



**Comforter
of the Afflicted
Formation Home**

The role of gender norms and expectations in the sale and sexual exploitation of children in street situations

A joint submission to the Special Rapporteur on the sale and sexual exploitation of children, for the preparation of her 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*, to be presented to the 76th session of the General Assembly in October 2021

May 2021

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1. Introduction

This is a joint submission prepared by Child Workers in Nepal Concerned Centre Nepal, the Consortium for Street Children, Iganga Comforter of the Afflicted Formation Home (Uganda), Laughter Africa (Sierra Leone), and Refugee Voice and Action (Kenya).

Children in street situations are particularly vulnerable to sale and sexual exploitation, and the Consortium for Street Children therefore appreciates the ongoing commitment of this mandate to addressing these urgent issues. The Consortium for Street Children have previously engaged frequently with the mandate and looks forward to continuing to do so as we welcome Ms Mama Fatima Singhateh to the role.

To date, the focus on the sale and sexual exploitation of boys and non-binary children has been relatively unexplored by CSC, though we have been aware that in some cases, boys have less protection from sale and sexual exploitation in situations where legislation applies only to girls.¹ In response to the Special Rapporteur's call for submissions, CSC therefore issued a call to our network in order to gather further information. This report is based on information submitted by the above-named organisations. Where appropriate, trends or patterns have been identified.

The information contained in this submission is structured around a selection of the questions posed by the Special Rapporteur in her call. In this submission, in line with UN Committee on the Rights of the Child's General Comment No. 21, we use the term "children in street situations" or "street children" to describe children who: a) depend on the streets to live and/or work, either on their own, or with other children or family members; and b) have a strong connection to public spaces (e.g. streets, markets, parks, bus or train stations) and for whom the street plays a vital role in their everyday lives and identities. This wider group includes children who do not live or work on the street but regularly accompany other children or family members in the streets for submissions.

The following organisations contributed to this submission:

Child Workers in Nepal Concerned Centre (CWIN), established in 1987, is a pioneer organisation in Nepal for the rights of the child and against child labour exploitation. CWIN is an advocate organisation for the child's rights with focus on children living and working under the most difficult circumstances. CWIN's main areas of concern are child labour, street children, child marriage, bonded labour, trafficking of children, children in conflict with laws and commercial-sexual exploitation of children.

Consortium for Street Children (CSC) is a global network of almost 200 organisations, researchers, practitioners in over 135 countries, that raises street children's voices, promotes their rights and improves their lives: www.streetchildren.org

Iganga Comforter of the Afflicted Formation Home works with children in street situations including the provision of support to those affected by sexual exploitation. This work includes rehabilitation and family reunification. They also provide community sensitization interventions, raising awareness of harmful cultural practices including child marriage.

Laughter Africa works with street children in Africa to fulfill their aspirations and to help them to bring about positive change in their lives. Their vision is a world where street children are respected as human beings and given the dignity of a safe, secure place where their basic needs are met and where

¹ 6 Jarrett D. Davis and Glenn M. Miles, "They Shamed Me": An Exploratory Study on the vulnerabilities of Street-Involved Boys to Sexual Exploitation in Manila, Philippines, *Dignity: A Journal on Sexual Exploitation and Violence*, 2019, pp. 3 and 5, available at: <https://www.streetchildren.org/resources/theyshamed-me-an-exploratory-study-on-the-vulnerabilities-of-street-involved-boys-to-sexual-exploitation-inmanila-philippines/>

they can learn to laugh again. Established in 2015, Laughter Africa works in Sierra Leone providing street children with vital services through mobile outreach programmes.

Refugee Voice and Action (RVA) is a community-based organisation supporting refugees to understand and realise their rights in the region of Kakuma, Kenya. Their work includes transforming the dialogue between refugees, government and service providers in order to improve services, health care, education, food security which impacts the daily lives of children and their families.

We wish to note that some members of CSC's network who have extensive experience on the issues in question did not wish to contribute to this submission – even anonymously – out of fear of reprisals or ramifications from their governments.

2. Existing societal norms, practices and behaviours which explicitly or implicitly involve and/or manifest the sale and sexual exploitation of children.

Evidence from CSC's network demonstrates a clear link between a range of societal norms, practices and behaviours and the sale and sexual exploitation of children in street situations. In particular, the view of girls as a source of income is a key reason why girls are perceived to be at increased risk of sale and sexual exploitation. At the same time, societal expectations of boys as the 'stronger' sex can in turn be linked to reticence among boys to speak out about sale and sexual abuse, a culture of disbelief if they do so, and a lack of appropriate legislative and policy protections for them.

In Uganda, Iganga Comforter for the Afflicted Formation Home note a clear link between socio-cultural norms and sexual exploitation. In particular, they note that "some cultures view girls as an income (source of wealth) and offer them for marriage at any stage, for example the Iteso and Bagweere cultures in Eastern Uganda exchange girls for cows. Yet boys are left to make [their] own decisions." They note that boys are not considered as requiring the same level of protection as girls, as they are culturally viewed as the stronger sex.

In Nepal, CWIN notes that gender discrimination and social norms combined with poverty are the main reasons for a range of issues including child marriage, increasing numbers of children in street situations, child labour, and child abuse and exploitation. They also note the role of financial exchanges, explaining "social norms such as dowry de-value girls and women, or consider them only as a 'burden' on the family; this, in turn, perpetuates gender discrimination." They explain that the perception of the role of sons being to bear the family's economic burden, while the role of the girls is to take care of the rest of the family, creates barriers for girls in accessing their basic survival needs. For girls and boys from many marginalised communities (including Dalit, Tharu and other indigenous groups) the financial pressure is increased due to unfair labour regulations and disparity, and this combination of caste-based discrimination along with poverty "makes them highly vulnerable to sexual exploitation."

CWIN also cites the role of harmful traditions and practices, stating: "In many communities, child marriage has been a tradition for decades and can be seen as a core part of the culture that deprives girls and boys of education and economic opportunities, and puts their health and safety at risk." They explain that child marriage is not unique to one particular culture or religion in Nepal, but in fact happens to children from Hindu, Catholic, Muslim and other faith backgrounds. Furthermore, CWIN has noticed a gradual increase in self-initiated child marriages due to various complex societal norms against sexuality of adolescents, an increase in the online manifestation of sexual abuse and a lack of comprehensive sexuality education.

Relatedly, CWIN note that cultural norms generate different perceptions of sexual activity when it comes to different genders. They report that while boys are still seen as pure after sexual activity or

extramarital affairs, these behaviours are not acceptable for girls, which can put them in a more vulnerable position.

CWIN also observes that the prevailing mindset in Nepal is that “only girls can be raped”, despite their experience that many boys in street situations have been sexually abused. This complete denial of sexual abuse of boys makes boys more vulnerable in Nepal. Very few cases of boy’s rape and sexual exploitation are reported to the authorities, yet each year dozens of cases of sexual abuse of boys are reported each year to CWIN’s Child Helpline. CWIN’s recent research on online child sexual exploitation has revealed that boys are more vulnerable to online sexual exploitation.²

What’s more, CWIN’s work with children in street situations in the Kathmandu Valley has demonstrated that children engage in same-sex sexual activity, either with other children or with adults. They highlight that this represents the presence of norms that do not conform to traditional Nepali sexual roles and boundaries. As male-male sexual activity is not part of the sexual education discourse in Nepal, boys in street situations are ill-informed and thus extremely vulnerable to abuse and exploitation.

3. The incorporation of gender and gender identity in existing legislative and policy frameworks on the eradication and prevention of the sale and sexual exploitation of children.

The evidence gathered in preparation of this submission seems to indicate a low level of incorporation of gender and gender identity into legislative and policy frameworks. We do, though, wish to note promising steps being taken in Nepal in this regard.

In Nepal, despite efforts at legislating against the sale and sexual exploitation of children, lack of enforcement remains one of the highest hurdles in combatting the issue. CWIN notes a number of reasons for this, which are related to gender norms and expectations. Firstly, that government officials and society as a whole tend to judge the girl survivors as guilty of prostitution and seek to minimize the perpetrator’s role in the crime. Secondly, prevailing impunity perpetuates the issue, and in the context of a close nexus between the perpetrators and those in positions of authority, it is extremely challenging for perpetrators to be held accountable. Thirdly, very few survivors press charges, reflecting the lack of trust they have in law enforcement mechanisms. CWIN notes a pattern of intimidation and harassment of survivors and witnesses during the case proceedings, and a lack of adequate protection mechanisms for survivors. We thus note severe challenges in legislative and policy frameworks in Nepal, including a pervasive culture of ‘victim blaming’ which is rooted in gender norms.

There has, however, been some recent progress in this area in Nepal, as the management committee under the Attorney General’s Office has issued a directive to Public Prosecutors in Nepal, stating that a case will be filed if an adult woman sexually abuses a minor. The directive states that cases of sexual abuse which can be registered are not only those against the girl child, but also against the boy child.³ If a complaint is therefore lodged against a woman, by a child regardless of gender, action will be taken against her for investigation and prosecution in accordance with the law. Prior to this directive, it has been extremely difficult in Nepal to register a case against a woman for the sexual abuse of a child. This directive therefore paves the way for more children to be able to raise complaints against

² CWIN, ‘A Study on Online Child Sexual Exploitation in Nepal: Research Report’, 2020, <https://www.cwin.org.np/index.php/resources/cwin-publications/research-reports?download=183:a-study-report-on-online-child-sexual-exploitation-in-nepal-2020>.

³ In the ninth point of the directive of the committee, any offense mentioned in sub-section (2) of section 225 of the Criminal Code, 2074 BS and sub-section (2) and (3) of section 66 of the Children Act, 2075 BS, even if an adult woman has committed any crime against any boy or girl.

perpetrators, regardless of gender. This demonstrates that where laws do not explicitly mention gender, and implicitly allow for boys to report women, it is still very unlikely to actually happen: it is therefore to be encouraged that laws explicitly include provision for boys to report such cases.

CWIN have also been undertaking child protection sensitisation work, focused on the protection of boys, with all 7 provincial-level governments of Nepal. They note that there was some surprise amongst local government officers upon being informed that boys, too, can be raped. This project has achieved wider awareness about the risks encountered by boys in Nepal with CWIN noting, "Following our interventions, the local government's commitment to working on child protection focusing on boy's protection is another big achievement."

4. Forms and manifestations of gender dimensions in the sale and sexual exploitation of children, including information about the causes and manifestations of the gender dimension, and how it affects the eradication and prevention of the sale and sexual exploitation of children.

The forms and manifestations of the gender dimension in the sale and sexual exploitation of children in street situations are many and various, and this submission can only cover those directly examined by the submitting organisations. This is an area which would undoubtedly benefit from further, targeted attention.

In Kenya, CSC network member Refugee Voice and Action (RVA) shared the story of a street-connected boy, Adam,⁴ to illustrate some of the key issues encountered by the children they support in Kakuma refugee camp. Kakuma camp is an extremely large camp, covering over 20 square km and housing over 200,000 residents. It is home to a diverse range of tribes and cultures, who have come to the camp from very different social, economic and cultural backgrounds. Adam is 14 years old and was accustomed to assisting mothers with household chores in exchange for food. Staff from Refugee Voice and Action noticed that Adam had started to drink alcohol and reached out to support him. Adam explained that he had started to drink alcohol as he was given it by one of the mothers he was working for, Susan, who gave him alcohol and made him have sex with her in exchange for food.

RVA worked with Adam to help him to understand his experiences, and the consequences of drinking alcohol and having sex with those much older than him. With support to understand the situation, Adam reported his abuse to the police and Susan was convicted. Refugee Voice and Action share that Adam is now studying class 5, where he is making good progress.

Following their experiences assisting Adam, RVA undertook research with other boys living in Kakuma and found that this kind of sexual exploitation has increased in prevalence, with children in increased hardship being forced to resort to sexual activity in return for food. RVA found that among the camp's diverse communities, some communities produce a high-strength liquor, and earn money by running 'clubs' in the camp where both the liquor and sex are sold. In these clubs, girls are sold to adult men for sex, and boys to adult women. Children are perceived to be 'sweeter' than adults for the purposes of sex. The liquor is also sold to the community, where this sexual exploitation of children also occurs, such as in the case of Adam.

RVA interviewed children from these communities, who stated that they did not have another choice other than engaging in these practices, due to a total lack of basic education. Children expressed that they could not go to school, because they would have to start from the very beginning with very young children, despite often being in their teens. The children stated that they had not had this basic education to start with, because in their home communities they had been raised with strong practical

⁴ Names changed to protect the children involved.

skills, especially agricultural skills, but since arrival in the camp there is no possibility for them to work in this way. RVA have worked with the local police to address this issue, who have repeatedly entered the camp to destroy the alcohol production equipment. They note, however, that this is not a solution to the matter at hand, as the destruction of the brewing equipment fails to address the root cause of the sale and sexual exploitation of children in this situation. From the evidence that RVA have gathered, it appears that in the Kakuma Camp, boys are affected by sale and sexual exploitation in a way which closely follows that experienced by girls: there does not seem to be a significant difference between the genders in this regard, which is noteworthy in and of itself.

In Sierra Leone, CSC network member Laughter Africa shared information regarding the commercial sexual exploitation of girls in street situations. Many of the girls supported by Laughter Africa have experienced serious sexual exploitation at the hands of fisherman, often from Korea and China, who arrive in Freetown's ports and commit offences against street-connected girls. The girls drew attention to one particularly horrifying incident in August 2020 when a girl died after she was made to have sex with a dog aboard a Chinese fishing vessel. Subsequently, another incident of the same circumstances has occurred in Freetown, with yet another girl dying after being forced to have sex with a dog. Laughter Africa are also aware of several reported incidences of girls in street situations being thrown overboard these fishing vessels after being sexually abused, where they have drowned. The girls believe that there is a culture of impunity for sexual offences committed against them, rooted in gender norms. One girl stated, "When we are raped, the man should get life imprisonment, but they don't. It's like the law doesn't apply to us. That we don't matter."

During the consultations run by Laughter African in Sierra Leone, both boys and girls listed 'rape' and HIV and STIs as some of the main challenges they faced living on the street. For girls, the specifics of this issue included: unwanted pregnancies as a result of having to have sex with men in exchange for money or food, being raped by police officers when being arrested, and issues related to commercial sexual exploitation, including non-payment for sex, and physical assault when having sex for money. One girl reported "I was stabbed, beaten and cursed by a man that refused to pay me for sex." Amongst the boys, it was noted that the younger boys are more likely to engage in sex for money.

Research undertaken by CWIN in Nepal into online sexual exploitation of children indicated that overall, boys are more pressured than girls to develop and share self-generated sexual materials (including nude images, audio and video files).⁵ Additionally, of the 10.58% of children surveyed who experienced online abuse during the COVID-19 lockdown period, 55% were boys and 45% girls. One informant interviewed in the course of this research noted that with regards to online sexual exploitation of children, "boys and children with different sexual orientation are even more vulnerable, firstly due to stigma and secondly their voices are not respected. It is difficult for them to reveal their identity."

Research into the sexual abuse and exploitation of boys in street situations in Kathmandu by CWIN showed that 26.2% of boys in street situations in the city had previously had non-consensual sex.⁶ It is worth noting that while boys were relatively uncomfortable sharing their own personal experiences of non-consensual sex, they more freely reported what they knew about other boys, with 74.8% reporting that they knew of other boys who had had non-consensual sex. In terms of location, it was found that 89.3% of these incidences of sexual abuse of boys took place on the street, with 7.1% at the bus park and 3.6% in their home village. These findings clearly highlight increased exposure to sexual exploitation of boys when they are residing on the streets. The most common perpetrator of this abuse was Nepali men at 83%, with foreign men at 10.7%. The remaining perpetrators were Nepali

⁵ CWIN, 'A Study on Online Child Sexual Exploitation in Nepal: Research Report', 2020, <https://www.cwin.org.np/index.php/resources/cwin-publications/research-reports?download=183:a-study-report-on-online-child-sexual-exploitation-in-nepal-2020>

⁶ CWIN, A study on the sexual abuse of street boys in Kathmandu. 2010, <http://library.nhrc.gov.np:8080/nhrc/bitstream/handle/123456789/75/646.pdf?sequence=1>

women (3.6%) and 'third gender' or non-binary Nepalis at 2.7%. This relatively low level of abuse by foreign men may be surprising to our assumptions about the abuse of Nepali children by foreign visitors: participants at the stakeholders meeting during CWIN's research noted that "stereotypical perceptions of paedophiles as foreigners provides a level of protection for Nepali paedophiles as they are less likely to be suspected."

Of the boys interviewed, 27.1% said that they had engaged in sexual activity in exchange for gifts. When asked about the benefits of engaging in sexual activity for gifts, the boys listed the benefits as: nice accommodation (6.5%), alcohol or dandrite (31.8%), 'the pleasure of sex' (15.9%), 'easy money' (43.9%), and 26.2% said that they did not know. When asked about the disadvantages of the same, responses were: 'doing something you do not like' (17.8%), 'community shame' (13.1%), pain (17.8%), diseases such as HIV (51.4%), and 15% said that they did not know.

The research by CWIN additionally found that 32.7% of boys had had sexual activity with an adult: given the hesitancy with which this question was responded to, and the sensitive nature of the subject, it may be inferred that the actual number is higher than this. The boys in question were not asked to state whether the sexual activity was consensual or otherwise, given their status as children and their inability to consent in line with the guidance of the UN Committee on the Rights of the Child. Of these children, 51.4% indicated that the first time they were sexually abused by these adults it took place on the street.

In Uganda, Iganga Comforter for the Afflicted Formation Home note that despite the fact that boys are perceived as the 'stronger' sex, and not seen to require the same level of protection as girls, an estimated 3 in 10 boys in Uganda experience sexual abuse. Very little attention is paid to this issue. We also note the prevailing perception in Uganda that paedophilia is the practice of adult homosexual men 'recruiting' young boys into becoming homosexual. The huge stigma around this has significant consequences in terms of boys feeling able to report abuse they are experiencing.

5. Examples of child-friendly, independent, timely and effective reporting and complaints mechanisms.

In the preparation of this report, we were able to identify very few examples of truly child-friendly, independent, timely and effective reporting and complaints mechanisms for the sexual abuse of children. An exception to this is the existence of child helplines, where children can report sexual abuse, such as that in Nepal described here below.

In Uganda, Iganga Comforter for the Afflicted Formation Home noted that the mechanisms in place in the communities are: local councils, elders, probation offices and police. They note that while these reporting mechanisms are child-friendly, they are often ineffective due to corruption, which undermines children's ability to obtain justice. A child helpline is, however, also in place in Uganda.

In Nepal, CWIN states there are three different mechanisms for reporting on the sale and sexual exploitation of children: Child helpline 1098, Police control hotline-100, and the GBV helpline 1145.

Child helpline 1098 is run by CWIN and has seen a spike in the number of daily calls during the COVID-19 pandemic, rising from roughly 200 per day, to roughly 300. The helpline is staffed by trained wardens, counsellors and social workers trained in child-friendly approaches, who help to ensure the process is child-friendly. Complaints made are followed through from start to finish by CWIN, who work closely with survivor, providing counselling as well as assistance with the legal and local government processes where relevant.

6. The role of external environmental factors in exacerbating the prevalence and/or magnitude of the sale and sexual exploitation of children.

External environmental factors play a key role in exacerbating both the prevalence and magnitude of the sale and sexual exploitation of children, as demonstrated by the below examples. Not only do external environmental factors frequently push more children on to the streets, where they are more vulnerable to sale and sexual exploitation, but they also further increase the vulnerability of children already on the streets.

In Uganda, Iganga Comforter for the Afflicted Formation Home report that environmental factors have a significant impact on the prevalence of sale and sexual exploitation of children. For instance, the Lord's Resistance Army led by Joseph Kony waged a guerilla war in Northern Uganda, which caused many children to end up in street situations, and left many families headed by children, who are more vulnerable to exploitation. In Eastern Uganda, floods around Mt Elgon have caused displacements with families being forced to take shelter in community facilities such as churches, mosques, and dispensaries. Due to the instability of these settings, displaced children within them are frequently exposed to sexual abuse. Additionally, COVID-19 has had a significant impact on the sale and sexual exploitation of children in Uganda: when schools were closed during lockdown, many girls who usually lived at or near their schools returned to villages and rural communities. This placed an increased financial burden on their families, with additional mouths to feed, something which was in turn exploited with men sexual exploiting them under the guise of 'providing for them'. There has also been a sharp increase in teenage pregnancies, and child marriage, during the COVID-19 lockdown in Uganda: in Kabale, for example, the senior protection and social welfare officer estimates that around half of girls in the district will not return to school when they reopen, due to marriage or pregnancy.⁷ This has been attributed in part to poverty and redundancy as a result of the COVID-19 pandemic, which pushes girls and their families into more desperate situations.

In Nepal, CWIN also emphasised the significant role that environmental factors play in exacerbating the sale and sexual exploitation of children, noting that environmental factors operate at both the family and community levels. Contributory factors in the family environment include material deprivation, poor parental health, low parental education, family stress, and exposure to intimate partner or familial violence. At the community level, key factors include neighbourhood deprivation and poor school environments. All of these factors can contribute to a situation of fewer opportunities, and fewer protective factors for children.

Additionally, Nepal has experienced a significant number of serious incidents which have perpetuated the issue. The country underwent a 10-year-long civil war from 1996 – 2006, two significant earthquakes in 2015, and of course the global COVID-19 pandemic, all of which increased poverty and forced migration and slowed down economic development, which exacerbate the risk of sexual exploitation by pushing children into poverty and to more vulnerable situations.

7. Conclusions

We may draw the following conclusions from the information examined in this report:

- Boys in street situations experience sale and sexual exploitation but if often goes unreported;

⁷ Daily Monitor, 'Girls fall to pandemic pregnancies as schools reopen', 2 March 2021, <https://www.monitor.co.ug/uganda/news/national/girls-fall-to-pandemic-pregnancies-as-schools-reopen-3309492>.

- Gender norms and expectations negatively impact children of all genders in terms of sale and sexual exploitation: these gender norms perpetuate the sale and sexual exploitation of girls, who are frequently viewed as a financial commodity, held to higher standards of sexual purity, and blamed for their own abuse, and also boys, who are expected to be stronger and less vulnerable to sale and sexual exploitation, pushing their experiences into the shadows and depriving them of support and justice;
- Meaningful incorporations of gender perspectives into relevant legislative and policy frameworks seem to be lacking in the countries examined, leaving boys and non-binary children without adequate protection, and failing to interrogate how gender norms may perpetuate rights violations against girls;
- The forms and manifestations of gender dimensions in the sale and sexual exploitation of children in street situations are many and varied, but a common identifiable thread emerges of all children, irrespective of gender, being negatively impacted by pervasive gender norms and expectations. In all of the information we received, the sale and sexual exploitation of children, or responses to it, are influenced by these norms and expectations;
- External environmental factors play a fundamental role in exacerbating and magnifying the sale and sexual exploitation of children in street situations.

It is clear that this area would benefit from additional, focused research.