The II World Congress against Commercial Sexual Exploitation of Children and Adolescents, which will be held in Yokohama, Japan in December 2001, will give us the opportunity to assess our achievements since Stockholm and to detect our lacunae. The Congress in Japan will allow us to, at global level, share successful experiences, identify the main problems that prevent our fulfilling of the Stockholm pledges and strengthen regional and international alliances to fight these practices.

This regional consultation was agreed as a preparatory meeting aimed at making the II World Congress more operational. The aim was to establish a regional alliance that would define and follow-up actions taken to eradicate sexual exploitation of children and adolescents in Latin America and the Caribbean.

In the past few years, sexual exploitation of children and adolescents, be it sale, trafficking, prostitution or pornography, has gathered proportion and become a global multimillionaire industry that is slowly gaining visibility. The First World Congress against Commercial Sexual Exploitation of Children, held in Stockholm in August 1996, mobilized public opinion and emphasized the monumental business created at the expense of violation of human rights of children throughout the world. Since then, there has been a succession of investigations, reports, studies, congresses, etc.

Children and adolescents of all socioeconomic levels and regardless of the educational level of the family, suffer exploitation and physical, psychological or sexual abuse. The magnitude and characteristics of the problem vary according to the context. We should not forget that conditions of poverty and vulnerability might result in people becoming victims of any type of exploitation for the sake of mere survival. Thus, proposals for prevention and eradication of exploitation and abuse should concentrate in fighting the causes that promote these practices, as well as in strengthening the capacity of each individual to face reality in a less vulnerable way.

UNICEF Regional Office for Latin America and the Caribbean contributed in this occasion with a document on successful experiences in the fight against sexual exploitation of children and adolescents in the region. The document will be presented at the II World Congress in Yokohama. Moreover, a copy will be sent to you all shortly, and distributed among adolescent groups and other entities working with children and adolescents.

For the purposes of this study, successful experiences or good practices are considered those that partially or totally fulfill the pledges of the Stockholm Declaration, and are comprised within the six fields defined in the Stockholm Agenda and inspired on the principles of the Convention on the Rights of the Child. That is to say, those aiming at:

- Care for all children and adolescents under 18 years of age.
- Integral protection of children’s rights.
- Consideration of all children as persons with rights.
- Defining children’s needs and enforcing them as rights.

Furthermore, all successful experiences in the fight against sexual exploitation of children and adolescents, contain at least one of the
following elements considered as basic for successful actions:

1. **Integral and inter-sectoral approach**: not only care for the expression of the problem but also for its causes and associated factors. When analyzing and acting they combine different perspectives and disciplines and acknowledge the problem without victimizing the child, on the contrary, they seek integral enforcement of their rights.

2. **Participation of the community and relationship with the community**: to involve different sectors of society in design and implementation of programs and projects, and promote participation of individuals in general, and children and adolescents in particular. Therefore they are part of the effort to build respect for rights of each and every member of the community.

3. **Public awareness and advocacy**: to mobilize society, influence public opinion and promote cooperation of and coordination among governmental agencies, social organizations, the private sector, international agencies and mass media.

4. **Education and training**: prioritize education and training both for children and adolescents involved as well as for the adults in charge of looking for a solution.

Neither the final document nor this paper present a complete and faithful account of the efforts undertaken in the different countries of Latin America and the Caribbean towards the eradication of sexual exploitation of children and adolescents. The paper will only present some experiences that were recorded by the actors and that, considering their impact and effectiveness, contribute to promote other actions with similar goals. It is worth noting that all experiences are fairly recent and thus offering a conclusive assessment of their results is not possible.

The examples taken into account are framed in the following actions:

a. Mobilization and cooperation among governments, international organizations, NGOs and citizens.

b. Amendment of Criminal Codes and Procedural Laws.

c. Prevention and protection.

d. Rehabilitation and reintegration.

e. Participation.

I. **Mobilization and Cooperation among Governments, International Organizations, NGOs and Citizens.**

Sensitizing society, through information and education campaigns prepares citizens, and in particular children and adolescents, to stand up against the abusive power of exploiters. At the same time it trains them to advocate for ratification and national implementation of international instruments that protect children and combat trafficking in children and sexual exploitation. Sensitization paves the way to reach consensus between governments and civil society in order to promote responsible fulfillment of their commitments and the development of National Plans of Actions.

Therefore, the priorities are to make the issue public, to conduct and publish studies on its dimensions, modalities and key areas in each country, to identify the type and quality of existing public policies to combat these practices and to implement social information and educational programs with a gender approach, aimed at sensitizing the community and at active participation in protecting children and adolescents.

The Brazilian National Plan of Action was chosen as an example of good practices in mobilization.

**Brazilian National Plan of Action to Confront Sexual Violence against Children and Adolescents**
In the past two decades Brazil has shown outstanding coordination and cooperation between the government and civil society in promoting and protecting the rights of children.

The National Plan of Action to Confront Sexual Violence against Children and Adolescents is an example of the coordination efforts between governmental and non-governmental actors with regards to sexual exploitation of children. The Plan originated in an initiative of civil society to follow up the agreements signed in the First World Congress and is the result of extensive discussions and in depth collaboration between more than 130 entities, among which there are representatives of all powers, at federal, state and municipal level, NGOs, international organizations and the private sector.

Cooperation between participating organizations in discussions and meetings during the preparation phase enabled the inclusion of said Plan in more general initiatives of integral protection of Brazilian children and adolescents. In fact, the Plan was presented and approved by the National Council on Rights of Children and Adolescents (CONANDA) in its ordinary assembly held on 12 July 2000. From there on national guidelines were established to fight sexual violence against children and adolescents. These guidelines became mandatory for Brazilian actions at federal, state and municipal level. As way of example, there is the national care program (Sentinela program) implemented in 247 municipalities of 26 states.

The Plan is framed within the national legal frame, i.e. The Federal Constitution of Brazil (Section 227), and the Children and Adolescent's Statute (Law 8.069/90) that provide for joint actions of civil society and the government in State policies for children and adolescents.

Several teams worked on the Plan. A technical team was charged with the preliminary drafting of the document that was later discussed in a national meeting. The team was formed by delegates from “Casa Renacer”, the “Centro de Defensa de Niños y Adolescentes” (CEDECA, Protection of Children and Adolescents Center) from Bahia (that also acts as Executive Secretariat of ECPAT Brazil), the “Centro de Referencia, Estudios y Acciones sobre Niños y Adolescentes” (CECRIA/DF, Reference, Studies and Actions regarding Children and Adolescents Center), the “Foro de la Defensa de Niños y Adolescentes” (Forum DCA/DF, Defense of Children and Adolescents Forum), “Defensa de Niños y Adolescentes” (Defense of Children and Adolescents) Ministry of Justice (DCA/MJ) and international organizations, POMMAR/USAID, the United Nations Fund for Women (UNIFEM) and UNICEF.

The Brazilian Plan of Action contains 10 basic principles for action and defines 6 strategic axes:

1. Analysis of the situation,
2. Mobilization and coordination,
3. Defense and responsibility,
4. Care,
5. Prevention, and
6. Participation of youths.

For the period 2000-2003, the Plan specifies objectives, actions, goals and recommendations for each axis. It also

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1 The list of the 130 participating entities may be found in the official publication of the Ministry of Justice, the Ministry of Human Rights and the Children and Adolescents Department of the Federative Republic of Brazil, with cooperation from UNIFEM and UNICEF.

2 The meeting for discussing the National Plan to Confront Sexual Violence against Children and Adolescents was held in Natal, Rio Grande del Norte, from 15 to 17 June 2000.
assigns precise responsibilities to several participating organizations and sectors, and includes indicators of performance effectiveness.

In 2001 the Ministry of Justice and the Board for Children and Adolescents agreed with the NGO Forum for the Defense of the Rights of Children and Adolescents to assess and follow up the Plan. According to the results available in November, at least 8 states and 12 state capitals, as well as several municipalities have taken actions regarding the 6 strategic axes.

II. Legal reforms

The criminal characterizations of “sexual exploitation” and the legal property protected in Criminal Codes in the different Latin American and Caribbean countries are very different. The differences range from definitions to sanctions and aggravating circumstances. The region lacks a homogeneous juridical vision or stand that contemplates the cultural issues underlying sexual aggressions.

In most countries there is a prevalent ambiguity that mingles moral sanctions and universal principles regarding human rights. Consequently only some of the countries regard sexual aggressions as crimes against sexual freedom, the free development of the personality and the individual’s integrity. Furthermore, in many cases criminal characterizations and sanctions still protect moral values such as morals, honesty, honor or family order. Defending mortality strengthens the cultural stigma that victims of sexual exploitation suffer.

However, a good example of the mandatory legal and institutional changes to fight against sexual exploitation of children is the Costa Rican legal reform.

 Legal Reform in Costa Rica

The Costa Rican “Law against Sexual Exploitation of Minors” passed in 1999, has meant great progress. Said law amends the Criminal Code extending the criminal characterization of sexual exploitation. The Law against Sexual Exploitation of Minors (Law 7899) is a milestone in legal reform since it not only enlarges the scope of the crimes regarding commercial sexual exploitation of children and adolescents and child pornography, but also introduces a key conceptual change in removing sanctions to the child that was the object of the crime, and instead considers him/her a victim and introduces severe sanctions for authoring a crime.

Costa Rica obtained a positive majority answer to ratify the ILO Convention 182 and since October 2000 it is working on the ratification of the Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography, as approved by the UN General Assembly in May 2000. Likewise, the Costa Rican Legislative Assembly ratified the Inter-American Convention on International Trafficking in Children and The Hague Convention, and has amended laws such as 7424 on Recording, Sequestration and Revision of Private Documents and Tapping of Communications, for them to contemplate cases of sexual exploitation, trafficking in children and child pornography.

The Law against Sexual Exploitation of Minors characterizes the following crimes:

a. Rape: Rape is defined as engaging in sexual intercourse or acting as the

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3 See Laura Salinas’s study: “Mujeres, niños, niñas y adolescentes en los Códigos Penales de América Latina y el Caribe”, 2001, ready for publishing.

4 TN: It should always be remembered that legal systems are in general not subject to comparisons: most legal characterizations herein have no correlation with those found in Common-Law systems.
initiating partner and the innovative section refers to penetration, which includes, digital, and object penetration of the vagina or anus, use of animals and oral sex. Sanctions vary depending on whether the child is below or over 12.

b. Remunerated sexual intercourse: Under prostitution the Criminal Code only included a characterization of pimping (simple or aggravated) and hoodlumism ("rufianismo"). The present characterization goes beyond the old one and sanctions both the user and the middlemen dealing in child and adolescent prostitution. The crime does not sanction children who are considered victims. In the characterization the wording refers to "payment", "promise to pay", "provision of economic or other advantages". It not only comprises sexual intercourse but also all types of "sexual or erotic acts" and the sanctions vary according to the age of the victim.

c. Sexual abuse of children and disabled: The wording "dishonest abuse" is removed from the old law, as the present law now strives to protect integrity and sexual freedom, and a new subsidiary clause is introduced "when it is not considered rape". The Criminal Code introduces for the first time the concept of vulnerability as an aggravating circumstance when in the presence of kinship or cohabitation.

d. Corruption: This is a new crime that sanctions those that promote corruption of a child or forces him/her into corruption for erotic, pornographic and obscene purposes in private or public exhibitions or shows. The child is now a victim and therefore not subject to sanctions, the former concept of a "corrupt minor" is removed. Aggravating circumstances include: victims under 12 years of age, profiting motives, use of deceit, violence, abuse, power or intimidation, kinship, affinity, cohabitation, guardianship and tutelage in all its forms, custody, or if the author takes advantage of a relationship of trust with the victim or his/her family.

e. Pimping: The new characterization comprises "promoting", "facilitating", "holding" or "recruiting" and "sexual servitude". Aggravating circumstances are identical to those enumerated for corruption.

f. Hoodlumism ("rufianismo"): The amendment adds the element of "coercion" as it means that the person is living, even if partially, on the profits and against the will of those practicing prostitution. The crime is aggravated if the person practicing prostitution is below 12.

g. Sexual exploitation of women that may or may not imply trafficking: three new types are included: promoting, facilitating or favoring. The new wording covers all possible participation in entry to or exit from the country of men, women and children for prostitution, or in holding them in sexual servitude or forced labor.

h. Production or manufacturing of child pornography: This is a new crime that includes commercialization, transport and entry into the country of this type of material. As far as sanctioning the possession of this type of material, Costa Rica is still holding an open debate.

i. Distribution of pornography: This new crime sanctions sale, donation, borrowing/lending, exhibition or distribution by any other mean of child pornography.
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Costa Rican District Attorney’s Office for Intra-family Violence and Sexual Crimes

In 1998, when the new Code of Criminal Procedure entered into force, the Ministry of Justice underwent several major structural changes, at that time the Specialized Unit against Sexual Crimes and Intra-family Violence was created.

In order to provide a better public service and humanized care of victims, the personnel of the District Attorney’s Office received training, aimed at achieving a better understanding of the issues behind intra-family violence that affects basic human development (physical, sexual and psychological). The Attorneys were empowered to receive reports at the Specialized Unit, a measure that proved extremely effective as multiple interviewing of victims was avoided. Furthermore, a room was dedicated to reporting, thus ensuring that informers had the minimum privacy when telling the aggressions they had suffered.

At the same time, a judicial police force was created, group whose sole aim was to investigate intra-family and sexual crimes, and a handbook on proper care was prepared for this group. Further, the Ministry of Justice and the Ministry of Home Affairs with the support of the Institute for Women trained the administrative police force.

A document entitled “Tackling Domestic Violence in the Judicial Spheres” was prepared. At the same time, several informative talks were given and a leaflet was published containing the guidelines on victim care and dealing with information. These guidelines are mandatory for district attorneys at national level. The document entitled “Relevant Issues for Investigation of Sexual Crimes against Minors” explains how the officer should act while a child is declaring in order to prevent further victimization of the child. Two other brochures aimed at victims of intra-family violence and victimizers, and including the first steps to be taken when seeking help were published. Another brochure on ill-treatment of children, definitions of ill-treatment, and some guidelines as to how to proceed when faced to cases of ill-treatment of children in the family or the community and how to act upon learning of abuse, whom to contact to report the case, etc. was published. Furthermore, a document entitled “Practical rules to minimize further victimization of children and adolescents during criminal procedures” was prepared.

The Care for Victims of Child and Adolescent Abuse Program provides specialized assistance to this population and supports them from the time they report the abuse at the Attorney’s Office until the oral trial is finished. The child / youth receives support when informing, before the interview, he/she is taken to the court room, they are explained who are the parties and how the trial will take place, etc. These actions are aimed at making the child/youth fearless of trials.

In 1999 the Unit Against Sexual Exploitation - charged with the investigation of these crimes - was created; and that same year, a project on sanctioning the sale of children was submitted to the Legislative Assembly and passed in May 2000 (Law 7999).

Fifty-three sexual exploiters have already been tried all of them with plenty of evidence, among them there are 15

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5 Information from the “Informe de labores llevadas a cabo por la Fiscalía Contra la Violencia Intrafamiliar y los Delitos Sexuales” (Report on the activities of the Attorney’s Office for Intra-familial Violence and Sexual Crimes) (January 1998 – August 2001), prepared by Lilliam Gómez, Coordinating Attorney.
foreigners and 37 locals. In 1999, there were 124 informations and at present there are 436 cases. In July 2001, an organization composed of 5 pedophiles – who are now imprisoned for 6 months - was detected, the investigation continues.

III. Prevention and Protection

A guarantee against exploitation is ensuring access to free and mandatory school and to health care and socio-family support services that offer integral care, that is to say, that consider the individual’s growth and development.

In that same line and in accordance with the provisions contained in the Codes of Children and Adolescents in force in all Latin American and Caribbean countries, developing social and economic policies aimed at strengthening the family, promoting the rights of children and providing universal service coverage on a participative basis, helps increase people’s awareness of their rights and to overcome inequalities. These policies should put special emphasis on supporting those families that are more vulnerable to exploitation, in particular those that are displaced, refugee, illegal, unprotected, etc.

As far as protection is concerned, other measures are included as well. These measures comprise agreements between public and private sector on protection of children and adolescents against the ever growing “sex tourism”.

In the Dominican Republic we have focused on two specific and complementary measures that have been fairly effective in preventing sex tourism: The Inter-Institutional Board on Prevention and Eradication of Commercial Sexual Exploitation in Tourist Destinations and the Prevention of Child Abuse Emergency Line.

The Board organized sensitization and prevention meetings with NGOs, community organizations, travel agencies, hotel unions, taxi and bus drivers, airport porters, etc. in the main tourist destinations of the country. One of the most important actions taken in collaboration with NGOs was the distribution of posters, ads and warnings with criminal and protection laws in force in the country at the main airports, hotels, restaurants and public places.

The initiative started in Boca Chica and Puerto Plata and then spread to other relevant tourist destinations. As a result of these actions, the police searched several nightclubs. The searches resulted in closing those clubs where sexual exploitation, trafficking in children and adolescents and child pornography was practiced. The owners were imprisoned and tried.

The Prevention of Child Abuse Emergency Line

The emergency line is an initiative of the Family Institute (IDEFA), a national NGO specialized in abuse and ill treatment of children. IDEFA established several operation platforms with close collaboration of UNICEF and donations of equipment by the Dominican Telephone Company.

The emergency line is headquartered at the “Robert Reid Cabral” Children's Hospital of the Ministry of Public Health and Social Welfare, where first aid is provided, information regarding sexual, psychological or physical abuse and violence are dealt with and then channeled to the National Prosecutor's Office.
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Division, the Family Institute, the National Board for Children, the Ill-treated Women Care Center and to the Ministry of Women. Depending on the particular case these agencies are in charge of the institutional response, and act supported by NGOs. At the same time, the service facilitates coordination between NGOs and government in child protection. The main universities supply students from different fields that are almost graduates, who work unpaid for the emergency line as part of their supervised field programs. This program has enabled improvements in training of new professionals in abuse and exploitation, and the reception of proposals to ensure integral child protection.

An example of the effectiveness of the Abuse Emergency Line is the results of the first data analysis: 144 days after the line started operating, there had already been 330 calls.

The Emergency Line keeps a record of all requests for help and analyses the data recorded so as to guide their actions and recommendations as far as policies and programs aimed at improving the provision of bio-psycho-social and legal services to protect children and adolescents in the country.

As per presidential decree, April has been declared the Prevention of Adolescent and Child Abuse Month. From April onwards, a steady increase in information and institutional responses has been recorded.

IV Rehabilitation and Reinsertion of Adolescents and Children Victim of Sexual Exploitation

So as to ensure protection of victims and those at risk, the creation of specialized inter-disciplinary teams is a must. These teams are charged with providing integral care, ambulatory if possible, to victims and their families, and the follow up through community support networks. The team should take part in normalized existing services, without establishing specialized units, so as to avoid stigmatizing those who seek their help, and to ensure that financial resources are aimed at improving care of victims and the establishment of community teams and networks aimed at improving their inter-sectoral intervention capacity and the knowledge about the public and private service networks to which these victims and those at risk will be transferred.

Shelters shall only be used in those cases where protection and personal security of children are imperative. The Ministry of Justice –charged with the lawful enforcement of the rights of children - shall oversee the process and all guarantees shall be provided.

“Meninas Adolescentes” Project (Recife, Brazil)

The project is focused basically in caring for and rehabilitating sexually abused adolescents, nonetheless it emphasizes prevention of abuse of women and girls.

The Project is under the Women and Life Center, an organization of women that started operating in 1990. The center is committed to promoting the rights of girls, female adolescents and women, and to prevention and assistance to victims of all forms of violence, in particular of commercial sexual exploitation and other forms of sexual violence. At present the Project has implemented working groups with adolescents of different low-class neighborhoods of Recife. These groups provide assistance and prevention of gender violence.

The goal of the program is to combat different types of violence, detecting those that have been attacked through coordinated actions with schools and community centers. Once detected, the girls are invited to participate in a group coordinated by an educator, psychologist or social worker that has been trained at the Center.
The methodology combines group therapy and recreational activities (mimic, drama, painting and music playing) that facilitates overcoming traumatic experiences. The activities strive to achieve positive experiences, solidarity and respect, and at the same time, serve as the means to approach other issues such as the rights of citizens, gender, women and development, ways of detecting and preventing abuse, early pregnancy, family relationships, STDs and AIDS, drugs, boyfriends and adolescent relationships. The Center offers legal assistance, social support and individualized psychological care to adolescents in need.

Attending school and continued attendance are requisites to participate in the program. At the same time, the Center organizes training courses and other activities to occupy their time in useful ways, dancing, journalism and photography, and drama. The activities range from computer courses to non-formal education for those girls that having fallen behind their classes show difficulties in keeping up.

The Center is a relevant experience in adolescent and community participation considering the priority given to adolescent's needs and questions, and the relationships established with different actors of the community (schools, municipal centers and families). Teachers are volunteers trained in a gender and self-esteem promotion approach. Those adolescents that respond properly and show interest in the tasks, receive special training, are sent to assist professionals in charge of groups and then may become monitors, thus acting as prevention factors in schools, sports teams and in the community.

A few years ago, the Center started groups with male adolescents and mixed ones in towns such as Boa Viagem and Tururú.

“Women and Life” participates in the Municipal Council on Rights, Municipality of Olinda, Pernambuco State, and provides support to other programs in Recife. It coordinates actions with ECAPAT International and the Women Forum of Pernambuco.

V. Participation

The experience of the Ombudsperson’s Office, Municipality of Acajutla, Sonsonate Department, El Salvador

Acajutla is the main harbor of El Salvador. As any other harbor, it is especially prone to prostitution, even further, considering that there are many families below poverty lines and in extreme poverty, there are many children exposed to commercial sexual exploitation while they work as waiters or servants in bars or restaurants.

In 1997, the Ombudsperson’s Office for the Rights of Children and Adolescents in Acajutla produced a report on the situation of rights of children in Acajutla, where one of the most serious problems was commercial sexual exploitation. The report triggered a field study conducted by the Deputy Attorney’s Office for the Defense of the Rights of Children of PDDH. The study aimed at assessing the dimensions of the issue and at detecting different ways to tackle it. The conclusions estimate that in Acajutla at least 50 girls are being subject to commercial sexual exploitation, and the urgent need for the participation of private and public sectors in the municipality to prepare an eradication plan was underlined.

The Ombudsperson’s Offices for the Rights of Children and Adolescents were an initiative from the Attorney’s Office for the Defense of Human Rights (PDDH) in 1995. Adults, adolescents and children chosen by the

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6 For a full review of the Project “Menina Adolescente” refer to “Viva a menina Adolescente”, published with the support of USAID, POMMAR, UNICEF and Partners.
community participate in these Offices. Their mission is to survey, promote, educate and proceed with information to PDDH’s departmental delegations. Their objective is to create at local level a culture of respect for the rights of children and adolescents.

The Municipal Council of Acajutla took part in the research process. They validated the data collected and they also identified the factors that were fostering exploitation.

Other actors that took part were the Navy of Acajutla, the Mayor’s Office, the National Foundation for Development (FUNDE), school principals, PDDH’s Departmental Delegation, the Technical Team of the Ombudsperson’s Offices Project and the Deputy Attorney’s Office for Children of PDDH.

At the same time, the Acajutla Ombudsperson’s Office coordinated with different institutions a plan to diminish exploitation, supporting it on information campaigns whose priority was the obligation of each inhabitant to protect the rights and dignity of children and adolescents. Girls, victims of commercial sexual exploitation participated in the plan. Their participation, along with that of their families, was aimed at looking for solutions and alternatives, i.e. sources of employment.

The French Government donated equipment for a workshop on paper recycling, the workshop was held in the “Casa de la Cultura” and 16 girls participated.

Despite the fact that no precise initiative to generate employment has been detected, the Ombudsperson’s Office along with 20 youths has continued informing society via mass media. These actions, along with those carried out by the Salvadoran Institute for Minor’s Protection, the PDDH’s Departmental Delegation, the National Civil Police, and the Navy, have resulted in rescuing several girls and little by little owners of bars and coffee shops in Acajutla are being dissuaded, the problem, however has not been completely eradicated.

As a conclusion, I would like to mention once again that all the countries in the region have prepared more or less successful proposals to combat these violations of human rights. The examples I have given do not ignore them, on the contrary they are part of them. We have chosen these examples because they adopt clear strategies to attack the causes fostering exploitation and to strengthen individual capacity to face reality in less vulnerable conditions, with integral incorporation of the following elements.

1. Research and information,
2. Community sensitization,
3. Participation and cooperation,
4. Legal and institutional reform,
5. Formulation of universal integral public policies,
6. Promotion of social and economic policies to support families,
7. Education in reproduction and sexual health issues bearing rights in mind,
8. Development of local protection systems,
9. Training of all operators,
10. Assessment and follow up.