**Inputs from the Organization of Islamic Cooperation (OIC) on the Report of the Special Rapporteur on the sale and sexual exploitation of children, including child prostitution, child pornography and other child sexual abuse material**

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

The OIC Member States have witnessed a paradigm shift in the understanding and implementation of child rights over the past few decades. The child rights were mainly considered to be the entitlement of adults i.e. adults’ legal responsibility to support their children to protect and promote child rights. However, with the almost universal ratification of United Nations Convention on the Rights of the Child (CRC) and one of its Optional Protocols (OP) namely on the sale of children, child prostitution and child pornography has contributed in addressing thesocial, economic and cultural exploitations/vulnerabilities of children, including the girl child, who are more susceptible to different forms of sexual abuse and exploitation.

The CRC adopted in 1989 is regarded as a milestone in providing a strong basis for legislative framework for realizing and protecting children’s rights by establishing a direct relationship between child and the State. The CRC and its OP on the sale of children, child prostitution and child pornography are important as it is almost a universally convention, which articulates human rights addressed in other UN instruments from a child-centered perspective. Also, it emphasizes that children have individual identities and are holders of survival, developmental, protection and participation rights.

The cultural and legal landscape of majority of OIC Member States is guided and inspired by Islamic values and traditions where interests of vulnerable and disadvantaged sections of society are secured through codification of rights and responsibilities. All children, before and after birth, are regarded as vulnerable and deserving of care. In the OIC Member States, the child’s best interests are mainly defined within the framework of family, society and State. It is, therefore, shared responsibility of parents and family members, civil society and State to ensure that child rights are respected, protected and fulfilled in all settings without discrimination. (a) **Family:** Parental care is the main foundation for providing protection for children and enabling them to enjoy the rights guaranteed to them. (b) **Society**: has a vital oversight role in preventing any abuse and creation of an enabling environment for positive psycho-social, mental and physical development of children and protection against all forms of exploitations. Community-based organizations and religious leaders play an important role to expose abuses and governmental neglect in realization of child rights. (c) **State:** For all children to enjoy their rights without discrimination and exploitation, it is a prerequisite that the State constitution should unequivocally mention that children are holder of specific rights including those which protect them against sexual exploitation. States should take all appropriate measures to ensure realization of child rights including the highest attainable standard of physical and mental health without discrimination and, in doing so, be guided by the best interests of the child.

OIC Member States, cognizant of the importance of protection and promotion of child rights, adopted OIC *‘Covenant on the Rights of the Child in Islam’* (OCRCI) in 2005. The Covenant provided a legal framework in which child, family, society, and the State are locked into a relationship based on claims, rights, and obligations within the tenets of Islamic principles, values and traditions. At that time, it was a step forward in identifying the issue of child rights and introducing this concept into the OIC human rights discourse. Although the adoption of Covenant was hailed as a significant development in its own right, there remains a growing body of skepticism that this framework fell short of providing an institutional mechanism to convert claims into rights and render actions obligatory for the survival, protection, and development of children. Resultantly, only 8 OIC Member States have so far signed the Covenant, out of which only two have ratified it.

It is noted that the acceptability of the CRC is universal as all the OIC Member States have signed and ratified the CRC, though some countries have done so with reservations. Most of the OIC States are also Parties to the Optional Protocol on the sale of children, child prostitution and child pornography. While many OIC countries have revised their national legislations in conformity with the CRC and its OP, in some others implementation of CRC remains a subject of debate due to challenges concerning its compatibility with the local cultures and family values. Traditional values, such as family, community and social responsibility towards protection of children are dynamic concepts, which are also being used by some countries to highlight the importance of context and cultural relevance in the adoption of the CRC into their laws and policies. To address these cultural sensitivities, the OIC has initiated a major revision of its OCRCI in 2018 to bring the OIC Covenant in conformity with the international human rights instruments, without compromising on the core Islamic values and principles, to make it more representative, broad based and above all implementable. The revised draft has consulted all major international and regional human rights instruments and made obligatory on the State Parties to take all necessary legislative, administrative, social and educational measures to protect the child from ‘all forms of sexual exploitation and abuse, including the use of children in prostitution, pornography, and to engage in other sexual activities’.

OIC Member States have held five Ministerial Conferences on Childhood (Rabat, Khartoum, Tripoli, Baku and Rabat). Besides, international instruments, initiatives and mechanisms, the OIC’s revised Charter, its 2nd Ten Year Program of Action accord priority to the child rights. OIC Member States continue to collaborate with regional and international partners to fulfil their respective international commitments provided in the relevant international human rights instruments including UN Millennium Development Goals and Sustainable Development Goals. A comprehensive Strategy for Childcare and well being is also being formulated with elements to protect the child from illegal trafficking during times of peace and conflicts and criminalize any sale and sexual exploitation of children. The legislative and administrative measures are also being proposed to protect children from digital onslaught and pornography by reinforcing parental control and introducing cyber safeguards.

The OIC Independent Permanent Human Rights Commission (IPHRC) considers that States have the primary responsibility to undertake all appropriate measures in the best interests of the child, including strengthening international cooperation, to protect and promote the rights of the child to the enjoyment of the highest attainable standard of physical and mental health without discrimination of any kind. It is the duty of the State to protect children through effective legislative, administrative and judicial means, including those in situations of armed conflicts and other natural/manmade emergencies from all forms of violence and human rights violations.

The IPHRC has recommended to the State Parties to:

1. Consider incorporating the ratified conventions into national laws. States may legislate specific laws guaranteeing the protection of children from exploitation; set up specific national mechanisms to enforce the CRC provisions and take all necessary measures to abolish harmful practices compromising the dignity and integrity of the child;
2. Develop national child rights policies and legislative actions in accordance with the international human rights law ensuring that they grow up in safe, caring and enabling environment. Achieving all the targets of the SDGs, especially those related to ending poverty and child labor; addressing gender inequality and harmful practices; promoting health and education as well as access to justice through accountable and inclusive institutions will help reduce the risk of exploitation in children’s lives and provide effective responses for victims;
3. Criminalize the sale and sexual exploitation of children, including child prostitution, child pornographyand take firm steps to ensure a society free from all forms of violence against children;
4. States must also exercise due diligence to prohibit, prevent and investigate acts of sale and sexual exploitation of children, including child prostitution, child pornography and other child sexual abuse material, eliminate impunity and provide assistance to the victims in all settings.
5. Fulfil all obligations of CRC and Optional Protocols (OP) which are ratified; expedite ratification of OPs by those States who have not done so yet and consider periodic reviewing of their reservations;
6. Review and reinforce national legal frameworks as well as to develop relevant implementation mechanisms to transform the mind-sets, harmful traditional practices and socio-cultural customs. To this end, emphasized undertaking administrative and social measures to strengthen information sharing awareness raising and engagement of community/religious leaders to overcome discriminatory attitudes for abolishing harmful practices that compromise the dignity and integrity of the child;
7. Establish an independent monitoring mechanism either as part of a national human rights institution with a child unit, or as a separate mechanism of ombudsperson for children to monitor the fulfilment of child rights;
8. Ensure full access to inclusive and equitable education and promotion of lifelong learning at all levels and in all situations, which is an essential precondition for full realization of child’s rights;
9. Address the gender dimension of child rights, particularly against girl-child in all policies and actions;
10. Establish a guiding and monitoring mechanism to which OIC countries would be accountable for the implementation of the revised OIC Covenant on the Rights of the Child in Islam;
11. Strengthen the institution of family and capacities of parents/legal guardians to protect and promote the child rights.

Within the framework of relevant OIC and UN documents and resolutions, the OIC Permanent Observer Mission to the UN in New York has also been closely following-up the issue of children’s welfare and protection of children from all forms of violence.

As part of the close cooperation on the subject, several meetings with the representatives of UNICEF on various occasions took place. Violence against and sexual exploitation of children belonging to Rohingya community in Myanmar was among the areas of cooperation between the OIC\_UN Observer Mission and the UNICEF.

The OIC-UN Observer Mission has also been in touch with the Special Representative of the United Nations Secretary General on Violence against Children Ms. Marta Santos Pais and some of her advisors. During their meetings including meetings during visits by the OIC-IPHRC delegation, mutual concerns, challenges and programs related to the violence against children within the OIC Member States were shared by both sides. In this context, the OIC-UN Observe Mission referred to the OIC General Secretariat’s activities and programs as well as those of the ISESCO and the OIC-IPHRC.

Similar coordination and cooperation with the Office of the Special Representative of the Secretary-General for Children and Armed Conflict Ms. Virginia Gamba and her predecessor, were also taken.

Promotion of legislative reform to prevent and address violence against children and the implementation of violence-related targets under the 2030 Agenda for Sustainable Development were among the main points discussed during the meetings between the OIC and the UN sides in New York. OIC’s efforts to promote children’s status and protect them from different forms of violence were also highlighted.

On the sidelines of the UN Commission on the Status of Women (CSW) every year, the OIC Permanent Observer to the UN has actively been co-organizing and attending many events to address inter-alia violence against women including young girls as well as issues such as female genital mutilation.

Similarly, these subjects were among the topics discussed by the Members of the OIC Women Consultative Council during their last two visit to New York.

The OIC-UN Observer Mission had some meetings with the representatives of **Save the Children in New York**, in which violence against and sexual exploitation of Rohingya children were among the areas of concern and cooperation.

Addressing all kinds of violence against children was among the major areas covered by the OIC-UN Observer Mission in many high level events on the issue of Rohingya in New York.

\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*