children from being sold for non-sexual purposes—such as other forms of forced labour, illegal adoption and organ donation.



- The Protocol provides definitions for the offences of ‘sale of children’, ‘child prostitution’ and ‘child pornography’. It also creates obligations on governments to criminalise and punish the activities related to these offences. It requires punishment not only for those offering or delivering children for the purposes of sexual exploitation, transfer of organs or children for profit or forced labour, but also for anyone accepting the child for these activities.
- The Protocol also protects the rights and interests of child victims. Governments must provide legal and other support services to child victims. This obligation includes considering the best interests of the child in any interactions with the criminal justice system. Children must also be supported with necessary medical, psychological, logistical and financial support to aid their rehabilitation and reintegration. As a complement to the CRC, interpretation of the Optional Protocol’s text must always be guided by the principles of non-discrimination, best interests of the child and child participation.
- The value of international cooperation and public education are also stressed in the Protocol. International cooperation is important as a means of combating these often transnational activities. Public awareness, information and education campaigns also help protect children from these serious violations of their rights.
- After receiving the first 10 ratifications needed for its entry into force, the Optional Protocol on the sale of children, child prostitution and child pornography became legally binding on 18 January 2002. Today, more than 100 countries have signed and ratified this Protocol.

For more information, visit www.unicef.org/crc