

# Questions & Answers

*about the* Commercial Sexual Exploitation of Children



An information booklet by  
ECPAT International

ECPAT International is a global network of organisations and individuals working together to end child prostitution, child pornography and the trafficking of children for sexual purposes. It seeks to encourage the world community to ensure that children everywhere enjoy their fundamental rights free and secure from all forms of exploitation.



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## WHO *IS* A CHILD?

Article 1 of the United Nations *Convention on the Rights of the Child* states that a child is a person below the age of 18, unless the age of majority is attained earlier under the national law applicable to the child. As such, 18 has become the age for determining childhood among the international child rights NGO community. However, there are states in which children are considered adults before 18 years of age or where protection measures do not apply through to 18. Different laws may provide for different ages of majority with significant variations within and across jurisdictions. When a state establishes a low age of majority – 14 for example – one of the most direct consequences is that those persons between 14 and 18 are likely excluded from the scope of the CRC because they will not be considered as ‘children’. Where ages other than 18 are used to define a child, protection

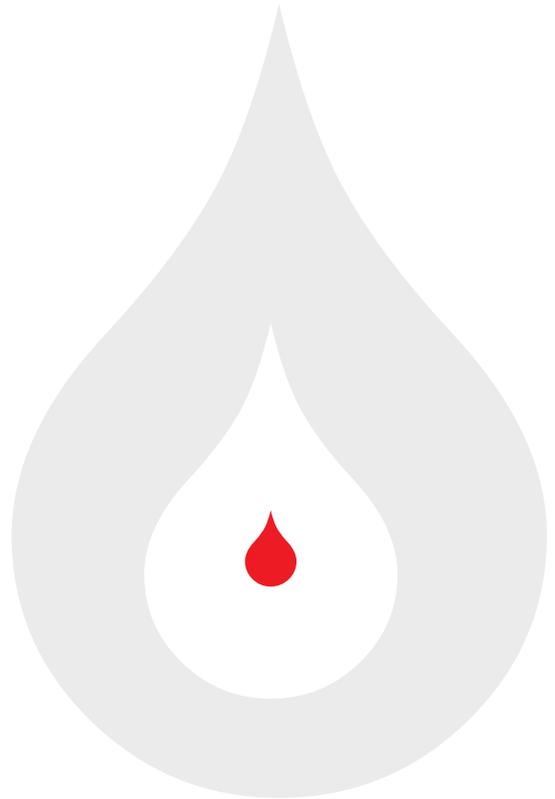
of children from sexual exploitation and related forms of violence becomes more difficult. This is especially true when children cross international borders and may not be subject to the equivalent levels of protection between states.

The age of sexual consent refers to the time at which a person is considered legally able to engage in sexual activity. The age of consent varies from country to country - and even within a country. It may also differ between genders, typically higher for males than for females, where legislation does not guarantee equal rights to men and women. Conversely, many of the laws which some countries have to protect children from sexual exploitation only address the issue in relation to girls’ exploitation, whilst the sexual exploitation of boys is generally ignored. While there is no international consensus on what



constitutes an appropriate age of sexual consent (it currently varies from 12 to 18), low ages of sexual consent increase children's vulnerability to CSEC. In countries where the age of sexual consent is low, children who have reached that age are particularly vulnerable to abuse and exploitation, especially when there are no legal provisions that define and prohibit child sexual exploitation in prostitution and pornography. Children can never consent to being exploited and abused. It is therefore important that countries with low ages of sexual consent amend their laws to raise that age, and that laws on sexual exploitation of children protect all children up to the age of 18, irrespective of the age of sexual consent.

The legal definition of a child also affects how offenders are dealt with by the courts. In some instances, social acceptance may affect the attitudes and approach of law enforcement and judicial officers with the result that abuses are considered 'less serious' and little action is taken.



# WHAT *IS* COMMERCIAL SEXUAL EXPLOITATION *OF* CHILDREN ?

Commercial sexual exploitation of children consists of criminal practices that demean and threaten the physical and psychosocial integrity of children. The Declaration and Agenda for Action against Commercial Sexual Exploitation of Children<sup>1</sup> is a groundbreaking instrument that defines the commercial sexual exploitation of children as:

*“A fundamental violation of children’s rights. It comprises sexual abuse by the adult and remuneration in cash or kind to the child or a third person or persons. The child is treated as a sexual object and as a commercial object. The commercial sexual exploitation of children constitutes a form of coercion and violence against children, and amounts to forced labour and a contemporary form of slavery.”*

The primary, interrelated forms of commercial sexual exploitation of children – often referred to as CSEC – are prostitution of children, child pornography and trafficking of children

for sexual purposes. Other forms include child-sex tourism, and in some cases, child marriage. Children can also be commercially sexually exploited in other, less obvious ways, such as through domestic servitude or bonded labour. In these cases, a child is contracted to provide work but the employer believes that the child can also be used for sexual purposes.

Commercial sexual exploitation of children exists because there is a demand for it. Deterrence and criminal punishments are important, but any efforts to end the commercial sexual exploitation of children must also recognise the need to challenge and condemn behaviours, beliefs and attitudes that support and sustain this demand.

It is important to note that not only girls, but also large numbers of boys, are exploited in commercial sex.



## ➤ PROSTITUTION OF CHILDREN

6 The *Optional Protocol on the sale of children, child prostitution and child pornography (Optional Protocol)* defines child prostitution as “the use of a child in sexual activities for remuneration or any other form of consideration”.<sup>2</sup> The prostitution of children thus occurs when someone benefits from a commercial transaction in which a child is made available for sexual purposes. Children may be controlled by an intermediary who manages or oversees the transaction, or by a sex exploiter, who negotiates directly with the child. Children are also involved in prostitution when they engage in sex in return for basic needs such as food, shelter or safety, or for favours such as higher grades at school or extra pocket money to purchase consumer goods. These acts may occur in many different locations, such as brothels, bars, clubs, homes, hotels or on the street.

The key issue is not that children make a choice to engage in prostitution in order to survive or to

buy more consumer goods: driven by circumstances, or influenced by acquaintances, peers as well as social norms and values, they are pushed into situations in which adults take advantage of their vulnerability and sexually exploit and abuse them. In this sense, the terms ‘child prostitute’ or ‘child sex worker’ do not reflect the actual reality as they imply that a child has somehow chosen to make prostitution a profession. It is adults who create ‘child prostitution’ through their demand for children as sexual objects, their misuse of power and their desire for profit; as such, children are victims of abuse rather than ‘sex workers’.

Commercial sexual exploitation of children through prostitution is a global problem and is closely connected to child pornography and the trafficking of children for sexual purposes. Demand for sex with children may come from both local and foreign exploiters. Local demand – which generally comprises persons

who are perpetrators of commercial sexual exploitation of children in their country of origin – is a significant factor that is often overlooked.

Almost universally, local demand for sex with children outnumbers the demand of foreigners in any given country. As with demand in general, trying to understand local demand only in terms of the perpetrators, without also examining the social, cultural and historical constructions and components that contribute to creating a 'market' for this crime, provides only a narrow understanding of the multiple forces driving this key factor in the commercial sexual exploitation of children.

Foreign demand is less extensive, but generally receives a higher profile, especially as the media gives much attention to cases of child-sex tourism. Foreign demand also includes military personnel and aid workers who sexually exploit children in exchange for aid, security or money. More recently, organised sex tourism, especially in Asia and Central and South America, has increased the demand for sex with children. Foreign demand has also been spurred on by economic development policies that promote foreign investment, attracting expatriates and tourists.

In El Salvador, one-third of sexually exploited children between 14 and 17 years of age are boys. The median age for entering into prostitution among all children interviewed was 13 years.<sup>3</sup>

## ➤ CHILD PORNOGRAPHY

8 The *Optional Protocol* defines child pornography as “any representation, by whatever means, of a child engaged in real or simulated explicit sexual activities or any representation of the sexual parts of a child for sexual purposes.” Child pornography includes photographs, visual and audio representations and writing, and can be distributed through magazines, books, drawings, movies, videotapes, mobile phones and computer disks or files. Generally speaking, there are two categories of pornography: that which is not sexually explicit but involves naked and seductive images of children, and that which presents images of children engaged in sexual activity. The use of children in either way is sexual exploitation but existing international legal standards are limited to criminalising only the latter.

Child pornography exploits children in many different ways. Children may be tricked or coerced into engaging in sexual acts for the production of pornography, or images may be made in the process of sexually exploiting a child without the child’s knowledge. These images are then distributed, sold or traded. Secondly,

those who ‘consume’ and/or possess pornographic depictions of children are also exploiting the children, especially as the demand for such materials maintains the incentive to their production and consequently to the sexual abuse of the child. Thirdly, the makers of pornography commonly use their products to coerce, intimidate or blackmail the children used in the making of such material.

When investigators are able to identify children depicted in pornography, the abuser is commonly found to be a member or associate of the child’s family or providing some care or guardianship. However, children who live or spend a lot of time on the streets, as well as children already forced into prostitution and children who are trafficked, are also at risk of being used in the production of child pornography.<sup>4</sup> In certain parts of the world, such as Eastern Europe and the CIS, there is a marked involvement of organised crime networks in the production and distribution of child pornography.



The most obvious use of child pornography is sexual arousal and gratification. However, it is also used to validate certain beliefs and behaviour (e.g. the notion that it is 'OK' to have sex with children), establish trust among others interested in abusing children, gain entrance to private clubs, and to make a profit. At a societal level, child pornography, whether of real or simulated images of children, continues to cultivate a demand that involves sexual abuse and exploitation of children and is linked to the prostitution of children, child-sex tourism, and the trafficking of children for sexual purposes.

New technologies and the growth of the Internet are creating more commercial opportunities for child exploiters and pornographers, as

well as facilitating the development and extending the reach of distribution networks. Nowadays, child pornography is often produced and distributed using information and communication technologies (ICTs) and the Internet, as child pornographers use file sharing networks, news groups, peer-2-peer systems and other technologies to share and sell child pornography. These technologies facilitate organised sexual abuse and violence against children as perpetrated by networks of commercial buyers, sex tourists, paedophiles, traffickers, as well as more occasional forms of prostitution of children and young people such as *enjo kosai*, a Japanese term meaning 'compensated dating'. In addition, child sex exploiters use mobile phones and infiltrate chatrooms and other

Several cases have highlighted how new technologies may be used to compound harm. In India, a teenage boy used his phone-camera to film sexual activity with his then girlfriend and sent the images to his friends via mobile phone. Eventually, the images were posted for sale online and videos were sold at local markets. In Canada, a teenage boy was charged with child pornography offences after posting naked images of his former girlfriend online after she broke up with him. The consequences for both girls were devastating and their humiliation is compounded by the awareness that the images had reached an extensive audience and will continue to do so long into the future.



Many countries still do not have effective legislation on child pornography. This legal vacuum creates a dangerous gap that exposes children to the risk of abuse, further increased by the impunity factor. Furthermore, each country has its own definition of what the age of consent to sexual activity is: in many cases, it is different from the age used in child pornography legislation, which can create problems in the application of child pornography laws.<sup>5</sup>

online social spaces to lure and groom children with the intent to abuse and exploit them, which poses many risks to children who use IT in their daily lives.

10 Through the use of digital graphics software, it is possible to combine two or more images into one, or distort pictures to create a completely new image, a process called morphing. Non-pornographic images of real children can be made to appear as pornography and pornographic images of 'virtual children' can be created. This raises new questions and issues, such as the age of a 'virtual child' and whether there can be a crime without a real victim. Child pornography is not just about images of naked children: the desire for sex with real children is maintained

and promoted whether or not the image of the child is 'real', and there are clear links between child pornography and the sexual abuse of children. This is why materials such as cartoons and the Japanese comics 'manga', which depict children in sexual activities or in a highly sexualised manner, are also harmful.

The global distribution of child pornography over the Internet without uniform laws to protect children makes it difficult for national law enforcement authorities to prosecute offenders locally. As the Internet is not confined by national boundaries, harmonised legislation, international police cooperation and IT industry responsibility are required to tackle the problem.



## ➤ TRAFFICKING // CHILDREN

The most common international law definition is the one contained in Article 3 of the UN *Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, Supplementing the United Nations Convention against Transnational Organised Crime* (2000):

(a) “Trafficking in persons” shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or

of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs;

(b) The consent of a victim of trafficking in persons to the intended exploitation set forth in subparagraph (a) of this article shall be irrelevant

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### Smuggling vs. Trafficking

There is some confusion as to the difference between trafficking and smuggling, as well as to whom these terms should be applied. In general, trafficking involves elements of coercion, deception, violence and physical and/or psychological force. Smuggling, on the other hand, involves migrants who have consented to be transported into another country, usually in search of better lives. In general, smuggling is a migration issue, while trafficking is a human rights issue. However, in the case of children, consent is not an issue, and children are always victims of trafficking.<sup>6</sup>

where any of the means set forth in subparagraph (a) have been used;

(c) The recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation shall be considered “trafficking in persons” even if this does not involve any of the means set forth in subparagraph (a) of this article; and

(d) “Child” shall mean any person under eighteen years of age.

Human trafficking has emerged as an issue of global concern in recent years: facilitated by porous borders and advanced communication technologies, it has become increasingly transnational in scope and highly lucrative. People, particularly children, can be sold several times for various purposes - they are commodities in a business that generates billions of dollars and operates with impunity. Children are trafficked for sexual exploitation, labour, transplant of organs and illegal adoption. Regardless of the initial purpose, all child victims of trafficking are highly vulnerable to sexual abuse and exploitation because they are removed from support structures such as their families and communities.

When it comes to trafficking in children, it does not matter if there was use of force, coercion or deception because children are not able to give informed consent to their exploitation. Action to combat trafficking in children must address the conditions that make children vulnerable and target punitive measures against the traffickers rather than the victims.

There are no exact estimates on the number of children who are trafficked. This is because the practice is hidden and difficult to assess, and there is no common methodology for counting trafficking victims. Trafficking can occur across borders or within a country. In the case of international trafficking, traffickers can more easily manipulate and exploit their victims as they may be punished for having entered a country illegally, or are at a disadvantage because of their ignorance of the local laws, culture and language. The trafficking in children within a country is less common than cross-border trafficking, although it does occur from rural to urban areas. Children who have been trafficked across borders may continue to be trafficked within the destination country to avoid detection.





The West African cultural practice of sending children to live with extended family or friends is often used to mask trafficking. Parents believe that their child is going away to be educated or to work, when in many cases the children are being trafficked for cheap labour or other criminal activities.<sup>7</sup>

In the case of cross-border trafficking, the countries involved can be classified as countries of origin, countries of destination and transit countries (i.e. a waypoint into another country or region). Some countries fall under all three categories. Guatemala, for example, can be considered a country of origin as Guatemalan children are trafficked to Mexico or the United States. It is also a country of destination for children trafficked from El Salvador, Honduras and Nicaragua; and it is a transit country for children from neighbouring Central American countries who are being trafficked to the United States through Guatemala.

Trafficking routes fluctuate according to local conditions and factors of supply and demand. It is not true to say that victims are only trafficked from poor countries to wealthier ones: in some cases, the direction or flow may appear illogical, which makes it increasingly difficult to identify trends and patterns.



## ➤ CHILD-SEX TOURISM

Child-sex tourism is the commercial sexual exploitation of children by people who travel from one location to another and there engage in sexual acts with minors. Often, they travel from a richer country to one that is less developed, but child-sex tourists may also be travellers within their own countries or region. Sex tourism preys on sexual and economic inequality, and fosters other forms of commercial sexual exploitation of children such as child trafficking for sexual exploitation.

14 Child-sex tourists come from all walks of life: they may be married or single, male or female, wealthy tourists or budget travellers. Some child-sex tourists (preferential abusers and paedophiles) target children specifically; most, however, are situational abusers who do not usually have a sexual preference for children but take advantage of a situation in which a child is made available to them.

Anonymity, availability of children and being away from the moral and social constraints that normally govern behaviour, can lead to abusive conduct in another country. Child sex exploiters may try to rationalise their actions by claiming that sex with a child is culturally acceptable in the place they are visiting, or that the money or goods exchanged benefit the child and community.

Destinations can change. When prevention and protection efforts are stepped up in one country, child-sex tourists often shift to other destinations where it may be easier or less risky to sexually exploit children. For instance, as Brazil and Thailand increase their vigilance, child-sex tourism is rising in Ecuador, Cambodia, Vietnam and Indonesia. The opening up of transportation routes and markets, unregulated mass tourism development, and accentuated wealth discrepancies can also cause a shift

in child-sex tourism destinations, as in the case of North and South Eastern Europe, and Central America, which have experienced a growth in child-sex tourism.

While tourism is not the cause of child sexual exploitation, child-sex exploiters make use of the facilities offered by tour companies, hotels, resorts, restaurants, airlines and other transportation companies. Some businesses may be directly involved

as well: for example a hotel that turns a blind eye to sexual exploitation on its premises or travel agents that knowingly arrange sex tours abroad. The tourism industry is thus an important player and a valuable ally in the protection of children from sexual exploitation in tourism. Many travel and tourism organisations have recognised the key role they can play to better protect children, and are working together to combat child-sex tourism.

### *Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism*

The Code of Conduct was initiated by ECPAT Sweden in 1998 in cooperation with Scandinavian tour operators and the United Nations World Tourism Organization (UNWTO). The Code encourages companies adopting it to commit themselves to:

1. Establish an ethical corporate policy against sexual exploitation of children;
2. Educate and train personnel in both the country of origin and travel destinations;
3. Introduce a clause in the contracts with suppliers, that makes a common repudiation of sexual exploitation of children;
4. Develop information and awareness raising materials such as catalogues, brochures, posters, in-flight films, ticket-slips, home pages, etc;
5. Providing information to local "key persons" at the destinations; and
6. Reporting annually on the implementation of these criteria.

## ➤ CHILD MARRIAGE

16 Child marriage, or early marriage, involves the marriage of children and adolescents below the age of 18. It can be considered as a form of commercial sexual exploitation when a child is received and used for sexual purposes in exchange for goods or payment in cash or kind. Typically in such cases, parents or a family marry off a child in order to gain benefit or to support the family. While child marriages involve both boys and girls, it is more common for girls to be married to men who are significantly older than they are. In parts of West and East Africa and South Asia, marriages taking place before one or both individuals have reached puberty are not unusual, while marriage shortly after puberty is common among those living traditional lifestyles in the Middle East, North Africa and parts of Asia.

Early marriages threaten a child's human rights, including their right to education, good health and freedom of expression. In many cases, once married, an underage person can lose their status as a 'child' and whatever protection that affords nationally. Sometimes, the marriage is not intended to be a permanent union: in some countries, temporary marriages are possible via a short-term marriage contract, known as *siqueh* in the Middle East and North Africa. This, combined with a low legal age of marriage, means that it is possible to circumvent the illegal act of child prostitution.

There are a number of reasons why the tradition of child marriages continues. Fear of HIV infection has encouraged men in many countries

to seek younger partners. Where poverty is acute, early marriage is seen as a strategy for economic survival. Early marriage may also be considered as a way to ensure that young girls are protected: families in rural Albania have encouraged their daughters to marry early to avoid the threat of kidnapping, while in northern Uganda and Somalia, families have married their daughters to militia members in exchange for protection for themselves and the girls.<sup>8</sup>

Some children are forced into marriage by parents or families, which means that consent is made by somebody else on the child's behalf and the child does not have the opportunity to exercise the right to choose; other children are too young to make an informed decision. In these cases, early marriage is forced marriage. In its most extreme form, forced marriages are the result of abductions. In Uganda, young girls are abducted and forced to marry senior leaders in the guerilla movement known as the Lord's

Resistance Army. These 'marriages' are used as rewards and incentives for male soldiers.

Many girls who are forced to marry early suffer from prolonged domestic violence. Furthermore, early marriage is often linked to wife abandonment, plunging young girls into extreme poverty and increasing the risk that they will be forced to enter the commercial sex trade in order to survive.



# WHAT *IS THE* DIFFERENCE BETWEEN SEXUAL EXPLOITATION *AND* SEXUAL ABUSE *OF CHILDREN?*

Commercial sexual exploitation of children and child sexual abuse (CSA) constitute a manipulation of power in utilising a child as a sexual object. However, they are two distinct forms of sexual violence against children, requiring differing interventions for their elimination. They also share areas of overlap, thereby providing opportunities for coordination and collaboration between actors working to combat both.

## Child sexual abuse

Sexual abuse of a child can be defined as contacts or interactions between a child and an older or more knowledgeable child or adult, such as a stranger, sibling or parent, when the child is being used as an object of gratification for the abuser's sexual needs. These actions are carried out using force, threats, bribes, trickery or pressure. Sexually abusive activities do not necessarily involve bodily contact between abuser and child. Abusive activities could include exhibitionism or voyeurism, such as an adult watching a child undress or encouraging or

forcing children to engage in sexual activities with one another, while the abuser observes or films such activities. Abusers are often people who have a responsibility in some capacity for the child's safety and well-being, thus a relationship of trust has been developed and at the same time one of power.

A more recent phenomenon is Internet 'grooming', whereby an adult deliberately sets out, using Internet chatrooms or social networking websites to prepare or 'groom' a child

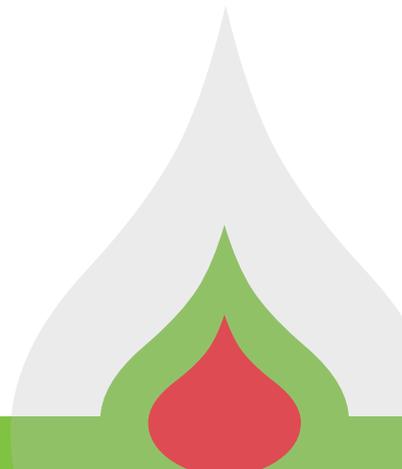
for a subsequent physical or virtual meeting with the intention (or result) of sexually abusing the child. The Internet has also made organised child sex abuse more widespread,

providing opportunities for individuals to form networks for the purpose of exchanging child abuse images and to gain access to victims.

## Commercial sexual exploitation *of* children

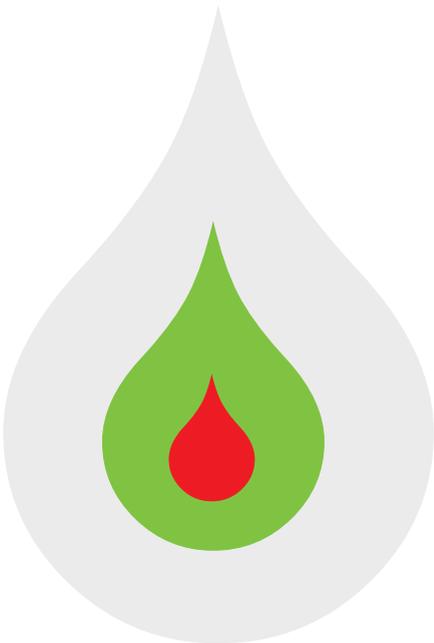
Through commercial sexual exploitation, a child becomes not only a sexual object but also a commodity, which makes a significant difference in terms of interventions. CSEC is defined as the use of a child for sexual purposes in exchange for cash, goods or in-kind favours, which are given to the child and/or to an intermediary that profits from the sexual exploitation of the child. It constitutes a violation of children's rights and the key element is that this violation arises through a commercial transaction of some sort, in which one or more parties gain a benefit. The remuneration factor also distinguishes CSEC from CSA, as commercial gain is absent from the latter, although sexual exploitation is also abuse.

It is important to include in-kind transactions in the definition, as there is a tendency to view such transactions as entailing consent on the child's part. Where sexual exploitation occurs in exchange for protection, a place to sleep, access to higher school grades or a job promotion, the child does not 'consent' to the transaction, but is the victim of a manipulative person(s) who is abusing his/her position of power and responsibility.



There are situations which are difficult to categorise strictly as CSA or CSEC. For example, in the case of child domestic labourers (which tend to be mostly girls): they are highly vulnerable to sexual abuse as there can be an implicit expectation by the employer that the child's duties include providing 'sexual services', and these are 'part of the contract'. Another example relates to pornography, as child abuse images can be created either for non-commercial use or for commercial exchange. Nevertheless, child pornography made for non-commercial purposes may subsequently be commercially traded or exchanged.

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ECPAT's mandate is to fight against commercial sexual exploitation of children, although the work of many ECPAT groups also touches on efforts to combat child sexual abuse. Thus, ECPAT and its network partners aim to achieve a greater interface and collaboration with those working to eliminate CSA.



# WHO SEXUALLY EXPLOITS CHILDREN?

Child sex offenders come from all walks of life and social backgrounds. They can be found in any profession and in any country. They may be heterosexual or homosexual, and although the vast majority are male, there are also female offenders.

While they may be popularly called paedophiles, this is not strictly correct: the term paedophile refers to a sexual preference for pre-pubescent children, and many paedophiles do not act on their fantasies and do not sexually abuse children. A person who sexually exploits or abuses a child is not necessarily a paedophile, and may have sex with a child simply because they had the opportunity to do so. Hence, it is much more accurate and useful to use the term 'child sex offender' to describe a person engaging in sex with a child.

Child sex offenders are generally divided into two categories: situational and preferential. The situational child sex offender does not have a true sexual preference for children, but engages in sex with children because the opportunity arises. Such offenders may exploit children because they

have entered into situations in which a child is easily accessible to them, or certain disinhibiting factors are present which cause them to delude themselves about the child's age or consent to the sexual activity. Sexual exploitation of children may be an act committed while on holiday or it may develop into a long-term pattern of abuse.

Preferential child sex offenders have a definite sexual preference for children. They are fewer in numbers than situational offenders, but potentially can abuse larger numbers of children as this is their desire and intention. Their behavioural patterns have been identified:

- Seducers use affection, attention or gifts to lure children and are often willing to spend long periods of time grooming their victims in preparation for the abuse. They may also use threats, blackmail and physical violence to discourage disclosure.
- Introverted offenders have a preference for children but lack the ability to interact with them.

They engage in a minimum amount of communication with victims and tend to abuse unknown or very young children.

- Least common are sadistic offenders, who in addition to a sexual interest in children, also derive sexual pleasure from inflicting pain. This type of offender is most likely to use force to gain access to the child and is also likely to abduct or even murder the victim.

In some situations, the boundaries between the categorisations of preferential and situational abuser are blurred. For instance, some abusers perceive sex as a means of exerting power and control over their victims, thus in some regions of the world the exploitation of young, inexperienced sexual partners is widely accepted as an indicator of masculinity. Results from research in Peru showed that exploiters reported “feeling younger” when they have sex with young girls.

The Peru study revealed a widespread expression of a preference amongst commercial sex consumers for young girls, to the extent that this group of exploiters can be more realistically defined as preferential, rather than situational abusers. Another popular attitude amongst those studied was that once a girl reaches puberty and shows signs of sexual development, she is regarded as being sexually available to men. Thus, they are not considered or defined as children and are not regarded as being in need of protection.

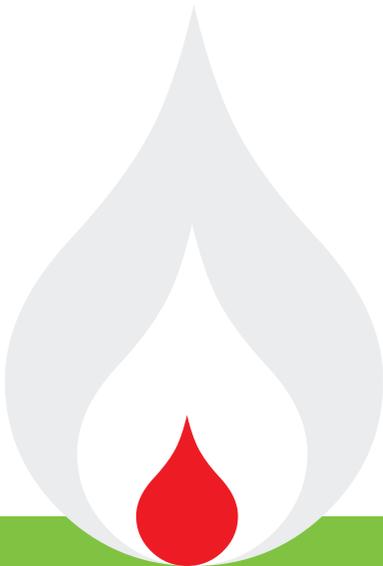
While child sex offenders create a demand for sex with children, a wide range of individuals and groups contribute to their commercial sexual exploitation. This may include family members, community leaders, the private sector or organised criminal networks. Deception is common, although some parents knowingly sell their children to brothel owners or traffickers. Poverty is one reason, but other factors



include addiction to drugs, the need to conceal incest in the family, discrimination against girl children and materialistic greed. People known to the child may act on behalf of agents for a small fee and persuade the child to enter the sex trade or lure them away from their homes. Community leaders may also be directly or indirectly involved if they are aware of agents recruiting in their village but ignore them in exchange for a share of the money.

Organised criminal networks take part in procuring and channelling vulnerable young women and children towards commercial sexual exploitation and in perpetuating such exploitation. The reasons are clear: the profits are substantial.

According to the International Organisation for Migration (IOM), there is a trend towards intercontinental strategic alliances between organised criminal networks as well as collaboration with local networks. These alliances facilitate the provision of transport, safe houses, local contacts and documentation.<sup>9</sup> Criminal networks use intimidation and violence as a means to control the victims of trafficking, as well as those who are attempting to address the issue. The illicit incomes generated fund other criminal activities.



# HOW *DOES* COMMERCIAL SEXUAL EXPLOITATION *AFFECT* CHILDREN?

Commercial sexual exploitation, in all its forms, seriously compromises a child's right to enjoy their youth and their ability to lead a productive, rewarding and dignified life. It can result in serious, lifelong, even life-threatening consequences for the physical, psychological, spiritual, emotional and social development and well-being of a child. While the actual affects vary according to the child's individual circumstances, and are dependent upon factors such as child developmental stages and the nature, duration and form of the abuse, all children are adversely affected by being commercially sexually exploited.

Children who are commercially sexually exploited are at great risk of contracting HIV or AIDS and are unlikely to receive adequate medical care. They are also at great risk of physical violence – those who make an attempt to escape or counter their abuse may be severely injured or killed. The psychological effects of sexual exploitation usually plague children for the rest of their lives.

Where images of abuse exist, such as photographs, the knowledge that these images are available is a traumatic reminder of the abuse.

The care and rehabilitation of child victims of commercial sexual exploitation is a complex and difficult process. Children who have been exploited typically report feelings of shame, guilt and low self-esteem. Some children do not believe they are worthy of rescue; some suffer from stigmatisation or the knowledge that they were betrayed by someone whom they had trusted; others suffer from nightmares, sleeplessness, hopelessness and depression – reactions similar to those exhibited in victims of torture. To cope, some children attempt suicide or turn to substance abuse. Many find it difficult to reintegrate successfully into society once they become adults.



# WHAT *MAKES* CHILDREN VULNERABLE?

Commercial sexual exploitation of children includes traditional practices that are often ingrained into cultural beliefs, whereas globalisation and new technologies are posing a different, and constantly evolving, set of challenges.<sup>10</sup> Ultimately, it is the demand for children as sexual partners, for whatever reason, that drives commercial sexual exploitation of children. However, a complex matrix of factors exist that make children vulnerable and shape the forces and circumstances that allow them to be commercially sexually exploited. These factors and forces include:

## **Societal Acceptance**

The social constructs that directly or indirectly facilitate and/or encourage CSEC include concepts of childhood, child sexuality, child development, private and public space as they relate to sexual conduct, male/female power and sexual roles, and morality

in regards to sexuality. Such notions are commonly understood as 'natural' and often remain unquestioned and unchallenged, particularly as they relate to children. They may either be generalised at a global level or represent distinctive local dynamics.

## **Harmful Traditions and Customs**

A number of traditions and customs make children vulnerable to sexual exploitation. In some countries, sexual exploitation of children is thinly disguised as religious practice. For example, in Ghana, very young girls (under 10) are given to the local fetish shrine to atone for offences allegedly committed by a member of the girl's family. In this traditional practice known as Trokosi, a girl becomes

the property of the fetish priest and must provide sexual services as well as perform other labours for him.

Another example relates to formal structures such as the caste system, which can be found in South Asia, or informal pressures such as social stigmatisation, which can result in the daughters of prostitutes being forced into prostitution themselves.

## **Discrimination/Ethnicity**

Ethnic minorities are often vulnerable to exploitive forces that take advantage of their lack of official status or low regard. For example, many hill tribe children in Northern Thailand are denied Thai citizenship,

which limits their access to education, fair employment, standard benefits and protection.<sup>11</sup> This puts them at risk of trafficking or being forced into sexual exploitation.

## **Irresponsible Sexual Behaviour and Myths**

Many men value the experience of taking a girl's virginity, whether through the social mechanism of marriage or otherwise, as evidence of their masculinity. Additionally, there are several popular misconceptions or myths surrounding sex with a virgin or with a child. In many countries in Asia and Africa, some men believe

that having sex with young girls (who are presumably virgins or have had few partners) will either protect them from contracting HIV/AIDS and other related diseases, or cure them. Others believe that sex with a virgin renews youthfulness, increases virility, and brings good health, longevity, luck and success in business.

## **Poverty**

While poverty may be a principal catalyst in many cases, it does not alone adequately explain a child's vulnerability. Many children from poor families escape sexual exploitation, while many children whose families are not impoverished fall prey to such

violations. Poverty creates conditions which increase the vulnerability of a child to sexual exploitation and limits the opportunities for families to provide a safe environment for the child to grow and develop.

## **Domestic Abuse of Children and Neglect**

Sexual abuse, violence and neglect, often perpetrated by parents, family or members of the child's community, leaves children vulnerable to sexual exploitation as they lack the

protection of caring adults. If forced to leave home, children can become increasingly at-risk due to peer pressure, desperation or fear.

## **Emergency or Disaster Situations**

Disintegration of traditional routines, loss of social support structures and family breakdowns can occur during emergency situations, making children highly vulnerable to commercial sexual exploitation. In addition, unequal power relations can develop between

those who give and those who receive in an emergency context, and children who are already suffering, in need and without protection may become the victims of those who are meant to be providing relief and support efforts.

## **Conflict Situations**

As in emergency situations, the chaos of conflict, escape and displacement can separate children from their parents and carers. Unaccompanied children are especially vulnerable and at risk of sexual abuse or exploitation. For example, there have been reports of sexual exploitation and abuse involving UN peacekeepers in the Democratic Republic of Congo who exchanged food or small sums of money for sexual services from girls under the age of 18, some as young as 13.<sup>12</sup>

Furthermore, thousands of children are estimated to have been recruited into government armed forces, government militias and in armed opposition groups. Girl soldiers are frequently subjected to rape and other forms of sexual violence:<sup>13</sup> in Colombia, girls in the guerrilla forces face gender-related pressures, and although rape and overt sexual harassment are not tolerated, many male commanders force underage girls into sexual liaisons.<sup>14</sup>



## Living and Working in the Streets

Street children can be found in most cities around the world. Once on the streets and facing unfamiliar circumstances without the care and

protection of parents or other adults, children are particularly vulnerable and may be forced into prostitution in order to survive.

## HIV/AIDS

A large number of children under 15 are infected with HIV and many more have been orphaned due to AIDS. Having lost the benefit of protecting adults and burdened with the responsibility of caring for the

other members of the family, they are vulnerable to sexual exploitation; once forced into prostitution, they are extremely vulnerable to contracting HIV/AIDS.

## Consumerism

In many developed countries, young people are being pushed into prostitution not just as members of the underclass trying to escape poverty, but as members of the middle class who desire greater disposable income. Persuaded by peer pressure, the need to belong, the value that society places on expensive brand name products and luxury goods and services, they exchange sexual services for money or other status products. These children are sometimes experiencing difficulties such as divorce of their parents, the death of a loved one, or bullying, which can also make them psychologically vulnerable.

An example of this is the phenomenon known as '*enjo kosai*' in Japan, in which adults purchase sex directly from children, typically via mobile telephone or Internet sites. There are many misconceptions surrounding this trend, especially due to ignorance of the many factors that lead these children to engage in such acts. A tendency not to view these children as victims of exploitation has fuelled indifference about their right to protection and created a propensity to punish and blame them.<sup>15</sup>

## Adoption

Adoption constitutes a permanent protective measure for children who are deprived of family and should be the end result of a professionally-led and multidisciplinary process to ensure

a child's best interests are upheld. In more severe forms of trafficking, the term 'adoption' may mask a child's transfer from one person to another for the purpose of sexual exploitation.

## Inadequate Laws and Corruption

Many countries lack a comprehensive legal framework for deterring crimes, managing investigations, prosecuting perpetrators and protecting and assisting children during their recovery. In addition, corruption among police and other law enforcement officials can be a major obstacle in combating

commercial sexual exploitation. As with most illegal activities, it is difficult to determine the overall extent of corruption. Traffickers can bribe some border officials and some police will accept a brothel owners' offer of free services in exchange for their silence.

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## Information & Communication Technologies

All children and young people who use ICTs are at risk. Moreover, children who do not have access to the latest ICTs may also be at risk without their awareness. They may, for instance, become the subjects of photos or videos that are then sent into cyberspace; they may be advertised online as commodities; and/or are affected by violence and harm arising from other people's online interactions, including the sharing of pornography.

The types of violence and exploitation resulting from ICTs include:

- Production, distribution and use of materials depicting child sexual abuse.
- Online solicitation or 'grooming' (securing a child's trust in order to lure them into a situation where they will be abused).
- Exposure to materials that can cause psychological harm or lead to physical harm.
- Harassment and intimidation, including bullying.

# HOW WIDESPREAD *IS THE* COMMERCIAL SEXUAL EXPLOITATION OF CHILDREN?

The sexual exploitation of children takes place in both developing and developed countries, but there is no reliable means of determining the number of children who have been victimised. Data collection is often adhoc or limited in scope and targeted research is scarce. Also, due to its illegal nature, the sexual exploitation of children is largely concealed, which makes estimates of its true scope difficult to assess.

In some regions where this is a taboo subject, such as Central Asia, the Middle East and North Africa, evidence is primarily anecdotal. Until very recently, there has been no

serious attempt to address the issue in these areas and very little research has been conducted. In regions where research has been conducted, generally data is not disaggregated adequately enough to present a true picture. This appears to be the case with trafficking research in particular. Reports seldom distinguish between persons who have been trafficked for sexual purposes and those who have been trafficked for economic or other purposes. Moreover, they rarely distinguish between trafficking in women and trafficking in children, and those that do rarely distinguish between children of different ages or genders.

Why distinguish between trafficking in children and trafficking of adults?

- They require different prevention strategies, especially as children are usually much more vulnerable to manipulation and exploitation.
- Rehabilitation and reintegration need to be adapted to children's needs, as the social, psychological and physical trauma inflicted early in their development may have greater consequences for a trafficked child's long-term development, healing and re-insertion in society.
- There is a need to ensure that states comply with their specific legal responsibilities to protect children's rights, which are threatened or violated through trafficking, as accorded by the *Convention on the Rights of the Child* and other international instruments.



# WHAT *IS* BEING DONE *TO* PREVENT CSEC? *?*

Around the world, efforts are underway to protect children and prevent their commercial sexual exploitation. For example, at global and regional level, a number of legal protocols are now in place in an attempt to offer better protections for children; at national level, plans and policies have been developed to tackle the problem through various inter-connected measures; and at local level, grassroots organisations implement a wide range of projects targeting children at risk or already victimised in commercial sex.

At the First World Congress in Stockholm in 1996, and five years later at the Second World Congress held in Yokohama, Japan, participants representing governments, non-governmental organisations, UN agencies and other stakeholders, committed themselves to a global partnership against commercial sexual exploitation of children. This commitment was manifested in the Stockholm Agenda for Action: since 1996, 161 countries have adopted the Agenda for Action and committed

themselves to finding ways to end commercial sexual exploitation of children.

In addition, there are several international conventions containing articles that offer protection to children from commercial sexual exploitation and states that ratify these conventions are legally bound to comply with their provisions. The *United Nations Convention on the Rights of the Child*, which entered into force on 2 September 1990, has been adopted and ratified by every country in the world, except one.

Article 34 of the CRC calls for States Parties to take all appropriate measures to prevent the inducement or coercion of a child to engage in unlawful sexual activity, as well as to prevent the exploitative use of children in prostitution, pornography or other unlawful sexual activities. Article 35 calls for all appropriate measures to be taken to prevent the abduction, sale or trafficking of children for any purpose or in any form. The *Optional Protocol on the*

The Agenda for Action calls upon governments, international governmental and non-governmental organisations, other concerned organisations and individuals to direct technical and material resources towards protecting children from commercial sexual exploitation. It calls for action to improve cooperation and coordination, provide health and educational programmes, strengthen law enforcement and legislation, adopt non-punitive rehabilitation measures and encourage child and youth participation.

*sale of children, child prostitution and child pornography*, which entered into force on 8 January 2002, specifically addresses commercial sexual exploitation of children.

An associated convention, the United Nations *Convention against Transnational Organised Crime*, was adopted in Palermo, Italy in December 2000. It is supplemented by the *Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children (Trafficking Protocol)*, which combines traditional crime control measures to investigate, prosecute and punish offenders with specific measures to assist trafficked children. It calls for prevention efforts, including the provision of information and education to potential victims, officials and the general public and for greater international cooperation with regard to judicial cooperation, mutual assistance in criminal matters, extradition, law enforcement cooperation, witness protection and technical assistance.

## The role of law enforcers

Despite international and national laws and treaties, authorities face obstacles when conducting investigations and prosecuting offences committed both at home and abroad. The collection of reliable evidence and testimonies depends on the cooperation of the local police, and differences in language, culture and attitude towards commercial sexual exploitation of children can compound difficulties.

Governments in host and tourist-sending countries are taking action against child-sex tourists by passing extraterritorial legislation and national legislation, instituting travel bans on convicted child sex offenders and launching awareness campaigns. Unfortunately, still too few countries actively tackle child-sex tourism, and children continue to be exploited regularly in tourism destinations.

Law enforcement officers need training that focuses on increasing awareness of commercial sexual exploitation of children as well as on how to manage cases that come to their attention. Intensive training of law enforcement personnel has been carried out in some areas in cooperation with national organisations and international agencies such as Interpol, ILO/IPEC and UNICEF. However, measures are also needed to combat corruption, such as establishing national independent commissions of inquiry to investigate allegations of abuse and complicity. In addition, lawyers, judges and policy makers can help promote the best interests of children, for example by developing child-friendly legal procedures.

The healing process for children begins the moment that they first come into contact with a trusted adult: typically this will be a police officer. In

numerous locations, police authorities are establishing special units with child-friendly policies and procedures, as well as organising training workshops. Sri Lanka, for example, now has a Women and Children's Desk in every police station.<sup>16</sup>

For children who have been trafficked and 'rescued', the repatriation process can be traumatic. Children are often treated as criminals and even sometimes imprisoned, either in the country to which they have been trafficked or subsequently in their home country on return. They may also be vulnerable to re-victimisation or re-trafficking if appropriate care and protection is not available. There is a need for countries to apply immigration laws and policies more humanely in the case of trafficked children, as well as to develop appropriate rehabilitation and reintegration strategies for their long-term protection.

In 2004, city prosecutors launched a campaign during Rio's highly celebrated Carnival to discourage visitors to the city from engaging in sex with minors. Young people wore t-shirts saying 'sexual exploitation is a crime', and handed out pamphlets notifying tourists that having sex with a person under age 14 could land them in jail for up to 10 years.<sup>17</sup>





The make-IT-safe campaign, led by ECPAT International and the Children's Charities Coalition for Internet Safety (CHIS) based in the UK, is working to make information and communication technologies safe for children and young people. The campaign advocates IT leaders to implement policies and protective mechanisms to protect young users of technology. It also advocates governments to adopt international legal measures and child protection policies to provide care and protect children abused or exposed to harmful images or messages online.

[www.make-it-safe.net](http://www.make-it-safe.net)

### The role of the private sector

The private sector is a key partner in preventing commercial sexual exploitation of children. The tourism and travel industry is gradually responding to the problem of child sexual exploitation in tourism by raising awareness among staff and tourists through leaflets and posters, creating in-flight videos as part of education campaigns, setting up focal points for reporting instances of abuse, promoting the *Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism*, formulating industry declarations, and providing training in tourism schools and to tourism personnel on how to identify and deal with child-sex tourists. Individual tourists can also play their part by refusing to support any aspect

of the tourist industry that is involved in the sexual exploitation of children, and by reporting incidents of abuse to local authorities, relevant organisations or to local ECPAT groups.

Internet companies and information technology industries must also play an active role in preventing the sexual exploitation of children. They need to adopt codes of conduct, refuse to host child pornography, and collaborate with hotlines and law enforcement agencies to identify and report incidences of child sexual exploitation. In some countries, Internet service providers have drafted codes of conduct to clarify their roles and responsibilities relating to illegal content on the Internet. IT industries can also adopt measures to ensure that information and communications

technologies are made safe for use by children and young people, such as developing rating and filtering software to identify content on the Internet that may be harmful to children. Because the Internet is not confined by national boundaries, harmonised legislation, international police cooperation and IT industry responsibility are required to tackle the problem.

### **The work of non-governmental organisations**

In many countries, non-governmental organisations have been particularly active in protecting and caring for children by providing direct services for those abused or at risk of abuse through commercial sexual exploitation, and in raising awareness of the issues. Together with members of local communities, grassroots

organisations have been highlighting commercial sexual exploitation of children and reporting suspicious activities to the police or hotlines. They have also been putting pressure on their governments to adopt and enforce adequate laws to protect children from sexual exploitation.

### **The importance of child and youth participation**

Young people themselves are also becoming active participants in the battle against CSEC by becoming youth advocates, ensuring that the voice of the youth is heard in the development of policies and programmes related to their wellbeing, and acting as peer supporters and peer counsellors to other young people at risk.



- In the Philippines, several communities have volunteer patrols that monitor bars and brothels for the presence of children.
- The Domestic Workers Movement in India provides legal protection, education and counseling to its members, many of whom have been victims of sexual abuse.
- Airlines are creating in-flight videos that warn travellers against sexually exploiting children in destination countries.
- In many countries, NGOs and governments are setting up hotlines and websites where the public, and children themselves, can report cases of child sexual exploitation.

## Rehabilitating the offenders

A common characteristic exhibited by those who commit sexual crimes against children is their distorted beliefs and attitudes, typically portraying children as either being responsible for their own abuse, unharmed by sexual contact with adults or able to consent to the abuse. Treatment programmes that challenge these cognitive distortions and encourage the development of empathy with children have met with some success and may help to prevent sex exploiters from re-offending.

## Everyone's responsibility

There are many ways that people can get involved: educators can introduce an awareness raising and prevention component into schools' curriculum; journalists and publishers can refuse to write or publish sensational articles or use photos that further exploit a child or reveal the identity of a child; business, community or religious leaders can support children's clubs or street shelters, as well as provide skills training opportunities, promote the rights of children and adopt gender-sensitive policies.

**There are many committed individuals working tirelessly around the world in an effort to combat commercial sexual exploitation of children. The innovative work that has already been done can provide inspiration for all of us; all that we need is the vision and the will to make it happen.**



# ENDNOTES

- <sup>1</sup> The Declaration and Agenda for Action were adopted by 122 governments at the First World Congress against Commercial Sexual Exploitation of Children in Stockholm, Sweden, in 1996. As of 2006, 161 countries worldwide have adopted it.
- <sup>2</sup> Art. 2(b).
- <sup>3</sup> Organización Internacional del Trabajo (OIT). *El Salvador. Explotación Sexual Comercial de Niñas, Niños y Adolescentes: Una Evaluación Rápida*. 2002.
- <sup>4</sup> Taylor, M. and Quayle, E. *Child Pornography – An Internet Crime*. Hove and New York: Brunner-Routledge. 2003.
- <sup>5</sup> Report by the Special Rapporteur on the sale of children, child prostitution and child pornography. E/CN.4/2005/78. 23.12.2004.
- <sup>6</sup> IOM. *Migrant Trafficking and Human Smuggling in Europe*. Geneva. 2000. See also United Nations Office on Drugs and Crime. *FAQ on Trafficking in Human Beings*. 2005.
- <sup>7</sup> UNICEF UK. *End Child Exploitation: Stop the Traffic*. 2003.
- <sup>8</sup> UNICEF Somalia Support Center. *Survey of primary schools in Somalia 2000/2001*. 2001.
- <sup>9</sup> IOM Trafficking in Migrants Bulletin: Organized Crime Moves Into Trafficking, 1996.

- 10 Analysis of the situation of sexual exploitation of children in the Eastern and Southern Africa region – UNICEF, 2001. (<http://www.unicef.org/events/yokohama/csec-east-southern-africa-draft.htm>)
- 11 Physicians for Human Rights. *No Status: Migration, Trafficking & Exploitation of Women in Thailand Health and HIV/AIDS Risks for Burmese and Hill Tribe Women and Girls*. 2004.
- 12 Office of Internal Oversight Services (OIOS). *Investigation by the Office of Internal Oversight Services into allegations of sexual exploitation and abuse in the United Nations Organization Mission in the Democratic Republic of the Congo*. 2005.
- 13 Coalition to Stop the Use of Child Soldiers. *Child Soldiers Global Report 2004*.
- 14 Human Rights Watch. *“You’ll Learn Not To Cry”: Child Combatants in Colombia*. 2003.
- 15 See ECPAT International. *“Blaming Children for their Own Exploitation: the Situation in East Asia.”* In *ECPAT Report on the Implementation of the Agenda for Action, 2002-2003*.
- 16 Sri Lanka Police Service. IG Circular No. 1172/94 and Crimes Division Circular No. 13/94. 1 November 1994. See [http://www.police.lk/divisions/women\\_child.html](http://www.police.lk/divisions/women_child.html).
- 17 *Globalization and the Sex Trade – An interview with Maria Jaqueline Leite de Souza, General Coordinator, CHAME, Brazil*. Global Envision. <http://www.globalenvision.org/library/8/682/> (Accessed April 2005)



# NOTES

# NOTES



## WHAT CAN YOU DO?

**Learn more:** the problem of sexual exploitation of children is everywhere and more complex than you realise. Use the materials in our website ([www.ecpat.net](http://www.ecpat.net)) to better understand it.

**End the silence.** Discuss and raise awareness about this crime against children with the people around you - your family, colleagues, community groups, students and your local political representatives.

**Report:** if you suspect that a child is being sexually exploited, do notify the local authorities (police, social workers or an ECPAT group if available in your country). To report cases anonymously or receive advice about possible cases, contact us at [protect@ecpat.net](mailto:protect@ecpat.net).

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