

**Submission to the Office of the High Commissioner for Human Rights
in response to the Open Call for Inputs regarding 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**

Launched in 2016, the Girls Advocacy Alliance (GAA) is a joint initiative which aims at eliminating Gender-Based Violence (GBV) and Economic Exclusion (EE) of girls and young women through strategic lobby and advocacy. The goal of the programme is to ensure that governments and private sector actors make change in their agendas, policies, and practice to end GBV and EE of girls and young women. We aim to achieve this by building the capacity of civil society organizations to hold their governments and private sector actors accountable, and by mobilising key decision-makers to address social norms and values. To this end, the GAA has also an international component that conducts advocacy at the international level and provides support to local partners in ten countries in Africa and Asia. The International Programme of GAA is implemented in Geneva and New York by Plan International, Terre des Hommes International Federation, Defence for Children International and ECPAT International.

We welcome the initiative of the Special Rapporteur (SR) on the sale and sexual exploitation of children, including child prostitution, child pornography and other child sexual abuse material to collect information, inputs and recommendations from a wide range of stakeholders, including CSOs, to reflect on the current state of play of the issue of the sale and sexual exploitation of children as well as to reflect on the ways and means to enhance the work of the SR in view of the approaching end of her mandate.

We also take this opportunity to thank the SR and her office for the extremely valuable work done during her mandate, including the relevance consecrated to the gender dimension of the issue of sale and sexual exploitation of children, as well as for the space given to civil society to engage and share perspectives. We truthfully wish the SR success in her next professional endeavours.

The GAA, at the international level, works on advocacy and lobby to promote the rights of girls and young women by engaging with Treaty Bodies, Special Procedures and other Accountability Mechanisms. Therefore, given our expertise and experience from this specific perspective, our input to the SR's call will be mostly focused on the modalities and language used in the International Legal Framework to address the issue of sexual exploitation of children (SEC) as well as which efforts should be jointly made to fulfil the existing gaps in international human rights soft law and policy design, implementation and monitoring. We will provide some reflections and answers to Question iv in the SR's call on "The overarching legal-normative framework, commitment and institutional capacity". We will principally tackle the issue of SEC from the girls' standpoint, considering the population of girls and young women as particularly vulnerable to SEC.

More generally, we believe that an age and gender perspective in research and policy is crucial to properly address the different root causes of SEC and implement adequate prevention and response measures tailored to the differences of the affected individuals. Therefore, we would also recommend the SR to encourage all concerned actors to consider both gender and age differences in developing statistics and designing and implementing policies.

I. Background

Sexual exploitation of children (SEC) can be largely categorised in five main types: exploitation of children in prostitution, online child sexual exploitation, sale and, sexual exploitation in travel and tourism and some forms of child, early and forced marriage¹. In all forms, there is a clear gender dimension, with girls comprising the majority of victims. For example, according to the latest Global Report on Trafficking in Persons from the UN Office on Drugs and Crime², the majority (72%) of all victims of trafficking globally are females, one third of whom

¹ Interagency Working Group on Sexual Exploitation of Children. (2016, January 28). *Terminology Guidelines for the Protection of Children from Sexual Exploitation and Sexual Abuse, adopted by the Interagency Working Group in Luxembourg*. Bangkok: ECPAT. International.

² UNODC. *Global Report on Trafficking in Persons*. 2018. Available at: <https://www.courtinnovation.org/publications/fact-sheet-intersection-domestic-violence-sexual-assault-and-human-trafficking>

are girls. Additionally, the vast majority of the detected victims of trafficking for sexual exploitation are females, and 35 per cent of the victims trafficked for forced labour are also females, both women and girls.³

It is important to recognize that while girls make up the vast majority of detected victims, sexual exploitation of boys is likely much higher than current data indicate. For example, research conducted by the University College of London indicates that in the UK, as many as 30% of victims of SEC are male.⁴ Although globally women and girls are trafficked in much higher numbers than men and boys, it may be that for certain subcategories of commercial sexual exploitation and in some regions, men and boys may outnumber women and girls. These gendered elements of SEC remain under researched and are critical for ensuring appropriate responses and eradication of such practices against girls and boys⁵.

II. Trends and Observations

International obligations and commitments on SEC encompass the Convention on the Rights of the Child in articles 32.1, 34, 35, the Optional Protocol to the CRC on sale of children, child prostitution and child pornography, the Convention on the Elimination of All Forms of Discrimination Against Women in its article 6, the Human Rights Council resolution on trafficking in persons and General Assembly resolution on trafficking of women and children (57/176) and the 2030 Agenda (Target 16.2 and 5.2). 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 have just been launched.

From our research, there is no recurring dedicated HRC resolution that specifically addresses the sexual exploitation of children, and the issue is also absent from GA and HRC resolutions on eliminating violence against women and girls. However, the 2016 HRC resolution on the Rights of the Child looked at the specific link between child sexual exploitation and ICTs, and the bi-annual GA resolution on the Rights of the Child always contains a paragraph on the sale and sexual exploitation of children. Moreover, in GA and HRC resolutions on human trafficking, references to sexual exploitation, as a main purpose for trafficking, are constantly made.

III. Gaps

a. Gender dimensions of sexual exploitation of children (SEC)

The issue of SEC has a strong gender component, as noted by the Special Rapporteur in her 2016 report to the Human Rights Council, where she stresses that girls constitute the majority of victims and that their exploitation is mainly rooted in gender discrimination. The SR highlights that patriarchal structures that “promote male sexual domination and do not condemn the commercialization of girls and women are a fundamental underlying level of the demand factor” (A/HRC/31/58).

This being said, the gender dimension of sexual exploitation of children is significantly missing in the negotiated text, and instruments discussing this issue tend to be generally gender blind. The bi-annual GA resolution on the Rights of the Child mentions “gender discrimination” in a list of causes that should be looked at for prevention of the sale of children and child sexual exploitation, yet without looking at it in detail⁶.

The only text that recognizes the gender dimensions of the issue and its root causes, is the GA resolution on “The Girl Child”:

“Deeply concerned about all forms of violence against children, in particular the phenomena that disproportionately affect girls, such as commercial sexual exploitation and child pornography, rape, sexual abuse, domestic violence, trafficking in persons and the use of information and communications technology and social media to perpetrate violence against women and girls, and, in addition, about

³ id.

⁴ Barnardo's. “Hidden in plain sight: A scoping study into the sexual exploitation of boys and young men in the UK.” 2014. <http://www.natcen.ac.uk/media/530797/hidden-in-plain-sight-final-22082014-under-strict-embargo-until-0001-27-08-2014.pdf>

⁵ <https://www.ecpat.org/wp-content/uploads/2018/02/Technical-Report-TOWARDS-A-GLOBAL-INDICATOR-ON-UNIDENTIFIED-VICTIMS-IN-CHILD-SEXUAL-EXPLOITATION-MATERIAL.pdf>

⁶ Moreover, the dedicated chapter of the GA resolution on the Rights of the Child has been reduced to one paragraph, recalling paragraph 58 of its resolution 68/147.

the corresponding impunity and lack of accountability, and that violence against women and girls is underrecognized and underreported, particularly at the community level, which reflects discriminatory norms that reinforce the lower status of girls in society” (A/RES/70/138).

This lack of a gender perspective is visible beyond the international legal framework; the body of research specifically examining the ways in which girls and boys are impacted differently by sexual exploitation is limited. Additionally, the problem that harmful attitudes towards LGBTQ communities in countries often make this group overlooked or perceived as perpetrator should be addressed in texts of the international human rights framework. In fact, gender-responsive strategies should always involve all the different groups of the society, including boys, in order to effectively challenge discriminatory gender social norms. It is noteworthy that further research is needed to identify and understand which direct interventions are the most effective to address SEC, including tools to more easily identify boys at risk as well as strategies and best practices to respond to SEC of boys who are still mostly overlooked in research and policy-making.

b. Portrayal of girls

Despite a lack of specific focus on the gender dimensions of sexual exploitation, girls continue to be mainly referred to as victims. Language used in HRC resolution on the Rights of the Child on child sexual exploitation and ICTs, and the GA resolution on the girl child, make reference to child- and gender-sensitive approaches and services for victims, in particular to meet their specific needs and avoid revictimization. Yet, while it is agreed that sexual exploitation is a violation of human rights and that girls are particularly vulnerable to it, portraying girls *solely* as victims can have the negative effect of reinforcing stereotypes of girls and women as weak, submissive, and helpless, and undermines their agency. In this regard, the empowerment of girls and women is very seldom mentioned. References to child empowerment in the GA resolution on the Rights of the Child: *“To mobilize public awareness, involving families and communities, with the participation of children, concerning the protection of children against all forms of sexual exploitation and abuse” (A/RES/68/147/para.58/h)* – and in other relevant resolutions – remain brief and passive: children, including girls, are not presented as active agents of change as resolutions mainly state that efforts to empower children must be done.

While emphasizing girls’ empowerment in the context of sexual exploitation, as well as the active role they can play in preventing and eliminating violence, it is critical that this is done in the right way. Too frequently, the survivors of violence are blamed for violence committed against them and stigmatised as a result, their behaviour or choice of clothing, especially for women and girls, seen as explaining violence or abuse.⁷ The belief that clothing or what someone is wearing 'causes' rape is extremely damaging for survivors. Children are often treated as incapable to say the truth given their young age and thus imagination. Additionally, police and judiciary have a lack of understanding of the effects of the trauma caused by sexual exploitation on behaviour of children which also negatively affects the way SEC cases are treated. It is therefore essential to, in no uncertain terms, emphasize that no person who has experienced violence is to blame for that violence, nor are they to be considered either responsible or not mature enough to say the truth. Therefore, when we talk about empowerment of girls in the context of sexual violence, as well as the active role they play, any insinuations that girls behaviours are somehow the cause of the violence committed against them must be avoided at all costs while it is indeed essential to indicate the perpetrator as the only responsible.

c. Root causes and addressing demand

The 2016 GA thematic resolution on trafficking in women and girls (A/RES/71/167) recognizes that:

“Governments, in cooperation with intergovernmental and non-governmental organizations, [should] support and allocate resources to strengthen preventive action, in particular education for women and men, as well as for girls and boys, on gender equality, self-respect and mutual respect, [...] targeted at groups that are at increased risk of becoming victims of trafficking, as well as at those who may fuel the demand for the exploitation of trafficked persons and/or their labour”.

⁷ DCI/ECPAT. “A study on violence against children with special focus on sexual exploitation and child sex tourism in Ghana”. 2016. Available at: https://issuu.com/defenceforchildren/docs/violence_against_children_report_-_

This paragraph, to be read in line with recent GA and HRC resolutions on violence against women and General Comment 13 of the Committee on the Rights of the Child on violence against children⁸, shows the growing, yet fragile, recognition of the role of men and boys as strategic partners and allies in changing norms and practices that fuel all forms of violence against women and girls, including sexual exploitation. While girls continue to be disproportionately affected by sexual exploitation⁹, adult men bear the main responsibility for sexually exploiting these girls, including for commercial purposes. Gender inequality and beliefs that women and girls are of less value than men and boys continue to fuel the demand as well as the supply for the sexual exploitation of girls¹⁰. Changing these attitudes and gender stereotypes is absolutely necessary if sexual exploitation of girls is to be eliminated, and due attention must be given to the engagement of men and boys in working towards gender equality. Therefore, the language could be strengthened by emphasizing the role of men and boys in combatting the sexual exploitation of children, including girls (i.e. active role), not just educating them on gender equality and through awareness-raising campaigns on trafficking and exploitation (i.e. more “passive”).

d. Link with child, early and forced marriage

Studies have shown that some forms of child, early and forced marriage (CEFM) could be considered sexual exploitation: children coerced into forced marriage can be made to engage in acts similar to victims of sex and labour trafficking¹¹. Many girls are also trafficked under the pretence of marriage, being imprisoned, threatened and abused upon reaching their destination, and forced into activities such as prostitution and domestic servitude¹². The Special Rapporteur on the sale and sexual exploitation of children has also mentioned repeatedly¹³ that child marriage can amount to a form of sale of children, which is also inextricably linked to situations of exploitation, including sexual exploitation. Similarly, the Special Rapporteur on slavery has drawn up links between child marriage and slave-like practices.

Generally, child marriage increases the vulnerability of girls in particular to sexual abuse and exploitation through all stages in their lives. As child marriage is also associated with later divorce or abandonment, it often means acute poverty for the girls or young women and leaves them more vulnerable to resorting to some form of commercial sex to survive¹⁴.

The GA thematic resolutions on “*Trafficking in women and girls*” have consistently mentioned the link between trafficking and forced marriage of both women and girls, and the 2017 HRC resolution on CEFM makes an indirect link between CEFM and sexual exploitation:

“Also urges States to remove any provisions that may enable, justify or lead to child, early or forced marriage, including provisions that enable perpetrators of rape, sexual abuse, sexual exploitation, abduction, trafficking in persons or modern slavery to escape prosecution and punishment by marrying their victims, in particular by repealing or amending such laws” (A/RES/HRC/35/L.26).

e. Post-primary education and decent work

Ensuring that every girl can enjoy equally her right to education, including at post-primary level, and has decent work opportunities is crucial to ensure substantive gender equality, therefore diminishing acts of gender discrimination and violence that expose girls and women to situations of exploitation. A strong emphasis has

⁸ The 2016 GA resolution on violence against women (A/RES/71/170) and the 2017 HRC resolution on violence against women (A/RES/HRC/L.15). CRC General Comment 13 reads: “Men and boys must be actively encouraged as strategic partners and allies, and along with women and girls, must be provided with opportunities to increase their respect for one another and their understanding of how to stop gender discrimination and its violent manifestations”.

⁹ An example is Ghana, where a DCI and ECPAT study shows that females and persons under the age of 18 were commonly found to be victims of some forms of economic violence such as child labour, sexual exploitation and child trafficking.” See DCI/ECPAT. “A study on violence against children with special focus on sexual exploitation and child sex tourism in Ghana”. 2016. Available at: https://issuu.com/defenceforchildren/docs/violence_against_children_report_-_

¹⁰ Unequal power relations also apply for the exploitation of boys for sexual purposes. Yet, for girls a dual age and gender barrier increase their vulnerability.

¹¹ See for example: Ajwang Warri, “Forced child marriages as a form of child trafficking”, in: *Children and Youth Services Review*, Volume 79, August 2017, Pages 274–279. See also: Girls not brides: “When does child marriage become slavery?”: <http://www.girlsnotbrides.org/when-does-child-marriage-become-slavery/> [accessed: 30 June 2017]

¹² See: Anti-Slavery International, “Out of the Shadows: Child marriage and slavery”, available at: <http://www.ohchr.org/Documents/Issues/Women/WRGS/ForcedMarriage/NGO/AntiSlaveryInternational2.pdf> [accessed: 30 June 2017]

¹³ See for example her annual reports to the GA in 2016 (A/71/261) and 2013 (A/68/275)

¹⁴ ECPAT: http://resources.ecpat.net/EI/Csec_marriage.asp

been put on poverty, which directly impacts girls' access to education, skills development and job opportunities, as a main factor contributing to child sexual exploitation¹⁵, yet without mentioning that ensuring access to education, lifelong learning and decent work opportunities can reduce children, including girls' vulnerability to situation of sexual exploitation.

Since no specific resolution on the sexual exploitation of children exists, the link with post-primary education and decent work is absent. The GA resolution on "the Girl Child" adds strong language on education, empowerment and decent work, however not making any direct links with child sexual exploitation. The HRC resolution on the Rights of the Child on child sexual exploitation and ICTs (as well as other recent resolutions) focuses on the need to educate children on ICTs but do not make the link between education/decent work and exploitation.

f. SEC in humanitarian settings

In times of crisis, children are at greater risk of abuse, neglect, violence and exploitation. Emergencies exacerbate pre-existing inequalities and protection concerns and create new ones. In the chaos of conflict and emergencies, children are at increased risk of being separated from primary caregivers, being recruited into armed forces or armed groups and experiencing sexual and gender-based violence and exploitation. The breakdown of social structures, support networks and services accompanying major crises means that communities and States themselves may not be in a position to provide the necessary protection and care for children.

During conflict and disasters, education is often interrupted due to the destruction of education facilities, difficulties of access or use of schools as temporary emergency facilities. The strains on resources generated by emergencies also place children at risk of dropping out of school; while many children get involved in the worst forms of child labour. Schools provide a safe space for children, where they are protected from physical harm and can enjoy a sense of normality.

There is much recognition in international negotiated human rights documents of the particular and heightened risk faced by children in humanitarian settings of various forms of sale and sexual exploitation. There has also been some emphasis on the gender elements of these risks, particularly in the GA Girl Child resolution 2017 (A/RES/72/154):

"Urges all States and the international community to respect, promote and protect the rights of the girl child, taking into account the particular vulnerabilities of the girl child in pre-conflict, conflict and post-conflict situations and in climate-related and other hazards and natural disasters, as well as in other humanitarian emergencies...and urges States to take special measures for the protection of girls in all phases of humanitarian emergencies, from relief to recovery, and in particular to ensure that children have access to basic services...to protect them from...gender-based violence, including rape, sexual abuse and sexual exploitation, torture, abduction and trafficking, including forced labour, paying special attention to refugee and displaced girls, and to take into account their special needs in disarmament, demobilization, rehabilitation assistance and reintegration processes;"

A more systematic integration of an age, gender and diversity perspective, as is encouraged in humanitarian policy¹⁶, would much benefit human rights policy on this issue.

¹⁵ DCI-ECPAT report on Ghana (2016) shows that Economic violence in the form of child labour and child trafficking are usually linked to poverty. In a typical Ghanaian family where poverty is common, parents usually do not have any option but to 'push' their children into such 'trade'. See DCI/ECPAT. "A study on violence against children with special focus on sexual exploitation and child sex tourism in Ghana". 2016. Available at: https://issuu.com/defenceforchildren/docs/violence_against_children_report_-_

¹⁶ UNCHR. "UNHCR Age, Gender and Diversity Policy" Accessed 25 September 2019. Available at: <https://www.unhcr.org/protection/women/4e7757449/unhcr-age-gender-and-diversity-policy.html>

IV. Recommendations

In light of what has been illustrated above, the GAA would recommend the SR to continue the dialogue with policy-makers, international and regional human rights mechanisms and all other relevant stakeholders to encourage them to:

- Clearly state the gender dimensions of sexual exploitation and encourage countries to produce disaggregated data by age, gender and other relevant criteria on this issue;
- Whenever sexual exploitation is discussed, include not only a mention of “addressing root causes”, but also define what the root causes are, including clear mentions of gender inequality, patriarchal social norms and unbalanced power relations to better understand and state the specific vulnerabilities of girls to sexual exploitation;
- Clearly mention the agency of girls and women, as well as the crucial role of men and boys as strategic allies, partners and beneficiaries, to go over basic, passive mentions of “empowerment”. These aspects are key components of an effective strategy to address the underlying causes of the demand factor, and attention should therefore be devoted to them (as mentioned by the SR on sale of children and child sexual exploitation in her annual report to the HRC in 2016);
- Pursue efforts to add language related to obligations under international law and accountability in order to challenge systemic and perpetual impunity and increase protection and reparation to children victims of sexual exploitation;
- Use terms such as sexual exploitation, sexual exploitation in travel and tourism (SECTT), etc. in a comprehensive and coherent way among the various texts. Ensure consistency of terminology used in discussing matters of sexual exploitation, making use of the *Terminology Guidelines for the Protection of Children from Sexual Exploitation and Sexual Abuse* (also known as the “Luxembourg Guidelines”).

Finally, given the importance of raising awareness among the general public, we recommend the Special Rapporteur to publish on regular basis articles in newspapers on the topic.