

Submission to the Report of the Special Rapporteur on the sale and sexual exploitation of children, including child prostitution, child pornography and other child sexual abuse material

Looking Back, Looking Forward

27 September 2019

“When I should go to sleep in front of shops I may be raped; so the best option for me would be to join my friends in sex work”¹

Introduction

The Consortium for Street Children (CSC) is a non-governmental organisation whose purpose is to defend the rights of children in street situations and leads a global network of 100+ members working in 135 countries. CSC highly values the mandate and the work of the Special Rapporteur on the sale and sexual exploitation of children, including child prostitution, child pornography and other child sexual abuse material. Given the particular vulnerability of street children to sale and sexual exploitation, as recognised by the Committee on the Rights of the Child (CRC) in its General Comment No. 21² on children in street situations, this submission aims to highlight some key information which should be considered by the Special Rapporteur in view of the preparation of Ms. Maud de Boer-Buquicchio’s final thematic report to the 43rd session of the Human Rights Council *Looking Back, Looking Forward*. The organisations *StreetInvest*, *Keep Your Shoes Dirty*, *Glad’s House*, *Save Street Children Uganda*, *Bridge Builders Uganda* and *S.A.L.V.E International* contributed their perspectives for this submission.

In this submission, we use the term “street children” or “children in street situations” 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.

¹ Quote from a street child/youth participating in a consultation held in Accra, Ghana, 4-6 March 2016, informing the CRC General Comment No. 21, organised by CSC and Growing Up on the Streets.

² CRC, General Comment No. 21 (2017) on Children in street situations, paragraph 58, available at: https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fGC%2f21&Lang=en

I. Context, awareness and attitudes underpinning the sale and sexual exploitation of children

CSC notes that commendable progress has been made towards addressing and eliminating the sale and sexual exploitation of children, including through the development of the recently published Guidelines on the Implementation of the Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography (OPSC)³ by the CRC. CSC also welcomes some developments in terminology towards recognising children as victims e.g. from ‘child prostitution’ to ‘children exploited in prostitution’, and from ‘child pornography’ to ‘child abuse material’,⁴ including a change in the name of the mandate to recognise this.⁵ CSC also notes a greater understanding of the drivers of demand for the sexual exploitation of children and child sexual abuse material.⁶

CSC welcomes the growing attention given to the situation of street children in the work of the Special Rapporteur,⁷ but would like to stress that the particular vulnerability of street children to sale and sexual exploitation remains a challenge. The nature of street children’s situation exposes them to a high risk of sexual exploitation and violence and may also force them to engage in exploitation as a means of survival. The work of the Special Rapporteur has primarily focused on the sexual exploitation of children,⁸ but many children, including children in street situations remain vulnerable to *sale* as well as sexual exploitation. Children in street situations are particularly vulnerable to being sold or trafficked for the purpose of forced begging.⁹

Our contributing network members S.A.L.V.E International and Save Street Children Uganda have identified some good practices of raising public awareness and sensitisation on issues of sale and sexual exploitation of street children at the local and national levels. These include:

³ Guidelines regarding the implementation of the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography (OPSC), adopted by the CRC at its eighty-first session (13 – 31 May 2019), available at:

https://www.ohchr.org/Documents/HRBodies/CRC/CRC.C.156_OPSC%20Guidelines.pdf

⁴ Interagency Working Group on Sexual Exploitation of Children, Terminology Guidelines for the Protection of Children from Sexual Exploitation and Sexual Abuse, 2016, available at:

https://www.ohchr.org/Documents/Issues/Children/SR/TerminologyGuidelines_en.pdf

⁵ Human Rights Council Resolution 34/16, Rights of the child: protection of the rights of the child in the implementation of the 2030 Agenda for Sustainable Development, adopted on 24 March 2017, A/HRC/34/L.25, 2017, available at: https://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/34/L.25

⁶ Report of the Special Rapporteur on the sale of children, child prostitution and child pornography submitted to the Human Rights Council at its 31st session, A/HRC/31/58, 30 December 2015, available at: https://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/31/58

⁷ For example in the Report of the Special Rapporteur on the sale of children, child prostitution and child pornography on her visit to Georgia submitted to the Human Rights Council at its 34th session (27 February – 24 March 2017), A/HRC/34/55/Add.1, with the Section II C. titled “Children living and/or working in the street”, available at: https://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/34/55/Add.1

⁸ Report of the Special Rapporteur on the sale of children, child prostitution and child pornography submitted to the General Assembly at its 71st session, A/71/261, 1st August 2016, paragraph 15, available at: https://ap.ohchr.org/documents/dpage_e.aspx?si=A/71/261

⁹ *Ibid.*, paragraph 40.

- the training of peer leaders and champions in communities where street children come from;
- police training and capacity building;
- civic education on the rights of children tailored for children, parents and community leaders;
- sensitisation on the dangers of sale and exploitation of street children;
- information on how to report cases of sexual exploitation to the local authorities;
- information about child helplines;
- the presentation of issue papers on the exploitation of children in street situations at parliaments;
- budget advocacy towards ending the exploitation of children in street situations;
- TV and radio sponsored slots with tailored messages;
- school and community clubs; and
- activities such as music, dance and drama.

Our members also highlighted the importance of giving street children a platform to speak about their realities, including the vulnerabilities they face concerning sexual exploitation to ensure that local authorities, governments at the national level and all stakeholders involved in the action against trafficking and sexual exploitation of children can understand their unique circumstances to better inform their strategies.

II. Risk factors, root causes and demand for the sexual exploitation of children

The sale and sexual exploitation of children is both a cause and consequence of street-connectedness. Children can find themselves in street situations as a result of escaping sexual abuse and violence in their home or care setting, and once on the street, children are at even higher risk of sexual exploitation, sale and/or trafficking. Street children may therefore find themselves in a cycle of vulnerability to sexual abuse and exploitation. There is a need to address the factors that push them to the streets, such as poverty and violence in the home, in order to break the cycle of vulnerability.

Poverty is a root cause of sexual exploitation of children. Due to the low income of their parents, some children drop out of school, start spending time on the street and/or become exploited in prostitution.¹⁰ CSC would like to recall that in accordance with Article 27 (3) of the Convention on the Rights of the Child,¹¹ and as explained in the General Comment No. 21 of the CRC,¹² States should ensure that all children have a standard of living adequate for their physical, mental,

¹⁰ R. Gilligan, E.P. De Castro, S. Vanistendael, and J. Warburton, Learning from Children Exposed to Sexual Abuse and Sexual Exploitation: Synthesis Report of the Bamboo Project Study on Child Resilience, Oak Foundation, 2014, pp. 15-16 and 24.

¹¹ Convention on the Rights of the Child, adopted by General Assembly Resolution 44/25 of 20 November 1990, available at: <https://www.ohchr.org/EN/ProfessionalInterest/Pages/CRC.aspx>

¹² General Comment No. 21 cited above, paragraph 49.

spiritual and moral development, to prevent them ending up in street situations and to fulfil the rights of children already in street situations. States should take measures to materially support parents and caregivers, particularly in relation to subsidized, adequate housing and income generation, and should also provide assistance directly to children. Furthermore, Article 10 (3) of the International Covenant on Economic, Social and Cultural Rights¹³ put on States Parties the obligation to protect children and young persons from economic and social exploitation and this obligation is not subject to the availability of resources and progressive realisation.¹⁴

Another risk factor underlying street children's particular vulnerability to trafficking, sale and sexual exploitation is that street children may lack birth registration or legal identity documents which increases the risk of them being sold or trafficked. When undocumented children are trafficked across borders, they can become especially difficult to trace. This challenge can be overcome by States ensuring that all children can obtain retroactive or replacement birth certificates through child-friendly procedures. According to the CRC, "as a minimum, States should ensure that free, accessible, simple and expeditious birth registration is available to all children at all ages".¹⁵ However, in numerous countries, late registration is still not available and children face administrative or financial barriers.¹⁶

One of the drivers of demand for the sale and sexual exploitation of street children is the high level of impunity for these crimes. Children in street situations are more invisible than other children because they usually live outside of their family environment and are often undocumented or not formally registered, meaning it is more likely that crimes against them will go unnoticed. Furthermore, offenders may travel to countries in which there are weak law enforcement mechanisms and high levels of corruption in order to avoid detection or punishment. In countries where children in street situations are prevalent, and there is little protection afforded to them, offenders may victimise street children as they believe their actions are even more likely to go unpunished.¹⁷

III. Street children's particular vulnerability to sale and sexual exploitation

The CRC recently encouraged States parties to give specific consideration to children who, because of certain characteristics, circumstances and/or living situations, may be more vulnerable

¹³ International Covenant on Economic, Social and Cultural Rights, adopted by General Assembly Resolution 2200A (XXI) of 16 December 1966, available at:

<https://www.ohchr.org/EN/ProfessionalInterest/Pages/CESCR.aspx>

¹⁴ Report of the United Nations High Commissioner for Human Rights to ECOSOC (focusing on the progressive realisation of economic, social and cultural rights), E/2007/82**, available at:

<https://www.ohchr.org/EN/Issues/ESCR/OEWG/Pages/DocumentsSession5.aspx>

¹⁵ See General Comment No. 21 cited above, paragraph 41.

¹⁶ See Legal Atlas for Street Children, produced by CSC and Baker McKenzie LLP, available at:

<https://www.streetchildren.org/legal-atlas/>

¹⁷ ECPAT International, Unseen Vulnerabilities: The Link between Child Labour and Sexual Exploitation of Children, 2013, p. 29, available at: https://www.ecpat.org/wp-content/uploads/2016/04/Journal_Oct2013.pdf

to sale and sexual exploitation, including children in street situations.¹⁸ This particular vulnerability should be understood to inform measures to prevent and protect street children victims, as well as for their rehabilitation and reintegration.¹⁹

Many street children are away from their parents, guardians and/or peer networks, which makes them more vulnerable and easily manipulated. However, sexual abuse and violence amongst street children can quite often occur within their known peer and wider social networks. Children in street situations are also particularly vulnerable to sexual abuse, exploitation and extortion by government authorities and those in caregiving or law enforcement roles. Sexual extortion involves the sexual abuse of children as a result of threats made against them, for example, the threat of arrest. General Comment No. 21 of the CRC calls attention to the fact that police misconduct, such as extortion and sexual violence, is a common rights violation experienced by children in street situations.²⁰

Street children living in the contexts of poverty, a lack of shelter and limited food, may be forced to engage in forms of sexual exploitation, or 'commodified relationships', in order to fund basic necessities. Children exploited in prostitution on the street may do so in exchange for money, food, shelter or protection. Research with street children in Ghana, Zimbabwe and the Democratic Republic of the Congo (DRC) highlights that when girls first arrive on the street, their limited options and hunger may force them to engage in sexual relationships in exchange for money to buy food.²¹ Girls in street situations may also engage in exploitation for prostitution to avoid sleeping on the streets at night and risk being raped.

"If I don't go to work in the night as a sex worker I will not get money for food."²²

"You cannot get water if you have no money and you cannot have money if you don't prostitute yourself."²³

Strategies to prevent and protect children from sexual abuse and exploitation must also address those factors that make children more vulnerable, such as poverty. A study commissioned by the Oak Foundation²⁴ as part of the Bamboo Initiative found that children who were exposed to

¹⁸ Guidelines regarding the implementation of the OPSC cited above, paragraph 13.

¹⁹ See Section V below.

²⁰ General Comment No. 21 cited above, paragraph 60.

²¹ Growing Up on the Streets and Street Invest, Health and Wellbeing of Street Children and Youth: Briefing Paper 8, 2016, available at:

<https://www.streetinvest.org/sites/default/files/files/Briefing%20Paper%208%20-%20Health%20%26%20Wellbeing%20-%20October%202016.pdf>

²² Quote from a street child/youth participating in the consultation held in Accra, Ghana, cited above.

²³ Quote from a street child/youth participating in a consultation held in Bukavu, DRC, 23-25 February 2016, informing the CRC General Comment No. 21, organised by CSC and Growing Up on the Streets.

²⁴ The study countries were Bulgaria, Ethiopia and Nepal and have been selected on the basis that they all face serious economic challenges but belong to three different continents and have varying geographical, demographic, political and cultural characteristics. 68 children and young people participated in the study in Ethiopia; 72 in Bulgaria; and 117 in Nepal. See R. Gilligan, E.P. De Castro, S.

poverty, violence and stigma were “clearly more vulnerable when faced with any threats of sexual abuse and sexual exploitation” and therefore concluded that prevention and recovery efforts have to address both the substantive issue of abuse/exploitation and the wider context in which abuse/exploitation often arise²⁵.

IV. The overarching legal-normative framework, commitment and institutional capacity

Some progress has been made in global, regional and national legislative frameworks to reduce children’s vulnerability to sale and sexual exploitation, and to address impunity. However, boys victims of sexual abuse and exploitation have less legal protection, as in some cases legislation protects only girls and women.²⁶ Furthermore, although child victims of trafficking, sexual exploitation and abuse should always be regarded as victims and should never be criminalised, in some countries, legislation still allows for the criminalisation of commercially sexually exploited children, whereby children are charged and convicted for the crimes they are forced to commit while being exploited. In many cases, when child victims of sexual exploitation are criminalised, they experience trauma and are likely to stay silent if it happens again. Children in street situations may also be criminalised for engaging in survival behaviours, such as commercial child sexual exploitation. When such behaviour is criminalised, there is a risk that it will become more hidden and invisible, further increasing children’s vulnerability.

Although there is no express provision on the non-punishment of victims of trafficking, sale and/or sexual exploitation at the international level,²⁷ some regional instruments do contain express provisions, such as the Council of Europe (CoE) Convention on Action against Trafficking in Human Beings in its Article 26 – Non-punishment provision²⁸ and the Association of Southeast

Vanistendael, and J. Warburton, Learning from Children Exposed to Sexual Abuse and Sexual Exploitation: Synthesis Report of the Bamboo Project Study on Child Resilience, Oak Foundation, 2014.

²⁵ Learning from Children Exposed to Sexual Abuse and Sexual Exploitation (...) cited above, p. 28. See also Section V below.

²⁶ 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/they-shamed-me-an-exploratory-study-on-the-vulnerabilities-of-street-involved-boys-to-sexual-exploitation-in-manila-philippines/>

²⁷ See United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organised Crime, adopted by General Assembly Resolution 55/25 of 15 November 2000, available at: <https://www.ohchr.org/en/professionalinterest/pages/protocoltraffickinginpersons.aspx>; See also the Optional Protocol to the convention on the Rights of the Child on the sale of children, child prostitution and child pornography, adopted by General Assembly resolution A/RES/54/263 of 25 May 2000, available at: <https://www.ohchr.org/EN/ProfessionalInterest/Pages/OPSCCRC.aspx>

²⁸ “Each Party shall, in accordance with the basic principles of its legal system, provide for the possibility of not imposing penalties on victims for their involvement in unlawful activities, to the extent that they have been compelled to do so”. The Council of Europe (CoE) Convention on Action against Trafficking in Human Beings, adopted on 3 May 2005, is available at:

Asian Nations (ASEAN) Convention Against Trafficking in Persons, Especially Women and Children in its Article 14 – Protection of Victims of Trafficking in Persons, paragraph 7.²⁹ The CoE Group of Experts on Action against Trafficking in Human Beings (GRETA), responsible for monitoring States parties' compliance with the aforementioned CoE Convention, calls on States to implement Article 26 in all its reports, but found some good practices of prosecutors dropping charges against victims of trafficking despite the lack of legal provision allowing it.³⁰ A study by the Organization for Security and Co-operation in Europe (OSCE) found that the legislation in the 57 participating OSCE States regarding non-punishment is very diverse; some States do not address it at all and others have done so to varying degrees.³¹ Although there is no specific disposition in the OPSC, the CRC can recommend in its concluding observations under the examination of States' compliance with Article 9 that the State parties “ensure that child victims of offences under the Optional Protocol are not subject to treatment or sanctions as offenders and are given appropriate support”.³²

Several initiatives have been undertaken to make legal and administrative frameworks more accessible to practitioners to adequately address gaps towards protecting children from sale and sexual exploitation.³³ The [Legal Atlas for Street Children](#), produced by CSC and Baker McKenzie LLP, contains information on national laws affecting street children around the world, including on the question of whether the law can cause commercially sexually exploited children to be criminalised.³⁴

<https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=090000168008371d>

²⁹ “Each Party shall, subject to its domestic laws, rules, regulations and policies, and in appropriate cases, consider not holding victims of trafficking in persons criminally or administratively liable, for unlawful acts committed by them, if such acts are directly related to the acts of trafficking”. The Association of Southeast Asian Nations (ASEAN) Convention Against Trafficking in Persons, Especially Women and Children, adopted on 21 November 2015, is available at: <https://www.asean.org/wp-content/uploads/2015/12/ACTIP.pdf>

³⁰ Report concerning the implementation of the CoE Convention on Action against Trafficking in Human Beings by Serbia, Second Evaluation Round, adopted on 24 November 2017, see paragraphs 178 and 180, available at: <https://rm.coe.int/greta-2017-37-frg-srb-en/16807809fd>

³¹ Organization for Security and Co-operation in Europe (OSCE), Office of the Special Representative and Co-ordinator for Combatting Trafficking in Human Beings in consultation with the Alliance against Trafficking in Persons Expert Co-ordination Team, Policy and legislative recommendations towards the effective implementation of the non-punishment provision with regard to victims of trafficking, p. 23, available at: <https://www.osce.org/secretariat/101002?download=true>

³² See for example, Concluding observations on the report submitted by Sri Lanka under article 12 (1) of the Optional Protocol to the Convention on the Rights of the child on the sale of children, child prostitution and child pornography, 31 May 2019, paragraph 38, available at https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fOPS%2fLKA%2fCO%2f1&Lang=en

³³ See for example The Economist Intelligence Unit, Out of the Shadows: Shining Light on the Response to Child Sexual Abuse and Exploitation, 2019, available at: <https://outoftheshadows.eiu.com/>. It explores the degree to which a country's legal framework provides protection to children, whether government commitments and capacity are being effectively deployed and the engagement of industry and civil society in tackling the issue.

³⁴ See Legal Atlas for Street Children, produced by CSC and Baker McKenzie LLP, available at: <https://www.streetchildren.org/legal-atlas/>

V. New and innovative strategies to effectively prevent and protect children from sale and sexual exploitation, and to rehabilitate and reintegrate child victims

Protecting children in street situations from sale and sexual exploitation presents particular challenges. General Comment No. 21 of the CRC recognises that “the realities in which children in street situations live do not fit traditional definitions or conceptualisations of childhood”.³⁵ They are far from a homogeneous group, necessitating careful and individualised attention from authorities and decision makers. Because of this, services and support mechanisms designed to protect children from sexual exploitation and abuse are often inappropriate for or inaccessible to children in street situations. Street children require special consideration in the development of strategies to prevent and protect children from sale and sexual exploitation.

Some States are taking initiatives to protect street children victims of sexual exploitation. For example in Albania, the Ministry of the Interior and the Ministry of Social Affairs and Youth have set up an initiative in Tirana to identify street children victims of trafficking, including for the purposes of sexual exploitation.³⁶ A mobile team conducts outreach work with children in street situations to detect potential victims, referring them to child protection units. In its first two years of operation, the team identified 33 potential street child victims.³⁷ The strategy is intended to be rolled out to three other regions, and staff working in child protection units have been trained on identifying victims of trafficking among children in street situations.³⁸

In CSC’s Building with Bamboo project that took place between 2016 and 2018, funded by the Oak Foundation, CSC network members JUCONI in Ecuador, S.A.L.V.E. International in Uganda and CWISH in Nepal developed resilience based approaches to working with street children who were at risk of, or had experienced, sexual abuse and exploitation. These included ways to build trusting and meaningful relationships with a safe adult (e.g. a social worker, street worker, relative), emotionally reconnecting children to their family; supporting children to self-reflect on experiences of sexual abuse and exploitation; and helping them to develop feelings of “I can”, i.e. building confidence after trauma to move beyond “survival mode”. As a result of the project, children were found to have strengthened relationships, increased internal strength and self-belief, more positive attitudes and outlook, increased support-seeking behaviour, more expressive and empathic behaviour, as well as increased self-control and emotional self-regulation.³⁹ The approaches developed were found to be helpful in promoting street-connected

³⁵ General Comment No. 21 cited above, paragraph 36.

³⁶ GRETA, Report Concerning the Implementation of the Council of Europe Convention on Action Against Trafficking in Human Beings by Albania, Second Evaluation Round, 3 June 2016, paragraph 37, available at:

<https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=090000168065bf87>

³⁷ GRETA, Thematic Chapter of the 6th General Report on GRETA’s Activities, 2018, p.15, available at: <https://rm.coe.int/6gr-extract-web-en/16808b6552>

³⁸ GRETA, Second Evaluation Round on Albania, paragraph 37 cited above.

³⁹ Dr Ruth Edmonds (Keep Your Shoes Dirty) on behalf of Consortium for Street Children, *Resilience-based approaches for street-connected children exposed to sexual abuse and sexual exploitation*, Final Report, September 2018, available at: https://www.streetchildren.org/wp-content/uploads/2018/11/BwB_Final-Report_FINAL-Low-res.pdf

children's resilience to sexual abuse and exploitation as well as in terms of supporting children who had directly experienced sexual abuse and exploitation.

For street children deprived of a family environment, street workers can be an important provider of practical and moral support. A street worker is a trained adult who "builds a close relationship with children in street situations to develop trust".⁴⁰ The heightened vulnerability to sale and sexual exploitation that children in street situations experience increases the need for street children to be supported by a trustworthy adult within their own environment, such as a street worker. For street child victims of sexual exploitation, street workers can provide moral support as well as providing access to and guiding children through official reporting procedures.⁴¹

VI. Data and monitoring

Street children are also at risk of being left behind from strategies aimed at addressing the sale and sexual exploitation of children, as they largely remain excluded from data collection exercises. Most official data collection takes place through household surveys, or uses sampling methods not suitable for adequately identifying and including children outside traditional households.

The illicit nature of the sale and sexual exploitation of children also makes the collection of accurate data difficult, compounding the invisibility of street children vulnerable to these abuses. The exclusion of groups vulnerable to sale and sexual exploitation, such as children in street situations, from data collection exercises makes it difficult to develop strategies that effectively address the vulnerabilities of these groups.

As such, it is important that data is collected on children living outside of traditional households, including children in street situations, taking into account the guidance on data collection in the CRC's General Comment No. 21. Data collection mechanisms should be rights-respecting and participatory, allowing children in street situations to participate in designing research and collecting information. Data collection should also be carried out periodically, to account for the fact that street situations change rapidly.⁴²

Data collection on children in street situations affected by sale and sexual exploitation should also recognise children's own views and realities of the exploitation and abuse they have experienced. A study commissioned by the Oak Foundation⁴³ found that it is difficult to make generalisations about children's experiences that hold true across all cases and contexts. As a result, data about

⁴⁰ StreetInvest, How the United Nations General Comment No. 21 on Children in Street Situations Recognises and Promotes the Role of Street Work, 2017, p.1, available at: https://www.streetinvest.org/sites/default/files/files/How%20the%20General%20Comment%20No.21%20%282017%29%20on%20children%20in%20street%20situations%20Recognises%20and%20Promotes%20the%20role%20of%20Street%20Work-new%20brand_0.pdf

⁴¹ StreetInvest, 2017, cited above, p.3.

⁴² General Comment No. 21 cited above, paragraph 23.

⁴³ Learning from Children Exposed to Sexual Abuse and Sexual Exploitation (...) cited above, p. 28.

children in street situations exposed to sale and sexual exploitation should be treated with care, and there is a need to acknowledge and understand different children's realities.

VII. Reporting mechanisms and institutional accountability

Perpetrators of the sale and sexual exploitation of children are often able to act with impunity, and the transnational nature of these crimes creates further challenges in ensuring prosecution and accountability. Street children are particularly vulnerable to sexual exploitation or extortion by officials in caregiving or law enforcement roles, such as police, who often act with impunity.⁴⁴ During a consultation organised by CSC and Growing Up on the Streets, a street child reported:

“The police are the people who are supposed to protect you. But when you meet him on the street at night, he is the first to ask you for fucking you...If you refuse they threaten to rape you. Thus you are obliged to ‘let them have what they need’ so as not to be arrested. Then you wonder, ‘are the police for protecting people or what?’”⁴⁵

Specific measures should be taken to prevent and punish the sexual exploitation of children by law enforcement officials, and not only through disciplinary action. Where their conduct amounts to a criminal offence, they should be held accountable through the criminal justice system.

The UN Office of the High Commissioner for Human Rights (OHCHR) has recognised that there is no agreement over what constitutes good practice in the area of reporting violations of street children's rights, including in relation to sale and sexual exploitation.⁴⁶ Children in street situations may find it difficult to report crimes related to sale and sexual exploitation as they lack safe, sensitive and appropriate reporting mechanisms. They are habitually not taken seriously by the police due to discriminatory attitudes, and law enforcement officials may ignore their allegations of abuse and exploitation. Street children's generally negative experience with police officers can also deter them from reporting crimes that have been committed against them, especially when the perpetrators are those in law enforcement roles themselves. Furthermore, reporting abuse may mean speaking out in public if perpetrators are to be prosecuted, which can be a barrier to children taking accusations of abuse further.

Although confidential and free child helplines exist in many countries, children in street situations may not have access to a phone in order to use these services, or be aware that they exist. This highlights the important role for street workers to play in guiding street children affected by sale and sexual exploitation through reporting mechanisms.

⁴⁴ General Comment No. 21 cited above, paragraph 60.

⁴⁵ Quote from a street child/youth participating in a consultation held in Bukavu, DRC, cited above.

⁴⁶ UN General Assembly, Report of the UN High Commissioner for Human Rights on the protection and promotion of the rights of children working and/or living on the street, 11 January 2012, paragraph 38, available at: https://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session19/A-HRC-19-35_en.pdf

VIII. The way forward

CSC commends the achievements made during the mandate of the Special Rapporteur, and greatly values the importance of this stock-taking exercise to determine areas of priority and further strengthening of the mandate. Below we set out a number of actions we believe can enhance the impact of the mandate further, and contribute towards fighting the sale and sexual exploitation of children.

Considering the particular vulnerability of street children to sale and sexual exploitation, it is key to ensure they are not left behind. We therefore urge the Special Rapporteur to recognise their particular vulnerability and systematically collect data on this hidden group of children to make them more visible. This will allow for more targeted, specialised action for their unique circumstances. We suggest that a section analysing the particular vulnerability of street children could be included more systematically in the Special Rapporteurs' country visit reports as was done for the report following Ms Maud De Boer-Buquicchio's visit to Georgia.

CSC would like to stress that the sale and sexual exploitation of children cannot be addressed without strong and effective measures to combat poverty. We recommend that the Special Rapporteur reminds States of their obligations under Article 27(3) of the CRC and Article 10 (3) of the ICESCR. States should also be urged to effectively mobilize and allocate resources needed to design and implement effective child protection systems.

Another important issue to be addressed in order to enhance the impact of the mandate is that of birth registration. We recommend that the future mandate-holder systematically calls on States to adopt a national strategy and a legislative framework allowing every child to access late registration or obtain replacement birth certificates. States should also be urged to ensure service provision and access to justice and remedies to all children, including those who do not have legal identity documents.

CSC also calls on the future mandate-holder to continue to encourage States to put in place available and accessible reporting mechanisms and to keep focusing on the non-criminalisation of victims, as currently done by the Special Rapporteur in some of her reports and by regional bodies such as GRETA.

We recommend that the future mandate holder investigates and puts greater emphasis on the role of street workers in protecting children from sale and sexual exploitation. Encouraging support to street child victims through street workers is especially important as these children often don't have other avenue to report abuse and violations of their rights.

CSC looks forward to continue collaborating with the mandate and future mandate holders towards the elimination of the sale and sexual exploitation of children around the world.

Queries in relation to this submission can be directed to Mariam Movsissian, Legal and Advocacy Officer, at: mariam@streetchildren.org and advocacy@streetchildren.org

CSC sincerely thanks the network members who contributed to this submission for giving their time and expertise:

