**Contribution to Special Rapporteur on the sale and sexual exploitation of children, including child prostitution, child pornography and other child sexual abuse material forthcoming report to the 77th session of the UN General Assembly in October 2022**

***Addressing the vulnerabilities of children to sale and sexual exploitation in the framework of the Sustainable Development Goals***

**Contribution by UNICEF**

UNICEF welcomes the opportunity to provide input into the Special Rapporteur’s forthcoming report. This submission highlights some relevant data, good practices, and additional supplementary materials.

**Vulnerabilities of children in relation to sale and sexual exploitation**

The burden of violence, including sexual exploitation, falls unevenly on particular groups of children. A variety of theories seek to explain why children are vulnerable and why offenders target them, but no single theory covers all manifestations of these crimes. Violence does not happen between individuals in an isolated bubble unaffected by the wider social context. Most forms of interpersonal violence disproportionality affect groups in a community or population who are disadvantaged because of interacting structural inequalities such as poverty, gender inequity, racism, sexual orientation together with institutional and organisational practices that do little to challenge, or even reinforce, them. There is now wide-ranging literature on the risks and drivers that influence the victimisation of child sexual abuse and exploitation. UNICEF’s 2020 [evidence review](https://www.unicef.org/documents/action-end-child-sexual-abuse-and-exploitation-review-evidence-2020) uses an adapted version of the socio-ecological framework to map drivers, risks, and vulnerabilities. This model considers the developing child’s interaction with their family and relationships, community and wider environment and the intersecting experiences of violence against women and violence against children. See especially pp. 33-53.

* See further – UNICEF, Action to end child sexual abuse and exploitation: A review of the evidence, 2020: <https://www.unicef.org/documents/action-end-child-sexual-abuse-and-exploitation-review-evidence-2020>

***Gender***

Child sexual abuse and exploitation has a clearly gendered pattern with the majority of perpetrators being male and the majority of victims being adolescent girls.[[1]](#endnote-2) Most (although not all) studies find higher rates of sexual violence against adolescent girls than adolescent boys,[[2]](#endnote-3) as did 12 of 14 national Violence against Children surveys,[[3]](#endnote-4) with greater gender differentials for penetrative abuse.[[4]](#endnote-5) Girls and children who belong to sexual minorities are at particular risk of sexual abuse and exploitation, due to gender inequality and social norms in many contexts which dictate that girls and women need to be submissive and where sexual minorities are seen as a threat to the patriarchal system.[[5]](#endnote-6)

Researchers[[6]](#endnote-7) and the UN High Commissioner for Human Rights[[7]](#endnote-8) have documented high levels of violence and discrimination against LGBTQI+ individuals on the basis of sexual orientation and gender identity worldwide. The situation can be exacerbated by legal frameworks that fail to protect LGBTQI+ children and adolescents from violence or increase the risk of harassment and violence by criminalizing same-sex relationships.[[8]](#endnote-9) UNICEF’s [literature review](https://data.unicef.org/resources/sexual-exploitation-boys-findingsethical-considerations-methodological-challenges/) highlights evidence that LGBTQI+ individuals are often rejected by their families and forced into homelessness, placing them at even greater risk of various types of violence, including sexual exploitation.[[9]](#endnote-10)

Available data are fragmented, with gendered gaps.Globally, more data are available for girls than boys. Data on boys remain severely limited, plagued by: “underreporting, definitional ambiguities and inconsistencies, misconceptions, . . . social stigma and, simply, a lack of research.”[[10]](#endnote-11) There are also gaps in data about the prevalence of child sexual abuse and exploitation among children from ethnic minority groups, those with different forms of disability, as well as among children and young people who identify as gay, lesbian, bisexual or transgender or who are intersex.[[11]](#endnote-12)

* See further –
  + UNICEF, Gender Dimensions of Violence Against Children and Adolescents, 2020, <https://www.unicef.org/media/92376/file/Child-Protection-Gender-Dimensions-of-VACAG-2021.pdf>
  + UNICEF, Research on the Sexual Exploitation of Boys: Findings, Ethical Considerations and Methodological Challenges, 2020, <https://data.unicef.org/resources/sexual-exploitation-boys-findingsethical-considerations-methodological-challenges/>

***Disability***

Disability is a well-documented vulnerability for victimisation. The [UN Flagship Report on Disability and Development 2018](https://www.un.org/development/desa/disabilities/wp-content/uploads/sites/15/2019/10/UN-flagship-report-on-disability-and-development.pdf) states at p. 292 *(citations removed)*:

For children with disabilities, they are almost four times as likely as their peers to suffer from physical violence and three times as likely to suffer from sexual violence. Children with mental or intellectual disabilities are five times more likely to be victims of sexual abuse than their peers without disabilities. Children in institutional settings are also more prone to physical, sexual and emotional abuse and this is exacerbated for children with disabilities. Moreover, children with disabilities may be specifically targeted for abuse or exploitation because of disability. The cases where girls with learning or developmental disorders are involved in sexual exploitation as well as children with disabilities are exploited in child begging indicate that the traffickers take advantage of these vulnerabilities to involve the child in exploitative activities beyond his/her awareness, or to exploit prejudiced societal views toward disability. A study of children working in the sex industry in Thailand, for instance, found that some brothels purposively trafficked girls with hearing impairments under the assumption that they could not ask for help or communicate with others.

The [Report of the Special Rapporteur on the rights of persons with disabilities: Sexual and reproductive health and rights of girls and young women with disabilities (2017)](https://www.ohchr.org/EN/Issues/Disability/SRDisabilities/Pages/ReproductiveHealthRights.aspx) explains at para. 34 that:

Girls and young women with disabilities are disproportionately affected by different forms of gender-based violence, including physical, sexual, psychological and emotional abuse; bullying; coercion; arbitrary deprivation of liberty; institutionalization; female infanticide; trafficking; neglect; domestic violence; and harmful practices such as child and forced marriage, female genital mutilation, forced sterilization and invasive and irreversible involuntary treatments.

* See further –
  + Report of the Special Rapporteur on the rights of persons with disabilities: Sexual and reproductive health and rights of girls and young women with disabilities (2017), para. 8
  + [Report of the United Nations High Commissioner for Human Rights (2019): Empowering children with disabilities for the enjoyment of their human rights, including through inclusive education](https://documents-dds-ny.un.org/doc/UNDOC/GEN/G19/013/64/PDF/G1901364.pdf?OpenElement), paras 20 and 27
  + Committee on the Rights of Persons with Disabilities, [General Comment No. 3](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRPD/C/GC/3&Lang=en) (2016) on women and girls with disabilities, para. 35

***Children in alternative care***

Children separated from family or living in alternative family, orphanage, residential or foster care, a residential school or correctional facility are known to be vulnerable to sexual abuse and exploitation.[[12]](#endnote-13) The [2019 Report of the UN Secretary-General on the Status of the Convention on the Rights of the Child](https://undocs.org/Home/Mobile?FinalSymbol=A%2F74%2F231&Language=E&DeviceType=Desktop&LangRequested=False) drew attention to violence and abuse against children, as well as neglect and exploitation in care settings, including the risk of human trafficking, sexual exploitation and child labour. The Secretary-General identified that the lack of regulation, oversight, monitoring, and reporting requirements hampers reform efforts and can lead to negative outcomes for children (para. 48). The Secretary-General’s conclusions and recommendations include (at para. 68):

*Increasing the focus on the quality of alternative care for children should be a priority for all States and other relevant actors. On the most fundamental level, that requires ending all human rights violations against children in alternative care and ensuring swift accountability for those who perpetrate violations, such as abuse, exploitation, sexual violence, trafficking, recruitment by armed forces and armed groups, discriminatory practices and other forms of harm against children. It also means improved continuity of care for children in alternative care arrangements, the provision of diverse services, including education, early childhood development services, nutritional support, psychosocial support and services, support for those soon to leave care and others. States should also enact and enforce legislation to prevent the trafficking and exploitation of children in care facilities and establish periodic reviews of the placement of children in all alternative care settings.*

The [2019 UNGA Resolution on Children without Parental Care](https://undocs.org/A/74/395) called for States to take:

…*appropriate measures to protect children who are victims of trafficking and are deprived of parental care, as well as enacting and enforcing legislation to prevent and combat the trafficking and exploitation of children in care facilities, and supporting children who are victims of human trafficking in returning to their families and in receiving appropriate mental health and psychological assistance that is victim-centred and trauma-informed and taking appropriate measures to prevent and address the harms related to volunteering programmes in orphanages, including in the context of tourism, which can lead to trafficking and exploitation.* (para. 35(t))

***Surrogacy***

Over the last two decades, surrogacy has become a global phenomenon and is increasingly used as a method of family formation. The development of assisted reproductive technology, changes in social norms and the trend for having children later have fuelled this boom and led to more and more children being born through surrogacy. International surrogacy arrangements (ISAs) have now surpassed the use of intercountry adoption. Legislation around surrogacy varies hugely from country to country, shaped by history, culture and social values. Currently, international human rights law does not provide safeguards specifically focusing on domestic surrogacy and ISAs, which places children born through surrogacy at risk of multiple human rights violations – particularly, their right to an identity, including name, nationality, family relations and access to origins; the right to the enjoyment of the highest attainable standard of health; and the right to not be sold.

Sale and trafficking of children born through surrogacy are occurring, especially in ISAs, due to a lack of protective safeguards being implemented by States. A legally binding contractual relationship between the surrogate mother and the intending parent(s) established pre-birth, in which the transfer of the child would be made conditional upon payment, would constitute the sale of a child. It can also lead to incorrect information being included in civil registration systems and falsification of identity information. The financial aspects of surrogacy arrangements often lack clarity, suggesting that they go beyond mere compensation for surrogacy-related expenses, including in purported “altruistic” surrogacy arrangements, amounting to the sale of children under the Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography.

Regardless of individual State positions on surrogacy, all States have a duty to protect the human rights of all children born through surrogacy without discrimination, including ensuring appropriate legal and regulatory frameworks exist at the national level to protect and promote their rights.

* See further – UNICEF and CHIP (Child Identity Protection), Briefing Note on Key Considerations: Children’s Rights and Surrogacy: <https://www.unicef.org/media/115331/file>. This document is aligned with the [Verona Principles](https://www.iss-ssi.org/images/Surrogacy/VeronaPrinciples_25February2021.pdf) and builds on the Concluding Observations and Recommendations of the CRC Committee, the [thematic reports](https://www.ohchr.org/EN/Issues/Children/Pages/Surrogacy.aspx) on children and surrogacy of the former UN Special Rapporteur on sale and sexual exploitation of children.

***Safety in the digital space***

Digital technologies undoubtedly bring many benefits to children’s lives. The Committee on the Rights of the Child [General Comment No. 25 (2021)](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC/C/GC/25&Lang=en) emphasizes that meaningful access to digital technologies can support children to realise the full range of their civil, political, cultural, economic, and social rights. However, as with all spaces children inhabit, the digital environment exposes them to risks, including sexual exploitation and abuse. Existing research suggests children who are vulnerable offline are also more likely to be vulnerable online. UNICEF’s 2021 [evidence review](https://www.unicef-irc.org/publications/1183-investigating-risks-and-opportunities-for-children-in-a-digital-world.html) on children’s internet use and outcomes found, for example, a lower level of happiness and life satisfaction is associated with exposure to negative online content, cyber-hate, discrimination, and violent extremism. Children who experience violence, neglect, physical punishment, psychological victimization, parental conflict, sexual harassment, and offline solicitation are more likely to also be exposed to sexual solicitation online. There is a need for further research to explore exactly how these vulnerabilities interact. The [Disrupting Harm research project](https://www.unicef-irc.org/research/disrupting-harm/) seeks to investigate this further. Disrupting Harm has already generated the most robust evidence base on the scope and nature of online child sexual exploitation and abuse in 13 countries in Southern and Eastern Africa and Southeast Asia.

See further –

* UNICEF, Investigating Risks and Opportunities for Children in a Digital World: A rapid review of the evidence on children’s internet use and outcomes: <https://www.unicef-irc.org/publications/1183-investigating-risks-and-opportunities-for-children-in-a-digital-world.html>

***Conflict, migration, and humanitarian contexts***

The risks of sexual exploitation and other forms of sexual violence towards children increase significantly during and after armed conflict or within humanitarian contexts. Four different contexts have been identified where sexual violence often occurs: (a) where militarized sexual violence is a systematic means of terrorizing or humiliating communities; (b) opportunistic sexual violence by perpetrators who take advantage of any contexts of impunity; (c) sexual abuse and exploitation by peacekeepers or humanitarian staff where abuses of trust occur as a result of positions of power; and (d) the exacerbation of gender inequalities and breakdown of regular social norms following emergencies.[[13]](#endnote-14) Conflict and/or persecution or escaping violence and persecution can force children into migration or hazardous work and the risk of exploitation and abuse.[[14]](#endnote-15) Children without documentation may find it difficult to prove their identity and status and become vulnerable to predators and exploiters.

**Practical measures and good practice examples**

***Safety in the digital space***

During 2021, UNICEF continued to support governments to protect children from online sexual exploitation. A [baseline](https://www.unicef.org/documents/ending-online-child-sexual-exploitation-and-abuse) has been established to measure progress in implementing comprehensive responses to online child sexual exploitation and abuse covering 29 low- and middle-income countries. UNICEF’s country programming includes strengthening legislative and policy frameworks, improving criminal justice responses and victim services, as well educative and prevention work. During 2021, some key milestones included: **Cambodia’s** adoption of a National Action Plan to Prevent and Respond to Online Child Sexual Exploitation (2021-2025); **Zimbabwe’s** enactment ofthe Data Protection Act which amends the Criminal Law to comprehensively criminalise online violence against women and children; and **ASEAN** Member States adoption of a Regional Plan of Action for the Protection of Children from All Forms of Online Exploitation and Abuse. Millions of children and caregivers were reached with educative and preventative messaging. Examples include: **Dominican Republic’s** educational platforms, [E-pana](https://educrecursos.minerd.gob.do/epana/) and [E-mentores](https://educrecursos.minerd.gob.do/ementores/), and **Jordan’s** community-based campaign to promote online safeguarding practices among children, adolescents, parents, and child protection actors.

***Gender***

During 2021, in **Belize**, a Family Violence Toolkit was developed and launched with UNICEF support to strengthen the capacities of faith-based and community-based organizations on the root causes of family violence against women and children, child marriages, and sexual exploitation and abuse. As part of the mobilization strategy, 25 Women Community Mobilizers were recruited and trained from 15 communities across Belize, with the skills to reach, support and refer women and children in situations of violence. 162 women were supported, and 84,000 women and 33,400 children now have access to psychosocial support, referrals, and accompaniment support services. This was part of the Spotlight Initiative, a global initiative of the United Nations supported by the European Union.

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Further good practice examples are available in the following:

* UNICEF, Ending online child sexual exploitation and abuse: Lessons learned and promising practices in low- and middle-income countries documents, <https://www.unicef.org/documents/ending-online-child-sexual-exploitation-and-abuse>
* UNICEF, Action to end child sexual abuse and exploitation: A review of the evidence, 2020: <https://www.unicef.org/documents/action-end-child-sexual-abuse-and-exploitation-review-evidence-2020>
* UNICEF, Goal Area 3, Every child is protected from violence and exploitation, Global Annual Results Report 2020, <https://www.unicef.org/reports/global-annual-results-2020> *(2021 report is forthcoming)*.
  + p. 35-39 violence against children including sexual exploitation
  + p. 40-41 online child sexual exploitation and abuse
  + pp.70-73 child marriage
  + pp. 85-89 children without parental or family care
  + p. 91 disability-inclusive approach to child protection
  + p. 97-99 children on the move

1. United Nations Children’s Fund, A Familiar Face: Violence in the lives of children and adolescents. United Nations Children’s Fund (UNICEF), New York, 2017. <https://data.unicef.org/resources/a-familiar-face/> [↑](#endnote-ref-2)
2. Sumner, S. A., et al., ‘Prevalence of sexual violence against children and use of social services - seven countries, 2007-2013’, MMWR Morbidity and Mortality Weekly Report, vol. 64, no. 21, 2015, pp. 565–9; Stoltenborgh, M, M. H. van IJzendoorn, E. M. Euser and M. J. BakermansKranenburg, ‘A global perspective on child sexual abuse: meta-analysis of prevalence around the world’, Child Maltreatment, vol. 16, no. 2, 2011, pp. 79–101. [↑](#endnote-ref-3)
3. Ligiero, D., et al., What Works to Prevent Sexual Violence Against Children:

   Evidence Review. Together for Girls, Washington, DC, 2019. <https://www.togetherforgirls.org/wp-content/uploads/2019-11-15-What-Works-toPrevent-Sexual-Violence-Against-Children-Evidence-Review.pdf> [↑](#endnote-ref-4)
4. Barth, J., et al., ‘The current prevalence of child sexual abuse worldwide: a systematic review and meta-analysis’, International Journal of Public Health, vol. 58, no. 3, 2013, pp. 469–483 [↑](#endnote-ref-5)
5. UNICEF East Asia and the Pacific Regional Office, What Works to Prevent Online and Offline Child Sexual Exploitation and Abuse? Review of national education strategies in East Asia and the Pacific, United Nations Children’s Fund (UNICEF), Bangkok, 2020, p. 3. <https://www.unicef.org/eap/media/4706/file/What%20works.pdf> [↑](#endnote-ref-6)
6. Blondeel, K., et al., ‘Violence motivated by perception of sexual orientation and gender identity: a systematic review’, Bulletin of the World Health Organization, vol. 96, no. 1, 2018, pp. 29–41L. [↑](#endnote-ref-7)
7. United Nations General Assembly, Discriminatory Laws and Practices and Acts of Violence Against Individuals Based on Their Sexual Orientation and Gender Identity: Report of the United Nations High Commissioner for Human Rights. United Nations, New York, 2011. <https://www.ohchr.org/Documents/Issues/Discrimination/A.HRC.19.41_English.pdf> [↑](#endnote-ref-8)
8. United Nations General Assembly, Discriminatory Laws and Practices and Acts of Violence Against Individuals Based on Their Sexual Orientation and Gender Identity: Report of the United Nations High Commissioner for Human Rights. United Nations, New York, 2011. <https://www.ohchr.org/Documents/Issues/Discrimination/A.HRC.19.41_English.pdf>; United Nations, International Human Rights Law & Sexual Orientation & Gender Identity. United Nations Human Rights, Office of the High Commissioner, New York, 2019. <https://www.unfe.org/wp-content/uploads/2018/10/International-HumanRights-Law-English.pdf>; United Nations, Living Free and Equal: What States Are Doing to Tackle Violence and Discrimination Against Lesbian, Gay, Bisexual, Transgender and Intersex People. United Nations, New York and Geneva, 2016. <https://www.ohchr.org/Documents/Publications/LivingFreeAndEqual.pdf> [↑](#endnote-ref-9)
9. United Nations Children’s Fund, Research on the Sexual Exploitation of Boys: Findings, Ethical Considerations and Methodological Challenges. UNICEF, New York, 2020. <https://data.unicef.org/resources/sexual-exploitation-boys-findingsethical-considerations-methodological-challenges/> [↑](#endnote-ref-10)
10. United Nations Children’s Fund, Research on the Sexual Exploitation of Boys: Findings, Ethical Considerations and Methodological Challenges. UNICEF, New York, 2020. <https://data.unicef.org/resources/sexual-exploitation-boys-findingsethical-considerations-methodological-challenges/> [↑](#endnote-ref-11)
11. United Nations Children’s Fund, Action to end child sexual abuse and exploitation: A review of the evidence, United Nations Children’s Fund (UNICEF), New York, 2020, p. 32. <https://www.unicef.org/documents/action-end-child-sexual-abuse-and-exploitation-review-evidence-2020> [↑](#endnote-ref-12)
12. Blakemore, T. Herbert, J. Arney, F. & Parkinson, F. (2017) The impacts of institutional child sexual abuse: A rapid review of the evidence, Child Abuse & Neglect, 74, 35-48 and Skold, J. & Swain, J. (2015) Apologies and the legal of abuse of children in ‘care’, Palgrave, London cited in United Nations Children’s Fund, Action to end child sexual abuse and exploitation: A review of the evidence, United Nations Children’s Fund (UNICEF), New York, 2020, p. 44. <https://www.unicef.org/documents/action-end-child-sexual-abuse-and-exploitation-review-evidence-2020> [↑](#endnote-ref-13)
13. Spangaro, J. Zwi, A. Adogu, C. Ranmuthugala, G. et al. (2013), What is the evidence of the impact of initiatives to reduce risk and incidence of sexual violence in conflict and post-conflict zones and other humanitarian crises in lower and middle-income countries? A systematic review, EPPI-Centre, Social Science Research Unit, Institute of Education, University of London, London, and Spangaro, J. Adogu, C. Ranmuthugala, G. Powell Davies, G. et al. (2013) What Evidence Exists for Initiatives to Reduce Risk and Incidence of Sexual Violence in Armed Conflict and Other Humanitarian Crisis? A systematic review, PLOS ONE, 8: 5, 1–13 cited in United Nations Children’s Fund, Action to end child sexual abuse and exploitation: A review of the evidence, United Nations Children’s Fund (UNICEF), New York, 2020, p. 42. <https://www.unicef.org/documents/action-end-child-sexual-abuse-and-exploitation-review-evidence-2020> [↑](#endnote-ref-14)
14. Bhabha, J. (2013) Child Migration and Human Rights in a Global Age, Princeton University Press, Princeton, New Jersey and UNICEF (2017) A child is a child: Protecting children on the move from

    violence, abuse and exploitation, UNICEF: New York cited in United Nations Children’s Fund, Action to end child sexual abuse and exploitation: A review of the evidence, United Nations Children’s Fund (UNICEF), New York, 2020, p. 42. <https://www.unicef.org/documents/action-end-child-sexual-abuse-and-exploitation-review-evidence-2020> [↑](#endnote-ref-15)