



ECPAT'S SUBMISSION

Call for input for the Special Rapporteur's thematic report on gender dimension of the sale and sexual exploitation of children

10 May 2021

Introduction

This submission by [ECPAT International](#) (EI)¹ is in response to the call for input issued by the Office of the Special Rapporteur on the Sale and Sexual Exploitation of Children to inform the thematic report on *Gender dimension of the sale and sexual exploitation of children and the importance of integrating a human rights-based and a non-binary approach to combating and eradicating sale and sexual exploitation of children*.

This submission incorporates contributions made by members of the ECPAT Network for the purpose of this call.²

1. What forms of existing societal norms, practices/behaviours (cultural, social, traditional or other) may explicitly or implicitly involve and/or manifest sale and sexual exploitation of children?

Common across multiple countries were a range of societal norms, practices and behaviours identified by the ECPAT Network as explicitly or implicitly involving the sale and sexual exploitation of children:

- **Victim-blaming/shaming:** Deep-seated beliefs i.e., girls should behave and present themselves in a certain way to avoid being victimised, while boys are less perceived as victims because they're meant to be 'tough'. Both beliefs discourage child victims from help-seeking and reporting. For example, in Sri Lanka, gender stereotypes and victim-blaming are pervasive, so reports of sexual exploitation of boys or men are ignored.
- **Anti-LGBTQI sentiment:** Boy victims of sexual exploitation (both gay and straight) are less likely to report to avoid being labelled as gay, or from a widely held misconception that sexual abuse from a male offender can 'turn them gay'. ECPAT Sri Lanka/PEaCE shared that in the country only male and female are accepted as the 'true' genders, and heterosexual relationships as 'natural' relationships. Any attempts of a child to reveal a non-binary identity or LGBTQI would be ignored which could potentially lead the child to seek approval elsewhere and become victim of sexual exploitation.
- **Rigid patriarchal system and cultural practices:** such as child, early and forced marriage and caste-systems, are also major hindrances in moving from victim shaming to perpetrator blaming. Traditions such as *launda nach* (boy's dance) in India, where boys/young males from economically vulnerable and marginalised families dance to entertain at weddings, while

¹ ECPAT International is a global network of civil society organisations, working to eradicate all forms of sexual exploitation of children. Over the past 30 years, ECPAT has become the forefront international NGO network dedicated to end this severe form of violence against children, advocating for State accountability and more robust measures across sectors to enhance the protection of victims. ECPAT currently has 122 member organizations operating in 104 countries around the world.

² [ChildSafeNet](#), [ECPAT Germany](#), [ECPAT Norway](#), [ECPAT Philippines](#), [ECPAT Sweden](#), [ECPAT Taiwan](#), [EQUATIONS](#), [Hıntalovon Child Rights Foundation](#), [KIWOHEDE](#), [PEaCE/ECPAT Sri Lanka](#), [STOP India](#), [Tacteen Naeil/ECPAT Korea](#).



dressed as girls/women, are well known for exploitation.³ ECPAT members in India noted that practices that lead to sexual exploitation include: child marriage, human sacrifices to gods, and honour killings, which result in young girls running away from home and falling prey of traffickers, and encouraging children to get familiar with tourists, sometimes resulting in exploitation. In Hungary, the sale of children in the form of child marriages is believed to be a cultural norm amongst Romani people. In South Korea, the fact that people consider ‘sex’ as a commodity could implicitly facilitate the sale and sexual exploitation of children. Both Korea and Taiwan have a traditional practice among business relations, where ‘entertainment’ is provided in the form of dinner, alcohol, and prostitution, where harmful misconceptions include “Younger is the better” or “young girls are less likely to have STDs”.

- **Reluctance to discuss and educate children about sex:** Taboos of talking about sex mean children and young people are not aware of risks, nor do they feel comfortable seeking help. ECPAT Philippines noted that despite alarming sexual exploitation of children evident from teenage pregnancy (seven girls aged 14 and younger were giving birth every day in 2019 as reported by the Commission on Population in 2021),⁴ sex education for children is still widely perceived as taboo by conservatives. In Nepal, ChildSafeNet reported similar taboos limited responses to sexual exploitation.
- **Parents relying on their children to provide for the family:** Children living in poverty, in conflict zones, migrating or in other vulnerable situations are at a particularly high risk of being victimised.⁵ Culture of silence in vulnerable communities: A research conducted by ECPAT Philippines in 2016 on Community-based Healing and Recovery Program for Victims of Online Abuse and Exploitation⁶ found that community members, including parents, were unwilling to report sexual offences of children even though they notice warnings of exploitation. Most parents chose not file charges in fear of being removed from the government’s Conditional Cash Transfer Program or their children being brought to shelters.
- **Lack of public awareness that sexual exploitation is as common as it is:** For example, Hinalovon Child Rights Foundation noted that in Hungary, many believe it is a developing world problem. Child protection issues are solved by placing affected children in institutionalised care, with inadequate financial and professional capacities.
- **Profile of offenders:** In a 2021 report on Online Child Sexual Exploitation and Abuse by ECPAT Norway, it is noted how many of the offenders in the cases reviewed for the purpose of the report “were unemployed, or suffered from long term illnesses that rendered them unable to work”.⁷ Additionally, ECPAT Norway noted an increase of instances of child sexual abuse

³ See e.g. Lahiri, A., Kar, S. (2007, March). [Situational assessment report on adolescents and young boys vulnerable to forced migration, trafficking and sexual exploitation in India](#). PLUS & UNDP.

⁴ Republic of the Philippines – Commission on Population and Development. (2021). [POPCOM calls for prevention, social protection measures as more Filipino minors get pregnant](#).

⁵ ECPAT International. (2020). [Summary Paper Sale and Trafficking of Children for Sexual Purposes](#). Bangkok: ECPAT International.

⁶ ECPAT Philippines. (2016). Community-Based Healing and Recovery Program for Victims of Online Abuse Exploitation.

⁷ ECPAT Norway. (2021). [Online Child Sexual Exploitation and Abuse: a Review of Norwegian Case Law](#). 57.



occurring in Norway with both Norwegian children and children outside of Norway due to Covid-19 related travel restrictions as offenders are unable to travel.

2. How is gender and gender identity incorporated in existing legislative and policy frameworks on the eradication and prevention of the sale and sexual exploitation of children?
 - a. Please provide information on relevant legislation or policy on the implementation of integrating gender dimension in the prevention and eradication of sale and sexual exploitation of children, online and offline.

The case law included within the ECPAT Norway 2021 report mentioned above⁸ indicates that the classification of male or female offenders is provided alongside information on girls or boy victims in case records but gender is inadequately addressed in law and policy. The Indian Protection of Children from Sexual Offences is the main law addressing sexual exploitation of children and is gender neutral. Whereas Sri Lanka's legislative and policy framework doesn't consider gender as for example Sri Lankan legislation does not include rape of boys and men. Sri Lankan law is stereotyped including pronouns such as "she" and "her", while perpetrators are often mentioned as "he".

In South Korea, both males and females can be victims of sexual violence; however, anal intercourse is not considered as "intercourse of genitals", rather "using other body parts", which then results in a reduced punishment. The non-binary concept of gender doesn't exist in South Korean legislation, but laws are applied to all gender (defined as a "person"). While a SOGIE equality bill was first proposed in the Philippines two decades ago,⁹ several versions have been strongly opposed by conservative legislators.¹⁰

A draft bill in the Philippines, on anti-rape raises the age of statutory rape from 12 to 16 years old and equalizes the protection for boy and girl victims.¹¹ However, the current Anti-Rape Law imposes lower penalties for sexual abuse of boys.¹²

- b. What are the existing gaps and challenges in incorporating the gender dimension in legislations, policies and practices?

The most common gaps and challenges shared across countries are:

- Missing link between the debate on sexual violence against children and the debates on gender identity and diversity;
- Lack of awareness raising among practitioners on gender issues;
- Lack of counselling and (specialised) accommodation for male and transgender children.

In Nepal, moreover, gender diverse and transgender individuals are all misrepresented as "third gender", resulting in a skewed understanding of the LGBTQI+ individuals.

⁸ *Ibid.*

⁹ CNN Philippines. (2020, 17 December). [SOGIE equality bill reintroduced to the Senate.](#)

¹⁰ See e.g. Cepeda, M. (2019, 28 August). [Eddie Villanueva claims SOGIE bill 'threatens' freedoms of non-LGBTQ+.](#) *Rappler*

¹¹ Cruz RG. (2020, 1 December). [House OKs on final reading bill amending PH rape law, raising age of statutory rape to 16.](#) *ABS-CBN News.*

¹² [Republic Act 8353: The Anti-Rape Law of 1997.](#)



Norway has a two-gender policy in legislation and policy. Individuals, who do not identify with either of these genders, cannot be recorded. While legal framework and policies in India are gender neutral, most initiatives focus on girls. In South Korea, legislation can be applied to all genders, though again few services provide for male victims. Yet translation to boys' cases being addressed is limited. For example, 2017-2020 data of Child Helpline Nepal indicates that only 2 out of 43 registered cases related to online sexual abuse, referred to boys.¹³

3. Please provide contextual information on any existing good practices, policies or legislation tackling sale and sexual exploitation of children that include a gender dimension that takes into account different gender identities.

Very few examples were identified, though members promoted consultation of specialist organisations connected with LGBTQ communities.

Examples of changes to make legislation gender neutral were noted. For example, in South Korea before 2013, only women were considered as a victim of sexual crimes but terminology was revised to "a person who has been victimized" resulting in improved services for male victims like the Sunflower Center.¹⁴ In the Philippines, landmark laws on sexual exploitation¹⁵ all recognise that any person below 18, male or female, may be victims of sexual exploitation.

4. What forms and manifestations do gender dimensions take in the context of the eradication and prevention of the sale and sexual exploitation of children, boys in particular, including online, and which ones are the most prevalent. Please provide information about the causes and manifestations of gender dimension, and how it affects the eradication and prevention of sale and sexual exploitation of children.

Factors mentioned under Question No. 1 create a culture of silence that denies boys as victims and discourages help-seeking, facilitating perpetrator impunity. ECPAT research in Thailand showed that when boys engaged in exchanging sex for essentials ('survival sex') they may be judged as willing and active participants¹⁶ (and they may be viewed as 'promiscuous' or even as criminals). Similarly, in South Korea children are blamed for using the '*iltalgae*'¹⁷ rather than the adults who are creating demand.

ECPAT's Thailand research showed that this perspective was common if a child was gay or transgender - roughly half of surveyed frontline workers assessed children were not victims in scenarios of child sexual exploitation if they were gay or trans.¹⁸

ECPAT Germany noted prevention measures must address children of all genders and incorporate places where children are active, including online settings. A gender dimension must be taken into

¹³ Child Workers in Nepal (CWIN). (2020). [A Study on Online Child Sexual Exploitation in Nepal](#).

¹⁴ National level one-stop centre for sexually violated victims

¹⁵ Such as RA 7610: Special Protection of Children Against Abuse Exploitation and Discrimination Act, RA 9208: Anti-Trafficking in Persons Act of 2003 as amended by RA 10364 or the Expanded Anti-Trafficking in Persons Act of 2012 and RA 9775: Anti Child Pornography Act of 2009.

¹⁶ Davis, Jeffrey (2008), Women are victims, men make choices: The invisibility of men and boys in the global sex trade. Gender Issues 25: 11-25

¹⁷ A twitter account where children upload nude images.

¹⁸ ECPAT International (2021). [The Global Initiative to Explore the Sexual Exploitation of Boys: Thailand Report](#). Bangkok: ECPAT International.



account as online activities create different vulnerabilities. Peer-to-peer prevention programmes can take these risks into account.¹⁹

In South Korea and Taiwan, many online grooming cases are noted where boys and diverse sexual orientation and gender identity young people are lured by perpetrators to self-generate sexual content. Although the number of female victims is still higher, these scenarios of boys being victimised is significant.

There are also pervasive biases in approaches that view boys as (potential) ‘perpetrators’. In order to help all children, this gender bias about who can be victim must be eliminated.

5. Please indicate any specific measures aimed at reducing vulnerability of children to sale and sexual exploitation in a gender-and disability-responsive, as well as age-and child-sensitive manner.

ECPAT advocates for data collection by governments on sexual exploitation of children (disaggregated by age, gender, nationality of the victim, perpetrator factors, and the type of abuse/exploitation). Research focused on gender identities is also lacking and required.

Training that encompasses boy and diverse-SOGIE specific skills and knowledge, and addresses unconscious biases against boys should be available to ALL frontline social service providers, not just specialist services, to meet boys where they are rather than require referral to distant services. Services should be needs-led (not resource-led) and respond to push factors including homelessness and economic hardship.²⁰

Mobilising private sector to invest in addressing sexual exploitation of children, by ensuring child protection policies and reporting are mandatory. Mandatory inclusion of crèche as part of infrastructure for all personnel is also encouraged by some ECPAT members.

6. Please indicate any specific measures aimed at reducing vulnerability of children to sale and sexual exploitation in a gender-and disability-responsive, as well as age-and child-sensitive manner.

In Hungary, criminal procedures have become more child-sensitive and recently child-sensitive interrogation techniques were added to the syllabus of police students.

Taiwan produced educational materials for teachers and children, including children with disabilities. Resources include online/offline forms of sexual exploitation of children, perpetrators tactics, ‘body boundaries’, consent, self-protection, support resources etc. Similarly, measures aimed at reducing vulnerability of children with disability exist in South Korea, although not gender-responsive.

7. What measures and safeguards can be put in place to identify the protection needs of vulnerable children in order to prevent, prohibit and protect them from all forms of sale and sexual exploitation, including examples of child-friendly, independent, timely and effective reporting and complaints mechanisms made available without discrimination in child-friendly spaces at community, national, and regional level.

¹⁹ See e.g. [Innocence in Danger](#) (only in German).

²⁰ ECPAT International (2021). [The Global Initiative to Explore the Sexual Exploitation of Boys: Thailand Report](#). Bangkok: ECPAT International.



- Raise **awareness** on sale and sexual exploitation among professionals working with children, including how to spot the signs and referral procedure.
 - Enhance **cross-sector partnership** to prevent harm/further harm on children. For example, in Germany, cooperation among practitioners has helped find solutions for cases of child trafficking. Good examples of reporting and support mechanisms.²¹
 - **Education** on sexual exploitation of children for children, parents and professionals should be gender-responsive and avoid stigmatizing victims so that children are more willing to seek assistance from adults. In Norway children can contact the school nurse to discuss any form of exploitation or abuse. There is a helpline available for children to report on exploitation and the police have a specific hotline. Nepal has achieved widespread awareness and use of a child hotline/reporting portal, implementation of child-friendly investigation and legal procedures, implementation of child-friendly health support services and inclusion of sexual exploitation topics in school curriculum.
8. Please indicate any other areas of concern and provide any additional information which is relevant in the context of gender dimension and eradication of sale and sexual exploitation of children.

While girls can face restrictions to protect them, boys are less monitored, and may be relied on to go out and earn money - which can make them vulnerable. Lack of gender considerations and analysis can lead to most vulnerable children being left behind in action plans and services. For example, a Norwegian LGBTI+ youth organisation informed ECPAT Norway that gay youth are more vulnerable to sexual exploitation.

ECPAT Sweden noticed an increase in the number of female perpetrators in the sexual exploitation and abuse material in 2018, and a study to look into sexual exploitation of children by women was commissioned.²²

9. In what context do external environment factors exacerbate the prevalence and/or magnitude of sale and sexual exploitation of children. Do the vulnerabilities of the surrounding environment play a significant role in terms of rural/urban; war/conflict zones, different forms of migration, emergency contexts (e.g., natural & manmade disaster, climate change, COVID-19) and religious context.

ECPAT members shared examples including ethnic minority status, disasters and the impacts of Covid-19:

- In Hungary, ethnic minority children are more likely to become victims due to their low socio-economic status, not ethnicity. Lack of opportunities make young people migrate to cities and become vulnerable. Boys are also found vulnerable in catholic church and child care facilities, where abuse is linked to exercising power and dominance.

²¹ For examples, see [here](#) and reporting and on support for children: <https://www.jugendschutz.net/>; <https://beauftragter-missbrauch.de/hilfe/hilfetelefon>; <https://nina-info.de/>

²² The full research study (in Swedish) can be found [here](#). The study shows varied figures between 1.5% and 4.0% of children citing a woman as the offender.



- ECPAT Taiwan mentioned emergencies where children and women are the most vulnerable. ChildSafeNet in Nepal described the long-lasting impact that the 1996-2006 civil war and two 2015 earthquakes had when people migrated to the cities in search of opportunities, including women in the entertainment sector where exploitation is prevalent²³ and trafficking increased at the border.^{24,25} Similarly, in the Philippines, consecutive natural disasters in 2020 have exacerbated children's vulnerability to sexual abuse and exploitation, especially online.
- There are multiple indications that the pandemic has exacerbated online manifestations of sexual exploitation and abuse. For example, a 2020 study from CWIN Nepal shows a rise in online child sexual exploitation cases due to the COVID-19 pandemic and that boys aged 9-19 felt more pressure to forward and send sexual content in comparison to girls. Indian ECPAT member Equations noted that demand for in-person sex had dropped during the pandemic, while online forms have increased. The most vulnerable groups of children remain those in extreme poverty, children of sex workers, members of minority castes etc.

²³ Mishra, S. (2017, July). [Armed conflict and human trafficking in Nepal](#). Journal of Humanities and Social Science, Volume 22. 76.

²⁴ Jaiswal, N. (2017, April). [Preying on disaster: How human trafficking has spiked in quake-shattered Nepal](#).

²⁵ National Human Rights Commission. (2016, March). [Trafficking in Persons Report](#) (2013-2015).