**The Sale and Sexual Exploitation of Children in conflict areas**

**Submitted to**: Special Rapporteur on the sale and sexual exploitation of children

**Submitted by:** Maat for peace, Development and Human rights (In a special consultative status with UN ECOSOC)

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# Introduction

According to UN statistics, the human trafficking of children exceeds three million cases a year, which constitute a material for the slave trade, whether by using them for adoption, forced labor, physical exploitation, human organ trafficking or sexual exploitation in some countries. Statistics also indicate that human organ trafficking networks kill thousands of children every year, whether by premeditated murder or surgery to remove some of their organs.

International organizations confirm that there are international gangs behind this crim achieving substantial profits estimated at billions of dollars annually. The human organs of the kidnapped children are used for transplantation of various organs, while the remains and some other organs are sold to pharmaceutical companies that use them in the manufacture of some high-priced cosmetics and pharmaceuticals.

International indicators have confirmed that more than 150 countries are involved in human trafficking, with 27 million people killed worldwide, and that the trade, estimated at $ 152 million to 228 million, is flowing annually. A study by the United Nations Children's Rights Society confirms that 20 million children have been sold globally in the last 10 years to live their childhood in harsh living conditions.[[1]](#footnote-1)

Accordingly, Maat for Peace, Development and Human Rights (Egypt) presents this report to explain its position on this phenomenon, which unfortunately spread in the Arab region, especially the countries experiencing armed conflicts and civil wars such as Yemen, Syria and Iraq.

# First, the Factors That Lead to the Sale and Sexual Exploitation of Children

There is no doubt that the devastating impact of situations of armed conflict is particularly severe on children. Families are dispersed and children are orphaned, recruited and subjected to death or injury. Children are the most affected by the scourge of war, as they are dependent for their maintenance on others. It is difficult to assess the impact that war can have on the psychological and physical development of children who have experienced situations of armed conflict. Armed conflicts also have a negative impact on the economic and social conditions, which could be one of the main causes of the sale and sexual exploitation of children.

* **Armed conflict and its impact on the sale and sexual exploitation of children**

The crises experienced by States, especially those related to armed conflicts, contribute to the aggravation of a number of social, economic and psychological phenomena and problems for citizens in general and children in particular. Children have been the most affected by this crisis at all levels.

In Yemen, for example, which is suffering from division and wars and the consequences of extreme poverty and famine, some families are forced to sell their children (14-15 years) in return for a salary to be forcibly recruited for combat purposes because they are unable to provide living necessities. Some of them, under the age of eight, are being exploited by organized gangs for smuggling across the Yemen-Saudi border.[[2]](#footnote-2)

Children in Yemen represent a large segment of the Yemeni society; the percentage of children under the age of 15 reaches 43% of the total population according to the latest statistics. The war in Yemen has had a devastating impact on children, leaving them at the risk of starvation, dropping out of education, malnutrition, drug shortages and epidemics. Yemen is one of the most suffering countries from the recruitment of children for military purposes, especially by the armed Houthi militia. The Houthis also use children not only to fight, but also, especially girls under the age of 18, to mobilize girls to take part in armed operations or to marry fighters. The recruitment of children, as a form of human trafficking, has flourished since the war by more than 800%, according to human rights organizations specializing in child protection. .[[3]](#footnote-3)

According to Yemeni reports, the Houthi militia has recently expanded the purchase and recruitment of children in Yemen, especially after heavy losses in the battles of Al-Hudaydah and the West Coast. The Houthi militia set up camps targeting the recruitment of children specifically in all residential areas in Sana'a governorate. The Houthi militia has recruited more than 200 children from the orphanages of Sana'a. The spokesman for the Coalition to Support legitimacy in Yemen Col. Turki al-Maliki, confirmed that more than 100 children lost their lives in the battlefields among the Houthis, pointing out that the militia moved these children to Sana'a and issued death certificates for them. The Houthis have also recruited more than 23,000 children in violation of international conventions and laws on the protection of the rights of the child, including 2,500 children since the beginning of 2018. The Houthi militia continues to recruit children for fighting, abduct them from schools, and pressure families to send their children to war, which constitutes war crimes.[[4]](#footnote-4)

There are many other violations in Yemen, particularly violence and sexual exploitation, including rape, sexual slavery, forced prostitution, forced pregnancy, forced sterilization, or any other form of sexual violence of a comparable gravity. Such acts rarely occur in isolation. They form part of a pattern of abuse and violence, which includes killing, child recruitment, destruction of property and looting. Sexual violence can be used as a form of reprisal, to create fear, or as a form of torture. It may also be used systematically, as a method of warfare, aimed at destroying the social fabric.[[5]](#footnote-5)

* The United Nations verified the perpetration of sexual violence against nine children (7 boys, 2 girls) between the ages of 9 and 17, attributed to the Yemeni armed forces, the Popular Resistance and the Houthis.
* For the first time, the United Nations verified the recruitment of 16 girls between the ages of 15 and 17 by the Houthis in Sa‘dah. The girls were used to encourage male members of their families to join the Houthis and to mobilize other women and girls to do the same.
* Large-scale child recruitment, 170 children, reportedly has taken place by the Houthis in schools, orphanages and communities in the context of military use of schools. At least 20 schools were used by the Houthis to mobilize and train children and 4 were used for recruiting and mobilizing girls.[[6]](#footnote-6)

Accordingly, human rights organizations classified Yemen as a source of human trafficking and a corridor of it to neighboring countries. A US State Department report on human trafficking has stated that Yemen still retains a place in the list of the governments that have made no efforts to combat human trafficking, particularly child recruitment and child sex tourism. The report has also revealed that all parties to the conflict in Yemen are equally involved in trafficking in Yemeni children, whether inside Yemen or neighboring countries. Victims are kidnapped from Yemen and sold and exported to neighboring Gulf countries. They are considered importing countries and Yemen is a source and corridor country.[[7]](#footnote-7)

In Syria, several reports have drawn attention to the involvement of many parties in the revitalization of the market for the sale of organs and child trafficking in Syria. Organ trafficking among Syrians fleeing conflict zones is widespread as displaced refugees forced to sell their organs. ISIL sold Syrian infants after they had been smuggled into Turkey and to an Israeli mafia that sold them to infertile individuals.

Children are also sold through moving pregnant women to Lebanon and providing comfortable birth conditions for them, then the children are sold after birth to other families. Due to the war in Syria, incidents of rape of women and illegal pregnancy have increased in recent years. The involved parties prompt these women to abort the fetus two months after pregnancy in order to sell its organs.[[8]](#footnote-8)

* **The economic factor**

Deteriorated economic conditions resulted from armed conflict is one of the main factors that contribute to the widespread of the sale and sexual exploitation of children. Many international conventions and optional protocols have prohibited exploitation, trafficking and forced labor of children. For instance, Article 32 of the Convention on the Rights of the Child states that “States Parties recognize the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development.” The Worst Forms of Child Labour Convention No. 182, which is complementary to Convention No. 138, stipulates a certain age for child labor for the sake of their health and safety. It provides for the elimination of the forms of exploitation and labor of children; provides for the importance of free basic education; and their rehabilitation and social integration while addressing the needs of their families. As well as many other international labor conventions on child labor. The fact that human rights, including children's rights, are the basic criteria without which human beings can not live and survive freely.[[9]](#footnote-9)

In Iraq, international human rights organizations warned, in 2013, that at least 150 children are sold each year in Iraq for a price ranging from about US $ 286 to US $ 5,720 for each to human trafficking gangs that exploit poor families and widespread corruption in Iraqi government departments. Human rights reports revealed that the main countries to which those children are sold are Turkey, Syria and some European countries, including Switzerland, Ireland, Britain and Sweden. Child trafficking gangs also use intermediaries who pretend to work for NGOs. They negotiate with the families of the children, prepare the required documents such as birth certificates, change the names of the children and add them to the passports of the intermediaries or any other person who has been paid to transport the children outside Iraq to Syria. They are then transported to Europe or other countries in the Middle East. In many cases, some displaced families have been forced to sell their children due to extreme poverty and hunger, especially many of them have had not the price of milk for their infants. Some of these families have resorted to selling their children out of their desire to find families caring for their children in a favorable atmosphere after they reached the highest levels of poverty as a result of displacement from their areas. [[10]](#footnote-10)

In September 2017, the Committee on Women, Family and Childhood in the Iraqi Parliament announced that the sale of children in Iraq are just individual cases and is not a general phenomenon, as a result of the poor economic situation of those families. However, the Iraqi reality suggests many crimes against children who are subjected to sale because of severe security, political and economic conditions.[[11]](#footnote-11)

In Yemen, the economic impact resulted from armed conflict in Yemen has been one of the main causes of child marriage as a form of sexual exploitation of children, which some families resort to in order to alleviate their burden. This phenomenon has recently increased in order to obtain funds to cope with these poor economic conditions, especially in the absence of state authorities. In addition, Yemen is among the few countries that have not yet adopted a legal minimum age for marriage. A study produced by UNICEF in late 2016, included six Yemeni governorates, revealed that early marriage rates reached alarming levels.[[12]](#footnote-12)

1. **Second, International Legislation and Mechanisms to Address the Sale and Sexual Exploitation of Children**

Given the extreme vulnerability of children, the four Geneva Conventions of 1949 and Additional Protocols I and II of 1977 thereto, all provide for a system of special protection for children, with assurance that children engaging directly in hostilities do not lose such right and still need receiving special protection. As well as the provisions of international instruments on the protection of children, including the Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption, the Hague Convention on the Civil Aspects of International Child Abduction, the Hague Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in Respect of Parental Responsibility and Measures for the Protection of Children and the Worst Forms of Child Labour Convention No. 182. Therefore, International humanitarian law provides broad protection for children. In the event of armed conflict, either international or non-international, children benefit from the general protection provided for civilians not taking part in the hostilities. Accordingly, Non-combatant

civilians are guaranteed humane treatment and covered by the legal provisions on the conduct of hostilities.

The Fourth Geneva Convention guarantees special care for children, but it is Additional Protocol I that lays down, specifically Article 77, the principle of special protection: “Children shall be the object of special respect and shall be protected against any form of indecent assault. The Parties to the conflict shall provide them with the care and aid they require, whether because of their age or for any other reason” This principle also applies to non-international armed conflict (Art. 4, para. 3 APII).

The Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, which entered into force on 18 January 2002, reads, in its preamble, that in order further to achieve the purposes of the Convention on the Rights of the Child and the implementation of its provisions, especially articles 1, 11, 21, 32, 33, 34, 35 and 36, it would be appropriate to extend the measures that States Parties should undertake in order to guarantee the protection of the child from the sale of children, child prostitution and child pornography, especially that the Convention on the Rights of the Child recognizes the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development. Therefore, the significant and increasing international traffic in children for the purpose of the sale of children, child prostitution and child pornography raises a grave concern. As well as the widespread and continuing practice of sex tourism, to which children are especially vulnerable, as it directly promotes the sale of children, child prostitution and child pornography. In addition to the concern about the growing availability of child pornography on the Internet and other evolving technologies[[13]](#footnote-13)14

1. **Third, the Challenges Facing the Phenomenon of Eliminating the Sale and Sexual Exploitation of Children**

All children have the right to be protected from violence, exploitation and abuse. Yet, millions of children worldwide from all socio-economic backgrounds, across all ages, religions and cultures suffer violence, exploitation and abuse every day. Millions more are at risk. Moreover, other millions are particularly vulnerable because of gender, race, ethnic origin or socio-economic status. Higher levels of vulnerability are often associated with children with disabilities, who are orphaned, indigenous, from ethnic minorities and other marginalized groups. Natural disasters, armed conflict, and displacement may expose children to additional risks. Child refugees, internally displaced children and unaccompanied migrant children are also populations of concern.

Many children are exposed to various forms of violence, exploitation and abuse, including sexual abuse and exploitation, armed violence, trafficking, child labour, gender-based violence, gang violence, female genital mutilation/cutting, child marriage, physically and emotionally violent child discipline, and other harmful practices. [[14]](#footnote-14)15

The sexual exploitation of children and adolescents is gaining growing visibility as a global reality. Worldwide, children are suffering from the effects of trafficking, pornography, prostitution, rape and abuse. Many studies in the last decade, including the recent UN Study on Violence Against Children, indicate that the sexual exploitation of children and adolescents is increasing. There is also growing evidence of criminal activity related to the trafficking of children for sexual purposes and the proliferation of exploitative imagery and other internet-related crimes. The sexual exploitation of children is fuelled by international demand, which threatens children and adolescents of all ages, in every corner of the world. [[15]](#footnote-15)16

Nevertheless, there are some challenges and constraints faced by human rights defenders, among which are the following:

* A major constraint in the fight against child exploitation is governments’ lack of accurate statistics and reliable information regarding the rates of working and homeless children or dropouts, as well as the harmful practices such as selling children, child marriage or sex tourism, an activity in which children are mainly exploited.
* The spread of misconceptions among many of the parties concerned with the issues and problems of children still represents a social flow intersecting with the commitment of countries to alleviate children problems and to shoulder the responsibility of their education and care.
* Despite the prevalence of sexual violence against children in many armed conflicts, this issue is often untold. Driven by guilt, shame, fear of retaliation or talking about taboo, victims may refrain from openly speaking out and taking necessary actions. Consequently, the full extent of the problem often remains blurred and unclear. For these very reasons, it can be very difficult to reach victims and give them the support they really need.

To address this contemporary challenge, everyone should work together and jointly with all religious leaders to develop effective solutions for these problems and to avoid those threats targeting children that may affect the security and stability of our societies, based on the belief that protecting the dignity of children is something everyone seeks to achieve and reach regardless of different ideologies and special affiliations. At the present, opportunities, awareness, wisdom, innovation and technological tools are needed to achieve this religious, moral and human duty.17

1. **Fourth, Technological Challenges Facing the Elimination of the Sale and Sexual Exploitation of Children**

The digital revolution has had a significant impact on children living under difficult circumstances such as poverty, racial and ethnic discrimination, gender discrimination, disability, displacement, geographical isolation, etc., as well as those living in areas affected by armed conflict and war. Children currently represent more than a quarter of the world's Internet users with a total of three billion people. However, they are being bullied and exploited in the digital world through the passive use of some modern technological innovations, which have become a major source of the sexual exploitation of children and trafficking in their innocence and childhood through pornography, committing cybercrime, and recruiting children and adolescents by terrorist groups via the Internet.[[16]](#footnote-16)18

Digital space has many risks; it increases the chances of children being exposed to inappropriate content (sexual and pornographic images, violent, racist and discriminatory materials, hate speech and websites promoting unhealthy behaviors such as self-harm, suicide, etc.). Add to this, bullying, exploitation, harassment and sexual abuse. This technology has indeed introduced new methods for child trafficking, and enabled its users to figure out ways to get these illegal transactions done undetected, away from the eyes of law enforcement authorities. It is also worth mentioning that children’s profiles and identities, which are not likely to be protected on social media and gaming forums, represent easy targets for hackers, which would result in huge consequences.[[17]](#footnote-17)19

Moreover, some armed terrorist organizations are working to build a network to recruit children through contacting them in various ways, such as chatting with them via text or voice recordings, trying not only to mislead them, but also to convince them of their violent, aggressive and criminal thoughts. Electronic games are also key part of their scheme to reach innocent children and brainwash them. In fact, the childish game “Roblox” is a striking example of their trials to recruit children from the United States in order to carry out terrorist operations within their territory. Another electronic game called Salil Sawarim (Clashing of Swords), was released by the terrorist group ISIL in September 2014. This game allowed its users to carry out bombings, sniping attacks and break-ins. Note that the heroes in the game are of ISIL agents, whereas the enemies are the Arab armies and the coalition forces. It is worth noting that the game is a version of **Grand Theft Auto 5**.

Terrorist organizations seeking to attract young people are more aware of the importance of modern media, and their overwhelming impact on children and young people, so they do their best to use these methods to ensure building up a loyal generation embracing their sick ideas. They also recognized the importance of soft power and appreciated its sheer influence.[[18]](#footnote-18)20

Another challenge imposed by digital space and cause the rates of the sale and sexual exploitation of children to be raised is the possibility of children to conduct risky communications with others, including children’s contact with an adult seeking improper communication or seducing them for sexual purposes, or with individuals attempting to force him to extremism; or convince him to participate in inappropriate or dangerous behaviors.[[19]](#footnote-19)21

1. **Fifth, Strategies to Prevent the Sale and Sexual Exploitation of Children**

Improving children situation in society is an essential pillar of the human base preparation upon which the process of building and leading society will be relied in the future. Therefore, handling children’s issues and problems is considered a real entrance for improving children’s circumstances, especially in the fighting against the sale and sexual exploitation of children.

The elimination of the sale of children, child prostitution and child pornography will be facilitated by adopting an inclusive approach, addressing the contributing factors leading to these practices, which includes underdevelopment, poverty, income inequality, unfair socio-economic structures and disruption of the role played by families in peacetime, as well as armed conflict and the fragmentation of families, displacement and asylum leading to many violations, the lion’s share of which are for children. Furthermore, efforts are needed to raise public awareness of reducing consumer demand for sale of children, child prostitution and child pornography, out of realization of the importance of strengthening global partnership among all actors and improving national law enforcement.[[20]](#footnote-20)22

In this sense, there are a set of conditions or principles that should be met for the purpose of creating a safe and protective environment for the child, as follows:

* **Commitment and capacity of governments to protect children during war:** Priorities of government and parties to conflict should include providing assistance to the most vulnerable groups, while recognizing that displaced children have the right to access the same level of public services as other children. Governmental and non-governmental entities should put an end to the recruitment and use of children as soldiers in armed groups. At the end of conflicts, governments must focus on peacebuilding and peacekeeping efforts through emphasizing child rights issues and addressing crimes committed against children.
* **Legislation and implementation:** International treaties should be respected and enforced by officials, including state and non-state entities. Criminal legislation should be reviewed to ensure that serious violations of international law are recognized as crimes, and armed forces should receive an adequate training on the rules of international humanitarian law and human rights, particularly those relating to child protection.
* **Attitudes, customs and practices:** Many of the situations that were prevailing during the conflict, the majority of which are discriminatory and encourage child maltreatment and use by armed groups, should be eliminated. As awareness of children’s rights must be raised among all military and civilian peacekeeping personnel alike.
* **Public debate and community dialogue:** This can be achieved through the enormous potentials mass media and civil society enjoy to influence public opinion, strengthen action through discussing key issues such as sexual violence against children, and limiting the supply of small arms and light weapons.
* **Developing child skills:** This can be achieved by enhancing children's participation in protecting themselves through creating child-friendly spaces, especially in situations of displacement, on issues such as avoiding landmines or protecting them against HIV.
* **Monitoring, reporting and oversight:** Systematic and inclusive monitoring, reporting and oversight as required by UN Security Council resolutions 1539-1612, and should include all violations committed against children affected by armed conflict.[[21]](#footnote-21)23

1. **Sixth, Effective Frameworks for Preventing the Sale and Sexual Exploitation of Children**

The Arab League has call for Arab, regional and international organizations and civil society institutions to have a common vision and cooperate together for protecting children, girls, women and youth, especially in areas of conflict and war, since it is a major factor for the spread of violations, especially against children. In addition, the League affirms the necessity of developing a unified Arab and Middle Eastern strategy to be implemented through the member states to combat these phenomena by all ways and to clarify its gravity at all levels and its impact on peace and security.

 As well as some security efforts to prevent the abduction and trafficking of children in the Arab world and the efforts of some Arab organizations such as the Arab League and civil society institutions to expose this humanitarian crime. However, all of these efforts go in vain without addressing this dangerous and shameful phenomenon against humanity. It seems that the influence of human traffickers’ economic interests have become stronger than any international organization criminalizing trafficking in human beings and children.

Cooperation between Arab world’s security services is necessary not only for exchanging information about the gangs engaged in such business, who come from different countries, but also for eliminating them altogether. As a response to the power of human organs traffickers, it is necessary to launch influential cultural, media and religious campaigns that would awaken the international conscience, so that it could be able and willing to combat this crime. In addition, Arab governments have to exert every effort to eradicate the causes of this trade, by providing security and stability in the country, creating job opportunities that would provide sustenance and offering health care to their citizens so that they do not be forced to sell their children.[[22]](#footnote-22)24

* **Recommendations:**

Eliminating the sale of children, child prostitution and child pornography can be achieved through adopting an inclusive approach, addressing the contributing factors, which include underdevelopment, poverty, income inequality, unfair socio-economic structures, disruption of the role played by families, gender-based discrimination, irresponsible sexual behavior made by adults and harmful traditional practices. Besides, trying to reduce armed conflicts with the necessity of its parties fulfilling the obligations imposed on them by international law, international humanitarian law and international human rights law.

Therefore, efforts should be exerted to raise public awareness of reducing consumer demand for the sale and sexual exploitation of children, while recognizing the importance of strengthening global partnership among all actors and improving national law enforcement.

States, in general, and parties to conflict, in particular, should put an end to violations committed against children during conflicts and try fighting against children sale and sexual exploitation. It is also necessary to encourage all states to sign the international conventions on the protection of children in general and the protection of them from exploitation and abuse in particular. And all states shall take measures and include in their national legislation and laws all measures that would protect children from sexual exploitation in all its forms, such as early marriage and child pornography, and shall intensify punishment for those who are not committed.

As for the Arab countries, they are in dire need to develop strict legislation against anyone found guilty of these crimes in hospitals and markets. Whereas police services are required to collect information and ongoing investigations against those ones committing such crimes and wage continuous raids in their pursuit. Moreover, the international community is required to take a decisive stance towards the practices of Houthis' against Yemeni children, especially its destruction of the educational process so that it can easily recruit children and brainwash them with extremist terrorist thoughts.

Arab countries should also follow an approach of transparency and openness and allow the UN Special Rapporteur to undertake visits so that they can draw a full picture of the root causes of children's rights violations and crimes committed by armed militias against them, whether in Syria, Yemen, Iraq or Libya. The Special Rapporteur should adopt a neutral, non-selective approach in his reports not a single version of the facts related to the crimes of the sale and sexual exploitation of children.

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