

CRIN's submission for the report of the Special Rapporteur on the sale and sexual exploitation of children

This submission was made by the Child Rights International Network - CRIN (www.crin.org) to provide input for the report of the Special Rapporteur on the sale and sexual exploitation of children, September 2019.

Introduction

1. The mandate of the Special Rapporteur on the sale and sexual exploitation of children is approaching its thirtieth year. During the existence of the mandate, successive Special Rapporteurs have adapted to and addressed emerging and developing forms of sexual exploitation of children. In light of this anniversary and the pending opportunity to renew the mandate, this submission recommends an expansion of the mandate to include all forms of sexual violence against children to enable the Special Rapporteur to examine the underlying and structural causes of sexual violence against children, the means to prevent this violence and to secure justice for survivors.

The scope of the mandate

2. An estimated one in five children experience some form of sexual violence.¹ This figure includes human rights abuses currently covered by the mandate of the Special Rapporteur - the sale of children, the commercial sexual exploitation of children and the use of children to produce sexual abuse images - but the mandate excludes many of the most common forms of abuse that children are subjected to, within the home, schools and their communities. At CRIN, we have conducted extensive work on access to justice for children² and campaigned for accountability as a form of prevention of sexual violence against children in the context of humanitarian work and within religious institutions.³ Across these settings we have seen the ways that the same structural issues allow sexual abuse and exploitation of children to continue.

3. Tackling sexual exploitation of children presents its own challenges that have been expertly addressed during the existing mandate of the Special Rapporteur, but many of the factors that allow sexual violence against children to continue underlie all forms of sexual exploitation and abuse. A lack of effective accountability mechanisms to hold perpetrators to account promotes impunity and undermines any prevention strategy; abuse and exploitation that crosses borders requires jurisdictional reform and inter-country cooperation; and the development of technology requires developments in education, prevention and justice reform.

¹ See Council of Europe, *Is it really one in five?*. Available at: https://www.coe.int/t/dg3/children/1in5/statistics_en.asp.

² For full details, including full research from our global research on access to justice for children, see: <http://home.crin.org/issues/access-to-justice>.

³ For full details, see: <http://home.crin.org/issues/sexual-violence>.

4. The mandate has effectively and incisively addressed sexual exploitation of children, including newly emerging forms, but these underlying responses to sexual violence are not unique to tackling sexual exploitation. All of these phenomena cut across all forms of sexual violence against children and there is a risk that limiting the mandate of the Special Rapporteur to exploitation restricts the mandate holder from examining the root causes of sexual violence.

5. Since its inception in 1990, the mandate of the Special Rapporteur has been elaborated, developed and expanded to improve its impact. In 2006, the Human Rights Council (HRC) charged the mandate explicitly with analysing the root causes of the sale of children, new patterns of abuse, to promote best practices and comprehensive strategies to prevent this form of sexual violence and to integrate a gender perspective throughout the work of the mandate.⁴ In 2017, the HRC expanded the scope of the mandate of the Special Rapporteur to include all forms of sexual exploitation of children, beyond “the sale of children, child pornography and child prostitution” that was the Special Rapporteur’s initial remit.⁵

6. This development and gradual expansion of the mandate has enabled the Special Rapporteur to adapt and respond to emerging forms of sexual exploitation of children and to target its approach. In light of the interconnected causes, strategies for prevention and accountability that cut across forms of sexual exploitation and abuse, the further evolution of the mandate to encompass all forms of sexual violence against children would ensure that the mandate remains relevant and effective in meeting current violations of children’s rights.

Underlying challenges and opportunities for the mandate

7. An expansion of the scope of the mandate would empower the Special Rapporteur to effectively address structural and systemic causes and responses to sexual violence against children and CRIN would encourage the mandate to focus on these issues. Included below are several aspects of the fight against sexual violence against children, the analysis of which would provide valuable guidance, leadership and impact.

Access to justice for sexual violence against children

8. The human rights bodies and mechanisms of the United Nations have rapidly developed their analysis and approach to access to justice for children in the years since the Human Rights Council dedicated its annual day of discussion on the rights of the child to the topic in 2014.⁶ The mandate of the Special Rapporteur on the sale and sexual exploitation of children has been part of this development, addressing access to justice, reparations and rehabilitation within its annual reports.⁷ A thematic analysis of the role of access to justice for

⁴ Human Rights Council Resolution 7/13. Available at:

https://ap.ohchr.org/documents/E/HRC/resolutions/A_HRC_RES_7_13.pdf.

⁵ Human Rights Council Resolution on the Rights of the Child, 21 March 2017, A/HRC/34/L.25, para. 30.

Available at: <https://documents-dds-ny.un.org/doc/UNDOC/LTD/G17/071/77/PDF/G1707177.pdf?OpenElement>.

⁶ See OHCHR, *Access to justice for children*, 16 December 2013, A/HRC/25/35; OHCHR, “Human Rights Council discusses right of the child to access justice”, 13 March 2014.

⁷ See e.g. Report of the Special Rapporteur on the sale of children, child prostitution and child pornography, 27 December 2018, A/HRC/40/51, paras. 89-92; Report of the Special Rapporteur on the sale of children, child

child victims of all forms of sexual violence would be a valuable tool setting out a children's rights-centred and victim-centred approach to access to justice for child survivors of sexual violence and could analyse the effective means of ensuring that justice systems identify, establish accountability and prevent sexual violence against children as well as ensuring that justice systems are tailored to meet the needs and vulnerabilities of survivors of childhood abuse and exploitation.

Sex, sexuality and relationships education as a tool to prevent sexual exploitation and abuse

9. Sex, sexuality and relationships education is a necessary basis for the prevention of sexual violence against children.⁸ Addressing this issue within a broadened mandate empowered to address all forms of sexual violence against children would permit the Special Rapporteur to provide analysis and guidance of the role that effective sex, sexuality and relationships education can lead to the identification and prevention of all forms of sexual violence against children, including grooming, abusive sexual relationships among peers, abuse within the family or online sexual abuse and exploitation. A thematic focus could also address the role education can play in targeting the underlying stigma and shame that protects perpetrators and compounds the harm experienced by survivors of childhood sexual abuse, many of whom wait decades before being able to come to terms with abuse they have experienced.⁹

Recommendations

- CRIN recommends that the mandate of the Special Rapporteur be expanded to include all sexual violence against children, to enable the effective consideration of the underlying causes of sexual violence against children and to recommend a joined-up approach to addressing common challenges.
- CRIN recommends that a Special Rapporteur taking on an expanded mandate use this opportunity to address structural and systemic responses to sexual violence against children, including access to justice and sex, sexuality and relationships education.

We would welcome any opportunity to share further information, resources and expertise with the Special Rapporteur should this be useful during the development of this report.

prostitution and child pornography, 22 December 2014, A/HRC/28/56, paras. 58-59; Report of the Special rapporteur on the sale of children, child prostitution and child pornography on effective prevention strategies in combating the sale and sexual exploitation of children, 6 August 2013, A/68/275, paras. 73-74.

⁸ See e.g. UNESCO, *International technical guidance on sexuality education: An evidence-informed approach*, 2018.

⁹ Around 45 percent of men and 25 percent of women take more than 20 years to report abuse experienced in childhood. See Easton, 'Disclosure of Child Sexual Abuse Among Adult Male Survivors', *Clinical Social Work Journal*, 2013, 41(2), pp. 344-55; O'Leary and Barber, 'Gender Differences in Silencing Following Childhood Sexual Abuse', *Journal of Child Sexual Abuse*, 2008, 17(2), pp. 133-43. For further discussion of gender differences with regards to child survivors of sexual exploitation and abuse, see Cashmore & Shackel, "Gender differences in the Context and Consequences of Child Sexual Abuse", *Current Issues in Criminal Justice Vol. 26(1)* 2014.