



POWER, IMPUNITY AND ANONYMITY

**Understanding the Forces Driving
the Demand for Sexual Exploitation
of Children**



POWER, IMPUNITY AND ANONYMITY

Understanding the Forces Driving the Demand for Sexual Exploitation of Children

Researchers and Writers:

Eliana Riggio

Mark Erik Hecht

The Introduction, Chapters 1, 2, 3 and 7 and Sections relating to SEC prevention in Chapter 6 were written by Eliana Riggio. Chapters 4 and 5 and Sections relating to the legal and private sectors in Chapters 6 and 7 were written by Mark Erik Hecht.

Additional Input and Support:

Alessia Altamura

Mark Capaldi

Initial Research and Editorial Assistance:

Melody Burke

Mairi Calder

Linda Fouad

Rebecca Rittenhouse

Vincent Wong

March, 2016

Copyright 2016, ECPAT International

This publication was produced with the financial assistance of Defence for Children-ECPAT Netherlands and the Ministry of Foreign Affairs of The Netherlands. The views expressed herein are solely those of the authors. The support received from the above-mentioned donor does not constitute endorsement of the opinions expressed.

TABLE OF CONTENTS

ACKNOWLEDGEMENTS	i
LIST OF ACRONYMS	ii
INTRODUCTION	1
1. DEFINING DEMAND FOR SEXUAL EXPLOITATION OF CHILDREN	5
1.1 Defining sexual exploitation of children	5
1.2 Defining demand for sexual exploitation of children	8
1.3 The Demand Tree	10
1.4 Promoting a human-rights terminology	12
2. MAPPING THE DEMAND	13
2.1 Understanding the demand for sexual exploitation of children: The three levels of the Demand Tree	14
2.1.1. The immediate level of the demand for child sexual exploitation	14
2.1.2 The intermediate level of the demand for child sexual exploitation	31
2.1.3. The underlying level of the demand for child sexual exploitation	36
2.1.3.1 Sexual attitudes underpinning sexual exploitation of children	36
2.1.3.2 Gender and social norms	39
2.1.3.3 Globalisation, poverty and inequality	43
2.1.3.4 Impunity	46
3. A VIRTUAL MARKETPLACE: THE NEW SUPPLY AND DEMAND	47
3.1 The Internet and websites	47
3.2 Linking predators to victims	48

4. THE LEGAL FRAMEWORKS	51
4.1 International legal instruments and mechanisms	51
4.2 Regional legal instruments and mechanisms	53
4.3 Identifying possible gaps with international and regional law	56
4.4 Domestic legal frameworks	57
4.4.1 Criminalisation of sexual exploitation of children	57
4.4.2 Approaches to addressing the demand for adult prostitution	59
4.4.3 Further legal remedies	63
4.4.4 The offenders	65
4.4.5 Lesons learned from domestic law	67
5. THE ROLE OF THE PRIVATE SECTOR	68
5.1 Travel and tourism	68
5.2 Media	70
5.3 New technologies	71
5.4 Financial institutions	72
6. STEPPING UP MEASURES TO ADDRESS THE DEMAND FOR SEXUAL EXPLOITATION OF CHILDREN: A COMPREHENSIVE FRAMEWORK FOR ACTION	74
6.1 Toward building a prevention framework for sexual exploitation of children	74
6.2 Developing more comprehensive preventive action	77
6.3 Enforcing legal measures to curb demand	77
6.3.1 Applying the law	77
6.3.2 Corporate Social Responsibility	81
6.4 Ensuring child sex offenders supervision, management and rehabilitation through a package of justice system strategies	83

7. RECOMMENDATIONS: DEVELOPING A STRATEGY TO ERADICATE THE DEMAND TREE	89
A Theory of Change to Eliminate the Demand for Sexual Exploitation of Children	90
Strategy 1: Develop local, national and global situation analyses of demand for SEC	90
Strategy 2: Raise awareness, educate and develop capacities	92
Strategy 3: Promote the transition from harmful to rights-sensitive social norms and practices	96
Strategy 4: Frame and enforce laws and policies	97
Strategy 5: Develop and implement local, national and global strategies	99
Strategy 6: Leverage the Internet to prevent demand	100
Strategy 7: Measure progress toward ending demand for SEC	103
Strategy 8: Empower children and adolescents	104
ANNEXES	108
Annex A: LIST OF PARTICIPANTS	109
Annex B: A Theory of Change to Eliminate the Demand for Sexual Exploitation of Children	110
BIBLIOGRAPHY	113

ACKNOWLEDGEMENTS

In Geneva in October 2015, a Global High Level Expert Meeting was held to help validate and refine this report. The meeting brought together the United Nations (UN) Special Rapporteur on the sale of children, child prostitution and child pornography (Ms. Maud de Boer - Buquicchio) and staff from her office, academics, sociologists, psychologists, independent consultants, practitioners, and representatives of civil society organisations, and UN agencies. ECPAT International wishes to thank the Special Rapporteur for holding the expert consultation in Geneva and for her thematic study and recommendations to tackle the demand for the sexual exploitation of children. Special thanks for their input are also extended to Margaret Akullo, Alessia Altamura, Mark Capaldi, Donald Findlater, Hans Guyt, Susanna Greijer, Dorian Hall, Mark E. Hecht, Lori Heise, Nekane Lavín, Julia O’Connell Davidson, Lorraine Radford, Eliana Riggio, Dorothy Rozga, Maia Rusakova, Lucie Shuker, Joe Sullivan, and Jane Warburton.

LIST OF ACRONYMS

ACHPR	African Charter on Human and Peoples' Rights
ACRWC	African Charter on the Rights and Welfare of the Child
AHRC	Asian Human Rights Commission
CAASE	Chicago Alliance against Sexual Exploitation
CAM	Child Abuse Materials
CATW	Coalition against Trafficking in Women
CCLP	Centre on Communications, Leadership, and Policy
CEFM	Child, Early, and Forced Marriage
CEOP	Child Exploitation and Online Protection
CIS	Commonwealth of Independent States
CPA	Child Protection Alliance (The Gambia)
CSA	Circles of Support and Accountability (Canada)
CSEC	Commercial Sexual Exploitation of Children
ECPAT	End Child Prostitution, Child Pornography and Trafficking of Children for Sexual Purposes
EFC	European Financial Community
EU	European Union
FCACP	Financial Coalition against Child Pornography
FBI	Federal Bureau of Investigation (US)
GBV	Gender-Based Violence
GEMS	Girls Education and Mentoring Services
HRC	Human Rights Commission (UN)
IAWG	Inter-Agency Working Group
ICPC	International Child Protection Certificate
ICT	Information and Communication Technologies
IEC	Information, Education, Communication
ILO	International Labour Organization
IOM	International Organization for Migration
ISP	Internet Service Provider
ISO	International Organisation for Standardisation
ITU	International Telecommunication Union
IWF	Internet Watch Foundation (UK)

MDG	Millennium Development Goal
MENA	Middle East and North Africa
NGO	Non-Governmental Organisation
NPA	National Plan of Action
OECD	Organization for Economic Cooperation and Development
OPSC	Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography
OSCE	Organisation for Security and Cooperation in Europe
P2P	Peer to Peer
SAARC	South Asian Association for Regional Cooperation
SDG	Sustainable Development Goal
SECTT	Sexual Exploitation of Children in Tourism and Travel
UK	United Kingdom
UN	United Nations
UNCRC	UN Convention on the Rights of the Child
UNDOC	UN Documentation Centre
UNICEF	UN International Children Emergency Fund
UNWTO	UN World Tourism Organization
US	United States
USD	US Dollar

INTRODUCTION

Nearly twenty years ago, when the First World Congress against the Commercial Sexual Exploitation of Children was held in Stockholm, Sweden (August 1996),¹ the problem of sexual exploitation of children (SEC) facing the international community was imputed to a discrete and well characterised group of offenders: profiled as being mainly men; travelling from Western to developing countries; perceived as affected by forms of psychosexual disorders, such as paedophilia; or displaying other pathologically transgressive behaviours. In the short span of only two decades, SEC has exploded to acquire planetary dimensions, with virtually no region, country or social group, age or sexual inclination being spared by a scourge now recognised as one of the most severe and widespread forms of violence against children. As noted with reference to SEC-related analysis in a report of the UN Special Rapporteur on the sale of children, child prostitution and child pornography, “the research results exemplify problems that exist in all parts of the world.”² Today, approaching children for illicit purposes is a highly profitable domestic and international operation, organised on the global market, progressively brokered on the Internet, and supported by powerful criminal networks and businesses.

Power imbalance between vulnerable children and abusive adults, impunity and anonymity emerge as the key forces driving the demand for sexual exploitation of children in the rising globalised sex market. While the organisation of the market is global, the demand for SEC is not only international, but also local. In addition to being created by unrelenting flows of travelling perpetrators, demand continues to be generated by local offenders everywhere, as in the case of individuals frequenting commercial sex or entertainment venues where children are available on the fringes, or men buying sex services from children living on the streets in their towns. New information and communication technologies (ICT) appear to be providing unprecedented opportunities to elude controls. In parallel to a stream of people on the move to seek children for sexual exploitation in distant locations, often, circumventing travel agents by booking travel and accommodation online, offenders reach out to their victims via mobile phone and online channels, which distort identities and protect anonymity.

As understanding of the demand has deepened, it has become clear that those who engage directly in sexual exploitation of children can be anyone, an indistinct group of offenders that can go largely unnoticed. No longer formed by isolated cases of paedophiles, brutal transgressors, or perpetrators that are completely unknown to the child, demand for SEC may be generated by individuals acting in the circle of trust – a professional, a parent, an educator – making investigation and prosecution even more daunting. It has also been increasingly acknowledged, particularly by civil society organisations and in academic circles, that any strategy aimed to reduce the demand for SEC must necessarily address the complexity of socio-cultural, economic, and political factors that underpin its perpetuation.

1 ECPAT International, “World Congress against the Commercial Sexual Exploitation of Children”, <http://www.ecpat.net/world-congress-against-commercial-sexual-exploitation-children>, accessed 16 September 2015

2 UN Commission on Human Rights, “Report of the Special Rapporteur on the sale of children, child prostitution, and child pornography, Juan Miguel Petit,” UN Doc. E/CN.4/2006/67, (2006), <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G06/101/70/PDF/G0610170.pdf?OpenElement>.

Regrettably, emphasis on the complexity of demand has remained largely absent from the public debate and policy dialogue regarding those who sexually exploit children. A continued tendency to assume that the demand side of SEC is driven mainly by paedophiles – a stereotype often reinforced by the media – and the criminal networks that supply perpetrators with children has resulted in the design of initiatives against SEC that concentrate primarily on legal and criminal justice responses to demand and protection measures for victims. Over a decade has passed since the Special Rapporteur on the sale of children, child prostitution and child pornography, “[n]oting that little attention [had] been given so far to the demand factor in the commercial sexual exploitation of children”, endeavoured to devote his yearly thematic report to assessing the demand side of the problem and identifying policy and legal responses to guide the international community to address such an unacceptable violation of children’s rights.³ As the market for sexual exploitation of children has reached such a dimension to defy existing legal and social remedial mechanisms, it is urgent to deepen the understanding demand for SEC and develop measures that, while continuing to protect victims, effectively prevent such a massive offense against children from occurring.

This paper has been produced in an effort to move beyond an oversimplified view of the problem and propose a comprehensive and multi-pronged, preventive strategy aimed at disabling predators and deflating demand. More specifically, the document is intended to support the Special Rapporteur on the sale of children, child prostitution, and child pornography in the preparation of the yearly thematic report planned to focus in 2016, on the demand for sexual exploitation of children. In order to meet this goal, the objectives of this contribution are to:

- Undertake a comprehensive literature review, compile information and conduct analysis of the demand for sexual exploitation of children;
- Distil key learning from successes and gaps in existing legislation, policy, research and programme responses;
- Identify recommendations to fill critical gaps and propose a new comprehensive prevention framework, including a theory of change model, to address demand.

The paper was prepared between August and October 2015 by two international children’s rights experts, one responsible for research and drafting of the sections relating to legislation, law enforcement, and the private sector, and the other for developing the remaining chapters. A team of legal and child rights researchers provided support.

Besides national and international legislation, the literature review examined secondary data and materials on the subject, including research studies, reports by government and civil society organisations, documents produced by the UN and regional mechanisms, journal and academic articles, news reports, programme evaluations and situation analyses, among others. Upon completion of the first draft, a consultation meeting gathering twenty experts and practitioners was convened by ECPAT (End Child Prostitution, Child Pornography and Trafficking of Children for Sexual Purposes) International with the Special Rapporteur on the sale of children, child prostitution and child pornography on 1-2 October 2015 (see Annex A) to assess and validate the preliminary findings of the thematic paper and assist in developing a more robust prevention framework for tackling demand. The revised version of the paper, reflecting contributions offered by the international experts, was reviewed by select members of ECPAT Research Advisory Committee.

³ UN Commission on Human Rights, “Report of the Special Rapporteur on the sale of children, child prostitution, and child pornography, Juan Miguel Petit”, UN Doc. E/CN.4/2006/67, (2006), Summary, <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G06/101/70/PDF/G0610170.pdf?OpenElement>.

The paper is structured into seven chapters. **Chapter 1** examines key terminology and concepts, illustrating the current debate around the definition of sexual exploitation of children and proposing an extended and more encompassing definition of demand for SEC. **Chapter 2** focuses on mapping demand for SEC through a three-layered model designed to capture the immediate level, including those who engage directly in sexual exploitation of children; the intermediate level, identifying those who facilitate the perpetration of the crime; and the underlying level, addressing the plethora of factors that create the conditions for demand to be perpetuated. **Chapter 3** explores the impact of the Internet and new technologies on demand, while **Chapter 4** illustrates the existing international, regional, and domestic legal framework, while also discussing the major barriers in the application of the law. **Chapter 5** analyses the role of the private sector in tackling the problem. Reviewing a number of promising strategies to reduce and eliminate demand, **Chapter 6** promotes the adoption of a new prevention framework, and **Chapter 7** proposes a set of policy recommendations necessary to curb the problem with the collaboration of governments, non-governmental organisations (NGO), the private sector and, finally, the strategy proposed is succinctly outlined in *A Theory of Change to Eliminate Demand for Sexual Exploitation of Children* (see Annex B).

The international community has recently adopted the new Sustainable Development Goals (SDG) agenda, pledging to eliminate all worst forms of child labour, including SEC, by the end of 2025 (see box insert below). The SDGs provide a historic opportunity to translate the global commitment into a comprehensive strategy to eliminate sexual exploitation of children and prioritise efforts to resolutely prevent and address demand.

The New Sustainable Development Goals (SDGs):

A Global Agenda to Prioritise Action against Sexual Exploitation of Children

On 25 September 2015, the UN General Assembly officially adopted the Post-2015 Development Agenda, which outlines a set of Sustainable Development Goals (SDGs) to be achieved by 2030. Building on the Millennium Development Goals (MDGs) established in 2000, the 2030 Agenda for Sustainable Development comprises 17 SDGs, or Global Goals, and 169 specific targets, which are designed to tackle, in an integrated manner, outstanding global challenges, such as ending poverty and hunger, improving health and education, achieving gender equality, building peaceful societies, and combating climate change.⁴

As a result of persistent advocacy by the child rights community, the SDGs, unlike their predecessors, address violence against children and identify commercial sexual exploitation of children as one of their core components. Four SDG targets are relevant for combating SEC, namely:

- 5.2 *Eliminate all forms of violence against all women and girls in the public and private spheres, including trafficking and sexual and other types of exploitation;*
- 5.3 *Eliminate all harmful practices, such as child, early and forced marriage and female genital mutilation;*
- 8.7 *Take immediate and effective measures to eradicate forced labour, end modern slavery and human trafficking and secure the prohibition and elimination of the worst forms of child labour, including recruitment and use of child soldiers, and by 2025 end child labour in all its forms;*
- 16.2 *End abuse, exploitation, trafficking, and all forms of violence against and torture of children.*⁵

SDG 8.7, aimed to end the worst forms of child labour has particular significance as it is expected that it will be within 10 years. According to the International Labour Organisation (ILO) Convention 182, the definition of ‘worst forms of child labour’ includes among others

- All forms of slavery or practices similar to slavery, such as the sale and trafficking of children;
- The use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic performances

SDG targets that specifically focus on violence against children can bring about a marked difference in the global attention to ending all forms of sexual exploitation of children. They create new incentives for States to tackle the crime and provide an unprecedented opportunity to prioritise comprehensive strategies to address demand.

4. Acc UN News Centre, “UN adopts new Global Goals, charting sustainable development for people and planet by 2030,” 25 September 2015. Accessed on 20 October 2015 from: <http://www.un.org/apps/news/story.asp?N>

5. UN General Assembly (2015), “Transforming our world: the 2030 Agenda for Sustainable Development”, UNDOC, A/70/L.1, 18 September 2015. Accessed on 20 October from: http://www.un.org/ga/search/view_doc.asp?symbol=A/70/L.1&Lang=EnglishID=51968#.VIYSRBHoviU essed on 20 October 2015 from: <http://www.un.org/apps/news/story.asp?NewsID=51968#.VIYSRBHoviU>

1

DEFINING DEMAND FOR SEXUAL EXPLOITATION OF CHILDREN

An effort aimed to define demand for SEC needs to start from determining the nature and elements essential to child sexual exploitation, especially as it differentiates from child sexual abuse.

1.1 Defining Sexual Exploitation of Children

Child sexual exploitation is an extreme form of violence against children. The harmful effects of sexual exploitation on children should be regarded as a gross violation of girl and boy children's integrity, dignity and fundamental rights as human beings. It is a serious form of oppression of children. It is inflicted mainly by adults who take advantage of the power imbalance resulting from the age differential that separates them from their young victims. Not only adult men, who form the vast majority of SEC offenders, but also, more marginally, women and peers can be responsible for sexual violence against children.

International law does not provide a distinct definition of sexual exploitation of children. The 1989 UN Convention on the Rights of the Child (UNCRC) does not make a clear distinction between child sexual exploitation and child sexual abuse; Article 34 generically refers to 'all forms of sexual exploitation and sexual abuse'. Similarly, the African Charter on the Rights and Welfare of the Child (ACRWC) refers to 'all forms of sexual exploitation and sexual abuse' and the Lanzarote Convention relates to both 'sexual exploitation and sexual abuse of children'.

More specifically, the UNCRC in Article 34 refers explicitly to *(b) The exploitative use of children in prostitution or other unlawful sexual practices; (c) The exploitative use of children in pornographic performances and materials*.⁶ The 1999 ACRWC refers to all forms of sexual exploitation and sexual abuse, and explicitly mentions: (a) the inducement, coercion, or encouragement of a child to engage in any sexual activity; (b) the use of children in prostitution or other sexual practices; (c) the use of children in pornographic activities, performances and materials.⁷

⁶ UNCRC, Article 34.
⁷ ACRWC, Article 27.

The 2000 Optional Protocol on the Sale of Children (OPSC) refers to sexual exploitation in its Article 3, which requires state parties to criminalise sexual exploitation of children in the context of what the OPSC defines as sale of children.⁸ The 2007 Lanzarote Convention refers to child sexual exploitation and child sexual abuse in articles 18 to 23 and in its Preamble refers to “*the sexual exploitation of children, in particular child pornography and prostitution*”.⁹ The 2011 European Union (EU) Directive 2011/93 on combating the sexual abuse and sexual exploitation of children and child pornography defines offences concerning sexual exploitation in its Article 4, which includes acts such as making a child participate in pornographic performances, knowingly attending pornographic performances that include children, making a child participate in child prostitution, and engaging in sexual activities with a child where recourse is made to prostitution. Non-binding instruments also refer to sexual exploitation of children. The term ‘child sexual exploitation’ is often adopted in resolutions of the UN General Assembly and the Human Rights Council (HRC) on the rights of the child (known as Omnibus Resolutions), as well as in other non-binding international or regional documents (such as the Resolutions of the Council of Europe). However, the documents fail to provide a specific definition of the acts covered by this term.

The Inter-Agency Working Group (IAWG), a global effort jointly mobilised by several organisations committed to stopping sexual exploitation of children, with the objective of developing a set of terminology guidelines,¹⁰ has agreed on a common definition of sexual exploitation of children, stating that “A child is a victim of sexual exploitation when he/she takes part in a sexual activity in exchange for something (e.g. gain or benefit) received by a third party, the perpetrator, or even the child him/herself.”¹¹

Abuse of power and/or abuse of vulnerability may hinge on factors beyond age alone, to include gender, poverty, child abuse or neglect, and ethnic and social background. A child may be coerced into a situation of sexual exploitation through physical force or threats, or otherwise persuaded to engage in such activity because of human or situational factors.¹² The child’s inability to refuse because of his or her position of vulnerability enables the perpetrator to exploit him/her. It should be assumed that all acts that, by leveraging power based on age, gender, social, economic, emotional status or other disparities, result in exploiting a person younger than 18 years (the age defining childhood in international law) in order to obtain services of a sexual nature in exchange for gain or benefit should be regarded as SEC and condemned resolutely both in legal and social normative frameworks.

The term ‘exploitation’ included in the concept of ‘sexual exploitation of children’, therefore, marks the difference between sexual violence, sexual exploitation, and sexual abuse of children. The main distinction lies in the notion of *exchange* involved in exploitation, which is missing in the concepts of abuse and/or violence.

The IAWG has further highlighted that “[i]n more general terms, the UN Secretariat has defined ‘sexual exploitation’ (not necessarily related to children) as follows: “any actual or attempted

8 OPSC, Article 1(a)(i)a.

9 Lanzarote Convention, Preamble.

10 Inter-Agency Working Group, Draft Terminology Guidelines, 2015. In 2014, ECPAT International in partnership with ECPAT Luxembourg began a two-year project aimed to establish international guidelines on terminology through an inter-agency working group of leading international institutions, including non-governmental organisations, UN agencies, inter-governmental organisations, academic institutions, and law enforcement agencies. The goal is to reach a consensus on a set of terminology guidelines to adopt with reference to sexual exploitation and abuse of children. The Inter-agency Working Group includes key agencies, such as UNICEF, ILO, ITU, ICMEC, INTERPOL, and Child Rights Connect. The guidelines will be published in 2016 in three languages, English, French, and Spanish.

11 Inter-Agency Working Group, Draft Terminology Guidelines, 2015, 5.

12 See for instance: <http://www.nspcc.org.uk/preventing-abuse/child-abuse-and-neglect/child-sexual-exploitation/what-is-child-sexual-exploitation/> or: http://www.barnardos.org.uk/what_we_do/our_work/sexual_exploitation/about-cse.htm.

abuse of a position of vulnerability, differential power, or trust, for sexual purposes, including, but not limited to, profiting monetarily, socially or politically from the sexual exploitation of another”.¹³ “Other existing definitions include describing child sexual exploitation as a type of child abuse which happens when a child is performing, and/or another or others performing on them, sexual activities in exchange for something (e.g. food, accommodation, drugs, alcohol, cigarettes, affection, gifts, money).”¹⁴

Major dictionaries define ‘exploitation’ as the unfair use of something or someone for one’s own advantage,¹⁵ the action of taking advantage of a person or situation especially unethically or unjustly for one’s own ends,¹⁶ or treating others unfairly in order to gain an advantage or benefit.¹⁷ The exchange involved in ‘exploitation’ implies a compensation that can be translated into monetary gain as well as in any other type of benefit. When, for example, child sexual abuse material is exchanged not only for monetary gain but also for other similar material, the act can be regarded as amounting to child sexual exploitation. Considering that the abuse depicted in the material may not have been committed originally for monetary gain, the same act may be regarded as abusive and exploitative simultaneously.

Similar to sexual exploitation of children, there is no international legally binding definition of the notion of ‘commercial sexual exploitation of children (CSEC)’. Relying on the definition provided by the IAWG, ‘commercial sexual exploitation of children’ could be construed as a subset of ‘sexual exploitation of children’.¹⁸ The World Congress against Commercial Sexual Exploitation of Children in Stockholm in 1996, in the Stockholm Declaration and Agenda for Action, refers to ‘commercial sexual exploitation of children’ stating that “[i]t 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.”¹⁹

Standard English dictionaries define the term ‘commercial’ as something/someone “concerned with or engaged in commerce”, “making or intended to make a profit”, or “having profit rather than another value as a primary aim.”²⁰ Although it has been widely argued that the notions of SEC and CSEC overlap to a large extent and emphasis on the term ‘commercial’ has lessened over time,²¹ the interpretation adopted in the present discussion is that the act of buying and selling with the aim of making money²² is an element that can be understood as differentiating CSEC from overall SEC.

The scope of this paper is limited to demand for SEC and is extended to CSEC where reference is relevant to the discussion. Conversely, child sexual abuse, of which SEC and CSEC should be regarded as subsets, is beyond the focus of the paper and will be referred to only contextually.

13 The United Nations Secretariat, ‘Secretary-General’s Bulletin on Special Measures for Protection for Sexual Exploitation and Abuse’, 9 October 2003, section 1. Available at: <https://oios.un.org/resources/2015/01/ST-SGB-2003-13.pdf>.

14 This definition of child sexual exploitation was created by the UK National Working Group for Sexually Exploited Children and Young People (NWG); and is used in statutory guidance for England. Available at: <http://www.nspcc.org.uk/preventing-abuse/child-abuse-and-neglect/child-sexual-exploitation/what-is-child-sexual-exploitation/>, cited from Inter-Agency Working Group, Draft Terminology Guidelines, 2015, 6.

15 Cambridge English Dictionary

16 Collins English Dictionary

17 Oxford Advanced Learner’s Dictionary

18 Inter-Agency Working Group, Draft Terminology Guidelines, 2015, 7.

19 Stockholm Declaration and Agenda for Action, Stockholm, 1996, paragraph 5.

20 Oxford Advanced Learner’s Dictionary, Collins English Dictionary

21 See, in particular, the outcome documents of the second World Congress against Commercial Sexual Exploitation of Children in Yokohama in 2001 (the Yokohama Commitment) and the World Congress III against the Sexual Exploitation of Children and Adolescents in Rio de Janeiro in 2008 (the Rio Declaration).

22 Cambridge English Dictionary, Merriam-Webster English Dictionary

1.2 Defining Demand for Sexual Exploitation of Children

Pinpointing what classifies demand for the sexual exploitation of children is difficult given the number of definitions available throughout the subject literature. In fact, in the 2006 report of the-then Special Rapporteur on the sale of children, child prostitution and child pornography, Juan Miguel Petit, noted that there are many “different forms demand can take” and highlighted the “divergent understandings of what may constitute demand.”²³ Because demand has a somewhat elusive definition, an overview of the available subject literature was conducted in preparation for this report. Not surprisingly, there was a difference in the approaches taken thus far by academics, NGOs and the UN. Some examples are offered below:

- In a response publication, the ILO focused on masculinity in terms of the demand for the commercial sexual exploitation of children, emphasising that male perpetrators form the demand.²⁴
- Researchers at the University of Rhode Island divided demand for commercial sex into three components: First, men who seek out women, children and other men for the purpose of purchasing sex acts, otherwise known as the “clients”; second, profiteers in the sex industries; and third, the culture that “indirectly creates a demand for victims by normalising prostitution”.²⁵
- In a 2006 report, the-then Special Rapporteur for Trafficking, Sigma Huda, emphasised that “demand must be understood expansively, as any act that fosters any form of exploitation that, in turn, leads to trafficking”.²⁶ This is later exemplified in the report when three issues with regards to the definition of demand were highlighted: One, that demand be understood in relation to exploitation, “irrespective of whether that exploitation constitutes trafficking”; two, that demand be understood “as that which fosters exploitation, not necessarily as a demand directly for that exploitation”; and three, that “it is not necessary for demand itself to lead to trafficking; rather, it is sufficient that the exploitation fostered by the demand leads to trafficking”.²⁷
- A 2003 presentation prepared by Save the Children Sweden called “Globalization and Commercial Sexual Exploitation of Children and Adolescents” offered that the constructs around demand and CSEC are as follows: “A relationship of commercialisation (exploitation/domination) and abuse (power) of the bodies of boys, girls and adolescents (supply) by sexual exploiters (merchants) organised in local and global marketing networks (market), either by parents or guardians and by paid sexual services consumers (demand)”.²⁸
- In an article about perpetrators of CSEC, ECPAT International offered the demand side of CSEC as a combination of “various social, cultural, and other conditions that create tolerance for CSEC” and “individuals who exploit prostituted and trafficked children and adolescents, of consumers of child abuse materials and those who sexually offend on the Internet, as well as of travelling child sex offenders”.²⁹ The article also highlights the facilitators, traffickers and criminal networks involved, thereby proposing an expanded understanding of demand.

23 UN Commission on Human Rights, “RIGHTS OF THE CHILD: Report of the Special Rapporteur on the sale of children, child prostitution, and child pornography, Juan Miguel Petit”, UNDOC. E/CN.4/2006/67, (2006), p. 1.

24 International Labour Organization, “Commercial sexual exploitation of children and adolescents: the ILO’s response”, 24 November 2008, accessed 10 August 2015, <http://www.ilo.org/ipecinfo/product/download.do?type=document&id=9150>.

25 Donna Hughes, “Best Practices to Address the Demand Side of Sex Trafficking,” University of Rhode Island, August 2004.

26 UN Commission on Human Rights, “Integration of the Human Rights of Women and a Gender Perspective: Report of the Special Rapporteur on the human rights aspects of the victims of trafficking in persons, especially women and children, Sigma Huda”, UN Doc. E/CN.4/2006/62, (2006), paras. 50-52.

27 *Ibid.*

28 Save the Children Sweden, Globalization and Commercial Sexual Exploitation of Children and Adolescents, 2003, accessed 23 July 2015, <http://resourcecentre.savethechildren.se/sites/default/files/documents/2941.pdf>.

29 ECPAT International, “Examining Neglected Elements in Combating Sexual Exploitation of Children”, Journal Series No 7, July 2013, accessed 23 July 2015, http://www.ecpat.net/sites/default/files/ecpat_journal_jul_2013_eng.pdf

After an extensive review of the relevant subject literature,³⁰ it would appear that the prevalent method for defining and exploring demand seems to be by taking note of both the individual offenders who pay for sexual services involving children and the social, cultural, gender and institutional constructs that create an atmosphere where sexual exploitation of children is either ignored, tolerated, or even accepted. For the purposes of this research paper, an expansive approach has been used in which demand SEC encompasses the individuals who want to sexually exploit children -- and to that end, the criminal networks involved -- as well as the social, cultural, gender and institutional constructs that propagate, foster or endorse the sexual exploitation of children.

In the definition proposed, demand for SEC implies both the desire to purchase or otherwise obtain sexual services from children, in exchange for a gain, and the power to do so. The notion of desire is as key an element to understanding demand as that of power. The willingness by a person, a group or a system, supported by power over the victim to be able to control him or her, to purchase or obtain sexual services rendered by a child is the principle underpinning demand for SEC.

When the conditions are created for a steady availability of SEC services to meet demand, a market economy for SEC is formed. Individuals, groups, and systems that, directly or indirectly, *foster* sexual exploitation of children are responsible for generating demand for SEC. They form and sustain the demand for commercial or non-commercial SEC services.

30 ECPAT International, "Analysis of Legal Frameworks Surrounding the Sexual Exploitation of Children", Mark Capaldi, editor, Journal Series No. 5, January 2013, Bangkok: ECPAT International, accessed 10 August 2015, http://www.ecpat.net/sites/default/files/ecpat_journal_jan_2013.pdf; ECPAT International, "Combating Child Sex Tourism: Questions & Answers", Bangkok: ECPAT International, 2008, Accessed 10 August 2015, http://www.ecpat.net/sites/default/files/cst_faq_eng.pdf; ECPAT International. "Examining Neglected Elements in Combating Sexual Exploitation of Children." Journal Series No 7. July 2013, accessed 23 July 2015, http://www.ecpat.net/sites/default/files/ecpat_journal_jul_2013_eng.pdf; ECPAT International (n.d.), "Reducing violence against children, with special focus on sexual exploitation of children and child sex tourism"; ECPAT International, "Strengthening Laws addressing child sexual exploitation: A Practical Guide", 2008, Bangkok; ECPAT International, "Thematic Issues at the World Congress III Against Sexual Exploitation of Children and Adolescents", 2008, accessed 10 August 2015, <http://resources.ecpat.net/worldcongressIII/thematic2.php>; European Cybercrime Centre (Europol), "Commercial Sexual Exploitation of Children Online: A Strategic Assessment", 2015, accessed 10 August 2015, <http://www.europeanfinancialcoalition.eu/private10/images/document/21.pdf>; Babu P George and Thomas R Panko, "Child Sex Tourism: Facilitating conditions, legal remedies and other interventions", 2011, 6 Vulnerable Children and Youth Studies: An International Interdisciplinary Journal for Research, Policy and Care 2, 134-143; Anna Grant, Dr. Peter Grabosky and Fiona David, "The Commercial Sexual Exploitation of Children", 1999, paper presented at the Children and Crime: Victims and Offenders Conference, Brisbane; Donna Hughes, "Best Practices to Address the Demand Side of Sex Trafficking", University of Rhode Island, August 2004; International Labour Organization, "Commercial sexual exploitation of children and adolescents: the ILO's response", 24 November 2008, accessed 10 August 2015, <http://www.ilo.org/ipeinfo/product/download.do?type=document&id=9150>; Darlene Lynch, Kosha Tucker, and Kirsten Widner, "Improving Offender Accountability in CSEC Cases: Tools for Investigating and Prosecuting Adult Exploiters", Atlanta: Emory University School of Law, 2nd edition, March 2012, accessed 10 August 2015, http://children.georgia.gov/sites/children.georgia.gov/files/related_files/site_page/Improving%20Offender%20Accountability.pdf; Najat Maalla M'jid, "Introducing remarks: Expert meeting on the legal framework required to prohibit, prevent and respond to all forms of violence against children", 6-7 July 2011; National Coalition to Prevent Child Sexual Abuse and Exploitation, "National Plan to Prevent the Sexual Abuse and Exploitation of Children", March 2012; Peter Newell and UNICEF's Innocenti Research Centre, "Legal Frameworks for Combating Sexual Exploitation of Children", 2008; Save the Children Sweden, Globalization and Commercial Sexual Exploitation of Children and Adolescents, 2003, accessed 23 July 2015, <http://resourcecentre.savethechildren.se/sites/default/files/documents/2941.pdf>; UN Commission on Human Rights, "Integration of the Human Rights of Women and a Gender Perspective: Report of the Special Rapporteur on the human rights aspects of the victims of trafficking in persons, especially women and children, Sigma Huda", UN Doc. E/CN.4/2006/62, (2006); UN Commission on Human Rights, "RIGHTS OF THE CHILD: Report of the Special Rapporteur on the sale of children, child prostitution and child pornography, Juan Miguel Petit", UNDOC. E/CN.4/2006/67, (2006); UN Committee on the Rights of the Child, "General Discussion: the Private Sector as Service Provider and its Role in Implementing Child Rights", UN Doc. CRC/C/121, (2002); UN Human Rights Council, "Report of the Special Rapporteur on the sale of children, child prostitution and child pornography, Maud de Boer-Buquicchio", UN Doc. A/HRC/28/56, (2014); UNICEF Pacific, "Commercial Sexual Exploitation of Children (CSEC) and Child Sexual Abuse (CSA) in the Pacific: A Regional Report", UNICEF, UNESCAP and ECPAT, (2006).

While individuals seeking sexual contact with children are direct demand-creators, facilitators helping offenders reach out to victims, such as traffickers, pimps, brothel owners, *mamasans*,³¹ profiteers, brokers, criminal networks, illicit business, are responsible for supporting demand creation on the SEC market. In addition, factors that more deeply support and perpetuate both demand and availability of sexual services by children, such as cultural and social systems, institutions, and conditions, form a breeding ground for the SEC market to thrive. Demand for SEC is the result of such forces interacting at the immediate, intermediate, and underlying levels of causality.

It is also necessary to adopt the broadest understanding of availability of sexual services by children, including commercial sex, child trafficking, the sale of children for sexual purposes, sexual exploitation of children online, and the development, circulation and storage of child abuse or other undesirable content, in either printed, video, or audio form, both online and offline, with a view to deepening the appreciation of how the supply flow of such services is assured on the market and meets demand.

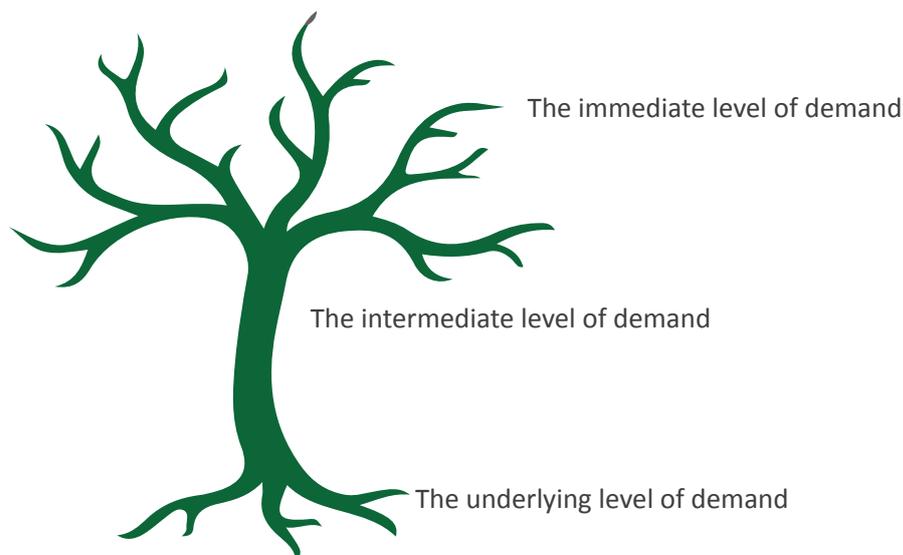
Demand for child sexual exploitation leads to a form of sexual violence whereby children are abused in exchange for money, power, or status. Children or young people may be enticed to believe that they are in a loving, consensual relationship. They may be approached in person or groomed online, trafficked into or within a country for the purpose of sexual exploitation. Demand for SEC may be based on commercial as well as non-commercial transactions, as in the case of children who sell sex services vs. those whose illicit images are circulated on the Internet. It may lead to financial gains, as in instances of children who are expected to offer a dowry to enter early marriage. Whether children are recipients of money, status goods, gifts, or perceived emotional support given to them or their families, they are in any case an object of exploitation. The level of physical, psychological, emotional harm that they suffer because of sexual exploitation is likely to leave life-long scars, which can be healed at best partially and only in the limited cases of those who manage to gain access to extended and emotionally exacting recovery programmes.

1.3 The Demand Tree

An examination of the demand for SEC that addresses the wide-ranging factors directly causing and indirectly fostering sexual exploitation of children will need to address different levels of causality. Considering that not all drivers affecting demand act at the same level, the multi-layered demand for SEC may be visualised as a tree on which determinants can be organised at three different levels, according to the degree of influence that they exercise on the SEC market. The tree model will help place each demand-trigger at the level where it affects the process most, while contributing to establishing links that exist between the various layers of demand.

³¹ In Southeast and East Asia, the term *mamasan* is commonly used to describe a woman who manages the women in bars and brothels. The use of the term is spreading to other regions of the world.

The SEC Demand Tree



The three levels of the Demand Tree are:

The Immediate Level of the Demand for Child Sexual Exploitation

The highest level of the Demand Tree relates to exploiters who engage directly in SEC, including, purchasers of commercial sexual acts with children and child abuse material users, such as local offenders; travelling child sex offenders; abusive tourists; patrons of the entertainment industry; female perpetrators seeking boys; resident foreign offenders and pseudo care-workers; offenders involved in voluntourism and orphanage tourism, adoption, surrogacy and child sponsorship programmes; families and traffickers acting in the context of early marriage; perpetrators operating in connection with mega sporting events; religious clerics; the military, peacekeeping personnel and humanitarian workers. These are normally individual offenders, whose objective is to satisfy personal, sexually abusive drives, desires, and fantasies. Their reward is direct, sexual gratification with the child and the sexual services of various natures that they seek to obtain from their victim. Their role is generating demand.

The Intermediate Level of the Demand for Child Sexual Exploitation

The second level of the Demand Tree pertains to exploiters who foster SEC, acting as intermediaries between offenders and victims. These may be individuals or groups, including traffickers; pimps; brothel owners, *mamasans*, procurers; criminal networks; fathers and husbands of child brides; employers of child workers; corrupt police and government officials; networks of travelling perpetrators; sex tour operators; modelling agencies. Although they may act in an individual capacity, they often operate in a group or partake in larger illicit or criminal systems. Their reward is economic gain. Their role is servicing demand.

The Underlying Level of the Demand for Child Sexual Exploitation

The third and deepest level of the Demand Tree concerns broader exploitative economic and political systems, technological options, social and cultural norms, behaviours and constructions that create the conditions for demand to swell. Drivers at this level include sexual attitudes underpinning sexual exploitation of children; discriminatory gender and social norms; power imbalance, racism and children's vulnerabilities; globalisation, poverty and inequality; the

influence of media and advertising; migration and urbanisation; humanitarian crises and conflicts; and lack of effective legal frameworks and prosecution mechanisms. The perpetuation of such root causes sustains the SEC market by supporting purchasers and facilitators of sexual services to continue acting. Their role is justifying demand.

1.4 Promoting Human-Rights Terminology

While recognising that the demand for SEC is brokered today on a global market platform where children are increasingly made available as tradable commodities, a mere economic analysis may risk obscuring the human rights dimension of sexual violence against children. Accordingly, in discussing economic forces determining demand dynamics in a market economy built on the profitable industry of sexual services by children, an effort will be made to adopt a market terminology only when pertinent to the discussion and avoid any reference that could somehow sanction the notion of human commoditisation with reference to children.

Although individuals who pay for SEC are often called “buyers,” “clients,” or “customers,” such terms will be rejected, as they tend to condone the responsibility of those who are instead child “sex offenders,” “perpetrators,” “exploiters, and “criminals” violating human rights and the law. Buying sex from children and child abuse material (CAM) is, uncompromisingly, a criminal act of exploitation, which can in no way be understood as an economic transaction between consenting contractual partners.³² Children exploited on the sex market are akin to persons in bondage in the slave trade, as SEC should be considered a contemporary form of slavery, for which only sexual perpetrators are responsible. Children inhumanly and illegally used for sexual purposes are to be regarded inherently as victims - human beings barred the enjoyment of their fundamental human rights.

Moreover, insisting that sexually exploited children cannot be considered sex workers will help oppose cultural and social constructs that tend to blame children for what in fact is harm inflicted upon them and clarify that they can by no means be regarded as criminals, the way adults involved in prostitution are considered in some existing national legal systems.

32 E. Karlen (ed.), “The commercial sexual exploitation of children,” ECPAT Sweden, (2011).

2

MAPPING THE DEMAND

From the time of the 1996 First World Congress against the Commercial Sexual Exploitation of Children, when the international community started questioning the impact of child abusive travelling along its main route, running initially between Europe and Asia, the geographical map of demand for CSEC has dramatically grown in complexity. The linear trajectories of only two decades ago have expanded today into an intricate web of overlapping and intertwined threads, affecting an ever-increasing number of countries and regions. Further, awareness of demand arising not only from travelling offenders but also being generated within countries has risen. There has been a growing understanding for SEC being the result of local offenders exploiting victims in their own communities, in addition to travelling offenders moving mainly within their own countries and regions, and finally individuals from wealthy nations who continue to reach out to children in the developing world. The updated map, drawn by ECPAT in preparation of its ongoing global study on sexual exploitation of children in travel and tourism, shows that, the demand by travelling child sex offenders is presently structured on an intra-regional scale, with offenders mainly travelling within countries, to border areas or to neighbouring nations.³³ Not only predators move to meet their victims, but the opposite is also true. In parallel to predators travelling to near or faraway areas, victims are shifted to locations closer to their exploiters through both domestic and cross-border sex trafficking.³⁴

Attempts made to map the profile of SEC demand-creators have proven rather problematical. It is no longer possible to even attempt to characterise a typical child sex offender, who may be a national or a foreigner, young or old, married or single, an individual paying for sex or pornography, normally belonging to a wide range of different socio-economic backgrounds, educational and professional groups, and displaying various sexual identities and preferences.

Regardless of his or her background, when a predator approaches a child with the intention of sexual exploitation, his or her age is rarely regarded as a barrier, especially when they resort to children operating on the fringes of adult prostitution. A child involved in commercial sex tends to be devalued with the same dismissive attitude reserved for adults in prostitution. Significantly, even data gathered on the incidence of violence and the use of sexual violence is rarely disaggregated by the age of the victim.³⁵ While disrespect for the child is a feature that all offenders have in common, mapping perpetrators will need to take into account a wide array of profiles and roles contributing to forming the multi-level demand for SEC.

33 ECPAT International, "Consolidated notes on emerging trends and themes" (Basis for discussion on trends for Paris Experts' Meeting, 2015).

34 Suzanne Heerdink, Laura Menenti & Corinne Dettmeijer-Vermeulen, "Governments' responsibilities as countries of demand, supply and/or victimization of child sex tourism," Background paper prepared for the Global Study on the Sexual Exploitation of Children in Travel and Tourism, (2015).

35 Jane Warburton, "Engaging Men and Boys as Actors in the Prevention of Child Sexual Abuse and Exploitation" (OAK Foundation, Child Abuse Programme, 2014), 5.

2.1 Understanding the Demand for Sexual Exploitation of Children: The Three Levels of the Demand Tree

The Demand Tree provides a tool to map the demand for SEC. The objective is to identify individuals, groups, and factors that contribute to its perpetuation as they impact at a given level of the Demand Tree, although it is possible for one demand-generating element to affect more than one level of the causal chain. The web of forward and backward linkages connecting the various levels of the Demand Tree, however, will not be described in detail in this paper. Reference will be made only where specific links emerge as relevant to the focus of the discussion.

At a relatively early stage in the analysis of demand, an in-depth exploration of causality is limited by a dearth of substantial information. As a result, the various elements affecting demand will be presented in the following section rather randomly, refraining from assigning weight or giving emphasis to specific factors according to the level of impact generated. More qualitative and quantitative research is necessary to measure more accurately the contribution made by a variety of forces responsible for demand, as well as the correlations among them compounding the problem at various levels of the Demand Tree.

It must be finally noted that the mapping further refrains from clustering or categorising the various individuals, groups, and factors contributing to demand according to potentially common characteristics. Although some perpetrators may be typically classified as travelling offenders, while others as acting locally, the level of overlapping among behaviour patterns is often such that offence taking place by local residents may be replicated in other settings when the same individuals are on the move for business travel, leisure, tourism and other reasons. Conversely, travelling offenders may be accessing victims in sexually exploitative contexts made available for local use. This kind of analysis, relevant to the overall appreciation of the SEC problem, lies outside the scope of the present discussion and may be addressed only in specific cases where it is deemed necessary.

2.1.1 The Immediate Level of the Demand for Child Sexual Exploitation

At the immediate level of the Demand Tree, mapping will attempt to identify offenders who directly commit sexual crimes against children, the tactics that they adopt to gain access to their victims and the most common locations where such acts take place.

Demand by Local Offenders

It must be noted that in most settings, local men account for a significant, if not the predominant proportion of the demand for prostitution and child sexual exploitation. For example, a 2010 study in Cambodia found that locals hold primary responsibility for commercial sexual

exploitation of under 18 persons in the country.³⁶ Likewise, in the Philippines, data showed that nine out of 10 child sex exploiters were local men.³⁷

As for travelling sex offenders, local perpetrators may have a sexual preference for children or young adolescents or, more often, they may be users of adult prostitution who end up engaging in paid sex with youth when the opportunity arises.³⁸ Research conducted on CSEC in 2013 in North-West Russia by the NGO Stellit, found that individuals engaged in prostitution with children were not necessarily affected by paedophilia and may have resorted to purchasing sexual services from adolescents simply because they were available.³⁹ A 2004 research study on trafficking in children for sexual exploitation from Eastern to Western Europe evidenced that in general “the fact that girls are underage does not seem to be relevant to a client”. However, in some countries, the study identified specific demand for young children (more specifically, for virgin girls in Moldova and for young boys in Western European countries).⁴⁰ Local sexual exploitation of children may take place also in forms that do not necessarily imply commercial exchanges, as for example in the case of abuse being perpetrated by teachers or school staff in exchange of good marks or the payment of school fees, as is the case in several African countries.⁴¹

The Entertainment Industry

Similar to adult prostitution, sexual exploitation of children can be found at the core of a complex interplay of entertainment and the sex trade. In addition to being used in the mainstream sex industry, children are engaged in entertainment establishments, massage parlours, nightclubs, dance cafés, clubs, bars where young waitresses, dancers, masseuses and entertainers are part of the expansion and diversification of the child sex business.⁴² The entertainment industry often works as a vehicle introducing children gradually to commercial sex.⁴³ Girls working in such establishments may be forced to allow clients to harass them in order to sell more alcohol. In South Asia, from cabin restaurants proliferating along the Kathmandu Valley of Nepal, to sexual networks forming around entertainment venues of the far more secluded city of Thimphu in Bhutan, the line separating entertainment from commercial sex is blurred. Children engaged in such settings need to make themselves available to the entire range of possible demands being made by abusive locals and outsiders alike.⁴⁴ The entertainment industry is often serviced by intermediaries, such as taxi drivers, for example, who accompany customers to establishments where children are employed, and can therefore, also be placed at the intermediary level in the demand causal chain.

36 Isabelle Chan, “Addressing local demand for commercial sex with children. A Recommended Strategy for ECPAT-Cambodia”, (2010), http://www.ecpatcambodia.org/documents/Research_on_Local_Demand_for_Commercial_Sex.pdf, accessed 17 September 2015.

37 ECPAT International, “Global Monitoring Status of Action against Commercial Sexual Exploitation of Children: Philippines” (Bangkok: ECPAT International, 2011), http://resources.ecpat.net/El/index_A4A.asp, accessed 17 September 2015.

38 Julia O’Connell Davidson, “The sex exploiter,” Theme paper for the Second World Congress against Commercial Sexual Exploitation of Children, (2001), http://lastradainternational.org/lisidocs/627%20yokohama_theme_sex_exploiter.pdf, accessed 17 September 2015.

39 Kolpakova O. et al. (2013), *Sexual exploitation of minors in the Northwest region of the Russian Federation: Analytical report*, 37.

40 ECPAT Europe Law Enforcement Group, Joint East West Research on trafficking in children for sexual purposes in Europe, (2004), 33. Accessed on 20 October 2015 from: <http://www.defenceforchildren.nl/images/13/528.pdf>

41 ECPAT International, “The commercial sexual exploitation of children in Africa: Developments, progress, challenges and recommended strategies”, (2014), 16.

42 ECPAT International, “The Commercial Sexual Exploitation of Children in South Asia: Developments, Progress, Challenges and Recommended Strategies for Civil Society” (Bangkok: ECPAT International, 2014).

43 B. Das, “Nepal’s Sex Industry Boom Lures Young Jobseekers”, Women’s enews, 12 February 2013, <http://womensenews.org/story/prostitution-and-trafficking/130208/nepals-sex-industry-boom-lures-young-jobseekers>, accessed 29 July 2015.

44 S. Isaac, J. Blanchard, et. al., “The Drayang Girls of Thimphu: sexual network formation, transactional sex and emerging modernities in Bhutan”, *Culture, Health and Sexuality: An International Journal for Research, Intervention and Care* 13 (2) (2011): 293-308; ECPAT International, “The commercial sexual exploitation of children in South Asia: Developments, progress, challenges and recommended strategies”, (2014), 24.

Child Abuse Materials and Online Sexual Exploitation of Children

Demand for pornography accounts for a hefty share of demand for SEC. Increasing access to the Internet has allowed perpetrators to sexually abuse children without moving out of their homes and coming in physical contact with them.

The production and consumption of child abusive images have grown at an exponential pace in the past three decades. While it is estimated that approximately 7,000 images were in circulation in 1990, a total of 2.5 million images were recovered from one case alone in 2014.⁴⁵ Information collected by Internet hotlines shows that CAM is becoming more extreme, sadistic and involving younger children. In analysing all reports of child pornography received in 2009, the United Kingdom (UK)-based Internet Watch Foundation (IWF) found that 72 percent of victims appeared to be children 10 years of age or younger, 23 percent six or younger, and three percent two or younger.⁴⁶ According to the 2014 IWF report, the number of victims appearing to be younger than 10 years rose to 80 percent, while children appearing to be aged two, or younger were four percent.⁴⁷ As of December 2014, the International Child Sexual Exploitation image database managed by INTERPOL had enabled the identification of 5,600 victims and nearly 3,000 offenders from around the world.⁴⁸

The illicit profits, generated through the production and distribution of CAM, are projected to be massive. In 2009, the-then UN Special Rapporteur on the sale of children, child prostitution, and child pornography, Najat M'jid Maala, estimated that the child sexual abuse material market generated between US dollars (USD) 3 and 20 billion yearly.⁴⁹ The sex abuse of one child through a live webcam is estimated to generate revenues for USD 1,000 a night.⁵⁰

According to the UN and the US Federal Bureau of Investigation (FBI), globally, there are 750,000 predators online at any time.⁵¹ In the U.S., major national websites make million-dollar profits by advertising commercial sex services with children, often along with regular merchandise. The popular website among pimps who peddle underage girls, backpage, generates USD26 million a year in revenue from prostitution advertisement alone.⁵²

The understanding of behaviours and motivations of online child sex offenders as well as their socio-demographic characteristics has deepened in recent years as a result of growing research on this specific segment of the demand for SEC. While there is no typical offender profile, available evidence suggests that perpetrators acting in the virtual environment are predominantly male. There are, however, discrepancies among existing investigations regarding women's participation in the crime, with some sources reporting no evidence of online female sex perpetrators and others revealing a minor yet significant presence of women.⁵³ For example, a 2010 study revealed that 5.5 percent of the women sampled had made use of CAM.⁵⁴ A 2010 academic paper further indicated that women may be involved as offenders in online child

45 "The Child Abuse Image Database (CAID)", presentation by Temporary Detective Chief Superintendent Paul Sanford, Norfolk Constabulary, accessed on 21 October 2015 from: <https://www.nspcc.org.uk/globalassets/documents/conferences/how-safe-2015-presentation-child-abuse-image-database.pdf>

46 Internet Watch Foundation, 2009 Annual, and Charity Report, 18. Accessed on 20 October 2015 from: <https://www.iwf.org.uk/assets/media/annual-reports/IWF%202009%20Annual%20and%20Charity%20Report.pdf>

47 Internet Watch Foundation, Annual Report 2014, 9. Accessed on 20 October 2015 from: https://www.iwf.org.uk/assets/media/annual-reports/IWF_Annual_Report_14_web.pdf

48 INTERPOL, "INTERPOL role in combating online child abuse recognized by #WeProtect Global Summit", 11 December 2014, accessed on 21 October 2015 from: <http://www.interpol.int/en/News-and-media/News/2014/N2014-239/>

49 United Nations Human Rights Council, *Report of the Special Rapporteur on the Sale of Children, Child Prostitution and Child sex abuse material* [A/HRC/12/23], 2009, para. 44.

50 Lori Handrahan, "The Justice Department's Child Porn Problem", *frontpagemag.com*, 7 September 2012, accessed 21 October 2015 from <http://frontpagemag.com/2012/lori-handrahan/the-justice-departments-child-porn-problem/>

51 Terre des Hommes, "WCST FAQ," from http://terredeshommesnl.org/_media/documents/FAQ_English.pdf, accessed 26 August 2015.

52 The Seattle Times, "Editorial: Crack down on online prostitution sites like backpage.com", *The Seattle Times*, 24 April 2014, <http://www.seattletimes.com/opinion/editorial-crack-down-on-online-prostitution-sites-like-backpagecom/>, accessed 4 May 2015.

53 Aiken, M. et al. (2011), *Child abuse material and the Internet: Cyberpsychology of online child related sex offending*. Accessed on 19 October 2015 from: www.interpol.int

54 Seigfried-Spellar K. C., Rogers, M. K., (2010). "Low Neuroticism and High Hedonistic Traits for Female Internet Child Pornography Consumers." *Cyberpsychology, Behaviour, and Social Networking*, 13:634.

sexual abuse, as instigators, facilitators, or participants, although the processes through which they act and the motivations behind their behaviour are still inadequately understood and generally under-theorised.⁵⁵

Literature has produced mixed results also with regard to the age of perpetrators. According to meta-analysis of online sex offenders published in 2011, the majority of detected online offenders (over 90 percent) were adults, although they tended to be younger than 'offline' abusers.⁵⁶ Other studies have raised concern over the rising involvement of young people in accessing, producing and possessing CAM. A 2004 research study in New Zealand, for example, highlighted that the largest single group of online offenders were aged between 15 and 19 years.⁵⁷ Information gathered by the Virtual Global Taskforce in the form of a small non-random sample of 103 individuals arrested for downloading and exchanging child pornography through online Peer to Peer (P2P) services also exposed cases of young perpetrators, indicating that the age of offenders ranged from 15 to 73 years.⁵⁸ Overall, current knowledge suggests that online child sex perpetrators are largely white, westernised males, belonging to a variety of socio-demographic backgrounds, and more likely to be educated and employed. The prevalence of white and westernised perpetrators "raises an interesting issue about sexually abusive practices and ethnicity, and whether these offender characteristics result from socio-demographic patterns of Internet use, or whether they reflect differences in ethnicity and pornography or abusive image use."⁵⁹

Typologies of offending behaviour vary across a range of different situations and so do the underlying motivations for offending. Some authors have stressed that accessing online child sex abuse services on the Internet not only works as a means for sexual gratification, but may also help users address some of the more immediate feelings of distress or dissatisfaction in their lives⁶⁰ and provide a highly rewarding or reinforcing context for further emotional avoidance.⁶¹ A number of authors have noted that online sexual offending is often associated with previous experience of child sexual abuse and other childhood difficulties, while other investigations have identified isolation, dominance and depression as characteristics of some sex offenders. A 2011 review of online child-related sex offending has concluded that "undoubtedly certain factors such as psychiatric disorders, psychological and developmental impairments have an impact on criminality. Fantasies, cognitive distortions, emotional deficits, sex play, impression management, depression and impulsivity define online offenders and arguably their related use of technology."⁶²

There is no consensus among researchers and practitioners regarding the link between online child sex offending, particularly CAM viewing, and physical-contact sexual abuse. According to a 2006 study, consumers of CAM are driven by a sexual interest in children, and child pornography offending appears to be a stronger diagnostic indicator of paedophilia than it is of sexually offending against child victims. The same study also suggests that many perpetrators (43 percent) had already committed contact sexual offending.⁶³ A 2011 research study exposed

55 Martellozzo E. et al., "Online child sexual abuse by female offenders: An Exploratory study", *International Journal of Cyber Criminology*, Jan – July 2010, July - December 2010 (Combined Issue) Vol 4 (1&2): 592–609, 606. Accessed on 19 October 2015 from: <http://www.cybercrimejournal.com/elenaetal2010ijcc.pdf>

56 Babchishin, Kelly, M., R. Karl Hanson and Chantal A. Hermann. 2011. "The characteristics of online sex offenders: a meta-analysis". *Sexual Abuse: A Journal of Research and Treatment*, 23 (1): 92-123.

57 Cit. in Quayle, E. et al (2008). *Child pornography and sexual exploitation of children online*, 29. This study was commissioned by ECPAT International as a contribution to the World Congress III against Sexual Exploitation of Children and Adolescents.

58 Bouhours, B. and Broadhurst, R., (2011). *Statistical Report: Virtual Global Taskforce P2P Online Offender Sample July 2010–June 2011*. Canberra: Australian National University. Accessed on 19 October 2015 from: http://www.researchgate.net/publication/254937300-Statistical_Report_Virtual_Global_Taskforce_P2P_Online_Offender_Sample_July_2010June_2011

59 Quayle, E. et al (2008). *Child pornography*, 28-29.

60 Quayle, E., Taylor, M., (2002), "Child pornography and the internet: perpetuating a cycle of abuse." *Deviant Behaviour: An Interdisciplinary Journal*, 23:331-361.

61 Quayle, E., Vaughan, M., & Taylor, M. (2006), "Sex offenders, internet child abuse images, and emotional avoidance: The importance of values." *Aggression and Violent Behaviour*, 1-11, 1.

62 Aiken, M. et al. (2011). *Child abuse material and the Internet: Cyberpsychology of online child related sex offending*. Accessed on 20 February 2013 from: www.interpol.int

63 Seto M. C., Cantor J. M., Blanchard R., Child pornography offenses are a valid diagnostic indicator of paedophilia. *Abnorm Psychol*. 2006 Aug; 115 (3):610-5.

similar findings, indicating that approximately half of online offenders admitted to committing contact sexual offence and one in eight had an official history of contact sexual offences. Taken together, these results suggest that consumers of CAM are mainly preferential abusers, including paedophiles, and online and offline offenders may overlap to some extent.⁶⁴

In contrast with the previously described views, other authors consider child sex offending in the virtual realm as a continuum or progression, rather than simply a sign, of pre-existing paedophilia. To support their theory, they propose different psychological typologies of Internet child pornography users,⁶⁵ which show that a portion of those who consume CAM do not have a specific sexual interest in children.⁶⁶ A study argued that many CAM consumers (but not necessarily producers or distributors) are situational and opportunistic offenders who commit the crime because of increased availability, ease of access, and apparent anonymity afforded by the Internet and associate technologies, rather than because of compulsive sexual attraction to children.⁶⁷ According to this view, although some overlapping may exist, online sex offenders are understood as a distinct group from typical offline sex offenders, motivated by the sheer availability of a new technology.

The encompassing role played by ICT in sexual exploitation of children results in the Internet impacting all levels of the Demand Tree, insofar as it links victims and exploiters, provides a platform for facilitators to service demand, and has grown into a cultural dimension of its own through which SEC is being increasingly construed.

Demand for Child Sex in Travel and Tourism

Tourism has experienced exponential growth over the past two decades becoming a leading global economic sector. Increased airline connectivity matched with declining costs in air travel have multiplied tourist destinations and made them accessible to less affluent groups. No longer the prerogative of wealthy elites from Europe and North America, travelling is today within the reach of almost everyone. The exposure of local communities and their children residing at destination points to outsiders has surged, along with the unprecedented number of international tourist arrivals, which swelled from 527 million to 1,135 million between 1995 and 2014.⁶⁸ Cheap mass travel makes both domestic and international journeys affordable to travelling child sex offenders, with some of them reportedly flying several times a year to visit their victims abroad.⁶⁹ The speed at which especially economy destinations have grown, including in poor countries craving tourist dollars, has made it increasingly challenging to monitor the extent and nature of the impact of the unregulated tourist industry on children vulnerable to sexual offences. In local economies dependent on the tourism industry, where foreign investors make substantial profits, resident families may be forced to progressively withdraw from traditional livelihoods and engage their children in low paying jobs in the tourism sector, where they risk being sexually exploited, as exemplified in evidence from Costa Rica.⁷⁰ The introduction of casinos, bars, restaurants, and brothels to meet the demand among

64 Seto M. C., Hanson R. K., Babchisin K. M., "Contact sexual offending by men with online sexual offences", *Sexual abuse: a journal of research and treatment*, 23(1): 124-145, 124, 2011.

65 Psychological typologies include: "recreational users" - those accessing child pornography sites on impulse, out of curiosity, or for short-term entertainment; "at-risk users" - those vulnerable individuals who have developed an interest in child pornography, but may not have done so had it not been for the Internet; and "sexual compulsives" - those who have a specific interest in children as sexual objects and seek out child pornography.

66 Wortley R., Smallbone S., *Child Pornography on the Internet*, Problem-Oriented Guides for Police, Problem-Specific Guides Series, Guide No. 41, 2006, 14-15.

67 Smallbone S., Cale J., *Situational theories*, (undated) School of Criminology and Criminal Justice, Griffith University, 23.

68 UNWTO, "Tourism towards 2030 Global Overview," (Madrid: UNWTO, 2011), 34, from <http://www.e-unwto.org/>, accessed 11 May 2015; UNWTO, "World Tourism Barometer," XIII, (Madrid: UNWTO, 2015).

69 J. Sullivan, "Travelling Sex Offenders", Background paper prepared for the Global Study on the Sexual Exploitation of Children in Travel and Tourism (Cork, Ireland: Mentor Forensic Services, 2015).

70 Ann Barger Hannum, "Sex Tourism in Latin America", *History, Culture and Identity, Home/Tourism* (Winter 2002), <http://revista.drclas.harvard.edu/book/sex-tourism-latin-america>; Fundación PANIAMOR y Oficina Internacional de los Derechos del Niño (IBCR), "Prevención de la Explotación Sexual Comercial Asociada a Viajes y Turismo en Costa Rica: Sistematización de la Experiencia Bilateral", 26, http://www.ibcr.org/images/content/publications/systematization_Spanish.pdf, accessed 28 May 2015.

tourists potentially increases exposure to commercial sexual exploitation of local residents, as also observed in the context of the Special Economic and Free Trade Zones proliferating in South East Asia.⁷¹

Promoting a tourist destination as a paradise for sexual encounters has been an explicit marketing strategy adopted by a number of countries, including Ukraine, Estonia, the Netherlands, Hungary and Latvia, which, promoting “sex tourism” on the Internet, have created an environment which condones exposing children to higher risk.⁷² The tourism and travel industries in their multiple aspects provide not only a primary channel for predators to reach out to children, but also offer ample opportunities for facilitators to make a profit by bridging demand with supply of SEC. A host of underlying factors further sustain conventional as well as ever newer forms of sexual exploitation of children in travel and tourism (SECTT).

Mapping sexual exploitation of children on a geographical basis has become a daunting task with borders of source and destination areas shifting according to the evolutions of an increasingly sophisticated demand for sexual services. Europe, in particular the Western and Nordic countries, a traditional source area for conventional CSEC destinations in South East Asia and Latin America, today faces the threat of being also a destination hub.⁷³ Western Europeans continue to travel for exploitative purposes to traditional and emerging destinations, particularly in South and East Asia, the United States (US), Central and Latin America, and Africa, while Europe receives offenders in Moldova, Ukraine and in Southern and Balkan countries.⁷⁴

The bulk of the demand by North Americans has shifted from long-established South-East Asian spots to low-fare travel destinations in Central and Latin America, especially Belize, although offenders are to be found in virtually all affected regions.⁷⁵ As in the case of Europe, the U.S. is now regarded as a destination country as well, with evidence showing presence of Dutch offenders among others.⁷⁶

The primary tourist destination in South Asia, India attracts numerous travelling child sex offenders, especially from Europe, although trends seem to be declining in favour of other spots⁷⁷ such as Nepal, Sri Lanka and, recently, Bangladesh.⁷⁸ Novel travel packages are devised to respond to a quest for increasingly exotic experiences, spanning from visits to the erotic Indian sculptures at the Khajuraho UNESCO World Heritage Site, to tribal tours and slum tourism – channels that allow outsiders to access local communities more deeply. Concerns have also been raised about displaced Sri Lankan children living in camps, Pakistani boys engaged in the transport industry, and refugee young people from Afghanistan, vulnerable populations that may be exposed to sexual exploitation by either outsiders or local offenders.⁷⁹ It has been noted that foreign child sex offenders often prefer to return to the same country and the same child on repeated visits, and groom their victim by providing toys, clothes, money. They also corrupt families by buying land, building houses, or helping set up small economic enterprises.⁸⁰

71 U.S. Department of State, “Trafficking in Persons Report 2014,” 239.

72 See: <http://www.sextourism.net/destination/europe/>

73 ECPAT International, “Global Study of the Sexual Exploitation of Children in Travel and Tourism: The Situation in Europe”, (Bangkok: ECPAT International, 2015).

74 ECPAT International, “Consolidated notes on emerging trends and themes” (Basis for discussion on trends for Paris Experts’ Meeting, 2015).

75 U.S. Department of State, “Trafficking in Persons Report 2014,” <http://www.state.gov/j/tip/rls/tiprpt/countries/2014/index.htm>, accessed 5 March 2015.

76 National Rapporteur on Trafficking in Human Beings and Sexual Violence against Children, “Barriers against child sex tourism, Summary Report” (The Hague: 2013), <http://www.dutchrapporteur.nl/reports/child-sex-tourism/>, accessed 1 May 2015.

77 CEOP, “Threat Assessment of Child Sexual Exploitation and Abuse,” (2013), 16, http://ceop.police.uk/Documents/ceopdocs/CEOP_TACSEA2013_240613%20FINAL.pdf, accessed 10 June 2015.

78 ECPAT France, Response to questionnaire for ECPAT groups on SECTT in Europe, February 2015; Aingkaron Kugathasan, “Paedophiles’ Paradise: Child Abuse and Child Prostitution in Sri Lanka”, *upeace.org*, 20 February 2012, http://www.monitor.upeace.org/printer.cfm?id_article=873, accessed 10 June 2015.

79 Consultation with Network South Asia regarding the Sexual Exploitation of Children through Travel and Tourism, New Delhi, 25 March 2015.

80 ECPAT International, *The sexual exploitation of children in travel and tourism in South Asia* (Bangkok: ECPAT International, 2015) (draft).

South East Asia, the original primary destination area, continues to receive Western child sex offenders, with region-wide evidence signalling concerning upward trends.⁸¹ Conventional destinations, such as Thailand, the Philippines, and Cambodia are progressively being replaced by neighbouring countries where law enforcement is less stringent, such as Vietnam, Myanmar, Laos, and Indonesia.⁸² Even secluded locations in the Pacific region can no longer consider themselves immune to such a global scourge.⁸³

The sex industry in South East Asia and Latin America caters substantially to local men, who pursue both women and children. Although attention by governments, NGOs and the media has been high on foreign offenders,⁸⁴ in Cambodia, nationals account for 49 percent of the demand for virgins in the country,⁸⁵ although awareness and documentation with regard to local offenders remain poor.

In Latin America and the Caribbean, where the CSEC demand is expanding to new countries, the UK Child Exploitation and Online Protection (CEOP) Centre estimates that CSEC in Brazil is the most prevalent in the Western hemisphere and possibly second only to Thailand globally.⁸⁶

In the Middle East and North Africa (MENA) region, Egypt, Iran, Morocco, Tunisia and Sudan emerge concurrently as countries of origin, transit and destination,⁸⁷ where travelling sex offenders are often from wealthier Middle Eastern countries, such as Saudi Arabia.⁸⁸

Sub-Saharan Africa has recently pinned several new locations on the CSEC map. In West Africa, Senegal is a major recipient country for European child exploiters, along with Ghana, Cameroon and the Gambia, the latter being targeted by female predators.⁸⁹ East Africa is being frequented by British offenders, with Europeans being identified in Tanzania and in Kenya, where, in Nairobi, young people are reportedly exploited by both nationals and foreigners from Europe, North America, and Asia, in addition to travellers from other African countries.⁹⁰ Southern Africa is affected by European predators, especially tourist areas of Zambia and South Africa, with Madagascar offering a desirable destination thanks to a social environment that tends to condone sex with children.⁹¹

81 ECPAT International, "Global Study of the Sexual Exploitation of Children in Travel and Tourism: The Situation in Europe", (Bangkok: ECPAT International, 2015); ECPAT International, "Global Study of the Sexual Exploitation of Children in Travel and Tourism: The Situation in South East Asia", (Bangkok: ECPAT International, 2015).

82 CEOP, "Threat Assessment of Child Sexual Exploitation and Abuse," (2013), 16, http://ceop.police.uk/Documents/ceopdocs/CEOP_TACSEA2013_240613%20FINAL.pdf

83 Save the Children, "The Commercial Sexual Exploitation and Sexual Abuse of Children in Fiji: A Situational Analysis" (2005), 20.

84 World Vision Australia, "Sex, Abuse and Childhood" (World Vision Australia, 2014), 18.

85 ECPAT International, "Global Monitoring Report on the Status of Action against Commercial Sexual Exploitation of Children: Cambodia", 2nd Ed. (Bangkok: ECPAT International, 2012), 14. http://www.ecpat.net/sites/default/files/a4a_v2_eap_cambodia.pdf, accessed 25 February 2015.

86 CEOP, "Threat Assessment of Child Sexual Exploitation and Abuse," (2013), 16, http://ceop.police.uk/Documents/ceopdocs/CEOP_TACSEA2013_240613%20FINAL.pdf, accessed 14 June 2015

87 M.E. Hecht, with O. Albitar and M. Burke, "A Desk Study on the Sexual Exploitation of Children in Travel and Tourism in the Middle East and North African Region" (2015), A Contribution for the Global Study on the Sexual Exploitation of Children in Travel and Tourism conducted by ECPAT International.

88 ECPAT International, "Sex Trafficking of Children in the Middle East," (n.d.), 6, http://www.ecpat.net/sites/default/files/Factsheet_Middle_East.pdf, accessed 2 July 2015.

89 ECPAT Austria *et al.*, "Assessment on sexual exploitation of children related to tourism and reporting mechanisms in Gambia, Kenya, Madagascar, Senegal and South Africa," (ECPAT Netherlands, 2014), 65, <http://www.ecpat.net/sites/default/files/Overall%20report%20-%20Assessment%205%20African%20countries.pdf>, accessed 4 June 2015.

90 ECPAT UK, Response to questionnaire for ECPAT groups on SECTT in Europe, February 2015; Terre des Hommes, "Money Makes the World Go Down: Child Sexual Abuse and Child Sexual Exploitation in Tanzania", (Terre des Hommes Netherlands, 2009), 16; Aggrey Willis Otieno, "Sexual Exploitation of Children in Travel and Tourism in Kenya: A Case Study of Embakasi, Starehe, Kasarani and Kamukunji Sub Counties in Nairobi", Prepared for the Global Study on the Sexual Exploitation of Children in Travel and Tourism (ANPPCAN Regional Office, African Network for Prevention & Protection against Child Abuse and Neglect, 2015).

91 ECPAT International, "Global Monitoring status of action against commercial against sexual exploitation of children: South Africa", (Bangkok: ECPAT International, 2013), 16, http://www.ecpat.net/sites/default/files/a4a_v2_af_s.africa_0.pdf, accessed 14 June 2015; ECPAT Austria *et al.*, "Assessment on sexual exploitation of children related to tourism and reporting mechanisms in Gambia, Kenya, Madagascar, Senegal and South Africa", 38; U.S. Department of State, "Trafficking in Persons Report: Madagascar", (2013), <http://www.antananarivo.usembassy.gov/mobile/reports/madagascar-trafficking-in-persons-report---2013.html>, accessed 15 June 2015 from: "Qualitative Study of Sexual Exploitation of Children in Travel and Tourism in Two Selected Districts of Zambia", Draft Report, April 2015.

Travelling child sex predators are not a homogenous group. The complexity of the demand for sex with children directly relates to the multiplicity of offending motivations, patterns, and approaches adopted by perpetrators. Preferential offenders, on the one hand, travel with the purpose of offending, their behaviours being linked to grooming, and more likely to depend on ICT for establishing premeditated contact with the victim. Situational child sex offenders, on the other, are those who travel without the intention of sexually exploiting children and tend to act opportunistically in situations where child sex is possible and consequence-free.⁹² Countries characterised by poor law enforcement and high police corruption are favourable grounds for SEC to flourish. CEOP has developed a detailed categorisation of behavioural typologies to segmenting patterns of child sexual exploitation, based on research and work carried out with travelling child sex offenders, as follows:⁹³

- *Opportunity Instigation*: Taking advantage of holiday environments to abuse children
- *Self-Contained Abuse*: Travelling abroad together with the intended child victim
- *Speculative Exploring*: Travelling to locations abroad known for having children available for sex
- *Informed Networking*: Arranging to abuse children in advance of travelling to a specific location
- *Resident Foreigner Abuse*: Abuse of children by foreigner residents in developing countries
- *Pseudo-Care Work*: Abuse of children by professionals and volunteers working with them
- *Internet-Facilitated Offending Overseas*: Using the Internet to abuse children in foreign countries

Female Perpetrators

Though a marginal group, the reality of female child sex offenders has received growing attention, being also corroborated by research conducted in a number of tourism destinations and by academic studies. While available information shows that women generally seek men older than 18 years, instances have been noted in different regions of underage boys exchanging sexual services with adult European female offenders for monetary gain.

Research studies and media reports have referred to women travelling from Europe to the Caribbean and other Latin American destinations, as well as to several African countries, including Senegal and Kenya to pursue paid sex with young people.⁹⁴ A recent ECPAT study documents single European women holidaying in the Gambia and engaging in sex with local men and anecdotal evidence suggests that some of these are underage.⁹⁵ The presence of European female offenders has also been reported in some Asian countries. Sri Lanka and Goa in India, in particular, seem to be on the map of female sex abusers of so-called *beach boys*.⁹⁶ Men and boys who make themselves available for paid sex in tourist destinations (sometimes referred to as beach boys, island boys, players, or gigolos) often do not self-identify as being actually involved in commercial sexual exploitation and may rather see their sexual engagement as an assertion of their masculinity. In parallel, women may perceive themselves as being seduced by boys and young men in a sort of 'holiday romance' situation.⁹⁷ However, as analysts have noted, the sexual-economic relationships that foreign female tourists establish with local men and

92 La Strada Ukraine, "Sexual exploitation of children in Ukraine: situation and counteraction", (2014), 17-18.

93 CEOP, "Threat Assessment of Child Sexual Exploitation and Abuse", (2013), http://ceop.police.uk/Documents/ceopdocs/CEOP_TACSEA2013_240613%20FINAL.pdf

94 ECPAT International, "The Commercial Sexual Exploitation of Children in Africa: Developments, progress, challenges and recommended strategies for civil society", (Bangkok: ECPAT International, 2014), 22.

95 ECPAT Netherlands, "Assessment on sexual exploitation of children related to tourism and reporting mechanisms in Gambia," (ECPAT Netherlands, 2014), 32.

96 See, for example: "The Truth about Sri Lankan Beach Boys," *Travel Blog*, 26 December 2009, <http://www.travelblog.org/Asia/Sri-Lanka/Southern-Province/Tangalle/blog-463262.html>, accessed 15 June 2015.

97 Erica L. Williams, "Romance tourism," in *The Wiley-Blackwell Encyclopaedia of Globalisation*, 2012.

youth actually hinge on the same global economic and social inequalities that underpin male sex tourism.⁹⁸

In addition to committing crimes in the context of travel and tourism, women are being identified increasingly as perpetrators of child sexual exploitation in prostitution and through new ICTs (see subsections on “demand for boys” and “child abuse materials and online sexual exploitation of children”). A number of media reports in countries such as the UK⁹⁹ and U.S.¹⁰⁰ have exposed increasing cases of teachers who sexually abused boy students, sometimes in exchange for gifts or involving the production and distribution of CAM. Factors that may induce women to engage in child sexual exploitation are yet to be extensively investigated. Some theories explain this apparent rise in female offending with the increasing sexualisation of boys, the proliferation of social media and “sexting,” and the consequent erosion of traditional moral boundaries.¹⁰¹ Others have highlighted that while a small proportion of women may be pushed by a sexual interest in children, the majority “are motivated by an intimacy need.”¹⁰² This motivation appears to be very specific to women.

Demand for Boys

Similar to the multifaceted offender population, child victims are far from being a monolithic group. While the majority of exploited children tend to share a common disadvantaged socio-economic background, other characteristics vary considerably across the spectrum of sexual exploitation. Even gender cannot be regarded as a firm watershed. Across all regions, literature shows that not only girls but also boys, though to a lesser extent, are involved in SEC, being victimised as targets of sexual exploitation, as well as used as pimps and procurers. Evidence from South Asia indicates that boys tend to be less engaged in establishment-based commercial sex and more likely to be pushed into street-based unregulated prostitution, being solicited in public places, such as beaches, parks and entertainment districts,¹⁰³ in addition to bus and train stations, where they are likely to make contact with travelling child sex offenders. Field data from South Asia indicates that boys are more in demand among foreign predators, whereas girls are more in demand by local offenders, at least in the tourism industry.¹⁰⁴ There are indications that, while girls are more targeted by situational offenders, sex with boys is typically linked to fantasies by preferential child sex offenders.¹⁰⁵ A series of studies supported by ECPAT International concluded that the sexual exploitation of boys in South Asia is an under-reported, “socially invisible,” and highly stigmatised practice. Compared to girls, boys were found to be more reticent to report experiences of sexual abuse and exploitation due to factors such as confusing feelings about sexual attraction, and social sanctions related to homosexual behaviour. Contrary to a common stereotype, which associates boys’ exploitation with homosexuality, the research in South Asia revealed that offenders who resorted to boys’ prostitution were primarily heterosexual and bi-sexual men and, in the case of some Indian cities included female perpetrators.

98 Jacqueline Sanchez Taylor, “Female sex tourism: a contradiction in terms?” *Feminist Review*, no. 83 (2006): 52.

99 Murray, Jenny, “Disturbing rise of the women child sex predators: How sickening slew of babysitters and teachers are abusing young boys and girls – but would they be punished so leniently if they were men?”, 15 October 2015, accessed 2 November 2015, <http://www.dailymail.co.uk/news/article-3274956/Disturbing-rise-women-child-sex-predators-s-punished-leniently-men.html#ixzz3qPoKM1A>

100 See, for example, “The big list: female teachers with students”, *wnd.com*, 19 August 2014, accessed 2 November 2015, <http://www.wnd.com/2014/08/39783/3/>

101 Murray, Jenny, “Disturbing rise”.

102 Sanghani, Radhika, “Female paedophiles: Why women sexually abuse children”, *The Telegraph*.

103 J. Frederick, “Sexual Abuse and Exploitation of Boys in South Asia-A review of research findings, legislation, policy, and programme responses”, Innocenti Working Paper (Florence: UNICEF Innocenti Research Centre, 2010).

104 Equations/ECPAT International, “Unholy Nexus: Male Child Sexual Exploitation in Pilgrim Tourism Sites in Indi: Andhra Pradesh, Kerala and Orissa”, (Bangkok: ECPAT International, 2008), Accessed 28 May 2015. http://resources.ecpat.net/EI/Publications/South_Asia/UnholyNexus-MCSE_Research_Report.pdf, 24.

105 ECPAT, Consolidated notes on emerging trends and themes (Basis for discussion on trends for Paris Experts’ Meeting), 2015.

Parents tend to be less apprehensive about boys' safety; they perceive them as stronger than girls are, and more capable of managing their own safety. They also see them as less exposed to sexual violence and unwanted consequences of intercourse. A UN International Children Emergency Fund (UNICEF) study suggests that, in South Asia, some families even approve or encourage their sons to engage in the commercial sex trade, taking advantage of opportunities arising from travellers and tourists, and accept gifts and support from foreign visitors.¹⁰⁶

In Europe, several national-level surveys have found that boys experience sexual violence and exploitation at rates that merit greater attention. For example, 2014 research in the UK has revealed that the sexual abuse and exploitation of young boys occurs in different settings including residential homes, religious organisations, and gangs.¹⁰⁷ Boys' prostitution may involve both national and migrant children. A 2010 study in a major city in Southern Italy evidenced cases of young males of different nationalities (particularly Romanians, Bulgarians, Maghrebis, and Italians) who exchanged sex services for money, drugs, and often a place to sleep, serving people with different sexual orientations including heterosexual couples.¹⁰⁸ There is also indication that in some European countries, boys tend to engage in some form of "independent" prostitution to a greater extent than their female peers do.¹⁰⁹

Research supported by ECPAT International has shed light on the sexual exploitation of boys in some Latin American countries. In Chile, for example, an ECPAT study identified incidents of boys who were sexually exploited through the Internet and new ICTs, by groups of peers, and in association with drug use and drug trafficking. The demand for sex with these adolescents was found to come from both women and men who identified themselves as heterosexual and homosexual.¹¹⁰ ECPAT research in Guatemala exposed similar findings, illustrating cases of male adolescents who were offered as escorts to women through online announcements, chats, and websites.¹¹¹ The prevalence of *machismo* in Latin American society results in boys' victimisation generally going unnoticed and unaddressed. Even when the problem is acknowledged, there is a common tendency to see homosexual and transsexual boys who engage in paid sex as individuals who freely choose and enjoy the life they live.¹¹²

The involvement of boys in commercial sex has also been increasingly detected in African countries. In Ethiopia, a study on male children living on the streets of Addis Ababa evidenced that, a significant proportion of the sample examined, experienced sexual abuse and exploitation at the hand of peers, strangers, foreigners and other perpetrators. The fact that public and religious discourse dismisses homosexuality as "not Ethiopian" was found to be one of the reasons that perpetrators resorted to children.¹¹³ In Uganda, a 2011 study identified a growing trend of boys providing sex services to older and wealthier women, locally known as "sugar mummies."¹¹⁴ As in other world regions, social stigma attached to the sexual exploitation of boys means that in Africa this illegal practice remains largely more concealed and under-reported than female prostitution.

106 UNICEF, "Sexual Exploitation of Boys in South Asia", 2010.

107 Brayley, Helen et al. (2014), *Rapid evidence assessment – the sexual exploitation of boys and young men*, London: Barnardo's, accessed 2 October 2015, http://www.barnardos.org.uk/16144_su_cse_rapid_evidence_report_v5.pdf

108 ECPAT International (2014), *The commercial sexual exploitation of children in Europe*, Bangkok: ECPAT International, 11.

109 *Ibid.*

110 ECPAT International – Paicabi (2011), *Estudio de las Manifestaciones locales de Explotación Sexual Comercial de Niños y Adolescentes, incluyendo la Especificidad de Víctimas Jóvenes Hombres y los Modelos de Atención a Víctimas*, accessed 2 October 2015, <http://www.ecpat.net/sites/default/files/Chile%20Research.pdf>

111 Villarreal, M. (2010), *La trata de niños y adolescentes varones con fines de explotación sexual en Guatemala*, Guatemala: ECPAT Guatemala

112 ONG Raíces – ECPAT International (2010), *Manifestaciones Locales de la Explotación Sexual Comercial de Niñas, Niños y Adolescentes en Chile. Dinámicas, Espacios y Género*, accessed 2 October 2015, <http://www.ecpat.net/sites/default/files/Libro%20ONG%20Raices.pdf>

113 Tadele, Getnet (2009), "The Situation of Sexual Abuse against Male Street Children in Merkato Area, Addis Ababa" *Ethiopian Journal of Health Development*, vol. 23(3), 178-179.

114 ECPAT International (2013), *Global Monitoring Status of Action commercial sexual exploitation of children: Uganda*, Bangkok: ECPAT International, 13

Business Travellers

Not only purpose-minded sex tourists, but also people on the move for business or work, may seek sexual contact with underage persons, thus substantially expanding the threat to children's safety.

Systematic information on the dimension of the demand for SEC, in particular by business travellers, is still unavailable. This indicates limited awareness by civil society, even though the trend is visible in several countries, some of which, as in the case of European ones, are not listed among the destinations for travelling child sex offenders. A research study conducted in Ukraine identified three groups of domestic travelling child sex offenders, namely, those who travel from small towns to big cities that assure anonymity; individuals who travel from big cities to rural areas where the price of sex with children is lower; and persons who travel to a specific location to purchase a given, often pre-ordered sexual service.¹¹⁵

Global findings agree that demand for paid sex with children can often be directly associated with men in highly mobile occupations. Information from Armenia indicated that cases were found of girls engaging in commercial sexual relations with foreign truck drivers at the border with Iran.¹¹⁶ Evidence from Brazil, Paraguay and Chile similarly associates truckers with CSEC, because not only do many of them act as offenders, but also provide transportation of girls to the sex market in the tourist city of Salvador, to mines and construction sites, and to borders and port towns, where demand for commercial sex is high.¹¹⁷ A major transnational case has been reported in Britain involving an air pilot who sexually abused dozens of African orphans and schoolchildren.¹¹⁸

Migrant Workers

Besides business travellers and people who are highly mobile in their profession, men who migrate internally or across borders in search of a better occupation and living conditions may also constitute a reservoir for the demand for sex with children and adolescents. In Laos, for example, some Vietnamese and Chinese women and girls, as well as Laotian girls and boys, are reportedly trafficked for sexual exploitation within the country, usually near border areas, casinos, or special economic zones, to serve both tourists and migrant workers from the region.¹¹⁹ Similarly, an ECPAT study on CSEC in Singapore found that so called 'forest brothels', located in the nature reserve and park areas of the city-island, were often in close proximity to the dormitories of migrant workers.¹²⁰ Besides Asia, the presence of migrant workers among those who purchase sex services from children has also been reported in other world regions (e.g. Kazakhstan¹²¹, the UK,¹²² and Italy¹²³).

115 La Strada Ukraine, "Sexual exploitation of children in Ukraine: situation and counteraction", (2014), 19-20.

116 Hope and Help NGO, Response to questionnaire for ECPAT groups on SECTT in Europe, February 2015.

117 CASACIDN, "Hoja de ruta para la sistematización de la experiencia del proyecto Estrategia Regional de Lucha contra la Trata y el Tráfico de Niños Niñas y Adolescentes para fines de Explotación Sexual en el Mercosur", (Buenos Aires: CASACIDN, 2013).

118 Luke Wilson, "Paedophile pilot sexually abused 100 African orphans and schoolchildren during British Airways volunteering," *Metro News*, 2 September 2013, <http://metro.co.uk/2013/09/02/paedophile-pilot-sexually-abused-100-african-orphans-and-schoolchildren-during-british-airways-volunteering-3946672/>, accessed 14 June 2015.

119 U.S. Department of State (2015), "2015 Trafficking in Persons Report: Laos", accessed on 2 November 2015, <http://www.state.gov/j/tip/rls/tiprpt/countries/2015/243473.htm>

120 ECPAT International and Sallie, Y. (2010). *Commercial sexual exploitation and trafficking of children in Singapore*. Accessed on 7 February 2013 from: www.ecpat.net

121 Information provided by the NGO Elpikir in February 2015.

122 See, for example, "Andreas Bauminis. Skelmersdale paedophile jailed for eight months", *Theukdatabase.com*, 24 March 2014, accessed on 2 November 2015, <http://theukdatabase.com/2014/03/24/andreas-bauminis-skelmersdale/>

123 "I clienti della prostituzione: chi, perché e cosa fare?", *Gruppo Abele*, January 2014, accessed on 2 November 2015, <http://www.gruppoabele.org/flex/cm/pages/ServeBLOB.php/L/IT/IDPagina/5028>

Resident Foreign Offenders

Child sex offenders reach out to their victims not only through conventional travel and tourism, but also by moving and resettling in destination countries. Evidence shows that expatriates and long-stay residents account for a significant proportion of the foreign child-sex-offender population. Resident foreigners seeking sexual contact with children normally buy or rent properties in locations granting easy access to juvenile victims. Living in a country for extended periods allows foreigners to root themselves in local communities and build close relationships with the child and his or her family as a way to facilitate a lengthy grooming process.¹²⁴

By residing in a given location, long-term child abusive visitors or foreign residents have an opportunity to seek employment, another channel they can adopt to gain greater proximity to potential victims. Professions like teaching or childcare afford the kind of cover that predators need when they intend to strike. Analysis carried out by CEOP in the UK determined that between 7 and 19 percent of the 1,200 cases of British child sex offenders working abroad between 2006 and 2009 had played roles that permitted access to children, particularly in teaching and school-related positions.¹²⁵ Several cases have been reported of European offenders employed as teachers being arrested in countries outside Europe, such as Cambodia¹²⁶ and the Philippines.¹²⁷ However, cases are also reported in wealthy nations. In 2011, a French citizen, working as a French language teacher in the US, was sentenced to 12 years in prison for sexual touching and digital penetration of American children.¹²⁸ Factors compounding child sexual exploitation by resident foreigners include relatively easy visa conditions, absence of effective background checks, prevailing reticence in reporting illicit sexual conduct, in addition to poor implementation and monitoring of child protection procedures.

Pseudo-Care Workers

Individuals who use their profession as a cover to approach and sexually exploit children are defined by the CEOP as *pseudo-care workers*. In addition to teachers, such typology of sexual offenders may include members of faith communities, military missions, charities, sport coaches, NGO staff as well as volunteers, especially in developing countries.¹²⁹ Several cases have been uncovered concerning European citizens who assaulted children, taking advantage of the regular, unfettered contact granted by their professional role. Some offenders act as donors or volunteers and establish their own children's shelter homes or infiltrate existing child welfare organisations. The Dutch police revealed that several Dutch citizens convicted for child abuse abroad were involved in orphanages, aid work accounting for a significant proportion of SECTT cases identified.¹³⁰

124 ECPAT International, "Combating child sex tourism: questions and answers", (2008), 17.

125 CEOP, "CEOP launch a new way to prevent UK child sex offenders from abusing children overseas", 18 October 2012, <https://www.ceop.police.uk/Media-Centre/Press-releases/2012/CEOP-launch-a-new-way-to-prevent-UK-child-sex-offenders-from-abusing-children-overseas/>, accessed 15 June 2015; "A fifth of child sex offenders who travel abroad end up working in jobs that involve children", *Daily Mail*, 18 October 2012, <http://www.dailymail.co.uk/news/article-2219419/A-fifth-child-sex-offenders-travel-abroad-end-working-jobs-involve-children.html?ito=feeds-newsxml>, accessed 15 June 2015.

126 Kuch Naren, Ben Woods, "UK Pedophile Came to Cambodia to Teach in Schools," *Cambodia Daily*, 31 October 2013, <https://www.cambodiadaily.com/archives/uk-pedophile-came-to-cambodia-to-teach-in-schools-46353/>, accessed 15 June 2015

127 "Swede, 76, jailed for child sex crimes in Philippines," *The Local*, 29 March 2012, <http://www.thelocal.se/20120329/39980>; accessed 15 June 2015.

128 ECPAT France, Response to questionnaire for ECPAT groups on SECTT in Europe, February 2015.

129 J. Sullivan, "Travelling Sex Offenders," (2015), contribution to ECPAT International's Global Study on SECTT.

130 Laura Moerenhout, "Kindersekstoerisme," (Politie, 2013), <https://www.meldkindersekstoerisme.nl/wp-content/uploads/2015/01/2013-Politie-Fenomeenbeschrijving-Kindersekstoerisme-openbare-versie.pdf>, accessed 16 June 2015

Voluntourism and Orphanage Tourism

Parallel to the spreading of pseudo-care work, demand for SEC has risen also via similar trends known as *voluntourism* and *orphanage tourism*. Volunteer services and project visits, which have been traditionally relied upon by non-profit organisations to promote engagement in the field of development and broaden their donor base, are now also commercialised by specialised travel operators as part of package tours or round trips, even during cruises. The term *voluntourism*, a combination of short-term volunteering experience with travel associated with holidays or study abroad,¹³¹ has recently grown in popularity, emerging as a global market generating estimated profits of USD 2 billion a year.¹³²

The objective of commercial voluntourism operators, rather than supporting charity work in the field, is profit making, a goal that is achieved by involving as many volunteers as possible. Visitors and volunteers are normally enlisted in short-term visits, ranging between a few hours and several weeks, and are rarely vetted with regard to qualifications, skills, references, and background checks. The most popular projects are those allowing direct interaction with children, especially teaching English and helping out in orphanages or children's shelters. Under rather informal arrangements, volunteers can spend extended periods with children, even alone, or living with host families. Travelling child sex predators may exploit such channels to gain unprecedented access to children. A recent study into both commercial and non-commercial organisations offering international volunteering experiences identified a number of risks that voluntourism poses to the safety and wellbeing of children, such as inadequate selection criteria and training for volunteers, short duration of stay, and lack of child protection measures and rules of conduct for travellers. Furthermore, 22 out of 23 operators assessed had adopted no child protection policy and fewer than half, required police clearance to volunteers.¹³³

Orphanage tourism is a form of voluntourism by international visitors or volunteers targeting orphanages and children's shelters specifically. Typically, understaffed orphanages in poor countries may leave children alone with volunteers or, in some cases, allow visitors to take children out of the facility.¹³⁴ In some cases, children are reportedly forced to befriend visitors and actively solicit donations.

Research in countries of destination of Western travelling child sex offenders, such as Cambodia and Pakistan, alerts that orphanage tourism may involuntarily contribute to child trafficking and corruption. The rising number of tourists interested in visiting or volunteering in orphanages may stimulate indirectly a demand for orphans, to the point of triggering unscrupulous intermediaries into motivating needy families, even with explicit offers of money, to place their children in external care.¹³⁵ When orphanages turn into moneymaking ventures, they fuel the growth of residential care, and cause an unnecessary separation of children from their families.¹³⁶ The easy access that some child care institutions provide to ill-intentioned individuals seeking sexual contact with children has contributed to expanding orphanage tourism, with American and Canadian offenders being identified not only in Cambodia, but also Kenya, Haiti, Honduras,

131 Bread for the World, Working Group on Tourism and Development and ECPAT Germany, "From Volunteering to Voluntourism: Challenges for the Responsible Development of a Growing Travel Trend" (Berlin: Bread for the World, 2015).

132 Gabriel Popham, "Boom in 'voluntourism' sparks concerns over whether the industry is doing good," *Reuters*, 29 June 2015, <http://www.reuters.com/article/2015/06/29/us-travel-volunteers-charities-idUSKCNOP91AX20150629>, accessed 22 September 2015.

133 Bread for the World, Working Group on Tourism and Development and ECPAT Germany, "From Volunteering to Voluntourism: Challenges for the Responsible Development of a Growing Travel Trend", (2015), 14.

134 Terre des Hommes and UNICEF, "Adopting the Rights of the Child: a Study on Inter-country Adoption and its Influence on Child Protection in Nepal", (Lausanne, Switzerland: Terre des Hommes Foundation, 2008), <http://resourcecentre.savethechildren.se/sites/default/files/documents/1661.pdf>, accessed 12 July 2015. The report found that many child-care institutions lack sufficient staff to ensure the permanent supervision by qualified staff.

135 Monica Pitrelli, "Orphanage tourism: help or hindrance?" *The Telegraph*, 3 February 2012, <http://www.telegraph.co.uk/expat/expatlife/9055213/Orphanage-tourism-help-or-hindrance.html>, accessed 25 August 2015

136 Better Care Network, "International Volunteering and Child Sexual Abuse and Exploitation in Residential Care Centres," Background paper prepared for the Global Study on the Sexual Exploitation of Children in Travel and Tourism (New York: Better Care Network, 2015).

and Nepal. It must be noted that only recently are these offenders being prosecuted in a foreign jurisdiction where the crime was committed.¹³⁷

Some of the more responsible volunteer-sending organisations have stopped organising orphanage volunteer programmes, though the practice is far from been completely discontinued.

Adoption, Surrogacy and Child Sponsorship Programmes

Child abusers have been infiltrating adoption processes, especially in international settings. The horizon of the illicit use of child adoption acquires global contours, especially with reference to the interface existing between international travel and inter-country adoptions of children born in poor countries and sought by couples living in wealthier nations. In Europe, the economic and social transition that followed the end of communism in the Eastern Bloc led to such an upsurge in the demand for inter-country adoptions that some governments were forced to impose temporary bans to control it.¹³⁸

Malpractice includes instances of sex offenders entering into marriage with women who have children or informally adopting a child.¹³⁹ Spurious adoptions can be facilitated by brokers operating through illegal channels. For example, the Dutch police discovered that illegal adoption had allowed a child to be placed in the care of an accused offender in three-out-of-85 cases of alleged SEC under enquiry.¹⁴⁰ Another route for sex abusers to gain access to their victims is through child sponsorship, also known as distance adoption, programmes, which permit a long-term relationship to be established, and sometimes sponsor visits to be carried out to the beneficiary. While such programmes can be effective in supporting needy children in their own communities, sponsor visits normally fail to assure the necessary protection and care standards that children deserve, opening avenues for abusive sponsors to assault their beneficiaries.¹⁴¹

One more practice that may be misused by child sex offenders is surrogacy, although reported cases of SEC channelled through surrogacy arrangements are still rather limited. A new position paper by ECPAT International evidences the risks connected with the surge in international surrogacy arrangements, stressing that, while in many Western nations commercial surrogacy is either prohibited or heavily regulated, surrogacy agencies and brokers have started proliferating, aggressively promoting arrangements disguised as “medical tourism”, when in fact giving rise to forms of commercial surrogacy, where both the surrogate mother and, often, the facilitating setup receive monetary compensations.¹⁴²

137 See: APLE, “US Sex Offender Faces 30 Years in Jail after His Conviction in Cambodia”, 28 December 2014, <http://aplecambodia.org/us-sex-offender-faces-30-years-in-jail-after-his-conviction-in-cambodia/>, accessed 17 April 2015; FBI, “Former Medical Doctor Sentenced to 20 Years in Prison for Engaging in Illicit Sexual Conduct with Minors in Kenya”, 4 December 2013, <http://www.fbi.gov/washingtondc/press-releases/2013/former-medical-doctor-sentenced-to-20-years-in-prison-for-engaging-in-illicit-sexual-conduct-with-minors-in-kenya>, accessed 25 April 2015; FBI, “Michigan man sentenced to 165 years for Child Sex Tourism offences, U.S. Department of Justice”, 31 July 2013, <http://www.fbi.gov/miami/press-releases/2013/michigan-man-sentenced-to-165-years-for-child-sex-tourism-offenses>, accessed 18 March 2015; Government of the U.S., Immigration and Customs Enforcement, “Pennsylvania priest indicted on child sexual tourism charges”, 6 October 2014, <http://www.ice.gov/news/releases/pennsylvania-priest-indicted-child-sexual-tourism-charges>, accessed 25 April 2015; Myriah Towner, “Canadian paedophile sentenced to seven years in Nepal jail after sexually abusing seven-year-old boy at orphanage”, *Daily Mail*, 1 March 2015, <http://www.dailymail.co.uk/news/article-2975158/Canadian-gets-7-years-jail-Nepal-child-sex-abuse.html#ixzz3YNGKhPgK>, accessed 25 April 2015.

138 ECPAT International, “Global Study of the Sexual Exploitation of Children in Travel and Tourism: The Situation in Europe”, (Bangkok: ECPAT International, 2015).

139 J. Sullivan, “Travelling Sex Offenders,” (2015), contribution to ECPAT International’s Global Study on SECTT.

140 Laura Moerenhout, “Kindersekstoerisme,” (2013), <https://www.meldkindersekstoerisme.nl/wp-content/uploads/2015/01/2013-Politie-Fenomeenbeschrijving-Kindersekstoerisme-openbare-versie.pdf>, accessed 16 June 2015.

141 ECPAT International, “The Commercial Sexual Exploitation of Children in Europe,” (Bangkok: ECPAT International, 2015).

142 ECPAT International, “Commercial Surrogacy and the Risk of Child Trafficking and Child Sexual Abuse/Exploitation: A Position Paper” (Bangkok: ECPAT International, 2014).

Child Marriage as a Route to Sexual Exploitation of Children

Child, early and forced marriage (CEFM) amounts to sexual exploitation of children when it is used as a culturally accepted practice to achieve sexual gratification in exchange for money or other compensations. The dowry system, often associated with early marriage, implies a financial incentive to marry children as young as possible in order to reduce the amount of the payment, a highly detrimental mechanism leading to lowering the age and thus exacerbating the impact of physical, emotional, and sexual exploitation on girls.¹⁴³ According to international law, which condemns CEFM as a harmful practice, when a child bride is transferred to another home with the purpose of exploitation, she qualifies as a victim of trafficking.¹⁴⁴ Considering that one in three girls in the developing world is likely to be married before turning 18, the demand stemming from families seeking child brides for their sons should be regarded as a substantial trigger for SEC on a global scale.¹⁴⁵

Child marriage can be used as a pretext for sexual exploitation when phoney temporary unions are contracted with normally older spouses, especially when they do not belong to the child's community. Early marriage has been associated with various forms of child sexual exploitation also through travel and tourism where such criminal behaviour has been thriving on the ground of this harmful traditional practice persisting in a number of countries and local cultures.¹⁴⁶ In the Islamic world, *seigha* ("pleasure marriage"),¹⁴⁷ *misyar* ("traveller's marriage") and *urfi* ("secret marriage") are ancient customs that have been recently reinterpreted in the context of intensified travel and tourism opportunities. Based on arrangements whereby a person travels to another country or location to marry a child in return for the payment of a dowry or other forms of compensation to her family, such marriages last only a few days, or the duration of a vacation. After the man returns to his home, the child bride is abandoned or divorced, and she becomes unwanted by her community, a stigma barring all other options for her future.¹⁴⁸ Evidence of such violations have been emerging mainly from Middle Eastern and South Asian countries,¹⁴⁹ and have been recently observed in Turkey, notably in Syrian refugee communities. Although not common in Europe, CEFM persists in certain communities, particularly in Eastern Europe and Central Asia, with the highest prevalence being reported among Roma groups living in Albania, Turkey, and Kyrgyzstan,¹⁵⁰ and in some Diaspora communities¹⁵¹ residing in Western European countries, such as the UK, and the Netherlands.¹⁵² In India, reports of temporary marriages contracted with foreigners portray them as a sort of growing tourist attraction, especially for men from the Persian Gulf region.¹⁵³

143 Eliana Riggio, "Neither Children, Nor Adults: Unrecognised Sexual Abuse and Exploitation of Children in Child, Early and Forced Marriage" (working paper, Bangkok: ECPAT International, 2015).

144 Protocol to Prevent, Suppress, and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, 15 November 2000, Article 3(c)

145 United Nations Population Fund, "Marrying Too Young. End Child Marriage" (New York: UNFPA, 2012), 6.

146 ECPAT International, "Combating child sex tourism: questions and answers", (2008), 22.

147 Also spelled *seegha*, *sigha*, *sighe*; further known as *fegha*, *mutah*, *nikah muta*, *nekah-e-mata* etc. Immigration and Refugee Board of Canada, "Afghanistan: Whether *seigha* (temporary marriage) is practiced in Afghanistan and by which groups", 24 October 2012, <http://www.refworld.org/docid/5121ecc42.html>, accessed 20 August 2015.

148 Shoshana Shmulovitz, "Temporary Marriage in Islam: Exploitative or Liberating?" *Tel Aviv Notes*, Vol. 6, no. 5, (March 2012), http://dayan.org/sites/default/files/S_SHMULOVITZ_TEMP_MARRIAGE_MAR_11_12.pdf, accessed 16 June 2015

149 International Centre for Missing & Exploited Children, "Child Marriage in the Middle East and North Africa: white paper" (ICMEC, 2013), http://www.icmec.org/en_X1/icmec_publications/Child_Marriage_in_the_MENA_Region.pdf, accessed 16 June 2015; Susanne Louis B. Mikhail, "Child marriage and child prostitution: two forms of sexual exploitation", *Gender and Development*, Vol. 10, no. 1 (March 2002): 45.

150 UNFPA, "Child marriage in Eastern Europe and Central Asia: regional overview", (n.d.), 2, <http://eeca.unfpa.org/sites/default/files/pub-pdf/Child%20Marriage%20EECA%20Regional%20Overview.pdf>, accessed 14 May 2015.

151 The terms "Diaspora community" refers to "emigrants and their descendants, who live outside their country of birth or ancestry, either on a temporary or permanent basis, yet still maintain affective and material ties to their countries of origin...they identify with their country of origin or ancestry and are willing to maintain ties to it." Evie Browne, "Harmful traditional practices in Diaspora communities," (GSDRC, 2014), 1-2, <http://www.gsdr.org/docs/open/HDQ1108.pdf>, accessed 14 May 2015

152 Evie Browne, "Harmful traditional practices in Diaspora communities," (GSDRC, 2014), 1-2, <http://www.gsdr.org/docs/open/HDQ1108.pdf>, accessed 14 May 2015

153 Simi John, "India's 'one-month wives' sex tourism exposed by teenager", *International Business Times*, 16 April 2013, <http://www.ibtimes.co.uk/india-one-month-marriage-islam-sex-tourism-457753>, accessed 15 August 2015.

Another linkage between child marriage and sexual exploitation of children is illustrated by instances in which travellers marry or promise to marry a girl and bring her back to their country of origin only to initiate her into prostitution, or subject her to acts of sexual violence. Such cases easily amount to child sex trafficking and slavery. One example is the practice of mail-order brides and falsely brokered marriages arranged through matchmaking agencies. In Kazakhstan several cases have been reported of young girls having entered unions with foreigners through marriage agencies, and later being sold into sexual bondage, or suffering domestic and sexual violence at the hands of their husbands. In addition, in countries such as Russia and Ukraine, cases have been exposed of matchmaking agencies organising deceitful romance and marriage tours, after having advertised them on dating websites and in newspapers.¹⁵⁴

Mega Sporting Events

Concern has been growing over the potential for mega sporting events to spur demand for commercial sex services. Accounts by civil society groups note that sporting mass gatherings, with large, predominately male crowds, travelling to venues that may be located far from home, plus the availability of money and a holiday atmosphere may indeed affect human trafficking for sexual purposes.

A different viewpoint stresses that, on the contrary, visitors to mega sporting events often participate as family groups and that the short duration of the events defeats potential cost-benefits for traffickers. It also argues that anti-trafficking measures associated with mega sporting events are disproportionate, and even harmful to sex workers, who may be criminalised and prevented from accessing vital services during the time of the event.¹⁵⁵ While awareness is growing on the potential nexus between major sporting events and a surge in human trafficking and sexual exploitation, available data are inadequate to draw firm conclusions. Existing limited assessments continue to offer mixed results, indicating a need for further enquiry.¹⁵⁶ A recent research paper by the University of Dundee points out that it would be wrong to construe the dearth of specific data as absence of the problem.¹⁵⁷

Initial information calls for caution, at the least. In analysing the ‘Don’t Look Away’ campaign, ECPAT France concluded that mega sporting events, such as the 2014 FIFA World Cup and the 2016 Olympic Games in Brazil, do potentially lead to aggravating sexual exploitation of children because of a massive influx of tourists, and wealth disparities between visitors and children.¹⁵⁸

In the US, the Super Bowl, the annual championship of the National Football League (NFL), has been dubbed “the biggest weekend in prostitution” and is preceded by awareness raising campaigns about human trafficking. During the 2011 Super Bowl in Dallas, 133 arrests for underage prostitution were made.¹⁵⁹ After the 2014 Super Bowl in New Jersey, the FBI reportedly rescued 25 children involved in commercial sexual exploitation and filed criminal charges against 45 pimps, while, prior to the 2015 event, nearly 600 men and women were arrested for attempting to purchase sexual services mainly through websites such as backpage and Craigslist.¹⁶⁰ A recent research study, aiming to quantify the yearly increase in online sex ads

154 La Strada Ukraine, “Sexual exploitation of children in Ukraine: situation and counteraction”, (2014), 23.

155 ECPAT International, “Global Study of the Sexual Exploitation of Children in Travel and Tourism: The Situation in Europe”, (Bangkok: ECPAT International, 2015).

156 Accessed on 15 April 2015 from <http://vancouver.ca/police/assets/pdf/reports-policies/report-human-trafficking-2010-games.pdf>; Celia Brackenridge *et al.*, “Child Exploitation and the FIFA World Cup: a review of risks and protective interventions” (BRUNEL CENTRE for SPORT, HEALTH and WELLBEING, 2013), 17, http://www.brunel.ac.uk/_data/assets/pdf_file/0008/316745/Child-Protection-and-the-FIFA-World-Cup-FINAL.pdf, accessed 18 June 2015.

157 Andrea Florence, in collaboration with Marianne Meier and Ignacio Packer, “Child Sexual, Exploitation: What do Mega Sporting Events have to do with it?”, unpublished, (2015), Paper prepared in the context of the *Global Study of the Sexual Exploitation of Children in Travel and Tourism: The Situation in Latin America and the Caribbean* (Bangkok: ECPAT International, 2015).

158 ECPAT France, “Don’t Look Away! Campaign,” (2013), http://www.ecpat.at/fileadmin/download/Dont_look_away-Warschau.pdf, accessed 16 June 2015.

159 Eleanor Goldberg, “Super Bowl is single largest human trafficking incident in U.S.: Attorney General”, *Huffington Post*, 3 February 2013, http://www.huffingtonpost.com/2013/02/03/super-bowl-sex-trafficking_n_2607871.html, accessed 15 April 2015.

160 James Queally, “National sex trafficking sting nets nearly 600 arrests before Super Bowl,” *The LA Times*, 2 February 2015, <http://www.latimes.com/nation/nationnow/la-na-nn-sex-trafficking-sting-super-bowl-20150202-story.html>, accessed 15 April 2015

posted on the website www.backpage.com during the week prior to the Super Bowl, found a rise of 30 percent between 2014 and 2015, while the number of responses to decoy ads grew by 22 percent.¹⁶¹

The annual Formula 1 Grand Prix du Canada is not only a major tourist revenue-creating event,¹⁶² but is also considered the busiest weekend for prostitution in Montreal. Young girls are involved, with reports of pimps even seeking them out from youth centres, luring them with the promise of money. According to the *Mobilis Project*, most exploiters are not preferential offenders, but just 'men next door' pursuing very young women, ignoring the fact that they may be violating underage girls.¹⁶³

The capacity to assess the impact of mega sporting events on children's safety is further challenged by the difficulty to measure more subtle side effects produced by large events on local residents. Displacement, street clearance, and infrastructure reconstruction associated with such activities may curtail access to services and heighten family stress, which in marginalised social groups may further weaken existing child protection mechanisms and place young people at higher risk.¹⁶⁴

Religious Clerics

Religious worship brings imposing masses of devotees together. In Pakistan, where SEC is associated with travellers rather than tourists, the prominent Baba Shah Jamal shrine in Lahore, visited by pilgrims from the entire country, is located near the well-known Heera Mandi red-light district, where girls as young as 14 to 16 can be found employed in the commercial sex trade.¹⁶⁵

Popular religious pilgrimage sites in India, such as Tirupati in Andhra Pradesh, Puri in Odisha, Guruvayoor in Kerala, are locations where the tradition of *devadasis* is perpetuated, according to which young girls are offered to temples in the name of God, although in reality they end up being exploited and pushed to solicit sex with pilgrims and others.¹⁶⁶ Although from a different perspective, the scandals within the Catholic Church have exposed instances of sexual abuse by priests, spurring a debate over celibacy and homosexuality.¹⁶⁷

The Military, Peacekeeping Personnel and Humanitarian Workers

Military and peacekeeping personnel as much as international humanitarian workers add to exposure to sexual exploitation in conflict, post-conflict and humanitarian disaster contexts.¹⁶⁸ The nexus between the military and prostitution has been long established. The very presence of large military populations is commonly associated with expansion in the commercial sex industry and the human trafficking trade.¹⁶⁹ Military personnel are normally situational offenders, who

161 Paul Atkinson, "Exploring the Impact of the Super Bowl on Sex Trafficking" (Phoenix, Arizona: ASU Decision Theater Network, 2015), <https://dt.asu.edu/news/exploring-impact-super-bowl-sex-trafficking-2015>, accessed 15 April 2015.

162 CBC News, "Formula 1 inks \$187M, 10-year deal to keep Grand Prix in Montreal," 7 June 2014, <http://www.cbc.ca/news/canada/montreal/formula-1-inks-187m-10-year-deal-to-keep-grand-prix-in-montreal-1.2668266>, accessed 15 April 2015

163 Isabelle Hachey, "Grand Prix: adolescents en péril", *lapresse.ca*, 6 June 2013, <http://www.lapresse.ca/actualites/montreal/201306/06/01-4658266-grand-prix-adolescentes-en-peril.php> University of Dundee, "Let's Win This Game Together: Documenting violations of children's rights around the 2014 FIFA World Cup in Brazil", (2015), 10

164 University of Dundee, "Let's Win This Game Together: Documenting violations of children's rights around the 2014 FIFA World Cup in Brazil", (2015), 10.

165 Save the Children, "Commercial Sexual Exploitation of Children - A Situational Analysis of Pakistan", (Peshawar, Pakistan: Save the Children Sweden, 2005), <http://resourcecentre.savethechildren.se/sites/default/files/documents/1359.pdf>; ECPAT International, "Global Monitoring Report on the status of action against Commercial Sexual Exploitation of Children: Pakistan" (Bangkok: ECPAT International, 2011).

166 ECPAT International, "The commercial sexual exploitation of children in South Asia," (Bangkok, ECPAT International, 2014)

167 "Church abuse scandal not cause by celibacy says study", *IrishCentral*, 20 May 2011, <http://www.irishcentral.com/news/Church-abuse-scandal-not-cause-by-celibacy-says-study-122308244.html>, accessed 7 February 2013

168 See, for example Save the Children UK, "No One To Turn To: The Under-reporting of Child Sexual Exploitation and Abuse by Aid workers and Peacekeepers", (2008). http://www.un.org/en/pseataaskforce/docs/no_one_to_turn_under_reporting_of_child_sex_by_aid_workers.pdf, accessed 7 February 2013.

169 Equality Now, "United States: Address role of U.S. military in fuelling global sex trafficking", *equalitynow.org*, 4 March 2013, http://www.equalitynow.org/take_action/sex_trafficking_action481.

may engage in sexual activity with young people while seeking out prostitutes.¹⁷⁰ The scandal linked to contractors associated with American troops in Afghanistan flooded the media a few years ago with reproaching remarks as reports emerged of men involved in sexual exploitation of local boys by taking advantage of the traditional *bacha bazi* practice.¹⁷¹ The attention to the role of the military in CSEC has grown also in consideration of advantage being taken from a strong position of privilege and power.¹⁷²

In Europe, the Balkan wars in the 1990s intensified sexual exploitation of children. Until at least 2003, police and peacekeepers associated with the UN Interim Administration Mission in Kosovo (UNMIK) were alleged to have been involved in trafficking of women and girls for sexual purposes, sexually abusing girls, and failing to prosecute suspected international personnel,¹⁷³ despite action being taken by the UN system to address sexual exploitation perpetrated by its personnel.¹⁷⁴ Europe is currently confronting the impact on children of the armed conflicts that are affecting some countries in the Middle East, particularly Syria. Reportedly, sexual exploitation of children has been taking place within former US military bases in the Philippines. Thousands of American military service men, deployed in South Korea, Thailand, and Vietnam,¹⁷⁵ continue to be a source of demand for sexual services from the local populations, by pursuing local women in prostitution, with underage girls being among them.¹⁷⁶

2.1.2 The Intermediate Level of the Demand for Child Sexual Exploitation

As discussed in the previous section, demand for SEC can be generated by a variety of offenders and satisfied through several channels. Sex with children can be sought by directly seeking out victims in streets, beaches, bars, brothels, public parks, ports, industrial areas, train and bus stations, Internet cafes, under bridges, and in other places where young people normally live and gather. In addition to physical encounters, children can be approached virtually through ICT, the Internet and social media, in particular. Although some children may act independently, without the intermediation of a procurer, by engaging in survival sex on the streets in exchange for food, shelter, or drugs, the bulk of the demand for sexual exploitation of children, including for commercial purposes, is brokered by a number of facilitators who, matching demand and availability of child sex services, reap the profits of the highly profitable SEC business.¹⁷⁷

170 Julia O'Connell-Davidson, "The Sex Exploiter," Paper for the Second World Congress against Commercial Sexual Exploitation of Children, (2001). http://www.csecworldcongress.org/PDF/en/Yokohama/Background_reading/Theme_papers/Theme%20paper%20The%20Sex%20Exploiter.pdf, accessed 15 June 2015.

171 Shirin Sadeghi, "Dancing Boy' Scandal Taints Both Americans and Afghans," *New America Media*, 28 December 2010, http://www.alternet.org/story/149352/'dancing_boy'_scandal_taints_both_americans_and_afghans, accessed 23 October 2015

172 Nelson E. Rivera Reyes, "ESCENNA y Conflicto Armado en Colombia", *Revista Iberoamericana*, (n.d.), http://revistarayuela.ednica.org.mx/sites/default/files/Art.%20Nelson%20E.%20Rivera%20Reyes_0.pdf

173 ECPAT International, "Global monitoring report on the status of action against commercial sexual exploitation of children: Serbia" (Bangkok: ECPAT International, 2006), 11, http://www.ecpat.net/sites/default/files/Global_Monitoring_Report-SERBIA.pdf, accessed June 2015

174 UN General Assembly, "Special measures for protection from sexual exploitation and sexual abuse: Report of the Secretary-General", UNDOC. A/68/756, (2014), 23, <http://www.refworld.org/docid/53a7ff9b4.html>, accessed 4 June 2015.

175 Alexis A. Aronowitz, "The Global Trade in Human Beings," in *Graeme R. Newman, Ed. Human Trafficking, Human Misery: The Global Trade in Human Beings (Global Crime and Justice)*, (Westport: Praeger, 2009).

176 Alexander Marquardt and Alex Waterfield, "Americans Targeted for Allegedly Running Underage Prostitution in Philippines", *ABC News*, 25 February 2013, <http://abcnews.go.com/International/americans-targeted-allegedly-running-underage-prostitution-philippines/story?id=18582802>; http://www.equalitynow.org/take_action/sex_trafficking_action481, accessed 20 April 2015; Preda Foundation, "Philippines struggling to tackle child prostitution", 13 March 2015, <http://www.preda.org/news/world/philippines-struggling-to-tackle-child-prostitution/>, accessed 20 April 2015.

177 ECPAT International, "The Commercial Sexual Exploitation of Children in Latin America: Developments, progress, challenges and recommendations strategies for civil society", (2014), 12.

Pimps, Traffickers, and Intermediaries

Facilitators of SEC play a key role in the chain of exploitation. They may be directly involved, acting as pimps and traffickers, or may instead service the child sex trade from the outside, in a role as intermediaries. Although often facilitators are men, women are also involved as traffickers, brothel owners and in other roles as profiteers of the sexual exploitation business, in some contexts even outnumbering male intermediaries. In particular, in the area of trafficking, a United Nations Documentation Centre (UNDOC) analysis of potential offenders' first contact with the criminal justice system, prior to prosecution, estimated that 38 percent of suspected offenders were women during 2010-2012. While males held primary responsibility for the crime, the female share was significant. Other stages of the criminal justice process further evidenced that 32 percent of prosecuted and 28 percent of convicted traffickers were women. It is noteworthy that, as compared to other crimes, where female participation in total number of convicted persons was in the range of 10-15 percent, trafficking in persons involved a higher proportion of women offenders.¹⁷⁸

Pimps are individuals who directly operate the child sex business. They establish contact with victims, entice them into sexual exploitation, and make them available to sexual predators, whether they are local or travelling offenders. Pimps may own brothels or other exploitative establishments, and control income and activities, acting on their own, or as part of SEC or trafficking networks. They may be peers, family members, or criminals unknown to the victims. Pimps adopt a range of tactics to lure their prey into "the life." They entice children with gifts, food, clothes, housing and create a dependency on the material and emotional support that they can offer. This may even result in girls feeling that they are in love with their exploiter and are in a relationship with him, an attitude that may prevent reporting abuses.¹⁷⁹ After gaining the trust of his victim, the pimp will entrap the child into a life of sexual servitude, assaulting and manipulating her with the use of physical, emotional, and psychological abuse in order to keep her under his control. The use of drugs and alcohol, matched with physical violence, to subdue the victim may lead to physical illness and injuries, as well as psychological harm, including depression, low self-esteem, and feelings of hopelessness.¹⁸⁰

Traffickers are primary facilitators of SEC and their role varies throughout the different phases of the trafficking process. According to the UN High Commissioner for Human Rights (UNHCR) Recommended Principles and Guidelines on Human Rights and Human Trafficking, traffickers include: "recruiters; transporters; those who exercise control over trafficked persons; those who transfer and/or maintain trafficked persons in exploitative situations; those involved in related crimes; those who profit either directly or indirectly from trafficking, its component acts and related offences."¹⁸¹ Recruiters are usually individuals known to the victims, who share the same nationality with them and are very often women. Research on child trafficking in Moldova found that in 50% of the cases examined, recruitment was performed by men, in 40% of the cases by women, and the rest by women and men together. Victims were mostly recruited by people of their own nationality whom they knew very well, e.g. family members, relatives, friends, or neighbours. Sometimes, recruiters were also previously involved in trafficking as victims.¹⁸² Moving to the role of trafficker from a previous situation of victimisation can be seen by some girls and women as a sort of "promotion," particularly in the absence of alternative livelihood

178 UNODC, *Global Report on Trafficking in Persons 2014* (United Nations publication, Sales No. E.14.V.10), 27 https://www.unodc.org/documents/data-and-analysis/glotip/GLOTIP_2014_full_report.pdf, accessed 23 October 2015.

179 Eva J. Klain, "Prostitution of Children and Child-Sex Tourism: An Analysis of Domestic and International Responses", (National Centre for Missing and Exploited Children, 1999).

180 United States Department of Justice, "Prostitution of Children," <http://www.justice.gov/criminal/ceos/subjectareas/prostitution.html>, accessed 18 March 2015.

181 United Nations High Commissioner for Human Rights(2002), "Recommended Principles and Guidelines on Human Rights and Human Trafficking", 4, accessed 2 November 2015, <http://www.ohchr.org/Documents/Publications/Traffickingen.pdf>

182 La Strada Moldova (2010), "Overview of the child tracking phenomenon in the Republic of Moldova," Chisinau: La Strada Moldova, 39-40.

opportunities.¹⁸³ Traffickers may be individuals of different ages, including occasionally young adolescents.¹⁸⁴

Intermediaries support the SEC process on the fringes as an extra source of income,¹⁸⁵ receiving a percentage of the profits from the exploiters and/or the victims. They include hotel staff, taxi drivers, formal and clandestine tourist guides, owners, or housekeepers of residences, street sellers, and members of the local community among others.¹⁸⁶ Analysis from Latin America stressed that, while contributing substantially to CSEC, intermediaries may be unaware of committing a crime.¹⁸⁷ Actually, pimps, traffickers, and intermediaries are often accomplices in their criminal behaviour against children. Cooperating toward a common goal, they create the market infrastructure necessary for demand to meet offer. In Nicaragua, court records revealed that CSEC facilitators select potential victims based on their economic vulnerability and entice families with offers of money, a strategy that, by obtaining the complicity of the child's parents, helps them also escape the law.¹⁸⁸ In Costa Rica, brokers are mainly taxi drivers and members of organised criminal networks, who usually organise sex business for tourists or travellers in private apartments.¹⁸⁹

Mention should be made also to the broader role that families may play in the sexual exploitation of children. Special attention has been paid to family members involved in the production of CAM or live streaming of child sexual abuse. In such cases, parents or other persons in the family may act as both immediate exploiters and intermediate facilitators of child sex exploitation.

Fathers and Husbands of Child Brides

Fathers and husbands of child brides (men who are often responsible for the life choices of girls in patriarchal cultures) consciously or unconsciously act as a primary mechanism that supports the demand for children for sexual exploitation. Child marriage, in fact, can work as a major pathway to trafficking. While the traditional practice of child marriage may be regarded as a relevant underlying cause of SEC, fathers and husbands of child brides operate also at the intermediary level insofar as they act as a link in the chain of sexual exploitation of children. Parents under pressure to pay a dowry price to marry their daughters may be easy prey to traffickers luring them with promises of dowry-free marriages. Traffickers systematically recruit girls from among destitute families with one or more uneducated daughters proposing to marry the child without cost, or deceitfully promising to identify a prospective bridegroom prepared to enter into marriage with no financial compensation. Research findings signal that child trafficking for the purpose of marriage is on the rise in high prevalence countries like Nepal, where cases have been reported of victims as young as six years old.¹⁹⁰ New information and communication technologies are facilitating connections between traffickers, families, and

183 UNGIFT, "The Vienna Forum to fight Human Trafficking. 13-15 February 2008, Austria Center Vienna. Background Paper. 016 Workshop: Profiling the Traffickers", accessed 2 November 2015, 6, <https://www.unodc.org/documents/human-trafficking/2008/BPO16ProfilingtheTraffickers.pdf>

184 *Ibid.*, 7-8.

185 IIN, "XIII Informe al Secretario General de la OEA Sobre las acciones emprendidas por los Estados Miembros para combatir la explotación sexual comercial de niñas, niños y adolescentes en las Américas" (IIN, 2007)", 18-19.

186 Marco Sotelo, "Experiencia de colaboración bilateral en el combate de la explotación sexual comercial de niñas, niños y adolescentes asociada al turismo en Costa Rica y su aplicabilidad en el combate de la Trata de niños, niñas y adolescentes con fines de explotación sexual" (Bogotá: Oficina Internacional de los Derechos del Niño, 2013), 17; INN, "XIII Informe al Secretario General de la OEA Sobre las acciones emprendidas por los Estados Miembros para combatir la explotación sexual comercial de niñas, niños y adolescentes en las Américas" (IIN, 2007) .", 18-19; Fundación Renacer – ECPAT Colombia, "Explotación Sexual Comercial De Niñas, Niños y Adolescentes en las Ciudades de Acacias, Cartagena y Leticia, Colombia", Working paper (2015), 12; ECPAT International, "Informe de monitoreo de país sobre la explotación sexual comercial de niños, niñas y adolescentes: Colombia" (Bangkok: ECPAT International, 2014), 52

187 ECPAT Colombia, "Explotación Sexual Comercial De Niñas, Niños y Adolescentes en las Ciudades de Acacias, Cartagena y Leticia, Colombia", Working paper (2005), 12

188 C. Fanjul, "La explotación sexual comercial de niñas, niños y adolescentes en Nicaragua, Tres aproximaciones: Granada, Somotillo y Waspam (Managua, Nicaragua: IEEPP, 2014), 22; ECPAT International, "The Commercial Sexual Exploitation of Children in Latin America", (Bangkok: ECPAT International, 2015), 14.

189 Marco Sotelo, "Experiencia de colaboración bilateral en el combate de la explotación sexual..", 23 & 27.

190 Isabel Sibley, "The Burden of Daughters. Understanding the Impact of Responses to Child Marriage and Gender Discrimination in Nepal," MA dissertation, University of Reading, September 2012; Plan Nepal, *Child Marriage in Nepal* (Society for Local Integrated Development Nepal (SOLID Nepal), n.d.).

victims even in remote areas marked by a rapid penetration especially of mobile phone devices. Even when early marriage is not purposely contrived to sexually exploit or traffic a child, the reality of an underage girl entering a union, often with an older man, is typically one of violence, abandonment, and early widowhood. Young wives fleeing an abusive marriage or being deserted by their husbands may have no alternative but to survive in conditions of sexual exploitation to support themselves and their children.¹⁹¹

Employers and Exploiters of Child Labour

Although research on linkages between child labour and SEC is limited, increasing evidence and experience suggest that working children are a group prone to sexual exploitation at the hands of their employers and other predators.¹⁹² Girls involved in domestic work, in particular, are extremely vulnerable. According to a 2010 research study by the Organisation for Security and Cooperation in Europe (OSCE) Special Representative and Co-ordinator for Combating Trafficking in Human Beings, domestic servants are often forced to perform additional tasks besides housework, such as begging, selling in the streets, or providing sexual services. They may even be forced into prostitution.¹⁹³

The travel and hospitality industries can also put children at risk of sexual exploitation. In poor countries, the travel and tourism business, largely organised through the informal economic sector, attracts child labour in menial exploitative occupations. Employers and parents know that tourists tend to be more receptive to children and engage them as small hotel and eating place helpers, souvenir hawkers, shoe-shiners, beach vendors, rag pickers, and beggars. The very nature of such occupations exposes child workers to entering into contact with strangers, who may exploit them sexually, or take photographs for illicit purposes.

Bus and train stations in low-income countries are common child labour hubs. As the first arrival point when they migrate to cities, children may squat in and around stations where they can find several opportunities for eking out a living. An exposure to a transient population multiplies the risk for economic and sexual exploitation. Child labour employers, other individuals working in the station, railway police, and travellers who provide an alternative for making a living may also be the ones who take most advantage of children's vulnerability. Demand for exploitative labour and for sexual exploitation is often combined when disempowered young people are caught in a relationship with overpowering adults on whom they depend for their own survival. In Pakistan, bus drivers and truckers often involve boys as helpers. Long haul travels, extended separation from home, frustration about the hard nature of their job lead lorry drivers to use their helpers also for sex. Although they know about HIV and AIDS and sexually transmitted infections (STI), they seldom use condoms.¹⁹⁴ At Haji Camp, one of the main bus stations in Peshawar, boys reported that nearby hotel staff recruit, sometimes forcibly, children from the terminals for their guests.¹⁹⁵ Accounts from India refer of children being trafficked for sexual exploitation purposes in hotels situated near highways.¹⁹⁶

191 Eliana Riggio, "Neither Children, Nor Adults: Unrecognised Sexual Abuse and Exploitation of Children in Child, Early and Forced Marriage" (working paper, Bangkok: ECPAT International, 2015).

192 ECPAT International, "Unseen vulnerabilities: the link between child labour and sexual exploitation of children", (*ECPAT International's journal series*, Issue 8, October 2013).

193 OSCE, "Unprotected Work, Invisible Exploitation: Trafficking for the Purpose of Domestic Servitude", Vienna, (17-18 June 2010), 21, <http://www.osce.org/secretariat/75804?download=true>, accessed 15 June 2015.

194 Save the Children. "A Situational Analysis of Pakistan" (2015)

195 Pakistan Pediatrics Association and ECPAT International "Situational Analysis. Report on prostitution of boys in Pakistan" (2006)

196 Sanlaap India. 2015 "Vulnerability of Children Report. Reducing violence against children, with special focus on Sexual Exploitation of Children and Child Sex Tourism". (Forthcoming publication 2015)

Peer-to-Peer Exploitation

Not only adult exploiters but also peers, both boys and girls, can operate as SEC facilitators, leveraging the empathic relationship established with victims to earn their trust and manipulate them,¹⁹⁷ as in the case of Acapulco and Cancun in Mexico, where children often join sex trade establishments on the invitation of female friends involved in the business.¹⁹⁸ Increasingly in the US, teenage boys recruit younger girls into the sex business, working for older pimps and thus protecting them from detection;¹⁹⁹ in Canada, trends show young people “pimping each other out.”

Criminal Networks

The multi-billion dollar profits generated by the illegal CSEC and human trafficking markets have attracted the interest of the organised crime. Mafia-type organisations, such as the Chinese Triads and the Japanese Yakuza, have expanded their illicit activities beyond money laundering and trafficking in drugs and arms, into human trafficking and sexual exploitation, including of children.²⁰⁰ Research on how criminal networks work has revealed a wide array of operations, ranging from small-scale organisations made up of individuals who provide one or more services on opportunistic bases and exploit few victims; to medium-scale networks that may involve more individuals and victims, and are characterised by a higher level of organisation; to, finally, large-scale criminal groups and networks having the capacity to manage trafficking and sexual exploitation as big professional business (particularly across borders), with a clear division of labour among underlings and a high number of persons victimised. While the participation of large-scale criminal groups, such as mafia-type organisations, in trafficking and CSEC should be acknowledged, evidence tends to suggest that such crimes are mainly the prerogative of individual and small group-managed operations that normally collaborate on an ad-hoc basis to ensure that children are made available when and where demand arises for them.²⁰¹

Organised criminal networks are further involved in the context of ICT-facilitated child abuse and exploitation, making hefty profits from the production and distribution of child pornography material and, in particular, from commercial child sexual exploitation markets. Geographical areas where such illegal groups operate include Asia, South-Eastern Europe, the Commonwealth of Independent States (CIS), Mexico and Nigeria. Information and communication technologies allow criminals to cut down on operational cost, easily recruit child victims, communicate with accomplices and attract customers. A 2006 report by the Commission on Security and Cooperation in Europe evidenced that organised criminal networks increasingly use CAM websites to steal identities and even extort money from users.²⁰²

Corrupt Police

Corruption has been identified as a pivotal factor in the growth of SEC and the perpetuation of demand. While several law enforcement and government officials are engaged in the fight against sexual exploitation of children, there is evidence that corruption in public service may have major implications for children’s safety. Cases have been documented of police committing sexual abuse themselves, accepting offers of free services from brothel owners in exchange

197 Instituto de Estudios Estratégicos y Políticas Públicas, “La explotación sexual comercial de niñas y adolescentes en Nicaragua” (Managua: Instituto de Estudios Estratégicos y Políticas Públicas, 2014), 35.

198 Hector Villareal, Distopia. “La infancia como mercancía sexual”, <https://hectorvillareal.wordpress.com/2014/04/30/inf/> (30.4.2014) accessed 25 August 2015

199 SharedHope International, “DEMAND. A Comparative Examination of Sex Tourism and Trafficking in Jamaica, Japan, the Netherlands, and the United States,” (Vancouver: ECPAT International, 2007).

200 ECPAT International, “Their protection is in our hands. The state of global child trafficking for sexual purposes,” (Bangkok: ECPAT International, 2015), 27.

201 ECPAT International, “Their protection is in our hands. The state of global child trafficking for sexual purposes”, (Bangkok: ECPAT International, 2015), 27.

202 Malby S. et al, *Study on the Effects of New Information Technologies on the Abuse and Exploitation of Children*, Vienna: UNODC, 2015), 33-34

for their silence, or, simply, failing to act.²⁰³ For example, a recent research study in Ukraine underscored that the possibility of buying the complacency of law enforcement officials through bribery was seen by perpetrators as a safe way to achieving impunity.²⁰⁴ Incidents of law enforcers directly involved in the commercial sex business either as users or pimps were also reported. A corrupt legal or judiciary system obstructs avenues for victims to exercise their rights and seek justice through due investigation and prosecution. Corruption further protects criminals and their accomplices helping them hide the profits generated by CSEC. Preventive mechanisms to thwart money laundering are currently lacking globally, allowing for perpetrators to move illicit proceeds through bribery and personal influence.²⁰⁵

Sex Tour Operators

Organised sex tours do persist in several European countries of destination. According to field data, Moldovan travel agencies market sex trips that may engage underage girls.²⁰⁶ In Belarus, media recently reported cases of sex tours being organised by Turkish and Belarusian citizens to respond to the demand stemming from foreign travellers. Services include paid sex at hotels and nightclubs involving adult sex workers and some underage victims, tour guides and interpreters.²⁰⁷

Modelling Agencies

A strategy that some criminal rackets have been reportedly resorting to is to use phoney modelling agencies active in some European destinations to entice children into sexually exploitative activities. In Ukraine, for example, adolescents were found to be used by such agencies to produce pornographic material and, in some instances, make themselves available for paid sex with local and domestic travellers and tourists.²⁰⁸ These services may be organised by transnational child sex offenders, or by local criminal networks to create a pool of children to respond to the demand of child sex abusers.

2.1.3 The Underlying Level of the Demand for Child Sexual Exploitation

The underlying level of the Demand Tree helps map a variety of different factors, systems and conditions whose perpetuation fosters sexual exploitation of children. The root causes of the Demand Tree, which are often interlinked, tend to be maintained by societal and market forces that profit from the SEC market.

2.1.3.1 Sexual Attitudes Underpinning Sexual Exploitation of Children

Sexual Interest in Children and Adolescents

A deep-rooted determinant of sexual exploitation of children relates to negative sexual attitudes that may result in illicit sexual conduct. Possibly the most cited condition associated with SEC,

203 ECPAT International, "Questions & Answers about the Commercial Sexual Exploitation of Children," (IV edition Bangkok: ECPAT International, 2008), 29.

204 La Strada Ukraine, "Sexual exploitation of children in Ukraine: situation and counteraction", (2014), 17-18.

205 Transparency International, "Corruption and Human Trafficking", TI Working Paper #03/2011, http://www.ungift.org/doc/knowledgehub/resource-centre/CSOs/TI-Working_Paper_Human_Trafficking_28_Jun_2011.pdf, accessed 17 September 2015.

206 ECPAT International, "Global Monitoring status of action against commercial against sexual exploitation of children: Moldova", (2012), 15, http://www.ecpat.net/sites/default/files/A4A_V2_CIS_MOLDOVA.pdf, accessed 15 June 2015.

207 "Минская милиция активизирует борьбу с проституцией" ("Minsk police intensify the fight against prostitution"), 11 November 2012, <http://www.sb.by/v-belarusi/article/minskaya-militsiya-aktiviziruuet-borbu-s-prostitutsiey-2.html>, accessed 4 June 2015

208 ECPAT International, "Global Monitoring status of action against commercial against sexual exploitation of children: Ukraine", (2011), 13, http://www.ecpat.net/sites/default/files/A4A_V2_CIS_UKRAINE.pdf, accessed 15 June 2015

paedophilia is a clinical diagnostic category that relates to subjects suffering from a psychiatric disorder leading to primary or exclusive sexual attraction to pre-pubescent children. Contrary to common perception, supported by inaccurate media reporting, not all child sex offenders are paedophiles, as much as not all paedophiles act on their fantasies and sexually exploit children. Unlike paedophiles, preferential offenders deliberately seek sexual contact mainly with pubescent or adolescent children while still experiencing sexual attraction for adults as well.²⁰⁹

While preferential offenders, including paedophiles, display an attitude leading to deviant behaviour,²¹⁰ it has been recognised that the majority of men who engage in child sexual exploitation are situational offenders who abuse underage victims when the opportunity arises, more out of disregard for the age of the person they seek for prostitution, and cultural and socio-economic conditions sanctioning such behaviour, than specific sexual preference.²¹¹

In societies where premarital sex is proscribed, a premium may be placed on girls' virginity and buyers of sex services may be willing to pay an extra cost for virgins. Virgin seekers are common in African and Asian countries affected by sexually transmitted diseases because young girls are perceived as safer. In some of these areas, the so-called virgin cleansing myth persists, a false belief according to which having sex with a virgin would provide a cure for HIV and AIDS.²¹² Similar motivations partly sustain a form of cross-generational sexual exploitation known as the sugar daddy practice, widespread in Sub-Saharan Africa countries, whereby young girls entertain sexual relations with older partners in exchange for money or other compensations. Based on economic and sexual dominance exercised by men over girls, these relationships allow perpetrators to access multiple sexual partners. By engaging in commercial sex with girls as immediate exploiters, sugar daddies conform to polygamous traditions underpinning exploitation at a deep underlying cultural level.²¹³ An additional angle of sexual interest in adolescent girls is also evidenced in the market of mainstream pornography. It has been estimated that on the largest pornography website, Pornhub, in 2013 and 2014, 'teen' was the most searched term around the world, an indicator that pornography depicting adolescents is in high demand globally.²¹⁴

Personality and Excessive Sexual Interest and Behaviour

Illicit sexual behaviour has been associated with the offender's personality. Personalities prone to committing sex crimes appear to share common characteristics, including aggressiveness, impulsivity, risk-taking or sensation-seeking, elements normally distinguishing sexually coercive men from non-coercive men and predicting sexual coercion. Such features appear to be more likely to incite both nonsexual and sexual criminal behaviour, earlier onset of sexual activity, multiple sexual partners, and involvement in casual sex. Research on community and clinical or criminal justice samples evidences that hyper-sexuality or excessive sexual preoccupation and behaviours tend to be overrepresented in men who have committed sexual offenses.²¹⁵

209 Alessia Altamura, "Understanding demand for CSEC and the related gender dimensions: a review of the research", (*Neglected elements in combating sexual exploitation of children, ECPAT International's Journal Series n. 7*, July 2013), 1-15.

210 ECPAT International, "Questions and Answers about the commercial sexual exploitation of children". 4th edition, (2008) <http://ecpat.net>, accessed 5 February 2012

211 Juan Miguel Petit, Commission on Human Rights. "Report of the Special Rapporteur on the sale of children, child prostitution, and child pornography, (E/CN.4/2006/67). (January 2006) <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G06/101/70/PDF/G0610170.pdf?OpenElement>, accessed 5 February 2012.

212 UNAIDS, UNFPA, UNIFEM, "Women and HIV/AIDS: Confronting the Crisis", (2004).

213 Monisha Bajaj (2009). "Sugar daddies and the danger of sugar: cross-generational relationships, HIV/AIDS, and secondary schooling in Zambia" (2009) http://www.academia.edu/1588475/Sugar_Daddies_and_the_Danger_of_Sugar--Bajaj.

214 Pornhub Insights, "2014 Year in Review," 7 January 2015. Accessed on 20 October 2015 from: <http://www.pornhub.com/insights/2014-year-in-review>

215 Michael C. Seto, "Viewing Child Pornography: Prevalence and Correlates in a Representative Community Sample of Young Swedish Men", (2013).

Similarly, research studies conducted on atypical sexual interest among adolescent sex offenders indicated that some of them differed from other young people in their sexual interests in children or in coercive sex with peers or adults and that those attitudes had motivated their sexual offenses. Such findings were confirmed in laboratory studies conducted with adult sex offenders. Atypical sexual interests have been found to be predictors of sexual recidivism in both adult and adolescent offenders.²¹⁶

Peer Influences

Individuals who indulge in sexual relations with children or consume CAM may do so as a result of peer pressure. Research studies have evidenced the role that peer pressure exercises in engaging in prostitution among men enlisted in the military or in peacekeeping forces. Entire systems encouraging such male behaviours tend to grant impunity thus fuelling demand.²¹⁷ Peer pressure may perversely work for victims too. Young people may engage in commercial sex to be able to access more money or acquire luxury goods as a result of peer influence and shared models, motivations that may also lead them to participate in exchanging CAM through technological devices connecting them with friends and schoolmates.

Sexual Victimization in Childhood and Familial Clustering of Sexual Offending

Early childhood experiences may profoundly influence sexual attitudes and behaviours as these develop in later years. Sexual violence suffered at young age cannot only deeply harm a small child, but also result in perpetuation of abuse in the teenager and the adult, who may turn from victim into perpetrator. Sexual violence against children, sexual deviance among family members, negative attitudes toward sexuality may leave lifelong marks and result in an intergenerational transmission of sexual violence in the household and the community.²¹⁸ ECPAT research in Colombia identified sexual abuse in early childhood years, family rejection of children's homosexuality, social exclusion due to dysfunctional families, and absence of a father figure as leading factors predisposing boys and male adolescents to commercial sexual exploitation.²¹⁹

Sexual offending may further tend to cluster around families where sexually aggressive individuals live. A statistical research study analysing criminal records of all 21,566 men convicted of sex offences in Sweden between 1973 and 2009 revealed that about 2.5 percent of brothers or sons of convicted sex crime offenders were themselves convicted for crimes of a sexual nature, as compared to the equivalent figure in the general population amounting to about 0.5 percent.²²⁰ Although such conclusions should not be interpreted in such a way to stigmatise relatives of sex offenders as potential criminals, they call the attention to the need to address sex crimes through preventive treatment for families and communities, rather than rehabilitative measures targeting the single offender alone.

216 Michael C. Seto and Martin L. Lalumiere, "What Is So Special About Male Adolescent Sexual Offending? A Review and Test of Explanations through Meta-Analysis," (Psychological Bulletin, 2010) p. 531.

217 Julia O'Connell-Davidson, "The Sex Exploiter", (Paper for the Second World Congress against Commercial Sexual Exploitation of Children, 2001); Carol Allais, "Sexual exploitation and abuse by peacekeepers: the psychosocial context of behaviour change, www.adjol.info

218 CARE, "Addressing the Intergenerational Violence: Focus on Educational Settings", (2014).

219 ECPAT International - Fundación Renacer. "Aproximación a la explotación sexual comercial de niños y adolescentes de sexo masculino en Bogotá y Cartagena de Indias". (Colombia, 2010) http://www.ecpat.net/EI/Publicaciones/Care_Protection/Libro%20ONG%20Raices.pdf.

220 Niklas Långström et al., "Sexual offending runs in families: A 37-year nationwide study" *International Journal of Epidemiology*, doi: 10.1093/ije/dyv029, accessed 17 September 2015.

2.1.3.2 Gender and Social Norms

Power Imbalance and Victim Blaming

Power imbalance often marks the relationship between children and adults. The age differential separating the two groups tends to grant a presumption of control, or even ownership, in the dominant party, which may translate into taking licence to exercise violence against the weaker subject. The low status conferred to children by young age may be further compounded by gender. The combination of age and gender stands at the core of the real and perceived vulnerability of children, which sex exploiters leverage to predominantly target girls. In addition, sexual preference, low education, marginal socio-economic class, and limited capacity to articulate needs and rights further penalise children in relationships with adult abusers. Social tolerance for SEC may be, therefore, a consequence of prevalent adult perceptions and norms related to childhood. In many societies, parents and guardians exercise control over children to the extent that they may be viewed as a family possession.²²¹ As children reach adolescence, they may start being perceived as adults, either because they already play adult social roles, such as in marriage and child rearing, or as a result of premature sexualisation, through rising exposure to advertising, television programmes and the Internet.²²² Research suggests that consumers of prostitution who reject sexual exploitation of young children may consider commercial sex with adolescents as socially acceptable.²²³

Social and cultural devaluation of children has been singled out as a leading determinant for sexually exploitative behaviour against them.²²⁴ The assumption of children's inferiority makes child sex exploiters shift the blame on their victims for the violations that they cause. Many try to rationalise their actions by claiming that "the girl is no longer a child", "I don't exploit him or her because I pay", or "nobody is forcing them to engage in paid sex". Discrimination against children may lead to a blame game by perpetrators over victims. Rather than protecting children recognising the vulnerability stemming from their condition and upholding their rights, abusive adults seek various ways to declare childhood inferiority in order to justify illicit acts against children.

Discrimination and Racism

In societies where homophobic sentiments are more accentuated, such as in some studied in the Latin American region, shifting the blame for sexual exploitation on the victim results from intolerance.²²⁵ Adolescents interested in validating their sexual orientation and exploring same sex experiences, which tend to be stigmatised in homophobic societies, may be forced to do it in unsafe situations to escape discrimination. A research study from Guatemala highlighted the exposure of boys to commercial sexual exploitation in different settings, including prostitution of women, homosexual and transsexual adults. In a society dominated by machismo, boys' victimisation tends to go unnoticed.²²⁶ Sexual exploitation of boys, especially if homosexual or

221 Julia O'Connell-Davidson, "The Sex Exploiter," (Paper for the Second World Congress against Commercial Sexual Exploitation of Children, 2001) http://www.csecworldcongress.org/PDF/en/Yokohama/Background_reading/Theme_papers/Theme%20paper%20The%20Sex%20Exploiter.pdf, accessed 30 January 2013

222 National Society for the Prevention of Cruelty to Children (NSPCC), "Premature sexualisation: Understanding the risks", (Outcomes of the NSPCC's expert seminar series, March 2011) <https://www.nspcc.org.uk/globalassets/documents/information-service/seminars-premature-sexualisation-understanding-risks.pdf>, accessed 6 September 2015

223 ECPAT International, CODENI, IDEIF, REDES, Movimiento el Pozo. "Mercancía Sexual: Como hemos creado la demanda para la explotación sexual comercial de niños, niñas y adolescentes en el Perú" (2005), http://white.oit.org.pe/ipec/documentos/mercancia_sexual_ecpat.pdf, accessed 2 June 2015

224 Richard J. Estes and Neil Alan Weiner, "Commercial Sexual Exploitation of Children in the US, Canada and Mexico" (University of Pennsylvania, 2001) 4

225 Marcio Segundo et al., "Men, Women and the Commercial sexual Exploitation of Children and Adolescents in four Brazilian Cities – Results from a Qualitative and Quantitative Study", (Promundo, July 2012), <http://promundo.org.br/wp-content/uploads/2015/01/Men-Women-and-the-Commercial-Sexual-Exploitation-of-Children-and-Adolescents-in-Four-Brazilian-Cities.pdf>, 14, 34

226 Mark Capaldi et al, "Examining Neglected Elements in Combating CSEC," (Journal Series No. 7, ECPAT, 2013) 9

transsexual is rarely perceived as a crime committed by an offender, but rather as a transgressive behaviour for which the child should be held responsible.²²⁷

Further, research suggests that a common perception among sex offenders is a belief that prostitution is embedded in the traditions of other countries. Racist views may be among the factors underpinning and justifying exploitation of individuals deemed inferior.²²⁸ In recent years, several regions of the world have witnessed a surge in racism. Evidence from Europe indicates that cultural and religious minorities, migrants and asylum-seekers have become a target of social and political discrimination. A condition of discrimination imposed on an entire social group may compound vulnerability among its younger members and result in sexualised forms of racism.²²⁹ Cautionary is the case of the segregated and persecuted Roma community, Europe's largest ethnic minority group, whose children have experienced exclusion from education, forcible resettlement and removal from their families to state institutions.²³⁰ In a number of Eastern European countries, such as Bulgaria,²³¹ Bosnia,²³² Macedonia,²³³ Montenegro,²³⁴ the Czech Republic,²³⁵ Romania²³⁶ and Ukraine,²³⁷ social marginalisation and low living standards have pushed Roma children into sexual exploitation, including by travelling child sex offenders. Similarly, in Australia and New Zealand, some initial evidence indicates that the number of child victims of CSEC is disproportionately higher in the marginalised Aborigine and Maori populations,²³⁸ with similar accounts referring to Pacific Islander children as well.²³⁹

Gender Inequalities

Buying sex is a distinctly gendered act.²⁴⁰ Men are traditionally the main sex market demand drivers, while women and girls are socialised to respond to male-generated demand. Evidence confirms that, while sex perpetrators are disproportionately male, victims are mainly girls and women. A 2012 UNODC report, estimated that 75 percent of all trafficked people worldwide were women and girls, primarily for the purpose of sexual exploitation.²⁴¹ On the other hand, ECPAT research on sexual exploitation of male children and adolescents in Colombia unveiled that 86 percent of abusers were men.²⁴²

Established gender norms and expectations often lead to gender inequalities that, while affecting severely girl children, affect boys as well. Where patriarchal sexual norms persist, codified gender roles may push boys and girls into adopting predetermined behaviours and attitudes that challenge their safety. Boys are normally socialised to behave as being always

227 ECPAT International, "Informe de Monitoreo de País sobre la Explotación Sexual Comercial de Niñas, Niños y Adolescentes en Guatemala" (Bangkok: ECPAT, 2014), 19

228 Johns Hopkins University, "International Child Sex Tourism," (Baltimore: Johns Hopkins University, 2007).

229 UN Commission on Human Rights, "Report of the Special Rapporteur on the Human Rights Aspects of the Victims of Trafficking in Persons, Especially Women and Children, Sigma Huda", UN Doc. E/CN.4/2006/62, (2006), paras 51-52, available at: <http://www.refworld.org/docid/48abd53dd.html>, accessed 16 September 2015

230 ECPAT International, "The Commercial Sexual Exploitation of Children in Europe," (Bangkok: ECPAT International, 2015), 6

231 Committee on the Rights of the Child. Consideration of Reports submitted by States Parties under Article 44 of the Convention (Bulgaria, 2008). Accessed from <http://www2.ohchr.org/english/bodies/crc/crcs48.htm.17>

232 US Department of Labor, "Bosnia and Herzegovina. Finding on the worst forms of child labor: moderate advancement", (2013), http://www.dol.gov/ilab/reports/child-labor/bosnia_herz.htm, accessed 14 May 2015.

233 US Department of Labor, "Macedonia. Finding on the worst forms of child labor: moderate advancement", (2013), <http://www.dol.gov/ilab/reports/child-labor/macedonia.htm>, accessed 14 May 2015.

234 Ombudsman for Children, "IZVJEŠTAJ O REZULTATIMA SPROVEDENIH ISTRAŽIVANJA O ZAŠTITI DJECE OD EKSPLOATACIJE," (2013) 33

235 Terre des Hommes. "Country Information Poland". Accessed from: <http://www.child-hood.com/index.php?id=723>

236 ECPAT International, "Global Monitoring status of action against commercial against sexual exploitation of children: Romania", (2012), http://www.ecpat.net/sites/default/files/A4A_V2_EU_ROMANIA.pdf, accessed 14 May 2015, 13.

237 ECPAT International, "Global Monitoring status of action against commercial against sexual exploitation of children: Ukraine", (2011), http://www.ecpat.net/sites/default/files/A4A_V2_CIS_UKRAINE.pdf, accessed 14 May 2015, 11.

238 ECPAT International, "Global Study on the Sexual Exploitation of Children in Travel and Tourism: The Situation in the Pacific Region". (Bangkok: ECPAT International, 2015).

239 Juan Miguel Petit, Commission on Human Rights, "Report submitted by Juan Miguel Petit, Special Rapporteur on the sale of children, child prostitution and child pornography" (2004), UN Doc E/CN.4/2004/9.

240 UN Commission on Human Rights, "Report of the Special Rapporteur on the Human Rights Aspects of the Victims of Trafficking in Persons, Especially Women and Children, Sigma Huda", UN Doc. , E/CN.4/2006/62, (2006), paras 51-52, available at: <http://www.refworld.org/docid/48abd53dd.html>, accessed 16 September 2015.

241 UNODC "Global Report on Trafficking in Persons" (United Nations publication, Sales No. E.13.IV.1 2012) http://www.unodc.org/documents/data-and-analysis/glotip/Trafficking_in_Persons_2012_web.pdf, accessed 30 January 2013

242 ECPAT International - Fundación Renacer. "Aproximación a la explotación sexual comercial de niños y adolescentes de sexo masculino en Bogotá y Cartagena de Indias". (Colombia: ECPAT International, 2010). http://www.ecpat.net/EI/Publications/Care_Protection/Libro%20ONG%20Raices.pdf, accessed on 30 January 2013

strong and in control, particularly in intimate relationships. Initiation into manhood in several cultures may imply sexual experiences aiming primarily to display sexual accomplishment. The pervasive use of female images in pornography and advertisement supports perceptions that the female body is to be consumed by men.²⁴³ Glorification of male sexual prowess matched with denial of female sexual agency tends to dissociate the sexual experience from the development of intimacy and bonding between man and woman.

Prevailing social norms of masculinity may prevent families from protecting boys adequately by perceiving them as immune to sexual violence. Social pressure may also lead boys to refrain from admitting to having been abused and seeking assistance, particularly when physical strength and emotional self-control are elements contributing to definitions of masculinity.²⁴⁴ Established notions of virility and social expectations of boys, limited legal protection, and the dearth of data specifically addressing male vulnerability continue to project boys as perpetrators rather than survivors of sexual exploitation, hampering their capacity to access care and treatment services that may be devised for affected girls.²⁴⁵ Conversely, the conventional expectation of female sexual behaviour as passive and non-aggressive supports the misconception of women as incapable of committing abuse.

SEC is an extreme violation stemming from violent norms and behaviours ruling societies that are dictated by men and adults, which accept the notion that men can and should sexually dominate girls and women. A substantial proportion of both men and women interviewed in the context of a research study conducted in urban Brazil believed that biological determinants justify men's consumption of sex. Men would then have a natural tendency to satisfy their "sexual instincts," a predisposition that would determine seeking sex, more than women would and buying it, if necessary.²⁴⁶ Evidence from the Solomon Islands stressed the double standards dominating gender relationships, based on the notion that a woman is a passive object of man's desire, while men have a right to their own desires. Women's subordinate sexual position pressurises girls to accept transactional sex to avoid marginalisation from their peer groups for being perceived as challenging established gender norms.²⁴⁷ The normalisation of sexual violence against girls is further confirmed by a survey conducted among 1,500 schoolchildren in South Africa's Soweto Township, a quarter of who regarded "jackrolling" (gang rape) as fun.²⁴⁸

Social and Cultural Norms

In certain collectivist cultures, the notion of shame is central to controlling social behaviour. Where a code of modesty prevails and female virginity is regarded as a value to be preserved toward preparing for marriage, sexual activities engaged in by girls are believed to bring dishonour to the family. Even when the girl is a victim of gender-based sexual violence, she may be blamed for the attack she has suffered. A culture of silence often surrounds sexual exploitation of children. Community pressure and internalisation of norms inhibit the victim from reporting the abuse, thus running the risk of being re-victimised. The taboo attached to sexual abuse matched with the need to preserve the perceived family pride and avoid shaming often result in reticence on the part of girls and their relatives, and impunity on that of the offender and his accomplices.

243 Christine Ricardo, Gary Barker "Men, Masculinities, Sexual Exploitation and Sexual Violence" (2008), <http://www.ecpat.net/WorldCongressIII/PDF/Publications/SexualExploitation-WorkingDraft-July30.pdf>, accessed 30 January 2013

244 Instituto Promundo-US, "Toward a better future for this generation and the next... A report for the Oak Foundation on male engagement in the protection of children from child sexual abuse," (2011)

245 Mark Capaldi *et al.*, "Examining Neglected Elements in Combating CSEC", (Journal Series No. 7, ECPAT, 2013), 10

246 Marcio Segundo *et al.*, "Men, Women and the Commercial sexual Exploitation of Children and Adolescents in four Brazilian Cities – Results from a Qualitative and Quantitative Study", (Promundo, 2012) <http://promundo.org.br/wp-content/uploads/2015/01/Men-Women-and-the-Commercial-Sexual-Exploitation-of-Children-and-Adolescents-in-Four-Brazilian-Cities.pdf>, accessed 13 March 2015, 22, 36.

247 Veronica Maebiru, Save the Children Australia, *et al.*, "Sexual exploitation of children by travelling workers in the Solomon Islands". (Background paper prepared for the Global Study on the Sexual Exploitation of Children in Travel and Tourism, 2015)

248 ECPAT International, "Regional CSEC Overview Africa," (Bangkok: ECPAT International, 2015), 6.

In Asia, several customs sanction making children available for sexual exploitation. In Afghanistan and parts of Pakistan, *bacha bazi* or ‘dancing boys’ are kept for the sexual gratification of rich men. In India, the practice of *devadasi* forces a young girl to be “married” to Yellamma, the Goddess of Fertility, and eventually enter prostitution. In Nepal, *Deuki Pratha* is an ancient Hindu practice implying the offering of a young girl to the gods.²⁴⁹ In India and China, the widespread practice of sex-selective abortions, based on a cultural preference for boy children, has resulted in shortage of prospective brides, which in turn has led to a rise in trafficking of girls and women for marriage and prostitution.²⁵⁰

Evidence from Latin America and the Caribbean underscores that public tolerance for CSEC is widespread across the region. Paying for sex with children is somehow assimilated into the culturally entrenched belief of considering women’s bodies as being at the service of man’s sexuality.²⁵¹ Sex with a virgin is valued highly among men who believe that sex with a young person makes them feel younger and helps a child turn into a woman or a man,²⁵² a cultural attitude that condones abusive sex especially with adolescents.²⁵³

Evolving sexual norms and behaviours, which may contrast with the age-old values, may themselves imply an equally disrespectful view of children. The rapid transition toward modernisation promoted in most of the world’s communities by globalised cultural models is introducing new worldviews, while old ones still linger on. The combination of old and new child-unfriendly attitudes generates a culture hostile to children, which glorifies them as consumers, while turning them in to sexual objects. Sexualisation of children challenges their dignity and increases social tolerance for their exploitation.

Children’s Multiple Vulnerabilities

Reports from South East Asia stress the direct correlation existing between children’s vulnerability and SEC. Young people who are more exposed to grooming or enticement are in particular those who are neglected, emotionally unstable or confused. Deprived young people are easy prey for various forms of exploitation, including of a sexual nature. The poorest children, children with disabilities, children from dysfunctional families and victims of domestic violence, working children, vagrant and runaway children, children who migrate alone or with their families, children left uncared for at home when their parents migrate, refugee and internally displaced children, stateless children, indigenous children, children in institutions can end up in precarious living conditions and be exposed to direct solicitation for the purposes of sexual exploitation and trafficking. A similar fate may be reserved for children discriminated against the basis of gender and sexual identity, such as homosexuals, lesbians, bisexuals and transgender, who may be unsupported by their families, denied shelter and excluded from education and health services.²⁵⁴ In South Asia, the caste system works as a powerful mechanism to segregate entire social classes. In India, a vast majority of women and children engaged in prostitution belong to the *Dalit* (untouchable) caste.²⁵⁵ A significant proportion of girls involved in the sex industry in Thailand have been found to belong to the ethnic minority, hill tribe communities of Northern Thailand (the *Akha*, *Lahu*, *Lisu*, *Thai Yai*, *Thai Leu*, and *Luwa* groups) that are denied Thai citizenship despite having been settled in Thailand for generations and suffer conditions of extreme social marginalisation.²⁵⁶

249 ECPAT International, “The commercial sexual exploitation of children in South Asia,” (Bangkok, ECPAT International, 2014)

250 Mara Hvistenhaf, *Unnatural Selection: Choosing Boys Over Girls, and the Consequences of a World Full of Men*, (Public Affairs)

251 ECPAT International, “Informe de Monitoreo de País sobre la Explotación Sexual Comercial de Niñas, Niños y Adolescentes en Uruguay” (Bangkok: ECPAT, 2014), 37.

252 José Manuel Salas C., “La Masculinidad y la Explotación Sexual Comercial. Una Problemática Actual, Inducción Instituto WEM” (Costa Rica; Consultor Externo de OIT/IPEC), 21.

253 ECPAT International, CODENI, IDEIF, REDES, Movimiento el Pozo. “Mercancía Sexual: Como hemos creado la demanda para la explotación sexual comercial de niños, niñas y adolescentes en el Perú” (2005), http://white.oit.org.pe/ipec/documentos/mercancia_sexual_ecpat.pdf, accessed 2 June 2015.

254 UN Commission on Human Rights, “Report submitted by Juan Miguel Petit, Special Rapporteur on the sale of children, child prostitution and child pornography”, UNDOC E/CN.4/2004/9 (2004)

255 ECPAT International, “The commercial sexual exploitation of children in South Asia,” (Bangkok: ECPAT International, 2014).

256 Alicia Burke, Stefania Ducci, “Trafficking of Minors for Commercial Sexual Exploitation – Thailand,” (Torino: UNICRI), 20.

Children with disabilities are a very vulnerable group, especially because their exposure to sexual violence is often unrecognised and remains unaddressed in child protection programmes, as evidenced in a recent UK Government study.²⁵⁷ Neglected children living in violent or abusive families are also an at-risk segment of the population. Inadequate household income may push them into commercial sexual exploitation or in other income-generating occupations that may expose to risks of physical abuse. Family crises, disintegration of the family unit, and domestic violence tend to break down primary protection mechanisms, making children susceptible to continued forms of abuse and exploitation. In Egypt, over half of the large street child population was found to have experienced sexual exploitation.²⁵⁸ Neglected children may be recruited into the drug trade by criminal networks that peddle drugs and commercial sex together, while creating an addiction in children to keep them entrapped in both rackets, a widespread problem especially in Latin America.²⁵⁹

2.1.3.3 Globalisation, Poverty and Inequality

Globalisation of the Demand and Consumerism

Poverty and inequality are unambiguously underlying causes of sexual exploitation of children, prompting demand to gravitate toward areas where deprivation is harsher. While overall global poverty levels have fallen, economic and social disparities are on the rise, widening the gulf between socio-economic groups, countries, and regions. China's huge success in lifting over 500 million people out of poverty has been matched with high inequality.²⁶⁰ Although seeking children for sexual exploitation is by no means the mere prerogative of the wealthy, demand does tend to concentrate where disposable incomes are higher, while sexual victimisation is more likely to be prevalent among communities living in relative poverty or outright destitution. Consumerism, founded on sustained demand, stimulates uninterrupted supply. Possession or fantasies of children's bodies or digital images can be obtained through a hugely diversified supply of tradable goods and services able to satisfy any kind of desire and pursuit of profit.²⁶¹ Domestic sex trades have been efficiently connected with a well-structured global sex industry, often controlled by organised criminal networks, and spurred by a virtually endless demand for sexual services forcedly provided by children.

The rise of a consumerist society has had an impact on sexual services as it has on other commodities. Evidence from Eastern Europe shows that young people may be seduced into bartering sexual favours for either status goods or money to respond to peer-pressure and conform to emerging social values based on possession of expensive, brand-name products.²⁶² Even more disconcerting are accounts of parents condoning or encouraging engagement in sexual exploitation by their children to afford modern comforts.²⁶³

257 Sue Berelowitz et al., Children's Commissioner, "I thought I was the only one. The only one in the world": the Office of the Children's Commissioner's Inquiry into Child Sexual Exploitation in Gangs and Groups", (2012), http://www.lscbchairs.org.uk/sitedata/files/Child_Sexual_Exploitation_.pdf, accessed 15 June 2015, 97; ECPAT International, "Regional CSEC Overview Africa", (Bangkok: ECPAT International, 2015), 16.

258 Mark Hecht et al., (2015) "A Desk Study on the Sexual Exploitation of Children in Travel and Tourism in the Middle East and North African Region: A Contribution for the Global Study on the Sexual Exploitation of Children in Travel and Tourism conducted by ECPAT International". (Bangkok: ECPAT International, 2015)

259 UNDOC, 2008, "The Threat of Narco-Trafficking in the Americas," http://www.unodc.org/documents/data-and-analysis/Studies/OAS_Study_2008.pdf, 3"; Global Study of the Sexual Exploitation of Children in Travel and Tourism: The Situation in Latin America and the Caribbean". (Bangkok: ECPAT International, 2015).

260 The World Bank, "China – Overview," <http://www.worldbank.org/en/country/china/overview>, accessed 5 September 2015

261 Muireann O'Briain et al., "Sexual exploitation of children and adolescents in tourism," (Bangkok: ECPAT International, 2015) 7.

262 European Commission (2008), Flash Eurobarometer (EU27). Towards a safer use of the Internet for children in the EU – a parents' perspective. Accessed 2 June 2013 from: http://ec.europa.eu/information_society/activities/sip/docs/eurobarometer/analyticalreport_2008.pdf

263 Aleksey Graboviy, "Consumerism and its dangers for children: A call for regulation in Advertising." <http://gattton.uky.edu/gsrp/downloads/issues/spring2011/consumerism%20and%20its%20dangers%20to%20children%20a%20call%20for%20regulation%20in%20advertising.pdf>

The Influence of Media and Advertising

The massive bombardment of sexual messages and violent images by the media and advertising has a direct impact on children. Where control systems are weak, media and ads may reach the point of using child images that are sexually suggestive, if not outright explicit and ultimately exploitative.

Children and young people's worldviews, aspirations, and behaviours are being increasingly shaped by the media and the advertising industry.²⁶⁴ Concern is growing globally over the risk that widespread sexualisation of young people in the media might raise the level of tolerance to sexual violence against children. In parallel, exposure to heavily sexualised content may lead to early sexualisation in young audiences. The capacity to discern healthy from abusive sexuality may be compromised and violent behaviours may be internalised as normal, if not desirable. Despite a dearth of reliable research on this issue, available literature points to the idea that girls are directly sexualised through consumption of advertising, 'tween' magazines and television programmes. The prevailing practice of using women and girls' bodies to market consumer goods and services, as well as the rising sexualisation of children by the media, the fashion and other industries, undoubtedly reinforce perceptions of female bodies as mere objects to be consumed. At the same time, media constructions of masculinity are typically associated with male sexual prowess.²⁶⁵

The spreading practice of "sexting," involving the exchange of self-generated sexually explicit content, appears to be sustained by factors that also include the premature sexualisation of children in the media, fashion, and advertising sectors.²⁶⁶

Migration, Urbanisation, and Mega-Projects

Sustained urbanisation is a primary motor of migration. Limited development and high unemployment levels prompt intraregional and international labour migration, which also affects children and youth who move in large numbers, particularly from rural to similarly impoverished areas in urban centres.²⁶⁷

City life for young people may mean living in congested migrant settlements and slums, struggling in exploitative occupations and being denied access to basic services. Recent case studies from Kenya and Zambia have documented how foreign investment in the construction of roads and highways is contributing to sexual exploitation of children.²⁶⁸ Similar accounts from Brazil refer to the role that the municipality of São Paulo plays as a primate city in attracting domestic and international visitors on business trips, or as participants in trade, leisure, and entertainment events, an imposing human influx challenging children's protection.²⁶⁹ In the city of Bogota, it has been estimated that the demand for commercial sex from foreigners, often on business-related visits, is higher between Monday and Thursday when travellers are in the

264 Mark E. Hecht, "Private sector accountability in combating the commercial sexual exploitation of children", 2008, http://www.ecpat.net/sites/default/files/Thematic_Paper_CSR_ENG.pdf, accessed 17 September 2015., 1, 2

265 NCPCC, "Premature sexualisation: understanding the risks. Outcomes of the NSPCC's expert seminar series", <https://www.nspcc.org.uk/globalassets/documents/information-service/seminars-premature-sexualisation-understanding-risks.pdf>, accessed 17 September 2015, 4-5

266 Ringrose, Jessica et al., "A qualitative study of children, young people and 'sexting': a report prepared for the NSPCC", (London: NSPCC, 2012), http://www.nspcc.org.uk/inform/resourcesforprofessionals/sexualabuse/sexting-research-report_wdf89269.pdf, accessed 17 September 2015, 16.

267 ECPAT International, "The commercial sexual exploitation of children in South Asia", (Bangkok: ECPAT International, 2014), 13

268 Aggrey Willis Otieno, African Network for Prevention & Protection against Child Abuse and Neglect "Sexual Exploitation of Children in Travel and Tourism in Kenya: A Case Study of Embakasi, Starehe, Kasarani, and Kamukunji Sub Counties in Nairobi". (2015); "Qualitative Study of Sexual Exploitation of Children in Travel & Tourism in Two Selected Districts of Zambia." Draft Report, (2015)

269 Fernando G. Tenório, Luiz Gustavo Medeiros Barbosa (orgs.), "O setor turístico versus a exploração sexual na infância e na adolescência", (Rio de Janeiro: Editora FGV, 424, 2008)186-190. Fernando G. Tenorio and Luiz Gustavo Medeiros Barbosa "O Setor Turístico Versus A Exploração Sexual Na Infância E Na Adolescência"http://www.crianca.mppr.mp.br/arquivos/File/publi/mtur/o_setor_turistico_versus_a_exploracao_sexual_mtur_2008.pdf, accessed 13 March 2015.

city, before returning home over the weekend.²⁷⁰ In South Asia, a correlation has been found between migration and CSEC. Men separated from their families for long periods, may not only resort to sex workers, but also may commercially exploit young people.²⁷¹

Mega-projects, business hubs and transport systems may act as poles of attraction for child sex exploiters. When intense human activity is concentrated in a specific area drawing large numbers of workers and users who are far removed from their homes, the risk for sexual exploitation may increase, along with the likelihood of converging preferential child sex offenders. The oil boom in North Dakota has turned the state into a hub for human trafficking believed to be directly linked to the massive influx of thousands of men workers from all across the US. Reports have been signalling that sexual exploitation of children has started being organised through Craigslist and Backpage websites, and is taking place in hotels located close to the “oil patch”.²⁷² Separation from their families, isolation, loneliness, and feelings of alienation were reasons cited by oil workers for seeking paid sex, including with underage youth.²⁷³ A similar example from Canada relates to First Nation (aboriginal) girls being sexually exploited by men who frequently travel back and forth between Saskatchewan and Alberta to work on oil rigs or in uranium mines for short periods.²⁷⁴

Humanitarian Crises, Conflicts, and Fragile States

Armed conflicts and civil wars tend to break down the social fabric that ensures protection to children. While communities become unable to safeguard their members, especially the weaker ones, outsiders entering and even controlling social life can pose a menace to children’s safety. The Syrian crisis, resulting in over 1.8 million official Syrian refugees since 2011, has had a massive impact on the safety of children and youth.²⁷⁵ Reports refer to Turkish men and other offenders from Arab countries²⁷⁶ resorting to arranged and temporary marriages to exploit sexually young refugee Syrian women and girls trapped in conditions of economic hardship and insecurity.²⁷⁷ When the children return to the camps after abandonment, they are marginalised because of the stigma attached to temporary one-night *mut’ah* marriages.²⁷⁸ In Gaza, with 54,000 Palestinian children becoming homeless following the escalation of hostilities in July and August 2014, the risk for SEC accordingly increased.²⁷⁹ Recent reports indicate that, in Ukraine, the instability resulting from the activity of illegal armed groups has undermined social protection systems in parts of the Crimean peninsula, with evidence of sexual exploitation of children,²⁸⁰ including by Russian soldiers allied with separatist rebels.²⁸¹

270 Fundación Renacer, Secretaría Distrital de Integración Social, Instituto Distrital de Turismo y Fundación Esperanza, “Caracterización y georreferenciación de las dinámicas de la explotación sexual comercial de niños, niñas y adolescentes (ESCNA) asociadas a viajes de turismo en siete (7) localidades de Bogotá”, (2011), 32.

271 ECPAT International, *The sexual exploitation of children in travel and tourism in South Asia* (Bangkok: ECPAT International, 2015) (draft).

272 Aaron Ernst, “The dark side of the oil boom: human trafficking in the heartland”, Al Jazeera America, 28 April 2014, <http://america.aljazeera.com/watch/shows/america-tonight/articles/2014/4/28/the-dark-side-of-the-oil-boom-human-trafficking-in-the-heartland.html>, accessed 13 April 2015.

273 Amy Dalrymple and Katherine Lymn, “Trafficking in North Dakota is on the rise, and often the victims can’t escape,” Forum News Service, 4 January 2015, http://bismarcktribune.com/bakken/trafficking-in-north-dakota-is-on-the-rise-and-often/article_c7f42282-92b7-11e4-819f-5b05c8a62325.html, accessed 13 April 2015.

274 Sethi, Anupriya, “Domestic Sex Trafficking of Aboriginal Girls in Canada: Issues and Implications,” *First Peoples Child and Family Review*, Vol. 3, No 3. (2007) <http://journals.sfu.ca/fpcfr/index.php/FPFCFR/article/viewFile/50/88%3E>, accessed 10 April 2015, 55-71

275 Oytun Orhan and Sabiha Senyuçel Gundogar, “Effects of the Syrian Refugees on Turkey,” (Ankara: Orsam and Tesev, 2015) <http://www.tesev.org.tr/assets/publications/file/09012015103629.pdf>, accessed 16 June 2015; UNHCR, Syria Regional Refugee Response, Inter-agency Information Sharing Portal, Turkey, accessed 18 August 2015.

276 L. Barkan. “Criticism in Arab World over Exploitation of Syrian Refugee Girls for Purposes of Marriage,” *Inquiry & Analysis Series*, no. 898 (November 2012), <http://www.memri.org/report/en/print6806.htm>, accessed 16 June 2015

277 Oytun Orhan and Sabiha Senyuçel Gundogar, “Effects of the Syrian Refugees on Turkey,” (Ankara: Orsam and Tesev, 2015), <http://www.tesev.org.tr/assets/publications/file/09012015103629.pdf>, accessed 16 June 2015.

278 Mazlumder, “Kamp Disinda Yasayan Suriyeli Kadın Siginmacilar Raporu” (Ankara: Mazlumder, 2014), available in Turkish and accessed on 16 June 2015 from [http://www.mazlumder.org/webimage/MAZLUMDER%20KAMP%20DI%20C5%9EINDA%20YA%20C5%9EAYAN%20SUR%20C4%BOYEL%20KADIN%20SIN%20C4%9EINMACILAR%20RAPORU\(1\).pdf](http://www.mazlumder.org/webimage/MAZLUMDER%20KAMP%20DI%20C5%9EINDA%20YA%20C5%9EAYAN%20SUR%20C4%BOYEL%20KADIN%20SIN%20C4%9EINMACILAR%20RAPORU(1).pdf) Amerbin Zaman, “Claims of Prostitution in Refugee Camps,” *Today’s Zaman*, 30 May 2014, http://www.todayzaman.com/turkish-press-review_claims-of-prostitution-in-refugee-camps_349168.html, accessed 16 June 2015.

279 UNICEF, “Humanitarian Action for Children 2015: Middle East and North Africa”, (UNICEF, 2015), <http://www.unicef.org/appeals/mena.html>, accessed 10 June 2015.

280 La Strada Ukraine, “Sexual exploitation of children in Ukraine: situation and counteraction”, (2014), 5.

281 La Strada Ukraine, “Response to questionnaire for ECPAT groups on SECTT in Europe,” February 2015

In Nepal, the result of a 10-year civil war, compounded by political instability and the recent devastating earthquake of 25 April 2015, has resulted in forced migration, displacement, disruption of family units, and break down of the social fabric. The combination of threats that characterises fragile states normally takes a heavy toll on the protection of children who, in Nepal, have become more prone to trafficking and commercial sexual exploitation by local predators, as well as by offenders travelling from countries in the region and beyond,²⁸² including individuals acting in unreliable orphanages and children's homes through various forms of voluntourism.²⁸³

2.1.3.4 Impunity

Impunity has been proven an enabler for SEC. Child sex exploiters are prepared to move to areas where law enforcement is poor and social tolerance high to escape consequences for their crimes. Field research conducted in Ukraine revealed that the main reason supporting the behaviour of travelling child sex offenders was the "certainty" of escaping justice both in Ukraine and in the country of origin. Confidence that it is possible to "buy" the complacency of law enforcement, through bribery, was found to compound a sense of impunity, supported by the awareness that some law enforcers were themselves involved in CSEC either as users or pimps.²⁸⁴ Reporting of incidents of police officers and representatives of the judicial system receiving bribes from offenders to avoid investigation and prosecution has been repeatedly received from the CIS and some EU-member Eastern European countries.²⁸⁵

Corruption matched with impunity creates an ideal environment for SEC to flourish. However, other factors also contribute to its perpetuation, in particular, persistent weaknesses in legal frameworks that address crimes associated with CSEC; limited reporting; widespread tolerance for the problem, even among stakeholders responsible for child protection; lack of awareness and poor capacity;²⁸⁶ and growing organisation of the criminal networks profiting from such illicit business.

Whilst the increasing numbers of children who have been, or are at risk of being, sexually exploited has been accompanied by the attempts of government and child protection agencies to limit the swelling of the demand through legal and policy countermeasures, an increasingly regularised anti-sexual exploitation environment has caused offenders to move deeper and deeper underground to hide their activities from public view and the eye of law enforcement authorities. Dwindling incidence of the crime officially registered in a number of countries may indeed mask the morphing of demand, rather than its discontinuation, from an overt to a more concealed nature.

282 ECPAT International. "Global Monitoring Status of Action against Commercial Sexual Exploitation of Children Nepal". (Bangkok: ECPAT International, 2011)

283 UNICEF. "Sexual Exploitation of Boys in South Asia" (2010); Terre des Hommes and UNICEF. "Adopting the rights of the child: a study on inter-country adoption and its influence on child protection in Nepal" (2008); Pete Pattison, "Nepal's bogus orphan trade fuelled by rise in 'voluntourism'" (The Guardian, 27 May 2014) <http://www.theguardian.com/global-development/2014/may/27/nepal-bogus-orphan-trade-voluntourism>, accessed 21 August 2015.

284 La Strada Ukraine, "Sexual exploitation of children in Ukraine: situation and counteraction", (Kyiv, La Strada, 2014), 17-18.

285 Jeffery Donovan, "Transparency International Chief Talks About Corruption In CIS," Radio Free Europe/Radio Liberty, Oct. 2005. <http://www.rferl.org/content/article/1062227.html>

286 ECPAT International, "The Commercial Sexual Exploitation of Children in the Commonwealth of the Independent States," (Bangkok: ECPAT International, 2015) 39-42.

3

A VIRTUAL MARKETPLACE: THE NEW SUPPLY AND DEMAND

3.1 The Internet and Websites

In countries that have successfully decreased conventional street-based sex business, like North America, evidence has shown that the vast space left empty by visible operations has been occupied by invisible ones, with the bulk of adult prostitution migrating to online platforms.²⁸⁷ With respect to children, individual boys and girls approachable in public places have been replaced with hundreds of thousands of potential victims who are just a phone call or click away. Contact can now be made in real time and, most importantly for offenders, anonymously. The UN and the FBI in the US estimate that globally there are 750,000 predators online at any time.²⁸⁸ In the US, major, national websites make million-dollar profits by advertising commercial sex services along with regular merchandise. The popular website, Backpage (which offers girls, either underage or barely of legal age)) generates USD26 million a year in revenue from advertisements alone.²⁸⁹

In Latin America, networks are emerging of well-connected individuals engaging both nationals and foreigners to facilitate exploitation by travelling offenders. These cartels are also involved in drug smuggling and trafficking of persons. ICTs provide an impenetrable shield behind which information on such powerful rackets is carefully guarded and only limited knowledge may become known from reports by survivors.²⁹⁰

The exponential demand for the SEC has been supported by an unprecedented marketing gateway, the Internet. Technology can perhaps be regarded today as the single greatest facilitator of the commercial sex trade.²⁹¹ The World Wide Web has supplied three major driving forces to expand the child sexual exploitation business: 1) it has increased access on a global scale, 2) it has made it cheap or even free, and 3) it has hidden it from existing control mechanisms. The Internet has been said to run on a “triple A engine” in that it is accessible, affordable, and anonymous.²⁹² In particular, anonymity is critical as it assures producers, users, and distributors of illicit sexual services that they will not be found. Digital technology has multiplied activities being perpetrated on the Internet to such an extent that they far exceed

287 ECPAT Canada, “Commercial Sexual Exploitation of Children (CSEC),” Ottawa: Beyond Borders, 2013, accessed 28 October 2015, <http://www.beyondborders.org/wp/wp-content/uploads/CSEC-Fact-Sheet-Revision.pdf>.

288 Terre des Hommes, “WCST FAQ”, accessed 26 August 2015, http://terredeshommesnl.org/_media/documents/FAQ_English.pdf.

289 The Seattle Times, “Editorial: Crack down on online prostitution sites like backpage.com”, *The Seattle Times*, 24 April 2014, accessed 4 May 2015, <http://www.seattletimes.com/opinion/editorial-crack-down-on-online-prostitution-sites-like-backpagecom/>.

290 ECPAT Brazil, “Relatório Sobre o Diagnóstico das Redes de Exploração...” 73; ECPAT, “The Commercial Sexual Exploitation of Children in Latin America: Developments, progress, challenges and recommendations strategies for civil society”, (Bangkok: ECPAT International, 2014), pp. 11-12.

291 SharedHope International, “DEMAND. A Comparative Examination of Sex Tourism and Trafficking in Jamaica, Japan, the Netherlands, and the United States,” (Vancouver: ECPAT International, 2007).

292 Al Cooper, “Sexuality and the Internet: Surfing into the new millennium”. *CyberPsychology & Behavior*, 1, (1998), pp. 187-193

the existing law enforcement capacity to tackle them.²⁹³ Popular Internet-based practices, such as online grooming, live streaming of child sexual abuse, ‘sexting’, etc. have brought children as close to their potential abusers as no other means that existed before.

While providing a formidable source for education, communication, and potentially child protection, the Internet has multiplied the avenues for SEC. The spiralling use of the Internet, through a plethora of ever newer and cheaper devices, has made it a feasible option for a potentially unlimited number of users. Mobile phones, for example, have connected entire populations without a telephone landline connection, or even household electrification, with smart phones, opening up the world of Internet to individual users. In poorer homes where computers are unaffordable, children may gain access to the Internet via mobile phones or local Internet cafés, where parental supervision cannot reach. Internet cafés are fast growing in popularity as favourite youth hangouts and, indirectly, a pole of attraction for local and travelling child sex offenders. In addition to other online risks, Internet cafés offer a hunting ground for online predators enticing children through online gaming consoles.²⁹⁴ An ECPAT study from East and South East Asia identified that the money required to pay for gaming can lead players to run into debt and make them more vulnerable to offers of money in exchange for sexual services. In addition, in the absence of specific codes of conduct and parental control, permissive Internet cafés may offer both the requisite technology and necessary privacy to permit sexual exploitation via Webcam.²⁹⁵

Accounts from South East Asia indicate that the proliferation of mobile devices is also fast multiplying exposure to child offensive material with the aim of accustoming children to sexual violence and generating a sense of normalisation toward certain sexual conduct. The level of tolerance is thus raised to such a point that young people may become more open to the idea of engaging in some kinds of sexual experiences and become more prone to victimisation.²⁹⁶ The dulling of children’s perception on the risks they run online is often compounded by parents’ inadequate awareness of what constitutes sexual abuse. A recent World Vision study in Thailand, Laos, Cambodia, and Vietnam revealed that most adults understand sexual abuse of children as penetrative rape of girls. Failing to recognise other forms of sexual violence, parents may neglect to supervise their children’s use of mobile phones and the Internet, concerned at the most about addiction to online gaming and exposure to pornographic material. Lack of information and distorted perceptions of both young people and adults risk weakening the protective mechanisms that children, including boys, need in the physical and virtual worlds.²⁹⁷

3.2 Linking Predators to Victims

The Internet also facilitates encounters between predators, procurers, and victims by obscuring identities and masking motives behind the contacts. Some vulnerable children, particularly those who had a prior history of sexual abuse, may be more prone to accepting online sexual approaches.²⁹⁸ Technology further distances the paid “sex brokers” from the act of enslavement by allowing transactions to take place on the Internet or cellular phones. The “dark Web” (sites beyond the reach of standard search engines) permits access to illegal material where sexually explicit materials can be circulated clandestinely. An escalation of rapid digital contacts has revolutionised the modes of communication and exchange between offenders and victims,

293 ECPAT’s General Assembly, Paris (2014)

294 Canadian Broadcasting Corporation, “U.S. predators use video games to lure Canadian kids,” *CBC News*, 2 April 2013, accessed 17 April 2015, http://www.huffingtonpost.ca/2013/04/02/canada-internet-luring-video-games_n_2997128.html.

295 ECPAT International, “The Use of Information and Communication Technologies in Connection with Cases of Child-Sex Tourism in East and South East Asia” (Bangkok: ECPAT International, 2015) pp. 24, 35.

296 ECPAT, “Sexual exploitation of children in travel and tourism in South East Asia,” (Bangkok: ECPAT International, 2015).

297 World Vision Australia, “Sex, Abuse and Childhood,” (Melbourne: World Vision Australia, 2014) 70, p. 10.

298 Ethel Quayle et al., Council of the Baltic Sea States, “Online behaviour related to child sexual abuse. Creating a private space in which to offend – Interviews with online child sex offenders” (Stockholm: Council of the Baltic States, 2012).

making them faster, faceless, endlessly able to be duplicated and virtually free of cost. Social media, email, Websites, chat rooms, and blogs provide a dedicated platform for child sex offenders to both exchange information and share child abusive images and materials, via file sharing, websites, live streaming, and the Cloud, relieving perpetrators from the risk of physically transporting incriminating materials through airports and other checkpoints.

However, the Internet is not only a formidable means of communication and exchange; it is also a boundless space for child abuse itself. Until the late 1960s, child pornography was a virtually unknown phenomenon. The marginal CAM available was developed at local photo shops and distributed physically via postal mail. Technology has facilitated a proliferation of child pornography allowing material to be digitally produced, stored, shared, and distributed online at such a pace that not only preferential child sex offenders can search for it, but also almost anyone accessing the Internet can easily run into it. The advantage afforded by technology has turned a peripheral, illicit business into a multi-billion dollar global industry catering to online sexual predators, stalkers, and child pornographers, often controlled by organised criminal syndicates.²⁹⁹ A research study from the US evidenced that, despite Internet parental control filters, over one-third of youth received unwelcome sexual material online. It has been suggested that the pervasive presence of offensive sexual material stimulates viewers to become buyers of humans for commercial sex.³⁰⁰

Online video technology permits the realisation of child sex abuse in a virtual fashion. Live-on-demand Web streaming has allowed multiple perpetrators to view child abusive acts while minimising their risk of being caught. Without meeting the child, an offender can abuse her or him through Webcam child sexual exploitation, in which perpetrators from any corner of the world can groom a child and pay to have him or her perform sexual acts. A low-cost medium, such as a basic computer equipped with a cheap Webcam, makes it possible to respond to the demand for a customised sexual service. While no physical contact is involved, the abuse is real, ensuring a steady profit to the local exploiter. Organised dens operating as virtual online brothels have been reported to be spreading widely in the Philippines, where tens of thousands of such setups have been exploiting children systematically, mostly through coercive means, for the consumption of a global clientele in what has been named, somewhat misleadingly, 'Webcam child sex tourism'.³⁰¹ Local and international perpetrators can directly access children in chat rooms or other digital spaces that allow grooming of victims to continue, a virtual exploitative relationship to develop, and a physical encounter to be arranged.³⁰²

Growing broadband speed is further increasing the capacity to transfer larger files, such as video, photo, and audio materials. Intimate images and footage extorted by online child sex offenders can be used to shame or blackmail the victim into continued involvement.³⁰³ "Sextortion," as it has been labelled, can be used as an effective tactic to keep the child entrapped, especially in shame cultures like those prevalent in many traditional societies, where the perception of honour and status depends on the community's shared values and judgement. A recent serious case of child sexual abuse has shaken the consciousness of Pakistani society, when street protests have been held against a gang of child sex exploiters accused of selling to US and Europe-based Websites images of village children forced to perform sexual acts and, in parallel, extorting money from victims and parents to remove the compromising material from the Internet.³⁰⁴

299 "Webcam child sex tourism, *Becoming Sweetie: A novel approach to stopping the global rise of Webcam Child Sex Tourism*", (Den Haag: Terre Des Hommes, 2013), p. 4.

300 SharedHope International, "DEMAND. A comparative Examination of Sex Tourism and Trafficking in Jamaica, Japan, the Netherlands, and the United States," (Vancouver: ECPAT International, 2007).

301 "Webcam child sex tourism, *Becoming Sweetie: A novel approach to stopping the global rise of Webcam Child Sex Tourism*", (Den Haag: Terre Des Hommes, 2013).

302 UNICEF, "Hidden in Plain Sight: A statistical analysis of violence against children", (UNICEF, 2014).

303 ECPAT International, "The Use of Information and Communication Technologies in Connection with Cases of Child-Sex Tourism in East and South East Asia." (Bangkok: ECPAT International, 2010), p. 47. http://www.ecpat.net/sites/default/files/ecpat_journal_mar2010_final_0.pdf; UN Human Rights Council, "Report of the Special Rapporteur on the sale of children, child prostitution and child pornography, Twenty-eighth session", UN Doc A/HRC/28/56, (2014), p. 11; INTERPOL, "INTERPOL-coordinated operation strikes back at sextortion networks", 2 May 2014, accessed 26 March 2015, <http://www.interpol.int/News-and-media/News/2014/N2014-075>.

304 Shaikh Abdul Rasheed, "Child abuse scandal: We need a national awareness campaign", *The Nation*, 15 August 2015, accessed 15 August

In parallel to expanding virtual exploitation, contemporary ICTs support a trend toward expanding prostitution activities beyond traditional brothels and red-light areas where underage girls and boys may be more visible. With the help of a mobile phone, pimps can organise contacts between clients and children in apartments located in areas that are more peripheral; victims can be hidden from public view, law enforcement, and child protection mechanisms. In South Asia while conventional street and brothel-based prostitution persist, children can also be found in hotel rooms, guesthouses, and rented flats in suburban areas, as well as in hotels along motorways.³⁰⁵

The private sector actors involved in the industry, including Internet Service Providers (ISP), mobile phone carriers, software developers, and others, have come to recognise that they are implicated in the demand for sexual exploitation of children. Their response, and that of the international children's rights community, is outlined in Section 6 of this report.

2015, <http://nation.com.pk/blogs/15-Aug-2015/child-abuse-scandal-we-need-a-national-awareness-campaign>.

305 Frederick, *et al.*, Terre des Hommes Foundation, "Trafficking and Exploitation in the Entertainment and Sex Industries in Nepal: A Handbook for Decision-Makers", (Kathmandu: Terre des Hommes, 2010) 28.

4

THE LEGAL FRAMEWORKS

4.1 International Legal Instruments and Mechanisms

Despite the existence of several international legal instruments that address the sexual exploitation of children in a generalised fashion (including *inter alia* UN treaties, declarations and protocols) these type of tools appear to only minimally address demand or to set parameters around how the international community should prosecute and hold perpetrators legally accountable for the sexual exploitation of children. That having been said, it would seem that under civil society pressure related to compliance with these international instruments, domestic legislation has been developed that offers more direct policies to confront the issue.³⁰⁶

The initial collaborative international effort to address CSEC was the First World Congress against the Commercial Sexual Exploitation of Children in August 1996, held in Stockholm, Sweden.³⁰⁷ The Congress resulted in the “Declaration and Agenda for Action” which, among other matters, outlines the need to “develop or strengthen and implement laws, policies and programmes to protect children and to prohibit the commercial sexual exploitation of children” as well as to “develop or strengthen and implement national laws to establish the criminal responsibility of service providers, customers and intermediaries in child prostitution, child trafficking, child pornography, including possession of child pornography, and other unlawful sexual activity.” It also calls on states to “adopt not only legal sanctions against the perpetrators of sexual crimes against children, but also socio-medical and psychological measures to create behavioural changes on the part of the perpetrators.”³⁰⁸

Prior to the First World Congress, several international legal tools already took a broad approach to protecting human rights.³⁰⁹ There were also international legal instruments in effect that specifically addressed the rights of the child, most notably the 1989 UNCRC. Beyond simply

306 Karen Fredette, “International Legislative Efforts to Combat Child Sex Tourism: Evaluating the Council of Europe Convention on Commercial Child Sexual Exploitation”, 32 *BC Int'l & Comp L Rev*, 2009, p. 13.

307 ECPAT International, “World Congress against the Commercial Sexual Exploitation of Children,” last updated 2015, accessed 10 August 2015, <http://www.ecpat.net/world-congress-against-commercial-sexual-exploitation-children>.

308 “Declaration and Agenda for Action: 1st World Congress against Commercial Sexual Exploitation of Children”, p. 4, accessed 10 August 2015, http://www.ecpat.net/sites/default/files/stockholm_declaration_1996.pdf

309 The 1948 Universal Declaration of Human Rights, for example, contain two articles that refer specifically to children, neither of which discusses protection from sexual exploitation nor any ramifications for perpetrators of sexual crimes against children. The UN Declaration of the Rights of the Child mentions the need for special safeguards and appropriate legal protection for children, yet fails to mention any specific procedures for these safeguards. Similarly, the 1966 International Covenant on Economic, Social, and Cultural Rights states, “[s]pecial measures of protection and assistance should be taken on behalf of all children... [and they] should be protected from economic and social exploitation” in Article 10, but are no specifics in terms of enforcement mechanisms. See: Library of Congress, “Children’s Rights: International Laws”, last updated 2 July 2015, accessed 10 August 2015, <http://www.loc.gov/law/help/child-rights/international-law.php>; “Declaration of the Rights of the Child”, accessed 10 August 2015, <http://www.unicef.org/malaysia/1959-Declaration-of-the-Rights-of-the-Child.pdf>; Office of the High Commissioner for Human Rights, “International Covenant on Economic, Social and Cultural Rights”, 3 January 1976, accessed 10 August 2015, <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CESCR.aspx>.

outlining children's rights, the UNCRC discusses legal accountability. It mentions the need to protect the child against all forms of exploitation in Articles 34, 35, 36, and emphasises, in Article 37, that every child should have "the right to prompt access to legal and other appropriate assistance, as well as the right to challenge the legality of the deprivation of his or her liberty before a court or other competent, independent and impartial authority".³¹⁰ It can therefore be stated that while there were legal instruments discussing human rights and the rights of the child before the First World Congress, there was no formal structure in place to address the demand for SEC specifically.

After the First World Congress, new international agreements were developed to target the exploitation of children exclusively. The OPSC addresses the problem of trafficking children for a sexual purpose and the various forms of child sexual exploitation through a prohibition on the sale of children. Article 3 stresses the importance that each country should ensure that the sexual exploitation of children is "fully covered under its criminal or penal law, whether such offences are committed domestically or transnationally, or on an individual or organised basis."³¹¹ This Optional Protocol, as well as the UNCRC, requires participating states to submit regular comprehensive reports regarding implementation and enforcement efforts. The Committee on the Rights of the Child follows up on these reports in the form of Concluding Observations, which identify the strengths and weaknesses in each participating country's progress in implementing and enforcing the UNCRC and the OPSC.

Both the ILO's 1999 Worst Forms of Child Labour Convention³¹² and the 2000 UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the UN Convention against Transnational Organized Crime (otherwise known as the Palermo Protocol)³¹³ include provisions that explicitly state that participating members should take all necessary measures to ensure the effective implementation and enforcement of the Conventions, including the creation and application of penal sanctions. The Palermo Protocol goes further and requires states to adopt or strengthen legislative or other methods, such as educational, social, or cultural measures, to discourage the demand that fosters all forms of exploitation of persons, especially women and children.³¹⁴

The developments noted above were then followed by the Second World Congress against the Commercial Sexual Exploitation of Children and Youth held in Yokohama, Japan in December 2001, which resulted in the "Yokohama Global Commitment".³¹⁵ The Commitment includes an affirmation that participating countries promote "more effective implementation/enforcement of policies, laws and gender-sensitive programmes to prevent and address the phenomenon of sexual exploitation of children".³¹⁶ The World Congress III against the Sexual Exploitation of Children, Youth, and Adolescents was held in Brazil in November 2008. Official government delegations from 140 countries were present, as well as representatives from the private sector, and civil society.³¹⁷ One of the major themes discussed at the World Congress III was "Legal Frameworks and Enforcement" with a focus of reviewing existing laws concerning SEC and the successful implementation of the OPSC.³¹⁸ The outcome document from the World Congress

310 Office of the High Commissioner for Human Rights, "Convention on the Rights of the Child," 2 September 1990, accessed 10 August 2015, <http://www.ohchr.org/en/professionalinterest/pages/crc.aspx>.

311 "Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography," 18 January 2002, accessed 10 August 2015, <http://www.ohchr.org/EN/ProfessionalInterest/Pages/OPSCCRC.aspx>.

312 International Labour Office, "Worst Forms of Child Labour Convention, 1999," art. 7, accessed 10 August 2015, http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---declaration/documents/publication/wcms_decl_fs_46_en.pdf.

313 United Nations Office on Drugs and Crime, "United Nations Convention against Transnational Organized Crime and the Protocols Thereto," Vienna, 2004, p. 43, art. 5, accessed 10 August 2015, <http://www.unodc.org/documents/treaties/UNTOC/Publications/TOC%20Convention/TOCebook-e.pdf>.

314 *Ibid.*, art. 9.5.

315 ECPAT International, "World Congress against the Commercial Sexual Exploitation of Children," last updated 2015, accessed 10 August 2015, <http://www.ecpat.net/world-congress-against-commercial-sexual-exploitation-children>.

316 "The Yokohama Global Commitment 2001," accessed 10 August 2015, http://www.ecpat.net/sites/default/files/the_yokohama_global_commitment_2001.pdf.

317 ECPAT International, "World Congress against the Commercial Sexual Exploitation of Children," last updated 2015, accessed 10 August 2015, <http://www.ecpat.net/world-congress-against-commercial-sexual-exploitation-children>.

318 ECPAT International, "Thematic Issues at the World Congress III against Sexual Exploitation of Children and Adolescents," 2008, accessed 10 August 2015, <http://resources.ecpat.net/worldcongressIII/thematic2.php>.

III highlights the need to establish and implement international, regional, and national legal mechanisms and programmes for addressing sex offender registers where appropriate, while noting that children and adolescents exhibiting sexually harmful behaviours should receive appropriate care.³¹⁹

4.2 Regional Legal Instruments and Mechanisms

In addition to international legal instruments that address SEC, there are several regional, legal bodies that also produce tools which attempt to hold the demand side of child sexual exploitation more accountable. The African Commission on Human and Peoples' Rights has two international instruments that are intended to promote and protect children's rights on the African continent. The first, and perhaps most relevant, is the 1990 ACRWC which highlights protecting children from sexual exploitation in Article 27 and includes in Article 1 that "Member States [...] shall undertake the necessary steps, in accordance with their Constitutional processes and with the provision of the present Charter, to adopt such legislative or other measures as may be necessary to give effect to the provisions of this Charter" and also has a reporting procedure in effect to monitor the efforts of participating states." Article 29 prohibits the sale and trafficking of children while Article 21 provides children with specific legal protections against harmful traditional and cultural practices affecting their welfare, dignity, normal growth and development, as well as the practice of child betrothal and marriage.³²⁰ The second instrument is the overarching African Charter on Human and Peoples' Rights (ACHPR), which insists on similar implementation of enforcement mechanisms to protect broader human rights.³²¹ In addition, the Protocol to the ACHPR adopted in 1998 and entered into force in 2004 supported the establishment of the African Court on Human and Peoples' Rights to "complement and reinforce the functions of the African Commission on Human and Peoples' Rights".³²² Most recently, the African Union has adopted the Convention on Cybersecurity and Personal Data Protection.³²³

The Asian Human Rights Commission (AHRC) produced a similar document to the ACHPR: 1998 Asian Human Rights Charter, A Peoples' Charter. The Asian Human Rights Charter includes a section dedicated to children; in particular, article 10.2 mentions SEC.³²⁴ The document also includes principles for enforcement of the Charter provisions and suggestions for strengthening the framework for rights, including how to deal with the demand side of child sexual exploitation.³²⁵ In fact, the Charter includes machinery for the enforcement of rights, describing a united approach with the judiciary, the legal profession, Human Rights Commissions, and civil society institutions.³²⁶

Another notable regional human rights organisation is the Council of Europe, which includes 47 member European states.³²⁷ All these states have signed the European Convention on Human

319 ECPAT International, "Report of the World Congress III against Sexual Exploitation of Children & Adolescents," Bangkok: ECPAT International, September 2009, accessed 20 October 2015, http://www.ecpat.net/sites/default/files/ECPATWCIIIReport_FINAL.pdf.

320 African Commission on Human and Peoples' Rights, "African Charter on the Rights and Welfare of the Child," accessed 10 August 2015, <http://www.achpr.org/instruments/child/>.

321 African Commission on Human and Peoples' Rights, "African Charter on Human and Peoples' Rights," accessed 10 August 2015, <http://www.achpr.org/instruments/achpr/>.

322 African Commission on Human and Peoples' Rights, "Protocol to the African Charter on Human and Peoples' Rights on the Establishment of the African Court on Human and Peoples' Rights", accessed 10 August 2015, <http://www.achpr.org/instruments/court-establishment/#1>.

323 African Union, "African Union Convention on Cyber Security and Personal Data Protection," Doc. EX.CL/846(X XV), Malabo, 27 June 2014, accessed 20 October 2015, http://pages.au.int/sites/default/files/en_AU%20Convention%20on%20CyberSecurity%20Pers%20Data%20Protec%20AUCyC%20adopted%20Malabo.pdf

324 Asian Human Rights Commission, "Asian Human Rights Charter: A Peoples' Charter", 17 May 1998, accessed 10 August 2015, <http://www.refworld.org/pdfid/452678304.pdf>.

325 *Ibid.*, pp. 22-24

326 *Ibid.*, pp. 22-27

327 Council of Europe, "Who We Are," accessed 10 August 2015, <http://www.coe.int/en/web/about-us/who-we-are>. See also Council of

Rights and are held accountable by the European Court of Human Rights, which oversees the implementation of the Convention by the states as well as accepting complaints, and by the Strasbourg Court, which hears individual complaints of human rights violations.³²⁸ The Council of Europe is also responsible for the European Convention on the Exercise of Children’s Rights, which is a legal instrument meant to supplement the UNCRC³²⁹ and the 2007 Lanzarote Convention, which is “a comprehensive international instrument focusing on the preventative, protective, and criminal law aspects of the fight against all forms of sexual exploitation and sexual abuse of children, and setting up a specific monitoring mechanism”; the latter is a definite improvement in terms of addressing demand through legislation.³³⁰ States who ratify the Lanzarote Convention must ensure or promote effective intervention programmes or measures for any person prosecuted for and convicted of sexual offences against children including children who sexually offend, as well as for those who are afraid to commit these crimes. The objective is to minimise the risk of repeat offences. In its Explanatory Report to this Convention, the Council of Europe stipulates what may constitute an intervention programme, specifying that this may include psychological, medical, and social interventions.³³¹ As an additional measure, the Convention also requires states to ensure that candidates for jobs requiring regular contacts with children have not been convicted of acts of sexual exploitation or sexual abuse of children.³³² For the purposes of prevention, and prosecution of offences, States are also asked to collect and store data relating to the identity and genetic profile (DNA) of persons convicted of the offences established in accordance with the Convention, and to ensure that this information can be transmitted to other competent authorities in other States.³³³

In terms of addressing child pornography offences, the European Convention on Cybercrime stresses the importance of mutual assistance and trans-border cooperation in order to pursue prosecution of offenders.³³⁴ The Council of Europe also has adopted the Convention on Trafficking, which is similar to the Palermo Protocol but includes language that is more definitive.³³⁵

Other regional legal instruments that target the demand for SEC include the Declaration of the Arab-African Forum against Sexual Exploitation of Children,³³⁶ the Inter-American Commission of Human Rights’ 1969 American Convention on Human Rights³³⁷ and the South Asian Association for Regional Cooperation’s (SAARC) Convention on Regional Arrangements for the Promotion of Child Welfare in South Asia.³³⁸ A recent legal instrument introduced in April 2013 was the G8³³⁹ Declaration on Preventing Sexual Violence in Conflict. Acknowledging that conflict often leads to sexual violence and displacement of children, which forms a breeding ground for sex traffickers and offenders who sexually exploit children, the Declaration aims to promote

Europe, “European Convention on Human Rights,” accessed 10 August 2015, http://www.echr.coe.int/Documents/Convention_ENG.pdf.
328 *Ibid.*
329 Council of Europe, “European Convention on the Exercise of Children’s Rights,” accessed 10 August 2015, <http://conventions.coe.int/Treaty/EN/Reports/HTML/160.htm>.
330 Council of Europe, “Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse,” Lanzarote, 25 October 2010, accessed 10 August 2015, <http://conventions.coe.int/Treaty/EN/treaties/Html/201.htm>.
331 Council of Europe, “Explanatory Report: Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse”, 2007, accessed 20 October 2015, <https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=09000016800d3832>.
332 *Ibid.*, s. 57.
333 *Ibid.*, Chapter VIII, art. 37, s. 243.
334 Council of Europe, “Convention on Cybercrime,” Budapest, 23 November 2001, accessed 10 August 2015, <http://conventions.coe.int/Treaty/EN/Treaties/Html/185.htm>.
335 Council of Europe, “European Convention on the Exercise of Children’s Rights,” Strasbourg, 25 January 1996, art. 12, accessed 10 August 2015, <http://conventions.coe.int/treaty/en/Treaties/Html/160.htm>.
336 UNTERM, “Arab-African Forum against Sexual Exploitation of Children,” accessed 10 August 2015, <http://unterm.un.org/DGAACS/unterm.nsf/WebView/D7C268DC5543A46E85256BFB00486FE2>.
337 Department of International Law, “American Convention on Human Rights,” accessed 10 August 2015, http://www.oas.org/dil/treaties_B-32_American_Convention_on_Human_Rights.htm.
338 ECPAT International, “Strengthening Laws addressing child sexual exploitation: A Practical Guide”, 2008, Bangkok. See also SAARC, “SAARC Convention on Regional Arrangements for the Promotion of Child Welfare in South Asia,” 2002, accessed 10 August 2015, <http://www.saarc-sec.org/userfiles/conv-children.pdf>.
339 The Group of Eight (G8) refers to the group of eight highly industrialized nations—France, Germany, Italy, the United Kingdom, Japan, the United States, Canada, and Russia—that hold an annual meeting to foster consensus on global issues like economic growth and crisis management, global security, energy, and terrorism.

“national institutions and legal reforms that address and deter sexual violence”.³⁴⁰ A common theme throughout regional legal instruments, as well as international ones, is the reliance on domestic legislative efforts to address the demand side of SEC.

Table 1: International Commitments and the Relevant Sections

Date	Legal Instrument	Relevant Sections
1948	Universal Declaration of Human Rights	N/A
1950	European Convention on Human Rights	Article 13: Right to an Effective Remedy Article 17: Prohibition of Abuse of Rights
1959	Declaration of the Rights of the Child	Preamble, Paragraph 3: Special Safeguards Principle 2: Special Protection
1966	International Covenant on Economic, Social, and Cultural Rights	Article 10: Special Measures of Protection
1969	American Convention on Human Rights	Article 2: Domestic Legal Effects Article 25: Right to Judicial Protection
1981	African Charter on Human and Peoples' Rights	Article 1: Duty to Legislate
1989	Convention on the Rights of the Child	Article 36: Protect Against Exploitation Article 37 d: Legal Assistance
1990	African Charter on the Rights and Welfare of the Child	Article 1.1: Obligation of State Parties Article 21: Protection against Harmful Social, and Cultural Practices Article 29: Sale, Trafficking, and Abduction Article 43: Reporting Procedure
1996	Stockholm Declaration and Agenda for Action	The Challenge, Section 7: Criminal Networks Agenda for Action, Section 4 a-e: Protection
1996	European Convention on the Exercise of Children's Rights	Article 3.37: Procedure and Regulations
1998	Protocol to the African Charter on the Establishment of the African Court on Human and Peoples' Rights	Preamble, Paragraph 8: Complement and Reinforce
1998	Asian Human Rights Charter	Section 15.2: Principles for Enforcement Section 15.3: Strengthening the Framework for Rights Section 15.4: The Machinery for the Enforcement
1999	Worst Forms of Child Labour Convention	Article 7: Implementation and Enforcement
2000	Protocol to Prevent, Suppress and Punish Trafficking in persons, Especially Women and Children	Article 5: Criminalization Article 9.5: Prevention - Discourage the Demand
2001	Yokohama Global Commitment	Section 2, Paragraph 5: Implementation/ Enforcement

340 Foreign & Commonwealth Office, “G8 UK 2013: Declaration on Preventing Sexual Violence in Conflict”, 11 April 2013, London, accessed 10 August 2015, https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/185008/G8_PSVI_Declaration_-_FINAL.pdf.

Date	Legal Instrument	Relevant Sections
2001	Convention on Cybercrime	Section 1: Substantive Criminal Law Section 2: Specific Provisions
2002	Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography	Article 3.1.a)i)a: Law and Sexual Exploitation
2002	Convention on Regional Arrangements for the Promotion of Child Welfare in South Asia	Article III.6: Guiding Force for All National Laws. Article IV.3: Legal and Administrative Mechanisms
2007	European Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse	Chapter VI: Substantive Criminal Law, Articles 5, 7, 15-27 Chapter VII: Investigation, Prosecution and Procedural Law, Articles 30-37
2009	European Convention on Action against Trafficking in Human Beings	Chapter II: Prevention, Cooperation and Other Measures, Article 6
2013	G 8 Declaration on Preventing Sexual Violence in Conflict	Paragraph 10: Legal Reforms
2014	African Union Convention on Cyber Security and Personal Data	Article 29: Offences specific to Information and Communication Technologies; Article 26: National Cyber Security Systems

4.3 Identifying Possible Gaps with International and Regional Law

It can be stated that the current international legal framework addresses the demand side of child sexual exploitation only marginally, having thus far prioritised the protection of children over managing and reducing the number of exploiters. While the protection of children must remain a top priority in international law, there is an urgent need to improve the focus on the demand for SEC not only from a reactive standpoint but also from a proactive one. One method for expanding the scope of international law may be to promote a greater emphasis on the OPSC. First, it should be noted that not all countries in the world have ratified the OPSC³⁴¹ nor has every country ensured that the OPSC is harmonised with its domestic law. Once the OPSC extends worldwide and is implemented in every ratifying country, the Special Rapporteur or the Committee on the Rights of the Child can provide some direction with respect to the OPSC in terms of demand, given that, unlike the Palermo Protocol, the OPSC does not address demand specifically, perhaps enhancing the OPSC by including additional questions when examining state party reports with respect to how the demand has been dealt with within the state, what initiatives address demand, how many offenders have been prosecuted, etc. Concerning further inspection of state party reports, Child Rights Connect could also provide support to NGOs in the drafting of shadow reports to draw out the demand themes.

³⁴¹ Nine signatory countries have not yet ratified the OPSC and seventeen countries have neither signed nor ratified the OPSC. See: Office of the High Commission for Human Rights, Status of Ratification Interactive Dashboard, accessed 24 October 2015, <http://indicators.ohchr.org/>.

Regional instruments could be modified to correlate more closely with the OPSC, since the OPSC provides important definitions and crucial legal intentions that are to be applied to reduce or even eliminate demand effectively.

Another way to further an investigation into addressing possible gaps with international and regional law is for the Committee on the Rights of the Child to hold a General Day of Discussion on the issue of demand. The new Third Optional Protocol to the Convention on the Rights of the Child on a Communications Procedure³⁴² may also be of assistance here. According to Article 5 of the Third Optional Protocol, victims of a violation by a state party of any of the rights set forth in the UNCRC, the OPSC, and the Optional Protocol to the Convention on the involvement of children in armed conflict are allowed to submit complaints to the Committee on the Rights of the Child regarding the violation.³⁴³ To emphasise the importance of addressing demand further, the complaint procedures could include a modification that details how the Committee on the Rights of the Child will entertain applications where a victim claims they were harmed due to a lack of demand legislation. This would serve to increase the awareness of a lack of demand legislation on an international level, as well as compel state parties to escalate their efforts to improve demand legislation and application procedures on the frontlines. A final route available for these complaints is through the Special Rapporteur, particularly since the Special Rapporteur is in a position to receive individual or country complaints with less formality than the use of the Third Optional Protocol.

4.4 Domestic Legal Frameworks

As noted above, international legal instruments rely on domestic application to further children's rights and hold the demand side of child sexual exploitation accountable for harm committed. In the previous two sections, the discussion concerning SEC and demand has been abstract, providing broad overviews of the various definitions and international/regional legal tools in place to address demand, and then highlighting overarching themes within these instruments. In this section, a narrower, more practical approach is taken to discuss the various ways demand is managed on the front lines utilising domestic law.

4.4.1 Criminalisation of Sexual Exploitation of Children

One way of addressing the demand for the sexual exploitation of children is by criminalising the acts of sexual harm. In this way, it can be said that almost every country of the world has laws that cover the demand for child sexual exploitation, whether it be explicitly stated in criminal laws against exploitation of children, laws concerning solicitation of children below the age of consent for sexual purposes or inherently found within sections of the law dealing with rape, assault, or trafficking.³⁴⁴ In a 2006 report by the-then Special Rapporteur on the sale of children, child prostitution and child Pornography, Juan Miguel Petit, it was noted that in response to a globally circulated questionnaire, most respondents "shared a common understanding that prostitution and other sexual services involving children constituted exploitation [and many] specifically identified 18 years as a threshold age, below which prostitution is considered exploitative regardless of the consent of the child".³⁴⁵

342 United Nations, "Optional Protocol to the Convention on the Rights of the Child on a Communications Procedure," 2011, accessed 25 August 2015, https://treaties.un.org/doc/source/signature/2012/CTC_4-11d.pdf.

343 *Ibid.*, art. 5.

344 Peter Newell and UNICEF's Innocenti Research Centre, "Legal Frameworks for Combating Sexual Exploitation of Children," 2008, p. 29-35

345 UN Commission on Human Rights, "RIGHTS OF THE CHILD: Report of the Special Rapporteur on the sale of children, child prostitution and child pornography, Juan Miguel Petit", UN Doc. E/CN.4/2006/67, (2006), para. 28.

Laws dealing with the criminalisation of sexual exploitation of children seem to occur in three waves. **The first wave** is when the state legislation simply uses adult crimes but applies those to offences against children. For instance, China and Malaysia still use obscenity laws to prosecute cases of child pornography³⁴⁶ and Kuwaiti law uses general human trafficking and rape laws to prosecute offences that involve children.³⁴⁷ **The second wave** is when the involvement of children is viewed as an aggravating factor, leading to harsher penalties. Jordan's rape laws, for example, exemplify this trend by including harsher penalties for rape of a child less than 12 years of age.³⁴⁸ Another example is in Libya, where anyone who incites someone "to engage in debauchery in order to satisfy the carnal desires of another person" receives a doubled penalty if the victim is under the age of 18.³⁴⁹ **The third wave** is when states produce specific legislation to protect children exclusively. For example, *The Protection of Children from Sexual Offences Act, 2012* in India includes specific provisions aimed "to protect child victims from sexual assault, sexual harassment, and pornography", as well as offering clear definitions of the offences that involve children.³⁵⁰

Additionally, the new Penal Code, Law No 01/2012/OL in Rwanda strengthens the protection of children against sale, prostitution, and pornography and outlines specific offences regarding child sexual exploitation.³⁵¹ These waves illustrate the progression that is made towards providing laws that effectively protect children from sexual exploitation.

There are many issues concerning addressing demand through solely criminalising SEC. Most laws fail to exempt children from punishment for prostitution-related crimes explicitly, particularly in South Asian³⁵² and many EU countries.³⁵³ Another problem is gender disparity in terms of protection; in some countries, such as Bangladesh and Pakistan, legislation regarding child sexual exploitation only pertain to girls, leaving boy victims unprotected.³⁵⁴ Another issue stems from gaps around mere possession of child pornography, which is often missing from legislation concerning child pornography. Virtual child pornography, knowingly obtaining access to/viewing child pornography and grooming are also not criminalised in many countries. There are also disagreements around what the age of consent should be and what age qualifies a child to protection through legislation. The UNCRC has expressed concern that, for example, in the Philippines, the age of sexual consent is too low at 12 years old, and increases the vulnerability of children to prostitution and pornography.³⁵⁵ Similarly, in Nicaragua, the child prostitution laws do not cover prostitution of children 14 years of age or older.³⁵⁶ Many countries, including Jordan, have increased the age of protection under criminal law to 18 years, which is in line with international instruments on children's rights.³⁵⁷

346 ECPAT International, "The Commercial Sexual Exploitation of Children in East and South-East Asia," November 2014, p. 55, accessed 25 August 2015, http://www.ecpat.net/sites/default/files/Regional%20CSEC%20Overview_East%20and%20South-%20East%20Asia.pdf.

347 Committee on the Rights of the Child, "Concluding Observations: Kuwait", 18 February 2008, UN Doc. CRC/C/OPSC/KWT/CO/1, para. 17.

348 Committee on the Rights of the Child, "Combined fourth and fifth periodic reports of States parties due in 2011: Jordan", 1 March 2013, UN Doc. CRC/C/JOR/4-5, para. 189.

349 CRC, "Second periodic reports of States parties due in 2000: Libyan Arab Jamahiriya", 2002, UNDOC. CRC/C/93/Add.1, para. 346.

350 ECPAT International, "The Commercial Sexual Exploitation of Children in South Asia," November 2014, p. 51, accessed 25 August 2015, http://www.ecpat.net/sites/default/files/Regional%20CSEC%20Overview_South%20Asia.pdf.

351 Committee on the Rights of the Child, "Concluding observations on the initial report of Rwanda," 8 July 2013, UN Doc. CRC/C/OPSC/RWA/CO/1, para. 8.

352 ECPAT International, "The Commercial Sexual Exploitation of Children in South Asia," p. 51.

353 ECPAT International, "The Commercial Sexual Exploitation of Children in Europe," November 2014, p. 40, accessed 25 August 2015, http://www.ecpat.net/sites/default/files/Regional%20CSEC%20Overview_Europe.pdf.

354 ECPAT International, "The Commercial Sexual Exploitation of Children in South Asia," p. 51. See also ECPAT International, "The Commercial Sexual Exploitation of Children in East and South-East Asia," p. 54.

355 Committee on the Rights of the Child, "Concluding observations on the initial report of the Philippines," 26 June 2013, UN Doc. CRC/C/OPSC/PHL/CO/1, para. 9.

356 Committee on the Rights of the Child, "Concluding observations: Nicaragua", 21 October 2010, UN Doc. CRC/C/OPSC/NIC/CO/1, para. 23.

357 Committee on the Rights of the Child, "Combined fourth and fifth periodic reports of States parties due in 2011: Jordan", 1 March 2013, UN Doc. CRC/C/JOR/4-5, para. 97.

4.4.2 Approaches to Addressing the Demand for Adult Prostitution

While it can be argued that, the laws discussed above address the demand for child sexual exploitation, perhaps the greatest criticism with this method is that it addresses crimes only once they have been committed. In this way, the current system is more reactive than proactive. Although many argue that harsh laws may serve as a deterrent to those that would otherwise commit these crimes, combined with the perceived stigma that is often associated with the illegality and labels such as “child predator”, offenders still demand sex from children arguably even more often.³⁵⁸ With few exceptions, particularly within the Nordic Model (discussed later in this section), there are no domestic laws currently in place that specifically address demand for children that take a more proactive approach to preventing the harm. It is necessary, therefore, to shift the analysis towards other methods that countries employ to manage the demand for the potential victims of sexual offences. To this end, there are three critical reasons to explore the laws addressing demand for adult prostitution: **First**, if children are involved in prostitution, then the approaches to ending demand that apply to adult prostitution would also apply to child prostitution;³⁵⁹ **second**, the only laws that exist for demand appear to be those crafted for adults (even if they are sometimes adjusted to apply to demand for child sexual exploitation); and **third**, it is important to examine these laws and learn about their effectiveness at reducing or managing demand from a “best practices” perspective.

In order to understand the different approaches to the managing of prostitution, it is important to understand three legal tools that serve as a basis for dealing with supply and demand factors. One approach is **criminalisation**, which ultimately means that there are legal barriers to engaging in prostitution.³⁶⁰ There are three variations to criminalisation, all of which seek to reduce or eliminate the phenomenon: *prohibitionism*, which criminalises all aspects of prostitution; *abolitionism*, which typically only includes criminalising public solicitation, while the actual sale of sexual services is legal; and *neo-abolitionism*, which involves decriminalising the activities of those selling sex but criminalising other aspects of prostitution, such as the participation of clients and the involvement of criminal networks (for example, pimps).³⁶¹

The second tool is **decriminalisation**. Decriminalisation involves reducing or eliminating certain criminal penalties for conduct that remains prohibited.³⁶² Often this means keeping some criminal and other laws to deal with the sex industry that are more generally applicable, but repealing all criminal legislation concerning the sex work itself.³⁶³ The result is that prostitution is treated like any other “occupation.”³⁶⁴

358 Najat Maalla M’jid, “Introducing remarks: Expert meeting on the legal framework required to prohibit, prevent, and respond to all forms of violence against children”.

359 Statistics vary, but a number of sources suggest that children are involved in the adult prostitution industry. Equality Now suggests that “about 2 million children are exploited every year in the global commercial sex trade. Humanium estimates over three million children are involved in prostitution networks. Other sources indicate that while there are child prostitutes present in the adult sex industry, there is no reliable data available on the extent of the phenomenon. See: Human Rights Council, “Report of the Special Rapporteur on the sale of children, child prostitution and child pornography, Najat Maalla M’jid”, 23 December 2013, UN Doc. A/HRC/25/48; ECPAT International, “Combating Child Sex Tourism: Questions & Answers”, pp. 6-7; Equality Now, “Global Sex Trafficking Fact Sheet”, accessed 25 August 2015, <http://www.equalitynow.org/node/1010>, citing UNICEF, Children Out of Sight, Out of Mind, Out of Reach; Abused and Neglected, Millions of Children Have Become Virtually Invisible (December 2005); Humanium, “Child Prostitution”, last updated 12 December 2011, accessed 25 August 2015, <http://www.humanium.org/en/child-prostitution/>.

360 Laura Barnett and Lyne Casavant, “Prostitution: A Review of Legislation in Selected Countries”, Library of Parliament: Legal and Social Affairs Division, 3 November 2011, revised 21 July 2014.

361 *Ibid.* See also Bethany Murray, “Legislating Lust: A Comparative Analysis of Prostitution Legal Frameworks in Western and Central Europe”, Minnesota, April 2014; Ron Weitzer, “Legalizing Prostitution: From Illicit Vice to Lawful Business”, 2012, New York: New York University Press.

362 Alexandra Natapoff, “Misdemeanour Decriminalization,” *Vanderbilt Law Review*, Vol 68, pp. 1055-1116.

363 Bethany Murray, “Legislating Lust,” p. 584.

364 Laura Barnett and Lyne Casavant, “Prostitution: A Review of Legislation in Selected Countries”.

Legalisation, the third tool, goes hand in hand with the obligation to regulate.³⁶⁵ Regulation can come in the form of criminal law, labour law and/or other legislation, effectively treating prostitution as a legal “occupation” yet controlling it with specific parameters.³⁶⁶

Prohibitionism

Prohibitionism is currently the dominant global approach to the sex industry.³⁶⁷ Except for a few counties in the State of Nevada, US has a primarily prohibitionist approach to the sex industry.³⁶⁸ For example, all forms of prostitution are criminalised in California.³⁶⁹ The California Penal Code makes it an offence “to agree to engage in prostitution and to actually engage in prostitution” as well as to loiter for the purpose of prostitution and to solicit sex for payment, both in public and private.³⁷⁰ Prohibitionism also permeates Middle Eastern and North African (MENA) countries - Bahrain, Egypt, Jordan, Kuwait, Morocco, Qatar, Saudi Arabia, and the United Arab Emirates, all of which have laws making it illegal to buy or sell sex.³⁷¹ The adoption of a criminalisation approach often begins as a combination of attempts to enforce norms of marriage, chastity, and propriety on women and to stop the spread of venereal diseases.³⁷² In fact, in the majority of MENA countries, there are no specific prostitution laws; the prohibition of prostitution is based on laws that forbid sex outside of marriage, or other morality provisions in the Penal Code that generally prohibit debauchery.³⁷³

The modern proponents of a prohibitionist approach argue that criminalisation is effective at “suppressing the organized crime surrounding prostitution... and protecting minors who are coerced into a life of prostitution.”³⁷⁴ Prohibitionism relies on the assumption that criminal sanctions reduce prostitution and sexual exploitation, and the reality is that there is “little evidence to suggest that they deter individuals from selling sexual services.”³⁷⁵ Furthermore, in a 2006 UN report it was noted that while “criminalization serves as a clear and effective means of discouraging the activity” and hence discourages demand, “any criminal sanction relating to the commercial sex industry should not be used to penalise trafficked women and children [since] domestic laws and policies that penalize prostituted women and children contribute to their vulnerability”.³⁷⁶ While prohibitionism may be the predominant approach to the sex industry in many countries worldwide, there is limited evidence to support that it is effective in reducing demand for sexual exploitation, and it seems that the impact on children is simply to increase their vulnerability by pushing their exploitation further underground, rather than increase protection. It is important to note that proponents of prohibitionism argue that legalising prostitution can lead to an increase in sex trafficking of women and children and increases child prostitution.³⁷⁷

365 Manpreet Abrol, “The Criminalization of Prostitution: Putting Women’s Lives at Risk”, *Prandium - The Journal of Historical Studies*, Vol. 3, No. 1, Fall 2014, University of Toronto Mississauga, p. 7.

366 Laura Barnett and Lyne Casavant, “Prostitution: A Review of Legislation in Selected Countries”.

367 Teela Sanders and Rosie Campbell, “Criminalization, protection and rights,” p. 536

368 Erin O’Brien, “Prostitution Ideology and Trafficking Policy: The Impact of Political Approaches to Domestic Sex Work on Human Trafficking Policy in Australia and the United States”, *Journal of Women, Politics & Policy*, Brisbane: Queensland University of Technology, 7 May 2015, accessed 10 August 2015, <http://www.tandfonline.com/doi/pdf/10.1080/1554477X.2015.1019277>, p. 198.

369 *Ibid.*

370 Laura Barnett and Lyne Casavant, “Prostitution: A Review of Legislation in Selected Countries”, p. 18.

371 Thomson Reuters Foundation for the Trust Women Conference, “Overview of Trafficking and Prostitution Laws in the Middle East and Africa”, November 2012, p. 5, accessed 25 August 2015, <http://www.trust.org/contentAsset/raw-data/1035fde5-b945-49ed-8cd4-166bc1ec156b/file>.

372 Ann M Lucas, “Race, Class, Gender, and Deviancy: The Criminalization of Prostitution”, *Berkeley Journal of Gender, Law & Justice*, Vol. 10, Iss. 1, September 2013, pp. 50, 54, accessed 10 August 2015, <http://scholarship.law.berkeley.edu/cgi/viewcontent.cgi?article=1096&context=bglij>.

373 Thomson Reuters Foundation for the Trust Women Conference, “Overview of Trafficking and Prostitution Laws in the Middle East and Africa”, p. 9.

374 Laura Barnett and Lyne Casavant, “Prostitution: A Review of Legislation in Selected Countries”, p. 18.

375 *Ibid.*, p. 19

376 UN Commission on Human Rights, “Integration of the Human Rights of Women and a Gender Perspective: Report of the Special Rapporteur on the human rights aspects of the victims of trafficking in persons, especially women and children, Sigma Huda”, UN Doc. E/CN.4/2006/62, (2006), paras. 89-90.

377 Janice Raymond, “Ten Reasons for Not Legalizing Prostitution and a Legal Response to the Demand for Prostitution,” *Journal of Trauma Practice*, 15 October 2008, p. 317, 321. See also: Mark Capaldi “Does the Legalisation of Prostitution Increase the Sex Trafficking of Women and Children?” ECPAT International Journal Series No. 5, January 2013.

The Nordic Model

In 1999, the Swedish government introduced legislation that made the purchasing of sexual services a criminal offence, while soliciting or selling sex was *not* illegal. In addition, pimps could face up to eight years in prison.³⁷⁸ This Swedish prostitution policy was enacted through the *Sex Purchase Act*, which includes a pandering law that prohibits pimping or procuring, and the buying law, which makes it “unlawful to obtain, or attempt to obtain, casual sexual services for compensation.”³⁷⁹ The Nordic countries of Iceland and Norway then adopted a similar model of criminalising the clients and pimps soon after the introduction of the Swedish law.³⁸⁰ This focus on only criminalising the demand side, rather than the supply side of the sex industry, is often referred to as the Nordic Model.³⁸¹

The Nordic Model is an example of a neo-abolitionist approach.³⁸² The concept behind this approach is that by criminalising the activities of customers and other exploiters, rather than the individuals selling sexual services, these individuals (viewed as the victims of exploitation) are not punished.³⁸³ The focus is on punishing the demand side of sexual exploitation, and holding exploiters accountable.

In terms of SEC specifically, there are two laws within the Nordic Model that are on point: the *Seduction of Youth Law*, which deems it unlawful “to promise or give consideration for casual sexual intercourse with someone under the age of eighteen” and to which consent is irrelevant; and the *Care of Young Persons Act*, which gives the government the right to remove a child from an environment that involves criminal activity or “socially destructive behaviour” (for example, a sex club).³⁸⁴ Again, the focus of both these laws is on punishing the exploiters involved, and helping the victims (in this case, children).

Supporters of the Nordic Model argue that by criminalising demand, the approach furthers gender equality³⁸⁵ and addresses the vulnerability of those selling sexual services,³⁸⁶ particularly children. A 2006 UN report on the subject concluded that “[t]he Swedish law that prohibits the purchase of sexual services is a particularly apt expression against the demand... [because] it not only formally condemns the use of prostituted persons, but does so in a context which explicitly recognises the gendered nature of the commercial sex industry”.³⁸⁷

There are also many critics of the Nordic Model. Those critics claim that the current approach has serious, adverse effects on the health and well-being of sex workers.³⁸⁸ Further, it has been suggested that since the policies seem to be largely targeting street prostitution, it forces more indoor prostitution, for which there is limited data to ascertain whether this form of prostitution has increased or decreased since the enactment of the Nordic Model’s policies; prostitution may simply be going indoors, forming a more dangerous black market.³⁸⁹ Similarly, it has been suggested that since the indoor prostitution power dynamic changes in favour of the exploiter,

378 *Ibid.*, pp. 12-13.

379 Susanne Dodillet and Petra Östergren, “The Swedish Sex Purchase Act: Claimed Success and Documented Effects”, Conference paper presented at the International Workshop *Decriminalizing Prostitution and Beyond: Practical Experiences and Challenges*, The Hague, 3 March 2011, p. 4, accessed 10 August 2015, <http://gup.ub.gu.se/records/fulltext/140671.pdf>.

380 Teela Sanders and Rosie Campbell, “Criminalization, protection and rights: Global tensions in the governance of commercial sex”, *Criminology & Criminal Justice*, Vol. 14(5), 2014, p. 537.

381 Ronald Weitzer, “Researching Prostitution and Sex Trafficking Comparatively,” 22 August 2014, p. 88.

382 Laura Barnett and Lyne Casavant, “Prostitution: A Review of Legislation in Selected Countries”, p. 12.

383 *Ibid.*, p. 13

384 Susanne Dodillet and Petra Östergren, “The Swedish Sex Purchase Act,” p. 5.

385 Teela Sanders and Rosie Campbell, “Criminalization, protection and rights,” p. 537

386 Jane Pitcher and Marjan Wijers, “The impact of different regulatory models on the labour conditions, safety and welfare of indoor-based sex workers,” *Criminology & Criminal Justice*, Vol. 14(5), p. 550

387 UN Commission on Human Rights, “Integration of the Human Rights of Women and a Gender Perspective: Report of the Special Rapporteur on the human rights aspects of the victims of trafficking in persons, especially women and children, Sigma Huda”, UN Doc. E/CN.4/2006/62, (2006), para. 83.

388 Susanne Dodillet and Petra Östergren, “The Swedish Sex Purchase Act,” p. 3.

389 *Ibid.*, p. 10

sex workers may be unable to require safer sex practices or they must take greater risks and accept lower prices in order to make a living.³⁹⁰ Finally, critics of the Nordic Model also observe that sex workers within the Nordic Model often may feel less trust in social authorities, police, and the legal system; several reports imply that the current legislation prevents victims from actually seeking help.³⁹¹

The Nordic Model may directly affect child victims of sexual exploitation in several ways. Since children involved in prostitution may be adolescents who engage in commercial sex within mainstream prostitution sectors, the issues that face adult sex workers also face children who are being sexually exploited.³⁹² For example, the increase of indoor prostitution creates more dangerous settings where children are sexually exploited. Supporters of the Nordic Model also note that child victims might be more likely to seek the help of law enforcement officials or even legal redress against their offenders, since “fear of arrest for prostitution charges is one key reason why those involved in prostitution do not otherwise report sexual assault, even for those who are victims of trafficking or child sexual exploitation”.³⁹³

The Hybrid Model

Another method that addresses the demand side of adult prostitution involves a combination of abolitionism, neo-abolitionism, and decriminalisation. This hybrid approach is such that often prostitution itself is not illegal, but a number of related activities are prohibited, such as solicitation, owning or managing a brothel, or pimping and pandering. In India, for example, activities such as “the selling, procuring, and exploiting of any person for commercial sex as well as profiting from the prostitution of another individual are illegal”, yet prostitution is legal.³⁹⁴ (Recently, India has begun shifting the legal focus to criminalising the demand for sexual services, following international trends that have emerged due to the Nordic model).³⁹⁵ Similarly, prostitution is legal in Kazakhstan, yet acts that facilitate prostitution, such as operating a brothel or pimping, are illegal.³⁹⁶ The targeting of those who trade in prostitution, such as pimps and brothel-owners, rather than the purchasers of sex or the supply, is a legal approach to adult prostitution found globally. This is the case in Nigeria and Côte d’Ivoire,³⁹⁷ as well as in Argentina³⁹⁸ and Brazil.³⁹⁹ There are concerns that this hybrid approach results in driving prostitution underground, making human trafficking more difficult to monitor and identify, and negatively impacts the health and well-being of sex workers.⁴⁰⁰

Other Issues

There are several important aspects of legal approaches to adult prostitution to note. **First**, with the exception of the Nordic model, there is very little attention given to child protection within the adult sex industry. **Second**, these approaches tend to focus on street prostitution, therefore ignoring the fact that much commercial sex moves indoors to more exploitative conditions.

390 *Ibid.*, p. 22

391 *Ibid.*

392 ECPAT International, “Analysis of Legal Frameworks Surrounding the Sexual Exploitation of Children”, Mark Capaldi, editor, Journal Series No. 5, January 2013, Bangkok: ECPAT International, p. 7, accessed 10 August 2015, http://www.ecpat.net/sites/default/files/ecpat_journal_jan_2013.pdf.

393 *Ibid.*, p. 5

394 US Bureau of Democracy, Human Rights, and Labor, “2008 Human Rights Reports: India”, 25 February 2009, accessed 25 August 2015, <http://www.state.gov/j/drl/rls/hrrpt/2008/sca/119134.htm>.

395 Prabha Kotiswaran, “Beyond the allures of Criminalization: Rethinking the regulation of sex work in India”, 14 *Criminology & Criminal Justice* 5, 2014, p. 565.

396 ECPAT International, “Global Monitoring: Kazakhstan”, 2nd edition, 2013, p. 10.

397 Thomson Reuters Foundation for the Trust Women Conference, “Overview of Trafficking and Prostitution Laws in the Middle East and Africa”, November 2012, p. 10, accessed 25 August 2015, <http://www.trust.org/contentAsset/raw-data/1035fde5-b945-49ed-8cd4-166bc1ec156b/file>.

398 US Bureau of Democracy, Human Rights, and Labor, “2008 Human Rights Reports: Argentina”, 25 February 2009, accessed 25 August 2015, <http://www.state.gov/j/drl/rls/hrrpt/2008/wha/119145.htm>.

399 US Bureau of Democracy, Human Rights, and Labor, “Brazil”, 8 March 2006, accessed 25 August 2015, <http://www.state.gov/j/drl/rls/hrrpt/2005/61718.htm>.

400 *Ibid.*

Although the hybrid model does emphasise prohibiting brothels and other institutions that facilitate commercial sex, there is little evidence that these are effective in actually decreasing the demand due to a lack of enforcement. **Third**, these approaches do not cover online sexual exploitation, which leaves an open platform for the purchase and sale of sexual services, to the advantage of exploiters.

It is noteworthy the impact these approaches have on adult prostitution have due to the removal of labels such as “victim” and “offender” from the legislation. The new terminology that is emerging within these models, particularly the Nordic model, includes expressions such as “casual sexual relations for payment”,⁴⁰¹ “purchase of sexual services”,⁴⁰² “sex trade”,⁴⁰³ and “sex buyers”.⁴⁰⁴ Several issues might arise if labels such as “victim” and “offender” are removed from the legislation. Some argue that this change in terminology allows people who were previously viewed as victims to pursue the occupation of their choice and therefore those who purchase sex from them, even if it is illegal to do so, are not offenders but rather their customers, thereby empowering the sex workers and removing the stigma surrounding the occupation.⁴⁰⁵ Others point out that removing these labels might create an implication that prostitution is always a voluntary occupation, which could be an issue in targeting demand, because then the exploitative nature of prostitution is downplayed and those purchasing or facilitating sex work are not as criminally blameworthy.⁴⁰⁶

Moving forward in terms of addressing demand through legislation, the adult prostitution models have illuminated several issues that must be considered when developing legislative efforts to reduce or eliminate demand for child sexual exploitation based on precedent.

4.4.3 Further Legal Remedies

In addition to using criminal law to meet international and regional standards in protecting children from sexual exploitation, many countries have utilised other types of law that meet the objectives of the UNCRC and manage demand. This section provides a brief overview and analysis of three key areas of law that help address demand for child sexual exploitation and provide legal remedies to child victims outside of the criminal framework: Child welfare legislation that protects children preventatively, and after-the-fact, immigration laws against trafficking, and family law orders and approaches.

Child Welfare Legislation

Most countries have domestic child welfare laws that provide child-protective services and social work services related to child victims of sexual exploitation. Many critics believe that child welfare systems dedicate a considerable amount of resources towards child abuse and neglect at the cost of more preventative and rehabilitative services.⁴⁰⁷ For example, the UK

401 “The Swedish Penal Code” (1962:700), Brottsbalken, Chapter 6, s. 8, accessed 20 October 2015, <http://www.government.se/contentassets/5315d27076c942019828d6c36521696e/swedish-penal-code.pdf> See also: Parliament of Canada, “Bill C-36”, 41st Parliament, 2nd Session, 2014, accessed 20 October 2015, <http://www.parl.gc.ca/LegisInfo/BillDetails.aspx?Language=E&Mode=1&Bill=C36&Parl=41&Ses=2>.

402 Christoffer Wong, “Chapter 6 of the Swedish Penal Code”, Lund University Faculty of Law, July 2013, s. 11, accessed 20 October 2015, http://works.bepress.com/cgi/viewcontent.cgi?article=1028&context=christoffer_wong.

403 Swedish Institute, “Selected extracts of the government report SOU 2010:49: ‘The Ban against the Purchase of Sexual Services. An Evaluation 1999-2008’”, November 2010, accessed 20 October 2015, <http://www.government.se/contentassets/8f0c2ccaa84e455f8bd2b7e9c557ff3e/english-translation-of-chapter-4-and-5-in-sou-2010-49.pdf>.

404 *Ibid.*, 5

405 Open Society Foundations, “10 Reasons to Decriminalize Sex Work,” revised March 2015, p. 2, accessed 20 October 2015, https://www.opensocietyfoundations.org/sites/default/files/10-reasons-decriminalize-sex-work-20150410_0.pdf.

406 Coalition Against Trafficking in Women, “Over 300 Human Rights Groups and Anti-Trafficking Advocates Worldwide Weigh in on ‘Sex Work’ Terminology in Media”, 4 November 2014, accessed 20 October 2015, <http://www.catwinternational.org/Home/Article/587-over-300-human-rights-groups-and-antitrafficking-advocates-worldwide-weigh-in-on-sex-work-terminology-in-media>.

407 Peter Pecora, *et al.*, *The Child Welfare Challenge: Policy Practice, and Research*, New Brunswick: Transaction Publishers, 2010, p. viii https://books.google.ca/books?hl=en&lr=&id=EGAUyXHRZE4C&oi=fnd&pg=PP1&dq=reform+child+welfare+legislation&ots=EScxtsc2v&sig=iu_K-soWt9kk7WizNLUTIAEPwfE#v=onepage&q=reform%20child%20welfare%20legislation&f=true

welfare system provides programmes for children thought to have been trafficked, however access to specialist long-term support is often withheld from many child victims of trafficking and sexual exploitation because they are not formally identified as victims; police fail to investigate or prosecute due to a lack of knowledge about how to identify child victims.⁴⁰⁸ A similar issue has arisen in the US where in most communities; the child welfare system is only responsible for *inter-familial* cases, which means that *extra-familial* cases are handled solely by law enforcement.⁴⁰⁹ Unfortunately, law enforcement officials are not always equipped to deal with child victims of sexual exploitation in terms of identifying, communicating, and providing the social and rehabilitation services that these victims will need.⁴¹⁰

Another crucial role for domestic child welfare legal systems is in dealing with children who have arrived in countries as trafficking victims. These children are often homeless or are forced to work in prostitution and lack access to basic services and rights and “are not provided with the adequate standard of living they should have, as outlined in Article 27 of the [UNCRC]”.⁴¹¹ While many countries have child welfare systems in place to help these children, these agencies are confronted with a variety of issues that impede their ability to help. For example, the Netherlands has a Child Protection Board that is notified of these situations. However, it faces the hurdle of meeting the legal standard that is needed for requesting a child protection order.⁴¹² First, the legal standard required to achieve a child protection order must focus on the social, moral, emotional and/or physical development of the child; this is often a difficult task as the child could be undocumented or evading authority figures and government systems.⁴¹³ In addition, while a child protection order can be made for any child on Dutch territory, it is problematic imposing a protection order for children without legal resident status.⁴¹⁴

Immigration Legislation

Immigration legislation that targets trafficking, particularly trafficking of children, is an important tool for protecting children from sexual exploitation. The European Union has been developing a common immigration policy for Europe since 1999 that makes one of the key components the fight against human trafficking.⁴¹⁵ Article 79.1 of the Treaty on the Functioning of the European Union states that “The Union shall develop a common immigration policy aimed at ensuring, at all stages, the efficient management of migration flows, fair treatment of third-country nationals residing legally in Member States, and the prevention of, and enhanced measure to combat, illegal immigration, and trafficking in human beings”.⁴¹⁶ In South Africa, new immigration laws and regulations were recently introduced to correct loopholes in legislation that were allowing people to undermine immigration laws with regards to abuse and exploitation of migrants;- several cases involved girls smuggled into South Africa “who ended up in the hands of syndicates, rapists, and human traffickers”.⁴¹⁷ Starting on June 1, 2015, people travelling with children will be “required to possess an unabridged birth certificate of the child, and written consent from the parent or parents authorising such travel”.⁴¹⁸

Even if countries do not have specific methods for identifying trafficking of children during the immigration process, most countries have conditions and rules within domestic immigration

408 Rosemary Sheehan, Nicky Stanley, and Helen Rhoades, *Vulnerable Children and The Law*, London: Jessica Kingsley Publishers, 2012, p. 72.

409 Gerald Mallon and Peg McCartt Hess, eds, *Child Welfare for the Twenty-first Century: A Handbook of Practices, Policies, and Programs*, 2nd edition, New York: Columbia University Press, p. 288

410 *Ibid.*

411 Sheehan, *Vulnerable Children*, p. 148.

412 *Ibid.*, p. 153

413 *Ibid.*

414 *Ibid.*, p. 154

415 European Commission, “Explaining the rules,” accessed 20 October 2015, http://ec.europa.eu/immigration/who-does-what/more-information/explaining-the-rules-why-are-there-eu-rules-and-national-rules_en#EUImmRules.

416 European Commission, “Official Journal of the European Union: C83”, Vol 53, 30 March 2010, accessed 20 October 2015, <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2010:083:FULL:EN:PDF>.

417 Department Home Affairs Republic of South Africa, “Overview of the new immigration laws and regulations and their implications, by Home Affairs Director-General Mkuseli Apleni”, 24 April 2015, accessed 20 October 2015, <http://www.dha.gov.za/index.php/statements-speeches/600-overview-of-the-new-immigration-laws-and-regulations-and-their-implications-by-home-affairs-director-general-mkuseli-apleni>.

418 *Ibid.*

legislation that exclude entry of people suspected of trafficking children. For example, section 12(8) of Thailand's Immigration Act excludes entry to anyone where there is "[r]eason to believe that entrance into the Kingdom was for the purpose of ... the trading of woman [or] children."⁴¹⁹ Immigration laws therefore serve as a proactive tactic for protecting children from sexual exploitation by refusing to allow children that might be the victims of trafficking to enter the country with their exploiters. However, concerns such as what happens to those children when they are turned away from these countries, and whether traffickers are detained and charged within those countries are still to be considered when assessing the effectiveness of immigration laws in protecting child victims of trafficking.

Family Law Legislation

In several countries, the family law system provides safeguards for victims of child sexual exploitation. In Canada, for example the Child and Family Services Act recognises that every citizen has a responsibility for the welfare of children and pursuant to section 72(1), anyone who has reasonable grounds to suspect that a child is being sexually exploited must make a report directly to a children's aid society.⁴²⁰ In Montenegro, amendments were made to family legislation with the goal of aligning the country's family law with the relevant international standards (such as the UNCRC) included prioritising the legal protection of children as well as including the UNCRC's definition of the child in family law legislation.⁴²¹

Other ways the area of family law can protect victims of child sexual exploitation is by having specific areas dedicated to advocating for children. For example, Australia has the Independent Children's Lawyer, whose role is to represent the best interests in the child during family law proceedings.⁴²² Taking it one step further, several countries have established specialised courts for children, many of which have the ability to mandate orders regarding care, protection, custody, and maintenance (such as restraining orders).⁴²³ These initiatives to make the civil system easier for child victims are central to providing victims with a safe outlet to report incidents of sexual abuse and provide them with ample protection.

4.4.4 The Offenders

Potential Offenders

In terms of prevention techniques, it has been noted that governments could provide services for potential offenders who seek out help. Although many immediate responses to child sex offenders are criminal sanctions and punishment, rehabilitative intervention for sex offenders has been gradually developing and expanding.⁴²⁴ Most rehabilitative programmes are only facilitated in secure settings such as a prison or a psychiatric hospital, which are not ideal environments for treatment.⁴²⁵ This creates a closed setting, which means that potential offenders who could benefit from access to the programmes are not able to participate. Given the fact that treatment programmes for sex offenders are somewhat successful at reducing recidivism rates,⁴²⁶ it is an appropriate preventative tactic to provide these treatment programmes to potential offenders.

419 Government of Thailand, "Immigration Act," accessed 20 October 2015, http://www.immigration.go.th/nov2004/en/doc/Immigration_Act.pdf

420 Ontario Ministry of Children and Youth Services, "Reporting Child Abuse and Neglect: You're your Duty", accessed 20 October 2015, <http://www.children.gov.on.ca/htdocs/English/topics/childrensaidd/reportingabuse/abuseandneglect/abuseandneglect.aspx>.

421 UNICEF, "Amendments to the Family Law provide better protection of child's rights," 14 September 2015, accessed 20 October 2015, http://www.unicef.org/montenegro/media_28310.html.

422 Sheehan, *Vulnerable Children*, p. 272.

423 ECPAT International, "National Child Protection Systems in the East Asia and Pacific Region," Bangkok: ECPAT International, 2014, p. 31, accessed 20 October 2015, http://www.unicef.org/eapro/Child_Protection_Systems_Mapping.pdf.

424 Sarah Brown, *Treating Sex Offenders*, New York: Routledge, 2005, p. 14.

425 Jayson Ware, Andrew Frost, and Anna Hoy, "A Review of the Use of Therapeutic Communities with Sexual Offenders", *International Journal of Offender Therapy and Comparative Criminology*, Vol. 54, No. 5, October 2010, p. 722, accessed 25 October 2015, <http://ijo.sagepub.com.umidm.oclc.org/content/54/5/721.full.pdf+html>.

426 *Ibid.*, p. 723

An emerging practice is a concept called therapeutic communities, which involves “the establishment of a social order that applies its entire organisation to therapeutic outcomes... [with] the ultimate goal of interventions around this modality is the enhanced ability of clients to function appropriately in the ‘outside world’ on release [if it is a prison program] or reintegration.”⁴²⁷ One of the principles underlying therapeutic communities is that “treatment is not provided as such but is *made available* in the [therapeutic community] environment.”⁴²⁸ By providing these proactive services, domestic law, and related programmes can address demand before incidents of child sexual exploitation occur. The challenge is in allowing potential offenders to access services without compromising a professional’s duty to report concerning behaviours to the authorities.

Children Who Offend against Other Children

When youth offend against other children, the question becomes which type of legislation should apply to them. This category can be broken down into two separate scenarios. The first is when legislation criminalises what would otherwise be normal sexual behaviour between adolescents, such as when a 16-year-old has consensual sexual relations with a 14-year-old partner. In fact, this situation is so prevalent that several American states have adopted what has been termed “Romeo and Juliet” exceptions, which are laws that “allow for those charged with statutory rape to remove their information from the sex registry when their victims are consenting minors within a specified age gap.”⁴²⁹ Another example might occur where a young girl takes a naked photograph and sends it to her boyfriend. Would this be considered creating demand? In the UK, a 14 year-old boy sent a naked “selfie” to a girl of the same age over Snapchat and was subsequently put on a police database for 100 years, “flagging up his involvement in a child sex crime’ to potential employers”.⁴³⁰ Similarly, in Canada a teenager was found guilty of child pornography charges after “sexting” naked images of her boyfriend’s former girlfriend and was given a six-month conditional discharge.⁴³¹ In the US, a teenage boy was prosecuted as an adult under federal child pornography felony laws for sexually exploiting a minor with the minor being himself. He had naked pictures of himself on his own mobile phone.⁴³² In this context, it may be difficult to tell the difference between normal sexual curiosity and expression, and abusive behaviours.

A second scenario of the above occurs when a child inappropriately engages in sexual activity with another child that would fall under provisions that are meant to protect the child-victim. The issue stems from the fact that perpetrator in this scenario is also covered by the legislation meant to protect the victim. While it is notoriously difficult to measure the extent accurately, and most official figures are likely to be underestimates,⁴³³ there is an increasing prevalence of child-on-child sexual offending.⁴³⁴ It has been noted that in this scenario it is important that these offending children are offered tools that might prevent further abusive behaviour, and that the child victims are provided safety measures that might not otherwise be required for adult-child sexual abuse cases (such as separating the perpetrator and the victim if they frequent the same areas - schools, community areas, etc.).

427 *Ibid.*, p. 725

428 *Ibid.*

429 Jordon Franklin, “Where Art Thou, Privacy?: Expanding Privacy Rights of Minors in Regard to Consensual Sex: Statutory Rape Laws and the Need for a “Romeo and Juliet” Exception in Illinois”, *John Marshall Law Review*, Vol. 46(1), Fall 2012, p. 318, accessed 25 October 2015, <http://heinonline.org.uml.idm.oclc.org/HOL/Page?page=309&handle=hein.journals%2Fjmlr46&collection=journals>.

430 Gemma Mullin, “Boy, 14, is ‘branded a paedophile’ by police for texting naked selfie to schoolgirl: Mother’s fury as son is put on sex crime database for 100 years”, *MailOnline*, 3 September 2015, accessed 25 October 2015, <http://www.dailymail.co.uk/news/article-3220682/Pupil-14-police-database-sending-naked-picture-girl-shared-school.html>.

431 CBC News, “Victoria sexting teen given conditional discharge,” 27 April 2014, accessed 25 October 2015, <http://www.cbc.ca/news/canada/british-columbia/victoria-sexting-teen-given-conditional-discharge-1.3050679>.

432 Joanna Walters, “Teen prosecuted as adult for having naked images - of himself - on phone,” *The Guardian*, 20 September 2015, accessed 25 October 2015, <http://www.theguardian.com/us-news/2015/sep/20/teen-prosecuted-naked-images-himself-phone-selfies>.

433 Cameron Boyd and Leah Bromfield, “Young people who sexually abuse: Key issues”, Australian Government: Australian Institute of Family Studies, December 2006, accessed 25 October 2015, <https://aifs.gov.au/cfca/publications/young-people-who-sexually-abuse-key-issues>.

434 Shaheda Omar, Elizabeth Steenkamp, Sheri Errington, *Children who sexually abuse other children: A South African Perspective*, SUN Media MeTRO, 2012, p.1, accessed 25 October 2015, <https://books.google.ca>. See also Cameron Boyd and Leah Bromfield, “Young people who sexually abuse: Key issues”; Stop It Now, “FAQ: Can child sexual abuse also involve a child abusing another child?” accessed 25 October 2015, <http://www.stopitnow.org/faq/can-child-sexual-abuse-also-involve-a-child-abusing-another-child>.

4.4.5 Lessons Learned from Domestic Law

An investigation of the various domestic legal frameworks addressing demand, both for child sexual exploitation specifically and other exploitative ventures, such as the adult sex industry, provides insight into the efforts that could be regarded as good practices. Domestic legislation should meet the standards set out in international instruments on children's rights, such as making 18 years a threshold age, below which any form of pornography or prostitution should be deemed exploitative. Furthermore, legislative gaps surrounding child pornography, and equal gender protection need to be filled, taking note of aforementioned model legislation. In addition, all countries should strive to reach the third wave of legislative efforts to address the demand for child sexual exploitation and provide specific legislation exclusively aimed at protecting children and creating offences directed at child sexual exploiters specifically. The Nordic Model demonstrates that provisions can be included that specifically involve children; clearly, legislation can be implemented that applies to the demand for child sexual exploitation directly.

In terms of other legal remedies, certain civil law and alternate avenues might be more effective than simply enacting and enforcing criminal offences. Since criminal law tends to be reactionary, it is important to create pre-emptive and rehabilitative systems for victims of child sexual exploitation. Pro-active legal methods, such as strengthening immigration laws pertaining to trafficking, especially for sexual exploitation purposes, serve to potentially minimise and reduce demand by stopping the transport of children. Improving domestic child welfare and protection services, as well as creating a stronger family law and court system geared towards children's needs, will create a safe process; providing proper rehabilitative programmes will ensure that victims are not re-victimised through the process and will encourage reporting of child sexual abuse incidents. Finally, legislators also need to consider two types of groups during the legislating process, potential offenders, and children who offend against other children, to reduce flaws in the legal systems meant to protect children and address demand.

5

The Role of the Private Sector

Since the "Yokohama Global Commitment" in 2001 welcomed the involvement of the private sector to the discussion on child sexual exploitation, several initiatives have been launched in response.⁴³⁵ In a 2009 ECPAT International publication on "Private Sector Roles and Responsibilities to End Sexual Exploitation of Children," the private sector is defined as "companies that are not owned by the government... [and] includes all different kinds of businesses such as credit card companies, Internet providers, travel agents, hotels, banks, media, manufacturing and more."⁴³⁶ For the purposes of this paper, the private sector has been divided into four sub-sectors: Travel and tourism; media; new technologies; and financial institutions.

A comprehensive discussion on the involvement of the private sector in SEC and its role in supporting or eliminating demand is beyond the scope of this paper. That having been said, it is relevant to note that the type of tools that have been used to manage the behaviour of the private sector is quite different from those that have been described above, mostly because corporations, businesses, etc. are considered to be "non-state actors", beyond the reach of traditional human rights law. The most common mechanism applied is corporate social responsibility (CSR). Some examples of the relevant private sector actors and the application of CSR are offered below.

5.1 Travel and Tourism

One of the leading sub-sectors of the private sector addressing the demand for the sexual exploitation of children is the travel and tourism industry.⁴³⁷ It has been demonstrated that the sexual exploitation of children takes place in various locations including hotels, motels, guesthouses, etc. In a Groupe Developpement report called Child Sex Tourism Action Survey, it was revealed that hotels account for 93.3 per cent of CSEC in travel and tourism incidences.⁴³⁸ In order to improve these statistics within the travel and tourism industry, one solution offered

435 International Labour Organization, "Commercial sexual exploitation of children and adolescents: the ILO's response", p. 6.

436 ECPAT International, "Private Sector Roles and Responsibilities to End Sexual Exploitation of Children: Child and Youth Version", Bangkok: ECPAT International, December 2009, p. 5, accessed 10 August 2015, http://www.ecpat.net/sites/default/files/private_sector_roles_and_resp.pdf.

437 Mark Hecht, "Private Sector Accountability in Combating the Commercial Sexual Exploitation of Children," 2008, Bangkok: ECPAT International, p. 63.

438 Mark Hecht, "Private Sector Accountability in Combating the Commercial Sexual Exploitation of Children," p. 63

is for employees to be better trained.⁴³⁹ Another way the travel and tourism industry has begun to address the issue is through voluntary codes of conduct. For example, the UN World Tourism Organisation (UNWTO) General Assembly adopted a new Global Code of Ethics for Tourism in October 1999,⁴⁴⁰ the International Federation of Tour Operators also developed a Code of Operation against the Sexual Exploitation of Children⁴⁴¹ and the Group of National Travel Agents and Tour Operators Association within the European Union passed a "Declaration against Child Sex Tourism" with the commitment to exclude any members engaged in CSEC in travel and tourism.⁴⁴²

One of the major private sector initiatives to reduce and eventually eliminate CSEC in travel and tourism is The Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism (The Code). The Code is "an industry-driven responsible tourism initiative with a mission to provide awareness, tools, and support to the tourism industry in order to prevent the sexual exploitation of children".⁴⁴³ As of 2011, The Code had reached 1000 signatories, including private companies, businesses and tourism associations in 42 countries.⁴⁴⁴ In its 2013 Annual Report, The Code recognised key achievements such as a 375% growth in active members and the adoption by 10 new countries.⁴⁴⁵ Furthermore, several governments have now incorporated The Code into overarching policies concerning tourism. For example, the government of Costa Rica has integrated The Code into the Costa Rican Tourism Institute's Certification in Sustainable Tourism programme.⁴⁴⁶ The reason The Code has been so effective with regards to the traditional tourism organisations is because once a tourism company joins The Code, they must commit to the following six criteria: 1) to establish a policy and procedures against sexual exploitation of children; 2) to train employees in children's rights, the prevention of sexual exploitation and how to report suspected cases; 3) to include a clause in contracts throughout the value chain stating a common repudiation and zero tolerance policy of sexual exploitation of children; 4) to provide information to travellers on children rights; 5) to support, collaborate and engage stakeholders; and 6) to report annually.⁴⁴⁷

Initiatives such as The Code and other tailored codes of conduct that train employees in the tourism industry to identify and report any incidences of child sexual exploitation will undoubtedly improve efforts to hold the demand side more accountable. That have been said, these codes are often voluntary in nature, meaning that if a member fails to uphold a code of conduct, the worst punishment is that they might be disassociated.⁴⁴⁸ Beyond that, even when codes are used effectively and private sector employees report child sexual exploitation to the authorities, there is little evidence to suggest that the exploiters are ever held accountable.

439 *Ibid.*, p. 65

440 *Ibid.*, p. 66.

441 *Ibid.*, p. 67

442 *Ibid.*

443 The Code, "About," accessed 10 August 2015, <http://www.thecode.org/about/>

444 UNICEF, "Assessing *The Code of Conduct* for the Protection of Children from Sexual Exploitation in Travel and Tourism: Discussion Paper", Florence: UNICEF Innocenti Research Centre, 22 February 2012, accessed 10 August 2015, http://www.unicef-irc.org/publications/pdf/ids_codeofconduct2.pdf.

445 The Code, "Annual Report 2013," accessed 20 October 2015, http://www.thecode.org/wp-content/uploads/2014/05/The-Code_Annual-Report-2013_Web.pdf

446 The Code, "About."

447 The Code, "About."

448 Mark Hecht, "Private Sector Accountability in Combating the Commercial Sexual Exploitation of Children," p. 68 See also: UN General Assembly, "Implementation of the Global Code of Ethics for Tourism," UNDOC. A/65/275, (2010), p. 2.

Another major issue concerning demand within the tourism industry is the shift in the nature of tourism itself. Customers are now connecting directly with suppliers, who are not necessarily professionals but rather independent contractors. This shift reflective of the new "sharing economy," comprised of companies such as Uber and Airbnb, who offer services via technological platforms that serve as intermediaries between service providers and clients.⁴⁴⁹ These service providers are often not professionally qualified, nor do they need to comply with professional standards or codes of conduct, that would otherwise apply to the service being provided. For example, Uber is a platform that provides transportation services to customers requesting rides using Uber's Web application on their smart phones or other devices. Although Uber requires drivers to pass a background check, have a personal license and registration, be older than 21 years of age, in addition to any vehicle-specific requirements listed in their registration process,⁴⁵⁰ Uber's policies do not always comply with legal licensing requirements of the city in which it operates.⁴⁵¹

Initiatives such as The Code and other CSR tools aimed at the more traditional tourism sector will only address demand issues surrounding child sexual exploitation at the large chains or multi-national corporations that adhere to these policies. Since companies participating in this rapidly growing sharing economy are more difficult to engage, particularly due to the increased flexibility and lack of regulation of individual contractors, child safe initiatives are difficult to implement and enforce.

5.2 Media

The media holds a lot of power in terms of influencing the public, which in turn increases awareness of the sexual exploitation of children. If the media portrays stories about child sexual exploitation in an ethical way, ensuring that reporting is responsible and sensitive to the victims involved, it can increase public understanding and involvement.⁴⁵² On the other hand, if stories sensationalise child abuse by providing an inappropriate portrayal of children and sexual exploitation, then the public receives messages that perpetuate exploitation.⁴⁵³ In order to reduce the demand for the sexual exploitation of children, it is crucial that the media ensures it does not glamorise sexual exploitation or sexualise children.

The media has a history of using sexual themes to promote products and stories. The old adage "sex sells" is a prevalent aspect of the media industry however, when the sexualisation of childhood begins to permeate media outlets, conditions for supporting the demand increase. There has been a marked use of children in media campaigns and advertisements. One example that sparked discussion was "when Calvin Klein used 15-year-old Brooke Shields to advertise their jeans in a sexually provocative way... [with her] depicted lying down wearing tight jeans and T-shirt saying, 'Want to know what gets between me and my Calvins? Nothing.'⁴⁵⁴ Beyond simply sexualising children, the media can also sensationalise child sexual exploitation and child

449 Roberta Kaplan and Michael Nadler, "Airbnb: A Case Study in Occupancy Regulation and Taxation", pp. 103-106, 2015, 82 *U Chi L Rev Dialogue* 103, accessed 20 October 2015, https://lawreview.uchicago.edu/sites/lawreview.uchicago.edu/files/uploads/Dialogue/Kaplan_Nadler_Dialogue.pdf.

450 Uber, "Driving Jobs vs Driving With Uber," accessed 20 October 2015, <https://www.uber.com/driver-jobs>.

451 Frontier Economics, "Uber regulated?" pp. 1-5, July 2014, accessed 20 October 2015, <http://www.frontier-economics.com.au/documents/2014/07/uber-regulated.pdf>

452 Mark Hecht, "Private Sector Accountability in Combating the Commercial Sexual Exploitation of Children," p. 7

453 *Ibid*

454 Barrie Gunter, *Media, and the Sexualisation of Childhood*, New York: Routledge, 2014, p. 3.

sexual abuse. "Real-life" crime documentaries about child sexual abuse have become a media commoditisation of crime; it has been noted that these shows "package real instances of crime as entertainment whilst purporting to be a useful public service."⁴⁵⁵ When the media sexualises children and glamorises sexual exploitation and abuse, it can fuel demand and hinder objectives or protecting children from sexual exploitation.

Several efforts have been made in journalism and television to portray child sexual exploitation in an appropriate and responsible way. In 2001, the International Federation of Journalists introduced international guidelines for journalists covering children's rights at the Second World Congress.⁴⁵⁶ One criticism of these guidelines is that "while the guidelines are a positive start, they do not guarantee that journalists will report ethically."⁴⁵⁷ In terms of television, the industry has the ability to increase public awareness about the sexual exploitation of children.⁴⁵⁸ For example, in 1999, Air France released a video on flights to raise awareness about the commercial exploitation of children in travel and tourism and make travellers aware of the strict laws against child sexual exploitation. Since 1999, Austrian Airlines and Air Canada have also provided informational videos on their long-haul flights.⁴⁵⁹ Furthermore, several European airlines agreed to show Terre des Homme's in-flight video, Toys, which spoke out against child prostitution in tourism.⁴⁶⁰ While these initiatives in the journalism and television industries are certainly encouraging, in order to create further awareness and protect children from sexual exploitation, more international initiatives such as these are needed from the media sub-sector.

As UNICEF notes in a 2006 information sheet, the media has the ability to "help protect children by providing information on the dangers of sexual exploitation and on penalties for exploiters."⁴⁶¹ The media has made efforts to address the demand by highlighting the illegality of child sexual exploitation, and these initiatives have been applauded as "potentially changing the attitudes of travellers to strengthen their willingness to take action when confronted with these violations."⁴⁶² It is important to note that many of these efforts are quite outdated and little has been done since.

5.3 New Technologies

With a fast-evolving technological landscape, law enforcement agencies are teaming up with the technology sub-sector to identify and prosecute child sex exploiters. Internet Service Providers (ISPs) are in an optimal position to help law enforcement in tracing offenders, because offenders need ISPs in order to access the Internet.⁴⁶³ While many argue that it should be the duty of ISPs to provide information to the appropriate authorities concerning sexual exploitation online, ISPs maintain that to review and monitor the enormous amounts of data would be a

455 Karin Schofield, "Chapter 10: Collisions of Culture and Crime: Media Commodification of Child Sexual Abuse", in Jeff Ferrell, *et al.*, eds., *Cultural Criminology Unleashed*, London: The GlassHouse Press, 2004, p. 123.

456 *Ibid.*, p. 77

457 *Ibid.*

458 Mark Hecht, "Private Sector Accountability in Combating the Commercial Sexual Exploitation of Children," p. 81

459 World Tourism Organization Network, "Campaign on Child Protection," accessed 10 August 2015, <http://ethics.unwto.org/content/campaign-child-protection>.

460 *Ibid.*

461 UNICEF, "Child Protection Information Sheet: Commercial Sexual Exploitation", May 2006, accessed 10 August 2015, http://www.unicef.org/chinese/protection/files/Sexual_Exploitation.pdf.

462 UN Commission on Human Rights, "RIGHTS OF THE CHILD: Report of the Special Rapporteur on the sale of children, child prostitution and child pornography, Juan Miguel Petit", UN Doc. E/CN.4/2006/67, (2006), para. 108.

463 Mark Hecht, "Private Sector Accountability in Combating the Commercial Sexual Exploitation of Children," p. 89

near-impossible task.⁴⁶⁴ In ECPAT International's publication "Private Sector Accountability in Combating the Commercial Sexual Exploitation of Children," several suggestions regarding ISPs were introduced. These included requiring ISPs to record and verify client data to ensure the names provided are not false; requiring ISPs to keep records of information that have passed through their servers for an agreed-upon minimum amount of time; requiring ISPs to select which Usenet groups to mount, rejecting those who explicitly indicate that the contents may include pornography.⁴⁶⁵

Despite minimal progress in terms of cooperation with ISPs, several other private organisations in the new technologies sub-sector have contributed to the goal of combating demand for SEC. Microsoft collaborated with the Canadian police to design and implement a system called the Child Exploitation Tracking System, which allows police across Canada to share investigational information in a secure environment and has assisted in the image analysis to identify victims and perpetrators.⁴⁶⁶ In 2012, Google Ideas worked with law enforcement agencies to host the Illicit Networks, Forces in Opposition Summit, which held seminars discussing how to disrupt illicit activity, identify human trafficking, as well as providing workshops to share ideas, and offer solutions about how to combat international criminal networks.⁴⁶⁷

One recent initiative launched in December 2014 was the #WePROTECT Children Online campaign.⁴⁶⁸ During a two-day summit in London, representatives from over 50 countries, 26 leading technology companies, and 10 NGOs agreed to a coordinated global response in order to address the online demand for SEC.⁴⁶⁹ This campaign demonstrates how new technologies have the ability to supplement legal frameworks by working with law enforcement agencies and governments to hold the demand side of child sexual exploitation accountable.

5.4 Financial Institutions

The financial sub-sector is often implicated with the criminal networks that sexually exploit children. Whether it is through money-laundering schemes or illicit transactions, financial businesses can unknowingly be assisting these criminal networks in funding and managing their sexual exploitation enterprises. Any initiatives to detect and report these schemes and transactions are vital to infiltrating these criminal networks and catching the exploiters involved.

There are several ways the financial sector has united to combat the sexual exploitation of children. The Financial Coalition against Child Pornography (FCACP) is a coalition comprised of 34 leading banks, credit card companies, third party payment companies, Internet services companies, and electronic payment networks all dedicated to fighting commercial child

464 *Ibid*, p. 88

465 Mark Hecht, "Private Sector Accountability in Combating the Commercial Sexual Exploitation of Children," p. 89

466 The Honourable Mobina S B Jaffer and The Honourable Patrick Brazeau, "The Sexual Exploitation of Children in Canada: the Need for National Action", November 2011, p. 65, accessed 10 August 2015, <http://www.parl.gc.ca/Content/SEN/Committee/411/ridr/rep/rep03nov11-e.pdf>.

467 University of Southern California Annenberg Centre, "Private-Sector Initiatives," 2012, accessed 10 August 2015, <http://technologyandtrafficking.usc.edu/private-sector-initiatives/>.

468 Home Office, Foreign & Commonwealth Office and Rt Hon Theresa May MP, "Global war declared on online child sexual abuse," 8 December 2014, accessed 20 October 2015, <https://www.gov.uk/government/news/ending-online-child-sexual-exploitation-uk-leads-global-summit-in-london-weprotect-children-online>.

469 Home Office (Gov.UK), "#WeProtect summit: statements of action", 11 December 2014, last updated 17 September 2014, accessed 20 October 2015, <https://www.gov.uk/government/publications/weprotect-summit>.

pornography.⁴⁷⁰ Several global efforts to collaborate with FCACP and law enforcement were launched in 2009.⁴⁷¹ Another group of financial institutions dedicated to fighting the CSEC online is the European Financial Coalition against Commercial Sexual Exploitation of Children Online (EFC).⁴⁷² Members of the EFC join forces to take action on the payment and ICT systems that are used to run these illegal operations.⁴⁷³ Individual financial businesses have also made strides towards eradicating SEC. For instance, JP Morgan Chase applied anti-money-laundering regimes paired with technological applications to detect money laundering.⁴⁷⁴

While the current involvement of the financial sub-sector in catching sexual exploiters is welcomed, as financial technologies advance, more efforts need to be made to work with law enforcement. For example, virtual currencies such as Bitcoin are of particular concern having been linked to the purchase of child sexual abuse images and transactions for criminal networks.⁴⁷⁵ Given the many changes in the field of finance, it is vital that financial institutions strive to implement monitoring systems that can identify illegal dealings that might be fuelling child sexual exploitation operations.

470 International Centre for Missing & Exploited Children, “Financial Coalition against Child Pornography,” accessed 10 August 2015, http://www.icmec.org/missingkids/servlet/PageServlet?LanguageCountry=en_X1&Pageld=3064.

471 International Centre for Missing & Exploited Children, “Global Efforts to Expand the Financial Coalition,” accessed 10 August 2015, http://www.icmec.org/missingkids/servlet/PageServlet?LanguageCountry=en_X1&Pageld=4355.

472 European Financial Coalition against Commercial Sexual Exploitation of Children Online, “About EFC,” accessed 10 August 2015, <http://www.europeanfinancialcoalition.eu/>

473 *Ibid.*

474 University of Southern California Annenberg Centre, “Private-Sector Initiatives.”

475 European Cybercrime Centre (Europol), “Commercial Sexual Exploitation of Children Online: A Strategic Assessment”, 2015, accessed 10 August 2015, <http://www.europeanfinancialcoalition.eu/private10/images/document/21.pdf>.

6

Stepping Up Measures to Address the Demand for Sexual Exploitation of Children: A Comprehensive Framework for Action

6.1 Toward Building a Prevention Framework for Sexual Exploitation of Children

Approaching the examination of the SEC market from the perspective of demand helps to orient both the analysis and the solution to the problem from a preventive, rather than a rehabilitative, point of view. A deeper understanding of demand for SEC, in fact, allows an appreciation of the factors and dynamics that prompt perpetrators to abuse children and further identifies effective means of stopping them before harm is done. It has been recognised that preventing an abusive act from occurring ensures that children's rights are protected *before* being infringed, as opposed to being invoked *after* the trauma has been caused. Such a view supports the adoption of a proactive rather than a reactive methodology in human rights implementation, as widely promoted in international law. Ultimately, therefore, prioritising a preventive over a curative model will foster a transition from need-based to rights-based programme and policy development in addressing issues relating to SEC.

While remedial strategies are necessary both in terms of providing psychosocial recovery for the victim and ensuring restorative justice for the offender, only a SEC-prevention framework can ensure that, a comprehensive and systematic roadmap is adopted to achieve a more organic solution to the problem. Taking a more proactive, preventive perspective, however, will require a radical investment from the policy and the current programming framework. To re-orient current policies, there is a need to support a clinical philosophy targeting the individual victim or offender with the creation of protection shields aimed at defending entire groups that are potentially at risk of sexual abuse and exploitation, in the family, the school, and the community. An epidemiological rather than clinical understanding of the SEC problem will help set in motion cost-effective measures that protect the entire population, while reserving expensive recovery programmes for affected children who have fallen through the safety nets cast over communities.

Historically, programmes aimed at SEC victims have been mainly the prerogative of non-government organisations (NGOs), which have the capacity to reach out to a limited number of beneficiaries. Traditionally, civil society efforts have tended to favour a reactive response over

a developmental approach to programming, prioritising recovery interventions for affected children. In parallel, perpetrators have been managed through punitive action. From an initial punitive response, over time there has been an evolution toward protection of the child. A ‘triple P’ approach will now progressively prioritise *protection* and *prevention* as well as *punishment*. A preventive shift requires the mobilisation of well-equipped government and technical agencies that could support grassroots initiatives with wide-ranging, multi-sector interventions and investments, with the result of also raising the profile of SEC-related concerns in established development planning.

In devising a comprehensive framework to prevent SEC, a public health model could be beneficially adapted, as a way to promote a ‘Protection for All’ initiative in recognition of the documented progress that the primary health care methodology has achieved in promoting the Health for All movement over the past four decades. Adopting a public health approach, a *primary protection model* will distinguish between three levels of intervention:⁴⁷⁶

1. *Primary Prevention* aimed at preventing SEC before it occurs
2. *Secondary Prevention* aimed at preventing SEC in high-risk groups, and
3. *Tertiary Prevention* aimed at preventing further SEC offences through interventions that specifically target child victims and offenders. This level will effectively relate to the rehabilitative measures prevailing at present.

Primary preventive interventions will include cost-effective measures addressing the general population, aimed to create the conditions for children to be protected from all forms of sexual exploitation. Safety nets will be built in families, schools, and communities to make them SEC-free environments through mechanisms that protect all children. Resilience of young people, parents, caregivers, educators, service providers, and local government institutions (LGI) will be strengthened in a way to withstand attacks by sexual offenders, risky exposure to the Internet and potentially harmful practices. Children, in particular, will be empowered to protect themselves from sexual abuse and exploitation recognising risks and promptly seeking protection from families, law enforcement officials, and social services.

Similarly, the public will be informed about and sensitised to the consequences of SEC on children’s healthy and balanced development, the provision of the law, and the need to prevent a child from becoming a victim of sexually abusive behaviour.

Secondary preventive interventions will create more specific, cost-intensive safety shields to keep vulnerable children away from situations that are potentially abusive. Targeted interventions will be designed to extend special protection to children living on the streets and in red-light areas; engaged in child labour; runaway, in transit, or migrating children; child brides; children belonging to minority communities or children who suffer from other types of discrimination; homosexual, bisexual, and transgender children, and other such at-risk groups. Situation and vulnerability-specific interventions will be designed to cater to the special needs and rights of children prone to sexual exploitation and more specialised methodologies will be adopted to equip the adults responsible for children’s wellbeing to keep them safe.

⁴⁷⁶ Sallie Yea, “Towards a Prevention Framework for Child Sexual Exploitation,” (2015), unpublished paper

In parallel, at the secondary prevention level, interventions will be mounted to hinder potential offenders through targeted information about the consequences of sexual abuse acts, stringent Internet control mechanisms, social pressure and shaming, and diversion and education programmes aimed at re-directing likely abusive behaviour.

Tertiary preventive interventions will focus on children who have been already sexually exploited to avert further abuse by implementing interventions specifically oriented to child victims and offenders. Highly specialised, and potentially more costly, post-traumatic recovery responses will aim at achieving psychosocial restoration and reintegration in the family and the community. Likewise, perpetrators will undergo prosecution and rehabilitation programmes to prevent them from re-offending based on stringent legal frameworks aimed at punishing offenders and protecting children.

It will be recognised that tertiary prevention, while necessary, in fact marks the failure of the primary and secondary preventive measures taken. All efforts will need to be made to strengthen primary and secondary prevention to protect all children from harm before exploitation occurs, adopting the principle that in *primary protection* even one child affected is one too many.

In addition to the primary, secondary, and tertiary prevention, a pre-primary level may be considered relating to the situations and conditions that may make SEC possible. Addressing SEC even before primary level intervention would ensure that preventive actions start from transforming the very environment where exploitation might take place. Drivers active at this level may vary across different cultural, social, and economic contexts. Local conditions therefore, must be taken into consideration when developing an effective prevention framework for SEC. An evidence-based programming approach would allow the assessment of the extent to which prevention strategies aimed at curbing sexual exploitation of children may also have an impact on preventing child sexual abuse, and vice versa.

An attempt to merge the Demand Tree model with the prevention framework results in a new tool, which can help plan preventive action according to the three levels of causality identified. For each layer of demand, the grid-like tool guides the identification of specific activities to be undertaken at the pre-primary, primary, secondary, and tertiary prevention level. To complete the model by also taking into account the supply side of the market, the same tool can be further developed to include victims and systems affecting them, such as the family, the school, and so on.

Levels of Prevention Merging in the Three Layers of The Demand Tree				
Levels of prevention				
The Demand Tree: Layers of Causality	Pre-Primary	Primary	Secondary	Tertiary
Direct Offenders				
Facilitators				
Underlying Factors				

6.2 Developing More Comprehensive Preventive Action

A multi-tier SEC framework to SEC of this sort would favour a shift towards more complex interventions. Presently, SEC-oriented responses tend to be organised by basic interventions, i.e., discrete activities aimed at solving specific issues in the short term, such as providing legal aid to an abused child, or rescuing a group of children from a trafficker. A comprehensive prevention framework would instead support complex interventions that, working at different levels, would have the ability to tackle the causal chain of sexual violence in the medium and long-term. While simple actions normally target single children or small groups, complex interventions have the capacity of addressing larger groups, entire communities, and systems comprehensively.

Complex interventions allow the adoption of an integrated approach to promoting change through a range of interconnected and integrated actions.⁴⁷⁷ A comprehensive methodology tends to overcome interventions based on a myriad of independent projects and favours the development of a systemic, multi-disciplinary, holistic SEC plan or strategy, which could be further mainstreamed in existing, broader planning processes. The proposed pyramid-like SEC prevention model provides a framework for data gathering and analysis, planning, implementation, and monitoring the impact of interventions organised at the various levels, providing a roadmap for strategic decision-making to identify areas requiring priority action and funding.

A SEC preventive framework offers a platform for convergent action by a variety of partners having the capacity to contribute to combating SEC, including those active in the health, education, protection, law enforcement, judiciary, media, and academic sectors. Partnerships and collaborations in a joint fight against SEC will converge on the child as the ultimate focus of a child-centred strategy. Young people, along with their families and communities, will have a primary role to play in devising a SEC prevention strategy and contributing to the implementation process to ensure that their sensitivities, aspirations, and concerns are addressed from their unique perspective.

6.3 Enforcing Legal Measures to Curb Demand

6.3.1 Applying the Law

International and domestic legal frameworks, which are directed at reducing or eliminating the demand for sexual exploitation of children, are only effective if the various tools are actually implemented and enforced. This section provides an overview of the challenges surrounding the application of the domestic law once enacted.

477 Sallie Yea, "Towards a Prevention Framework for Child Sexual Exploitation," (2015), unpublished paper

Establishing Jurisdiction

A major challenge in enforcing the legal frameworks to target demand is that the prosecution must establish jurisdiction, particularly for cases involving international trafficking or multi-state criminal networks.⁴⁷⁸ In order to prosecute, there must be evidence that the crimes took place on that country's land or there is an interstate or international nexus.⁴⁷⁹ In a 2008 Questions & Answers booklet regarding the CSEC in tourism, ECPAT International included the following excerpt about legal jurisdiction:

"ECPAT International advocates for the use of domestic legislation above extradition agreements or the use of extraterritorial legislation for several reasons: its use ensures that witnesses and forensic evidence do not need to travel potentially long distances to the home country of the tourist, while child victims who may be required to testify are spared the additional stress and discomfort resulting from such travel; there are fewer bureaucratic steps to undertake when prosecuting a tourist in the country where the crime was committed, thereby helping to ensure that a time lapse does not prevent successful prosecution; and issues such as communication between the various stakeholders as well as the cultural frame of reference are also less complicated when dealing with only one jurisdiction rather than that of the tourist and of the country in which the crime was committed."⁴⁸⁰

ECPAT International has emphasised the importance of extraterritorial legislation in the past, describing it as "the extension of a country's legislative reach to include crimes committed by a national of that country beyond the borders of that country [and] one of the most important tools in fighting commercial sexual exploitation of children in tourism".⁴⁸¹ Historically, the use of extraterritorial legislation would allow authorities to hold the offender accountable for their illegal behaviour abroad, as a result reducing the likelihood that an offender can escape legal punishment after committing a crime in a country where there may not be solid legal frameworks to bring justice for crimes against children.⁴⁸² Extraterritorial legislation may no longer be the best practice. In some instances, it would be better to have the offender extradited back to the state to be prosecuted, particularly since extraterritorial legislation made sense when there was a lack of legal systems in certain countries. Since there are now legal systems in place in almost every country, which include with domestic laws against child sexual exploitation in almost every country, extraterritorial law might not be the best approach.

Dispelling Myths Surrounding Child Prostitution

Another challenge prosecutors often face is the commonly held myths that adjudicators may hold towards prostitution and sexual exploitation, as well as any negative attitudes towards the victims of sexual exploitation.⁴⁸³ For example, there are perceptions that prostitution is a victimless crime, that people freely choose to become prostitutes, and that prostitution is a way for young people to gain wealth and independence.⁴⁸⁴ This perception may exist regardless of the age of the prostitute. It is important that adjudicators are aware that most victims of sexual exploitation come from socio-economically disadvantaged backgrounds, displaced communities, and/or other marginalised social groups.⁴⁸⁵ Child victims are both boys and girls;

478 Darlene Lynch, Kosha Tucker, and Kirsten Widner, "Improving Offender Accountability in CSEC Cases: Tools for Investigating and Prosecuting Adult Exploiters", Atlanta: Emory University School of Law, 2nd edition, March 2012, p. 8, accessed 10 August 2015, http://children.georgia.gov/sites/children.georgia.gov/files/related_files/site_page/Improving%20Offender%20Accountability.pdf.

479 *Ibid.*

480 ECPAT International, "Combating Child Sex Tourism: Questions & Answers", Bangkok: ECPAT International, 2008, p. 32, accessed 10 August 2015, http://www.ecpat.net/sites/default/files/cst_faq_eng.pdf.

481 *Ibid.*, pp. 33-34.

482 *Ibid.*

483 Darlene Lynch, Kosha Tucker, and Kirsten Widner, "Improving Offender Accountability in CSEC Cases: Tools for Investigating and Prosecuting Adult Exploiters", p. 3.

484 *Ibid.*

485 ECPAT International, "Combating Child Sex Tourism: Questions & Answers", p. 15.

some were victims of domestic abuse and neglect, and were street children before falling victim to sexual exploitation.⁴⁸⁶ Children are also not mature enough to understand the full range of harm they have encountered in their sexually exploitative experiences.⁴⁸⁷ Prosecutors need to not only dispel these myths and attitudes towards prostitution and sexual exploitation, but also make sure that the adjudicators know that the trial is about the defendant's criminal acts and culpability, not those of the child.⁴⁸⁸

Recognising Cultural Dynamics and Taboos

In line with the need to dispel myths concerning prostitution and sexual exploitation, it is also necessary to face various cultural dynamics and taboos that may undermine the efforts of legislation aimed at the demand for child sexual exploitation. Every country is rooted in traditions and cultural beliefs towards sex and sexuality that might challenge legal frameworks dedicated to reducing or eliminating the demand. For example, the subject of child sexual exploitation is largely taboo in the MENA region, making it difficult to prepare national plans of action and address the needs of child victims through the court process.⁴⁸⁹

Cultural taboos may inadvertently encourage stigmatisation. It is possible that child victims in regions where child sexuality is taboo (particularly for girls) struggle with reporting incidents of sexual exploitation to the local authorities in fear of being stigmatised or possibly ostracised from their families and communities. For example, it has been noted that child-maids in Morocco, who endure sexual abuse at their place of employment, are unlikely to file complaints with the authorities because they fear the repercussions of declaring that they are no longer virgins, a socially unacceptable status for unmarried women in Morocco.⁴⁹⁰

Ensuring Victim Participation and Testimony

A major difficulty in enforcing legal frameworks and prosecuting the exploiters is a lack of cooperation by victims. Many victims are afraid that their exploiter will be violent towards them if they cooperate with the police.⁴⁹¹ In addition, child victims are "unlikely to disclose exploitation voluntarily, as a result of fear of exploiters, loyalty to perpetrators, a failure to recognize that they have been exploited, and a negative perception or fear of authorities."⁴⁹² Child victims are sometimes hostile towards the police and other authorities who are trying to help them, because they do not understand their situations as being exploitative.⁴⁹³ In addition, many child victims are reluctant to participate in prosecution due to the lack of child-friendly justice systems and procedures.⁴⁹⁴ Prosecutors might also be hesitant to pursue charges because victims are often perceived as unreliable. Even if they do appear for trials, victims "may struggle to express their experiences and may be uncooperative and difficult to engage," often because the court process can be "traumatic and difficult" for them given their sexually exploitative experience; in some cases, children are re-victimised through the court process.⁴⁹⁵

486 *Ibid.*

487 ECPAT International, "Examining Neglected Elements in Combating Sexual Exploitation of Children," p. 34-35

488 Darlene Lynch, Kosha Tucker, and Kirsten Widner, "Improving Offender Accountability in CSEC Cases: Tools for Investigating and Prosecuting Adult Exploiters", p. 10.

489 UNICEF, "Commercial Sexual Exploitation of Children: The Situation in the Middle East/North Africa Region", accessed 25 August 2015, <http://www.unicef.org/events/yokohama/background8.html>.

490 Commission on Human Rights, "Report of the Special Rapporteur on the sale of children, child prostitution, and child pornography, Ms. Ofelia Calceas-Santos: Report on the mission of the Special Rapporteur on the issue of commercial sexual exploitation of children to the Kingdom of Morocco". UN Doc. E/CN.4/2001/78/Add.1, (2000), paras. 17, 36

491 Child Exploitation and Online Protection Centre, "Out of Mind, Out of Sight," June 2011, p. 11, accessed 10 August 2015, https://www.ceop.police.uk/Documents/ceopdocs/ceop_thematic_assessment_executive_summary.pdf.

492 *Ibid.*

493 *Ibid.*

494 Child Exploitation and Online Protection Centre, "Out of Mind, Out of Sight," p. 16.

495 *Ibid.*, p. 14

Another important note concerning the justice system is the need to ensure that the application of the law supports victims by providing child-friendly procedures. As noted earlier, implementing child-centric programmes and initiatives through child welfare systems and family law avenues provides child victims with the support needed to pursue justice. The Council of Europe provides guidelines on child-friendly justice, which includes aims such as “kindness and friendliness towards children, aid in their protection” and being sure to offer, “help provided by competent professionals.”⁴⁹⁶ UNICEF also provides a document compiled by experts on “Promoting Child-friendly Court Procedures: CRC Article 12.2”.⁴⁹⁷ By implementing these recommendations, justice systems can make the process less daunting for child victims.

Compiling Sufficient Evidence

Sufficient evidence is necessary to prosecute the exploiters successfully. The police may experience major challenges in compiling this evidence to prosecute and convicting perpetrators of child sexual exploitation because victims and witnesses are often unreliable or change their statements due to fear or other influences.⁴⁹⁸ Even when family members recognise perpetrators or have information about the case, if they rely on the child’s income for household expenses, they may ignore the child’s exploitation. A similar issue is that in some jurisdictions, the offender may be able to escape conviction or even prosecution because a prosecutor is unable to prove that the defendant knew the child victim was underage.⁴⁹⁹ These issues regarding evidence make it extremely difficult to prosecute the demand side of child sexual exploitation.

Reducing Gender Discrimination

Another major obstacle that faces the application of domestic law targeting demand is gender discrimination. In many countries, traditional patriarchy is revealed through the allocation of positions throughout the social, political, and judicial spheres. For example, in the MENA region, social policies and programmes are often discriminatory against women in terms of economic opportunities, community involvement, and the justice system.⁵⁰⁰ This means that fewer women are members of juries or are involved in the court process, thereby creating a gap in experiential understanding of sexual violations for girls versus boys. This gap is also reflected in the resulting stigma and discrimination victims of child sexual exploitation face, which can determine participation in the court process or even in reporting sexual exploitation to the authorities. Another example is provided by the Pacific region where girl victims often cannot marry if they have been sexually exploited as children, because they are viewed as “spoiled.”⁵⁰¹ These girls also have limited options in terms of employment as they enter the workforce, particularly in male-dominated societies that reject these victims due to deeply engrained societal views of gender.⁵⁰² Gender discrimination must be addressed to provide equal protection to girl and boy victims of child sexual exploitation and allow domestic law to prosecute exploiters.

496 Council of Europe, “Guidelines of the Committee of Ministers of the Council of Europe on child-friendly justice,” 17 November 2010, pp. 8-9, accessed 20 October 2015, <https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=090000168045f5a9>.

497 Dan O’Donnell, “Promoting Child-friendly Court Procedures: CRC Article 12.2”, Bern: UNICEF, October 2008, accessed 24 October 2014, <http://www.unicef-irc.org/files/documents/d-3571-Promoting-Child-friendly.pdf>.

498 Child Exploitation and Online Protection Centre, “Out of Mind, Out of Sight,” p. 14.

499 ECPAT International, “Analysis of Legal Frameworks Surrounding the Sexual Exploitation of Children”, Mark Capaldi, editor, Journal Series No. 5, January 2013, Bangkok: ECPAT International, p. 16, accessed 10 August 2015, http://www.ecpat.net/sites/default/files/ecpat_journal_jan_2013.pdf.

500 Nader Said-Foqahaa, “Arab Women: Duality of Deprivation in Decision-making under Patriarchal Authority”, p. 235, Journal of Women of the Middle East and the Islamic World, 2011, accessed 25 August 2015, <http://www.genderclearinghouse.org/upload/Assets/Documents/pdf/Arab-Women-Duality-of-%20Deprivation-in-decision-making%20-under%20-patriarchal%20-authority.pdf>.

501 UNICEF Pacific, “Commercial Sexual Exploitation of Children (CSEC) and Child Sexual Abuse (CSA) in the Pacific: A Regional Report”, UNICEF, UNESCAP and ECPAT, (2006), p. 50

502 *Ibid.*

6.3.2 Corporate Social Responsibility

As noted earlier, the primary tool that has been used to address the private sector's role in the demand for the sexual exploitation is CSR. International child law however, has tried to involve the private sector in a variety of mechanisms including norms, codes, compacts, and principles. At the present time no international standard - be it treaty, convention, protocol or declaration – exists that addresses the issue of CSR and child protection specifically. (It should be noted that in June 2014, the UN Human Rights Council passed Resolution 26/9, establishing a working group to develop an internationally legally binding instrument on transnational corporations and other business enterprises with respect to human rights.) However, several key documents have been drafted for the private sector that could include children's rights by extrapolating the focus on human rights more generally. Some examples follow.

- The UN Global Compact asks companies to embrace universal principles and collaborate with the UN. It was launched in 1999 at the World Economic Forum in Davos, Switzerland and serves as a platform for the UN to engage with global business. The Global Compact outlines 10 principles, which focus on human rights, labour, the environment, and corruption. Membership requirements include public support of these principles, outlined in a letter from the corporation's Chief Executive Officer (CEO) to the Secretary-General of the UN.
- In 2011, The UN Human Rights Council endorsed the Guiding Principles on Business and Human Rights, which create a global standard for preventing and addressing negative impacts on human rights linked to business activity. The Guiding Principles focus on the state duty to protect human rights, corporate responsibility to respect human rights, and access to remedies for victims of business-related abuses. While the Guiding Principles are the first corporate human rights responsibility initiative endorsed by the UN, they do not create legal obligations for states or corporations.
- The UN Norms on the Responsibility of Transnational Corporations were approved in August 2003. They represent a comprehensive global document regarding companies' human rights obligations and responsibilities. The Norms do not introduce new obligations for businesses. They reaffirm and reinforce past declarations, such as the Global Compact, made with regard to human rights responsibilities of business enterprises. The Norms directly refer to the "rights of workers," and reference compulsory labour, children's rights, working environment, remuneration, and freedom of association. They point to the obligation to respect a child's right to be protected from economic exploitation. However, the Norms do not outline specific obligations relating to the abolition of child labour, compulsory labour, or non-discrimination. The Norms are also not a formal treaty; however, the content of the Norms make it a document with the character of an authoritative recommendation.
- The Organization for Economic Cooperation and Development (OECD) Guidelines for Multinational Enterprises are far-reaching recommendations addressed by governments to the private sector operating in or from adhering countries. They contain voluntary principles and standards, for responsible business conduct in areas such as employment and industrial relations, human rights, environment, information disclosure, bribery, consumer interests, science and technology, competition, and taxation.
- The ILO's Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy and the Declaration on Fundamental Principles and Rights at Work are voluntary sets

of recommendations. Both address employment, training, working conditions and industrial relations, and contain some form of follow-up mechanism. The Tripartite Declaration addresses multinational corporations, while the Fundamental Principles addresses states.

Despite the UNCRC and its Optional Protocols and the breadth of international agreements in the domain of CSR, what exists contains significant gaps. The current inadequacies can be grouped into two areas. First, CSR mechanisms are products of particular social environments and are often framed by what businesses themselves want instead of what children's law requires. They can be vague and are most likely to be followed by businesses in states where children's rights are frequently incorporated into business practices. Therefore, adhering businesses are largely in developed countries that already have domestic laws in place to govern children's rights. Current CSR mechanisms are also less likely to be followed by the companies that most need to address how their actions affect children, and can be used as a public relations ploy. Consequently, corporate codes, however stringent and robust they may appear, are the offspring of corporate discretion to afford human rights a privileged and hallowed position. Second, responsibility for who is in charge of international children's law is often unclear. The effectiveness of international children's law is undermined by gaps in understanding of who should play the primary regulatory role. These gaps exist between international and national legal systems as well as between the private and public sectors.

Common criticisms of codes and other similar mechanisms generally focus on three main areas: Vague language; voluntariness; and weak monitoring and enforcement procedures. Current CSR mechanisms often employ broad terminology that speaks more to interests or welfare than to rights. Rights-based language arguably provides a stronger discourse. That having been said, the articulation of rights is only the beginning of a social conflict in which "vested interests" and traditional imbalances of power are challenged through various legal, para-legal, and non-legal practices. CSR legal mechanisms are also largely voluntary. It can be argued that public pressure has increasingly encouraged businesses and corporations to incorporate CSR into their business practices; however, being pressured to do something is not the same as being required to do something. A similar challenge of voluntary codes is that even well intentioned organisations often do not go beyond the drafting stage. The International Business Ethics Institute (IBEI) realises that codes of conduct alone do not effectively promote responsibility and integrity into the workplace or sufficiently communicate a corporate commitment to integrity. Training for employees is also necessary for employees to understand and apply the code's values in the organisation.

Weak monitoring is one of the most frequent critiques of CSR legal mechanisms. This largely derives from the fact that voluntary mechanisms are policed internally. The signatories are also the enforcers, and the signatories want to appear as though they are fulfilling the goals of the documents they have signed. Consequently, there is no strong rationale to enforce strict monitoring procedures. Regulating private sector providers who voluntarily enact codes of conduct is also challenging for governments. This is because the effect of private sector actions on children can vary and do not necessarily correspond to government planning. The Norms, the Global Compact, and the Guidelines have all been critiqued for weak (or lack of) monitoring and enforcement.

State-based human rights treaties are monitored externally. Treaty-monitoring bodies only deal with state parties to the specific treaty and there is an obligation on such States to cooperate. For example, the Committee on the Rights of the Child is tasked with monitoring the state signatories to the UNCRC. Treaty-monitoring bodies have a reporting or monitoring procedure. Monitoring procedures generally require governments to present periodic reports to international bodies about how well they are implementing a particular international legal obligation. Reporting is required with ratification; all State parties to a treaty must submit periodic reports on their progress in making the treaty a reality. Such reports usually involve general claims about the particular government's success or challenges in living up to its international legal obligations.

6.4 Ensure Child Sex Offenders Supervision, Management, and Rehabilitation through a Package of Justice System Strategies

Enhancing Monitoring and Management of Child Sex Offenders

Although only a small proportion of those who commit CSEC crimes have a prior sex offense record, developing offender management initiatives to stop situational and preferential abusers from re-offending should be part of a comprehensive framework to tackle the demand. Legal mechanisms and programmes for reducing recidivism are typically considered “tertiary” strategies, applied after the harm has already occurred. Nevertheless, according to practitioners supporting their development and implementation, they may also have “primary prevention” effects because in theory the fear of punishment contributes to dissuading potential perpetrators from committing child sex crimes.⁵⁰³

A number of measures for ensuring the monitoring and management of child sex offenders have been adopted in recent years, particularly but not limited to developed countries. According to a 2014 review, globally, 19 countries have enacted registration laws for sex offenders. Some of these have additionally introduced provisions requiring registered sex offenders to notify competent authorities about their travels domestically and abroad as well as public notification.⁵⁰⁴ In terms of effectiveness, research to date has exhibited mixed results on crime rates of sex offenders and recidivism resulting from the implementation of these initiatives.⁵⁰⁵ What is clear though is that for registration and travel notification to be successful, it is essential for law enforcement agencies to be assigned sufficient resources for monitoring, supervising, and tracking registered offenders, to prevent them from going missing.⁵⁰⁶

Some specific legal provisions have been adopted to prevent sex offenders from recommitting child sex crimes during their trips. Examples of “good practice” for replication include travel restrictions (such as passport revocation and travel ban) in the UK⁵⁰⁷ and the Netherlands.⁵⁰⁸

503 Finkelhor, Donald (2009), “The Prevention of Childhood Sexual Abuse”, *Future Child*, vol. 19(2), (2009), 171, accessed 14 September 2015, <http://www.unh.edu/ccrc/pdf/CV192.pdf>

504 Office of Sex Offending Sentencing, Monitoring, Apprehending, Registering and Tracking (2014), “Global Overview of Sex Offender Registration and Notification Systems”, Washington DC: SMART/US Department of Justice, 1, accessed 14 September 2015, <http://www.smart.gov/pdfs/GlobalOverview.pdf>

505 Lobanov-Rostovsky, Christopher (n.d.), “Chapter 8: Sex Offender Management Strategies”, accessed 14 September 2015, http://www.smart.gov/SOMAPI/sec1/ch8_strategies.html

506 This has occurred, for example, in the UK and Australia. See “UK Failure to Monitor Sex Offenders Threatens Children Everywhere”, *ECPAT UK Press Releases*, March 2015, accessed 14 September 2015, <http://www.ecpat.org.uk/media/uk-failure-monitor-sex-offenders-threatens-children-everywhere>; De Ceglie, Anthony, “Call for child sex offenders to be banned from travel”, *Perthnow*, 9 June 2012, accessed 15 September 2015, <http://www.perthnow.com.au/news/western-australia/call-for-child-sex-offenders-to-be-banned-from-travel/story-e6frg143-1226389873067>

507 UK Government, “Anti-social Behaviour, Crime and Policing Act 201” (London, 2014), accessed 14 September 2015, <http://www.legislation.gov.uk/ukpga/2014/12/part/9/enacted>; “Sexual Harm Prevention Orders”, accessed 14 September 2015, http://trixresources.proceduresonline.com/nat_key/keywords/sexual_harm_prev_ord.html

508 The Dutch Passport Act (article 24), already makes it possible to refuse a passport to a person convicted for CSEC within the previous 10 years or to cancel his or her passport by entering that person's name in a register. This can be done if there is a valid reason to suspect that he or she will be guilty of sexual violence against children.

In an effort to prevent sex offenders from working in child-contact professions, some countries have introduced disqualification measures to prohibit access to such occupations temporarily or permanently. Legislation has also been passed in a number of states, which allow or impose an obligation on employers to conduct pre-employment background checks.⁵⁰⁹ Although a robust vetting and excluding mechanism is considered a necessary element of safeguarding, more guidance is needed to support organisations and employers to develop and use this tool.⁵¹⁰

Connected to background checks, an important issue, which has recently attracted attention of policy makers and child protection specialists, is how to avoid convicted child sex offenders travelling to another country to get access to children particularly through employment. In response to this concern, in the UK an International Child Protection Certificate (ICPC) has been developed to help better protect children from British nationals and residents who would seek to travel and work overseas to abuse them sexually. Issued following a check made against police information and intelligence databases in the UK, the ICPC can provide reassurance that staff employed in schools and voluntary organisations do not have a criminal record in the UK that makes them unsuitable to work with children.⁵¹¹ Whilst it is considered a useful tool in combating abuse of children abroad by known sex offenders, it has been noted that the ICPC is dependent on institutions abroad making use of the procedure, which often does not happen, particularly in smaller organisations that are targeted by sex offenders seeking access to children.⁵¹² Further actions to raise awareness about the existence of this tool and increase its use by all institutions working with children are therefore required to help prevent unsuitable people from gaining employment with children abroad.⁵¹³

A review of management strategies for sex offenders in the US illustrates a number of additional approaches that can be adopted at the justice system level. Available research and evidence on the use of these tools suggests the following: a) specialised supervision⁵¹⁴ appears to be effective in reducing recidivism for sexual offenders only when combined with rehabilitation; b) electronic monitoring (including global positioning systems - GPS) should not be seen as an alternative to other supervision models that involve treatment; c) residence restrictions may reduce the possibility for the offender to obtain housing, work, and family support, undermining his/her stability; and d) "civil commitment" procedures which allow institutions to continue to hold some persons deemed to be sexually dangerous even after they have served their criminal sentences are costly and their efficacy has not been ascertained.⁵¹⁵

509 With regard to European countries, see Herbert, Francis and Missing Children Europe (2015), *The Disqualification and Screening of Convicted Sex Offenders*. Presentation delivered at the « Together against Sexual Exploitation of Children » workshop, 24 April 2015, Brussels.

510 Erooga, Marcus et al. (2012), *Towards safer organisations. Using the perspectives of convicted sex offenders to inform organisational safeguarding of children*, London: NCPCC, 13, accessed 14 September 2015, <https://www.nspcc.org.uk/globalassets/documents/research-reports/towards-safer-organisations-2012-report.pdf> See also Finkelhor, *The Prevention of Childhood Sexual Abuse*, 175

511 ACPO Criminal Records Office - Child Exploitation and Online Protection Centre (n.d.), "International Child Protection Certificate UK Information for Schools and Organisations", <http://www.nabss.org/index.php/es/miembros/documentos-relacionados/category/16-child-protection%3Fdownload%3D77%253Ainformation-booklet+%cd=5&hl=it&ct=clnk&gl=it>

512 "British offender charged with child sexual abuse in Cambodia", *ECPAT UK Press Releases*, 12 November 2013, accessed 14 September 2015, <http://www.ecpat.org.uk/media/british-offender-charged-child-sexual-abuse-cambodia>

513 Parliamentary Assembly of the Council of Europe (2010), "Reinforcing measures against sex offenders", accessed 15 September 2015, <http://www.assembly.coe.int/CommitteeDocs/2010/sex-offenders%20ENGLISH.pdf>

514 "Specialized supervision frequently involves specially trained probation and parole officers who manage a caseload of sexual offenders using sex-offender-specific supervision strategies that include special conditions of supervision, multidisciplinary collaboration with a treatment provider, and, if appropriate and permissible, the use of global positioning systems (GPS) and polygraph." See Christopher Lobanov-Rostovsky, "Chapter 8: Sex Offender Management Strategies", Washington DC: SMART/US Department of Justice, accessed 14 September 2015, http://www.smart.gov/SOMAPI/sec1/ch8_strategies.html

515 Christopher Lobanov-Rostovsky, "Chapter 8".

While the lack of strong evidence on the effectiveness of these different approaches indicates that more research and evaluation are required to help guide the strategies in the most favourable direction, recent studies provide some indication as to which measures show some positive impact and which do not. Considering that sex offenders' management initiatives are generally expensive, it is essential that future efforts be focused on promising evidence-based strategies⁵¹⁶ and that resources be more intensively concentrated on those perpetrators that are at high-risk to reoffend. In this connection, the use of risk assessment tools remains crucial not only to identify higher-risk offenders but also to detect changes in risk, which would allow, if applicable, the suspension of certain restrictions or the adoption of other more appropriate measures.⁵¹⁷ Regardless of the specific management strategy that a country will adopt, it is vital that multi-disciplinary collaboration schemes be developed involving all relevant actors and services (prison, probation and police services, local government, health professionals, housing services, etc.) and specialised training be delivered to them.⁵¹⁸ Finally, it is critical that all proposed measures are implemented as part of a wider management programme, which would balance the need to protect children with offender privacy, rehabilitation, and social reintegration.

Developing Programmes for the Rehabilitation and Reintegration of Child Sex Offenders

As noted above, available literature suggests that management of child sex offenders is more effective when combined with programmes aimed at their rehabilitation and reintegration. By treating perpetrators, rehabilitation seeks to give them the attitudes and skills to avoid crime and live a productive life while at the same time minimising the risk posed to children and safeguarding society. Whilst working with offenders may be controversial and challenging,⁵¹⁹ rehabilitation is particularly important if we consider that some have estimated 3% of the male general population as likely affected by paedophilia and hebephilia⁵²⁰ and therefore some may be prone to offend or re-offend.⁵²¹

Recognising the need to protect children from known abusers, an increasing number of institutional and after care treatment programmes have been developed and implemented around the world.⁵²² In addition, treatment programmes aimed at individuals with paedophilic feelings towards children who have not yet abused have been implemented in some countries.

Although there is some debate regarding whether treatment of sexual offenders is effective,⁵²³ psychological treatment has been identified as one of the more effective strategies in addressing offending behaviour.⁵²⁴ Cognitive-behavioural therapy in particular, remains "the most widely accepted and empirically supported model of sexual offender treatment with respect to

516 *Ibid.*

517 Finkelhor, Donald, *The Prevention of Childhood Sexual Abuse*, 179.

518 Christopher Lobanov-Rostovsky, "Chapter 8".

519 For example, the Lucy Faithful Foundation in the UK had to close down their offender treatment programme as (i) they couldn't get funding; and (ii) the local community objected to have the rehabilitation centre nearby.

520 Paedophilia is defined as "the fantasy or act of sexual activity with prepubescent children." <https://www.psychologytoday.com/conditions/pedophilia>; Hebephilia is the sexual preference for early adolescent children (those roughly ages 11 to 14) <https://www.psychologytoday.com/basics/hebephilia>

521 Seto, Michael C. (2013), *Internet sex offenders*, Washington DC: American Psychological Association, 27-28. Additional personal communications between ECPAT International and Dr. Michael Seto

522 Yates, Pamela M. (2013), "Treatment of Sexual Offenders: Research, Best Practices, and Emerging Models", *International Journal of Behavioral Consultation and Therapy*, Vol. N. 3-4, 89; "Institutional treatment programmes", accessed 7 September 2015, http://www.unafei.or.jp/english/pdf/RS_No72/No72_19RC_Group3.pdf

523 Wormith, J. Stephen et al. (2007), "The Rehabilitation and Reintegration of Offenders: The Current Landscape and Some Future Directions for Correctional Psychology", *Criminal Justice and Behavior*, vol. 34, 884.

524 UK Home Office (n.d.), "Review of the protection of children from sex offenders", 13, accessed 8 September 2015, 13, <http://webarchive.nationalarchives.gov.uk/20100413151441/http://www.homeoffice.gov.uk/documents/CSOR/chid-sex-offender-review-1306072835.pdf?view=Binary>

reducing recidivism.”⁵²⁵ Cognitive-behavioural therapy aims to bring about behavioural change by addressing cognitions, ideas, and attitudes that may induce an individual to act upon his/her sexual interest in children. Typical components of this kind of intervention include among others sexual self-regulation, addressing relationship deficits, developing empathy for victims and helping offenders take responsibility for their behaviours.⁵²⁶ The result of this treatment is that offenders learn to recognise and to try to respond appropriately to risky situations.

Besides cognitive-behavioural therapy, other approaches to sex offenders’ psychological treatment have recently emerged. An example is the “good-lives model.” In contrast with cognitive-behavioural therapy, this approach does not focus solely on those activities and behaviours in which offenders cannot engage (i.e. avoidance goals) but includes actively working toward and attaining important life goals, such as assisting them to achieve independence and autonomy or to attain intimacy without indulging in sex acts with children. One of the first empirical investigations of this type of intervention suggests that offenders who participated in the good-lives model were more likely to complete and remain in treatment and demonstrated significantly better coping skills post-treatment.⁵²⁷

Measures designed to rehabilitate and reintegrate child sex offenders are not limited to psychological treatment. To complement therapy, in some countries such as the US, Canada, Germany, and Thailand, drug treatment is also provided.⁵²⁸ Whilst a number of pharmacological interventions are used to treat adult sexual offenders, empirical research regarding their effectiveness in preventing continued re-offending by paraphilic⁵²⁹ perpetrators is still limited. Existing literature indicates though that these medications may be effective in reducing sexual offending associated with paraphilic behaviours but they should not be used as ‘stand alone’ measures and their serious side effects should not be disregarded.⁵³⁰ Like drug treatment, surgical castration seeks to reduce the likelihood of sexual contacts with children by individuals affected by paedophilia. Although it is still practiced in some countries (e.g. Czech Republic), the efficacy of surgical castration in reducing sexual recidivism is not supported by strong evidence.⁵³¹ The Council of Europe noted that this practice must be considered as “amounting to degrading treatment” and therefore should be discontinued.⁵³²

While treatment in institutional settings is critical, there has been increasing recognition that a follow up system to ensure sex offenders’ reintegration should be put in place after detention through multi-stakeholder cooperation.⁵³³ In this framework, evidence has begun to

525 Yates, Pamela M. (2013), “Treatment of Sexual Offenders: Research, Best Practices, and Emerging Models”, 90.

526 *Ibid.*

527 *Ibid.*, 92

528 “Institutional treatment programmes” (n.d.), accessed 7 September 2015, 161, http://www.unafei.or.jp/english/pdf/RS_No72/No72_19RC_Group3.pdf

529 A paraphilia is a condition in which a person's sexual arousal and gratification depend on fantasizing about and engaging in sexual behaviour that is atypical and extreme. A paraphilia can revolve around a particular object (children, animals, underwear) or around a particular act (inflicting pain, exposing oneself). Most paraphilias are far more common in men than in women. The focus of a paraphilia is usually very specific and unchanging. <https://www.psychologytoday.com/conditions/paraphilias>

530 Association for the Treatment of Sexual Abusers (2012), “Pharmacological Interventions with Adult Male Sexual Offenders”, accessed 8 September 2015, <http://www.atsa.com/pharmacological-interventions-adult-male-sexual-offenders>

531 Seto, Michael C. (2009), “Pedophilia,” *Annual Review of Clinical Psychology*, vol. 5, 402

532 “Human rights groups call for end to surgical castration of sex offenders”, *The Guardian* (n.d.), accessed 7 September 2015, <http://www.theguardian.com/law/2012/feb/22/surgical-castration-sex-offenders-cpt-report>

533 “Institutional treatment programmes” (n.d.), accessed 7 September 2015, 162, http://www.unafei.or.jp/english/pdf/RS_No72/No72_19RC_Group3.pdf

mount about the importance of community-based support for sexual offenders following their release from prison. Innovative programmes such as Circles of Support and Accountability (CSA) in countries such as Canada, Netherlands, and the UK have proved to be particularly important for sexual offenders. Targeting high-risk sex offenders who lack support when returning to their community, this model involves the creation of community support networks made up of volunteers who assist child sex offenders who have served a prison sentence in their effort to re-enter society and hold them accountable for their behaviours.⁵³⁴ An evaluation of the programme in Canada found that the rate of recidivism among offenders who had attended CSA was lower compared to that of perpetrators who did not attend.⁵³⁵

The increase in convictions for Internet-related child sex offending has resulted in new challenges for treatment providers. Currently, literature on the treatment of online offenders remains limited, and specialist programmes are rare. Examples worth mentioning include the Internet Sex Offender Treatment Programme developed in the UK, the website, the Dunkelfeld Project in Germany (<https://www.dont-offend.org/>)⁵³⁶ and several other help-lines for (potential) sex offenders (for example, in Sweden⁵³⁷, the US⁵³⁸ and the UK).⁵³⁹ Interventions implemented to date in this area are generally an adaptation of existing sex offender treatment approaches and therefore may not necessarily work for online offenders. More research is therefore required to understand the specific support needs of perpetrators who sexually commit crimes against children in the virtual environment.⁵⁴⁰

In light of the unique needs and different typologies of female sex offenders, it is important that gender-responsive treatment programmes be developed. Despite a gradual movement away from exclusively male-modelled programmes that began in the past decade, the strategies for assessing, treating, and supervising this population remain in the early stages of development. As such, additional research is needed to identify best practice and provide evidence-based guidance in the rehabilitation of female perpetrators.⁵⁴¹

Besides being gender-appropriate, treatment should also be tailored to the age of the offender. Encouragingly, treatment programmes for juvenile sex offenders have increased in number over the past thirty years, and the type of treatment provided to them has changed as result of improved understanding of the differences between juvenile and adult sexual offenders in terms of offender behaviour and support needs.⁵⁴² A review of the treatment approaches adopted to date shows that those that are likely to be most effective include interventions that are “developmentally appropriate; that take motivational and behavioural diversity into account; and that focus on family, peer, and other contextual correlates of sexually abusive behaviour in youth, rather than focusing on individual psychological deficits alone.”⁵⁴³

534 Irish Government (2009), "The Management of Sex Offenders: A Discussion Document", accessed 7 September 2015, <http://www.justice.ie/en/JELR/FINAL%20REPORT.pdf/Files/FINAL%20REPORT.pdf>

535 UK Home Office (n.d.), "Review of the protection of children from sex offenders", 13, accessed 8 September 2015, <http://webarchive.nationalarchives.gov.uk/20100413151441/http://www.homeoffice.gov.uk/documents/CSOR/chid-sex-offender-review-1306072835.pdf?view=Binary>

536 Seto, Michael C. (n.d.), "Chapter 4: Internet-Facilitated Sexual Offending", Washington DC: SMART/US Department of Justice, accessed 8 September 2015, http://www.smart.gov/SOMAPI/sec1/ch4_internet.html

537 See <http://preventell.se/>

538 See <http://www.stopitnow.org/>

539 See <http://www.stopitnow.org.uk/>

540 Seto, Michael C. (n.d.), "Chapter 4: Internet-Facilitated Sexual Offending", Washington DC: SMART/US Department of Justice accessed 8 September 2015, http://www.smart.gov/SOMAPI/sec1/ch4_internet.html

541 Center for Sex Offender Management (2007), "Female Sex Offenders", 10, accessed 8 September 2015, http://www.csom.org/pubs/female_sex_offenders_brief.pdf

542 Przybylski, Roger (n.d.), "Chapter 5: Effectiveness of Treatment for Juveniles Who Sexually Offend", Washington DC: SMART/US Department of Justice, accessed 8 September 2015, http://www.smart.gov/SOMAPI/sec2/ch5_treatment.html

543 *Ibid*

As noted for management strategies, the lack of strong evidence suggests that identifying good practice models in the rehabilitation of child sex offenders remains challenging. However, available literature indicates that some interventions are more effective than others are. With regard to treatment, available research clearly supports the application of an approach in which treatment intensity varies on the basis of the risk for recidivism posed by offenders, with treatment being more effective when it is applied to higher risk cases, when it targets known risk factors for recidivism, and when it takes into consideration the characteristics of individual offenders.⁵⁴⁴ To achieve this, a multi-disciplinary assessment must be undertaken to explore critical factors of each individual case and develop rehabilitation strategies accordingly.⁵⁴⁵ It is also suggested that treatment of sexual offenders can be most effective when it is based on empirically demonstrated models and methods and in a manner, which integrates various approaches.⁵⁴⁶

544 Yates, Pamela M. (2013), "Treatment of Sexual Offenders", 93

545 "Institutional treatment programmes", 160.

546 Yates, Pamela M. (2013), "Treatment of Sexual Offenders", 93

7

Recommendations: Developing a Strategy to Eradicate the Demand Tree

Sexual exploitation implies that the act of buying or otherwise procuring sexual services by children is matched by the one of selling. Stopping the SEC market requires disabling all transactions affecting children by mobilising action that simultaneously prevents demand and interrupts the supply of sexual services. Conventionally, social policies have tended to emphasise assistance to children, for being potential or actual victims more immediately and evidently in need of help. Time has come to develop forward-looking strategies that explicitly prevent abuse and exploitation from occurring. Targeting the demand side of the SEC market would help stop purchasers, disable facilitators, and differentiate factors that support the existence of the market itself, with the ultimate objective of eradicating the Demand Tree from its branches all the way down to its deepest roots.

Despite inadequate data and in-depth analysis, it might be assumed that ongoing efforts that successfully protect children from sexual exploitation, indirectly impact demand as well. Effective initiatives aimed at informing, educating, raising awareness, and enhancing resilience mechanisms among at-risk children, families, and communities should be plausibly expected to contribute not only to protecting potential victims, but also to eroding demand insofar as availability of illicit sex services is curtailed. Although measures addressing the supply side of the market could be recalled, emphasis in this discussion will be placed more sharply on specific interventions that directly address demand.

For SEC to be eradicated by 2030, as pledged in a critical set of SDG targets, the eradication of the Demand Tree requires planning on a medium and long-term trajectory. A theory of change should be developed to identify the vision, the impact, results, outcomes, strategies, and broad actions necessary to plan activities and measure progress against elimination of SEC at global and local levels. This paper makes an initial attempt to contribute to developing ‘*A Theory of Change to Eliminate Demand for Sexual Exploitation of Children*’. Similar tools should be devised by global and local partners committed to combating SEC with the objective of agreeing on a roadmap leading to a final solution of the problem. Unfortunately, the scarce amount of attention paid so far to the demand side of SEC has resulted in limited policy and field experiences being sufficiently validated to demonstrate satisfactory results for replication. Taking stock of the progress made over the past decades of programme work carried out to define SEC and enhance child protection should be regarded as the first step toward developing a vision for the future.

Recommendations for action will be proposed in this section according to a theory of change methodology. Few but significant practices that have attempted to address demand will be recalled as a way to exemplify the recommendations suggested. Ultimately, responses need to be developed in such a way to tackle the Demand Tree at all levels, namely, addressing users of sex services with children, individuals or groups that facilitate demand, and, finally, constructs, structures and conditions that sustain or increase demand for sexual exploitation of children. Caution should be exercised in reviewing promising practices sourced from local settings, as these may not be relevant to all situations in which demand for SEC is created. Local experiences should be interpreted according to the conditions prevailing in the specific contexts that have generated them and properly adapted to different conditions when being replicated.

A Theory of Change to Eliminate the Demand for Sexual Exploitation of Children

VISION: *Elimination of the demand for SEC caused by direct perpetrators, facilitators and underlying causes*

GOAL: *Contribute to achieving SDG targets relating to sexual exploitation of children, namely:*

- 5.2 Eliminate all forms of violence against all women and girls in the public and private spheres, including trafficking, and sexual and other types of exploitation
- 5.3 Eliminate all harmful practices, such as child, early and forced marriage and female genital mutilation
- 8.7 Take immediate and effective measures to eradicate forced labour, end modern slavery and human trafficking and secure the prohibition and elimination of the worst forms of child labour, including recruitment and use of child soldiers, and by 2025 end child labour in all its forms
- 16.2 End abuse, exploitation, trafficking and all forms of violence against and torture of children

IMPACT: Demand is eliminated – perpetrators are prevented from offending and children are safe from sexual exploitation

STRATEGY 1: Develop Local, National, and Global Situation Analyses of Demand for SEC

RECOMMENDATION: Develop global, national, and local situation analyses, based on independent research and programme evaluations, in order to define the demand size, characteristics, and trends, and inform policy and programme development at all levels.

ACTION AREAS:

S 1.1 Enhancing and Spreading Knowledge

There is no dearth of programme and policy experiences in the area of sexual exploitation of children. More than two decades of fieldwork in the sphere of child protection have generated a plethora of actions that have contributed to rescuing and assisting victims in all regions of the world. The first generation of development practitioners and activists, therapists, law enforcement and legal professionals who have engaged in action to protect SEC victims. However, there has been a weakness in matching action with regular monitoring and evaluation to assess the effectiveness of current practices. Poor impact analysis is making it difficult to sketch the way forward in replicating and scaling up successful interventions. Deepening the understanding of the demand side of the market and evaluating the results of activities undertaken to curb it should be set as a priority to fill some of the knowledge gaps built up over the past few years. Organisations that in government and non-government settings have worked to combat SEC should be regarded as a point of reference as a source of promising practices and effective methodologies. Although emphasis may have been placed on rescuing victims, specialised agencies dealing with perpetrators are likely to have built knowledge and experience on demand as well. Collecting existing information, promoting further data gathering and analysis, and carrying out systematic evaluations and child impact analyses should be regarded as a primary focus for SEC-related work in the future in order to promote evidence-based policy and programme initiatives.

Research on demand for SEC should be expanded in order to broaden existing knowledge on the functioning of the demand dimension of the sex market, the drivers causing its expansion, the evolution of the different forms of demand, the linkages between main factors, and the effectiveness of measures adopted to contrast demand.

S 1.2 Developing Situation Analyses of Demand

The ultimate objective of research and policy evaluation activities should be to devise rigorous and systematic situation analyses of the demand for SEC designed in a way to serve policy and programme development. Local situation analyses should be matched with national level ones collecting local data and contributing to national-level information and assessments. Situation analysis in high prevalence areas and groups should be given priority, with the aim of mapping the demand for SEC globally. In order to prepare for meeting SEC-related SDG, a global situation analysis should ultimately emerge from national level exercises to serve as an initial baseline against which to measure impact in the coming years. Situation analysis documents should be disseminated beyond the realm of the government and specialised agencies, to make them known to the public, including young people, the media and research organisations in order to reveal the responsibilities of individuals, businesses and governments in supporting demand and to enlist the engagement of various stakeholders in combating demand creators.

STRATEGY 2: Raise Awareness, Educate, and Develop Capacities

RECOMMENDATION: Raise awareness on demand among the public at large, at-risk groups, and SEC victims and perpetrators, re-educate men to change perceptions of masculinities, and develop capacities of professionals and caregivers interfacing the various layers of demand to prevent SEC

ACTION AREAS:

S 2.1 Raising Awareness and Spreading Information

Activities to raise awareness on sexual exploitation of children are possibly the most widespread response adopted so far to prevent SEC. Enhancing information and awareness has the advantage of strengthening defence mechanisms in potential victims, while discouraging in parallel demand. Ongoing information, education and communication (IEC) actions oriented to victims should be reviewed, rigorously evaluated and strengthened to explicitly address the demand side of sexual exploitation of children and make them more effective in discouraging perpetrators.

Prevention campaigns, through mass media, the Internet, and social mobilisation have been widely adopted to contrast SEC. Some familiar initiatives are the national-level efforts mobilised in the US by Shared Hope International, and ECPAT-USA, which have adopted multi-pronged strategies to raise awareness of commercial sexual exploitation and sex trafficking of children across the country.⁵⁴⁷ Japan's Cabinet Office has focused on travelling offenders, by introducing passport inserts,⁵⁴⁸ a model for immigration and customs officials to provide travellers entering a country with information in relevant languages regarding individual rights and emergency contacts with regard to assistance available to protect them from trafficking and penalties applicable to child sex offenders. In airports, signs should be posted in both domestic and foreign terminals, and in-flight informational messages should be disseminated by airways companies. Information should be made available by consulates to travellers applying for a visa. On the basis of experience gained in several sectors, it would be critical to develop a more comprehensive approach to further extend information and awareness to the general public in order to reach out to the local populations, through television spots and other media, warning against SEC as it is done with the dangers associated with illegal drugs, alcohol, or tobacco use. Messages should ultimately target local residents as well as domestic and international travelling offenders, in recognition of the fact that crimes of a sexual nature may be perpetrated by unknown outsiders as much as by familiar next-door neighbours.⁵⁴⁹

The objective of broad information, education, and communication (IEC) strategies should be to empower children, parents, teachers, social service and law enforcement personnel, and policy-makers with sufficient understanding to help make communities resilient to attacks by sexual predators. Parents are a critical target group, because not only can they make more prudent choices in protecting their children, but also can refrain from exposing them to risks, such as arranging for early marriages, or engaging them in harmful labour, or forms of slavery. TV and radio programmes, along with songs, appealing to family and audiences of young people could

547 Clayton et al., "Confronting Commercial Sexual Exploitation and Sex Trafficking of Minors in the United States" (Washington, DC: The National Academic Press 2013).

548 U.S. Department of State, "Trafficking in persons report 2014: Japan". Accessed from: <http://www.state.gov/j/tp/rls/tiprpt/countries/2014/226748.htm>

549 Sara K. Andrews "U.S. Domestic Prosecution of the American International Sex Tourist: Efforts to Protect Children from Sexual Exploitation". *Journal of Criminal Law and Criminology* Vol. 94, no. 2 (2004): 441-451.

be developed to portray positive gender models of sexuality and masculinity. Serial and fiction features could adopt storylines that narrate the various ways by which predators approach children and catch them in their webs.

At-risk geographical areas, such as, low-income, urban and rural settlements, source districts for trafficking, national borderland zones, communities with a high prevalence of child marriage, tourist sites, train stations, harbours, red-light districts, places where young people gather, and locations characterised by high-density population and transient groups, especially if known for being prone to exploitation should receive priority. Posters and billboards, such as those produced by the Cambodia Ministry of Tourism and several NGOs,⁵⁵⁰ placed in at-risk communities or locations, such as airports, train stations, construction sites, stadiums, may be effective in conferring a visual, tangible dimension to a hidden and unspoken issue.

Particularly, targeted actions that have already been initiated in the travel and tourism industries should be given more impetus, building on promising initiatives, such as carrying out information campaigns by inserting leaflets in air tickets, as experimented in France, spreading awareness through travel agencies, hotels and trade unions, as in Germany's experience, or hotel customer and staff education, as promoted by Accor Hotel Management.⁵⁵¹ Regular evaluations would be necessary to assess the effectiveness of such programmes in deterring travelling child sex offenders in order to direct future investments aimed at curbing this critical demand area.

S 2.2 Building Capacities

Moving beyond information and public awareness, specialised capacity should be built in individuals who interface more directly with the demand side of SEC. Professionals and workers engaged in occupations where demand for sexual exploitation of children occurs should be trained to take the necessary steps to address users and facilitators, involving, in particular, managers in the travel and tourist industry, taxi drivers, tour operators, airport and hotel personnel, sporting event organisers, the military, orphanage and child welfare programme staff, customs authorities, and law enforcement personnel.

Vocational education and skill training for vulnerable populations may open avenues for non-exploitative income-generating activities for potential victims, while offering facilitators of demand viable alternatives to generating income in the sex business.

Groups living in male-dominated, child-abusive environments should be given priority attention. Early intervention in childhood and youth is essential to identify signs of abuse both for those who have suffered it and those who have inflicted it in order to prevent potential offending and re-offending. Categories of men that have been identified as being more at-risk of offending are normally part of systems that already reach them with various forms of information and training. Personnel engaged in the military, peacekeeping, humanitarian organisations, NGOs, the travel and tourism industries, and the entertainment sector, for example, normally receive on-the-job information and regular training as part of ongoing capacity building activities associated with their responsibilities. Professional training could be enriched with specific information, orientation, and re-education inputs in the SEC areas.

550 U.S. Department of State, "Trafficking in persons report 2014: Cambodia". Accessed from: <http://www.state.gov/j/tp/rls/tiprpt/countries/2014/226748.htm>

551 Sara K. Andrews "U.S. Domestic Prosecution of the American International Sex Tourist: Efforts to Protect Children from Sexual Exploitation". *Journal of Criminal Law and Criminology*. Vol. 94, no. 2 (2004): 441-451.

Clerics are linked to religious structures that can act as networks for condemning SEC on ethical grounds within their own orders as well as among followers. Truck and taxi drivers, who are a target group for large sexually transmitted disease (STD) prevention programmes implemented to fight HIV and AIDS, could be reached through such initiatives. In particular, some categories of facilitators of SEC that may be unrecognised as they act in the context of socially acceptable roles, such as tour guides, tour operators, and police officers, should be involved in behaviour change processes.

Existing action aimed at informing and empowering men engaged in a variety of sectors that affect SEC directly or indirectly could be adapted to specialised training modules and education activities purposely targeted at deterring child offensive attitudes, behaviours, and practices. The private sector involved in the tourism, travelling, hospitality, entertainment, transport, ICT industries can contribute effectively to training staff, monitoring illicit sexual conduct by its clientele, enforcing codes of conduct (CoC) and taking social responsibility for initiatives designed to stop SEC. Partnerships should be established among the private sector, government and NGOs committed to protecting children and promoting ethical business practices.

Offenders involved in the informal sector, such as, for example, those engaged in small eating places and entertainment establishments catering to travellers and tourists, employers of child workers, especially in domestic labour, owners of real estate properties used for prostitution and pornographic activities, should be reached out to through targeted awareness generation and behavioural change communication interventions, supported by community pressure. The Coalition against Trafficking in Women (CATW), in the Philippines, conducted a programme to prevent sex trafficking by changing the sexual attitudes and behaviours of boys and young men, through workshops aimed at helping to internalise the harm caused by prostitution and trafficking, and promoting men's roles as catalysts for change in the context of the trucking industry. The project, which continued with follow-up activities for five years, succeeded in transforming rather nonchalant attitudes toward sexual exploitation into non-offensive conduct.⁵⁵²

In addition to targeting groups of potential child abusers, it is necessary to keep in focus areas, situations, and contexts that may trigger harmful behaviours. Emergency interventions in the context of humanitarian crises, services assisting migrating populations, relief efforts in post-conflict situations should systematically include programme components relating to SEC, monitoring trends relating to demand, and shielding child population from exposure to new risks. For example, the International Organization for Migration (IOM) linked issues stemming from conflict with trafficking for sexual purposes. Having analysed that IOM-assisted women trafficked to Macedonia had Kosovo Force customers, IOM started education, awareness, and alert campaigns in Macedonia aimed at Kosovo Force (KFOR) soldiers.⁵⁵³

S 2.3 Changing Men and Boys' Perceptions of Masculinity

Boys and men should be regarded as a crosscutting priority in awareness, education, and capacity generating prevention initiatives. The Chicago Alliance against Sexual Exploitation (CAASE) has developed an interactive curriculum for high school boys. The *Empowering Young Men to End*

552 Iris Yen, "Of Vice and Men: A New Approach to Eradicating Sex Trafficking by Reducing Male Demand through Educational Programs and Abolitionist Legislation". *Journal of Criminal Law and Criminology*. Vol. 98, no. 2 (2008): 675-679.

553 Donna Hughes (2004) "Best Practices to Address the Demand Side of Sex Trafficking" (University of Rhode Island, 2004).

Sexual Exploitation module conscientises young men about the harms of prostitution and enlists their engagement toward ending violence against women and girls. Focussing on gender-based violence (GBV) and social norms of masculinity, the programme has been reportedly changing boys' perceptions of commercial sex and involving participants in sharing their learning with other men.⁵⁵⁴ In China, the government⁵⁵⁵ is addressing sexual abuse and exploitation issues in school, where students already suffer from sexual attacks and bullying, both in person and through social media. Potentially, this could have a radical effect, by strengthening the capacity of children to defend themselves from sexual harm by adults and peers, while instilling values respectful of human rights and dignity in an entire new generation.

Field experience documentation indicates that initiatives tailor-made for men are especially effective when they are led by male facilitators, as in the experience of SharedHope International's *The Defenders USA* project, which educates men on the irreparable harm that commercial sex exploitation and trafficking cause to individuals, especially at a young age.⁵⁵⁶ One of the first diversion and education programmes for prostitution users, the *Sexual Exploitation Education Program (SEEP)*, run by the US-based Council for Prostitution Alternatives and the Multnomah County District Court (in the State of Oregon), hinges on changing attitudes by helping perpetrators internalise the realities of persons who sell sex. Such kinds of responses often hinge on shaming rituals.⁵⁵⁷ The practice of shaming individuals who solicit commercial sex relies on publicising the identities of men arrested for related crimes through news outlets, law enforcement websites, billboards, or other media channels. Shaming has been challenged by some advocates, arguing that process violations do occur when names of alleged offenders are publicised following arrest, rather than after an adjudication or conviction, and criticising the damage that such practice causes to the innocent spouse of perpetrators, children, and other family members.⁵⁵⁸ The accusatory approach hinging on blaming and shaming has been contested by proponents of partnership approaches aimed at working with perpetrators to overcome offending behaviours.

Men who represent healthy examples of masculinity can be involved acting as positive role models for male children and youth and challenging misconceptions on masculinity and sexuality. The *Man-to-Man* campaign launched by Beyond Borders/ECPAT Canada projects several high-profile Canadian men taking a stand against CSEC, as a way to foster public discussion on the issue of demand, while addressing men in a fight against this violation.⁵⁵⁹

554 Kate Walker, "Ending the Commercial Sexual Exploitation of Children: A Call for Multi-System Collaboration in California". (California: Child Welfare Council, 2013)

555 U.S. Department of State, "Trafficking in persons report 2014: China". Accessed from: <http://www.state.gov/j/tip/rls/tiprpt/countries/2014/226748.htm>

556 SharedHope International, "Demand. A Comparative Examination of Sex Tourism and Trafficking in Jamaica, Japan, the Netherlands, and the United States," (Vancouver, ECPAT International, 2007)

557 Donna Hughes, "Best Practices to Address the Demand Side of Sex Trafficking," (University of Rhode Island, 2004).

558 Kate Walker, "Ending the Commercial Sexual Exploitation of Children: A Call for Multi-System Collaboration in California", (California: Child Welfare Council, 2013)

559 Mark Capaldi "Examining Neglected Elements in Combating Sexual Exploitation of Children." ECPAT International Journal. No. 7:20-21. (Bangkok: ECPAT International, 2013)

STRATEGY 3: Promote the Transition from Harmful to Rights-Sensitive Social Norms and Practices

RECOMMENDATION: Support local communities in questioning harmful traditional and contemporary practices, and in socialising gender-transformative child-rights sensitive norms and behaviours.

ACTION AREAS:

S 3.1 Sustaining Community-Wide Processes to Stigmatise Sexual Violence against Children and Foster the Internalisation of Rights-Sensitive Norms and Practices

Communities, including girls and boys, should be engaged in processes to analyse the harmful outcomes of some cultural, social, and sexual norms and practices that may condone sexual violence against children. Community leaders, decision-makers, religious authorities, elders, and husbands/fathers, who are usually male, should be involved in addressing harmful beliefs and risky behaviours, and committing to protecting children from all forms of violence. The entire community should be accompanied in a process of self-analysis leading to more child-friendly and gender equitable values and sexual and reproductive roles. Discriminatory, sexist, and racist attitudes should be questioned in order to set in motion a process to help change attitudes, behaviours, and practices toward sexuality, masculinity, and gender relations. Cultural and gender-sensitive information, communication, and education material should be made available for different age groups and in various languages, for dissemination through folk, print and digital media. Public manifestations of commitment against SEC should be instituted to support the establishment of SEC-free communities.

S 3.2 Transforming Perceptions to Stop Victim Blaming

Children who have been sexually violated are among the most outcast of all socially marginalised groups, because they are often perceived as holding personal responsibility or even guilt for their own condition. Female victims may be labelled “bad girls,” while, in the case of boys, their sexual identity or preference may be offensively questioned. A first step toward curbing SEC is to change the perceptions that exist about such a severe violation of children’s rights and stop victim blaming, an attitude that results in harming the child twice.

The *No hay excusas* campaign mobilised by Raices, an NGO active in Chile, sought to challenge the justifications supporting commercial sex with teenagers by shifting responsibility for the violation from the adult offender to the child victim. Claims made by offenders to rationalise commercial sexual acts with children on the ground that they would be socially or culturally acceptable and that the money benefits the child were contested though messages spread across a variety of media channels, with private sector support. Prejudices, stereotypes and misconceptions regarding the victims’ age and gender, as well as social, economic, ethnic backgrounds, need to be addressed to solve the problem at its roots.⁵⁶⁰

⁵⁶⁰ Mark Capaldi, “Examining Neglected Elements in Combating Sexual Exploitation of Children.” *ECPAT International Journal*. No. 7 (2013): 19-20

STRATEGY 4: Frame and Enforce Laws and Policies

RECOMMENDATION: Enhance the use of international law to address the demand for the sexual exploitation of children and ensure state party compliance.

ACTION AREAS:

S 4.1 The UN Committee on the Rights of the Child to hold a General Day of Discussion on Demand

The UN Committee on the Rights of the Child regularly holds General Days of Discussion on various topics of international importance. They provide an opportunity to bring academics, advocates, policy makers, and government officials together to study an emerging issue in the field of international children's rights. Holding a General Day of Discussion on Demand will allow the subject take its place on the international agenda, and begin a process of engaging state parties and Committee members in the dialogue.

S 4.2 The UN Committee on the Rights of the Child Develops an Analytical Tool for Studying Whether a State Party Report Adequately Addresses the Issue of Demand

As the UN Committee on the Rights of the Child is responsible for reviewing the state party reports with respect to compliance with the CRC, its Optional Protocols, and other relevant conventions and treaties, they are well positioned to evaluate whether or not a country is addressing the issue of demand within their borders. Currently, there is no model that the Committee can use for this purpose. The development of an analytical tool for studying reports in light of the information known on the demand for SEC would be of assistance in this respect and would expand the knowledge base at the domestic level on the issue.

S 4.3 State Parties Ratify All Relevant International and Regional Instruments and Ensure Harmonisation with Their Domestic Laws.

Although international child law does not specifically address the issue of demand (with a few exceptions), it is still highly relevant as it does concern many of the underlying factors that create a culture of demand. As such, it is essential that state parties ratify all child law at the international and regional level. Following this, state parties must ensure compliance with these standards by auditing and harmonising the international and regional instruments with their domestic codes.

Once international and regional instruments have been ratified, state parties must then report on their compliance. In so doing, state parties must include an analysis on how their own domestic law furthers the objectives of these broad instruments with a particular emphasis on managing the issue of demand.

S 4.4 Developing National Laws That Focus On Demand through Criminalisation of Child Sexual Exploitation and Preventive Strategies in Child Welfare, Immigration, and Family Law

Although ratifying international and regional legal instruments is essential as they offer certain standards and objectives, at the country level, there must also be adequate legislation in place to deal with demand. Historically, this has been done using criminal law to penalise those who offend against children. Although this is needed, other areas of law can also provide solutions. For example, child welfare, immigration, and family law can provide relief for children who are at risk. At the same time, certain regions of the world have been successful with domestic legislation that specifically targets demand in the area of adult prostitution. Lessons can be learned on how to draft more proactive and preventative laws by building on these experiences.

S 4.5 Regulating the Private Sector Where Corporate Social Responsibility Tools Fail to Protect Children Adequately from Sexual Harm

At the country level, having the government manage the behaviour of its citizens is necessary however, the private sector is often more organised, more influential and has far more resources than the citizenry has. In the area of demand, governments should provide incentives for the private sector to develop its own strategies to curb demand and minimise their involvement but should this not prove effective, governments may need to explore the use of the law to do meet these goals.

S 4.6 Identifying and Mitigating Against the Risks That Lead to Barriers to the Effective Application of the Law

Once domestic law has been drafted to hold both the public and private sectors accountable, while also curbing the demand for child sexual exploitation (assuming such law is in conformity with international and regional standards), there must be effective application at the law enforcement and prosecutorial levels. This should be done through education and engagement with those partners. It is also necessary to study the barriers that could lead to effective implementation and develop strategies to mitigate the risk for full application of the law.

STRATEGY 5: Develop and Implement Local, National, and Global Strategies

RECOMMENDATION: Merge strategies to prevent demand for SEC into global, national, and local planning systems in order to mainstream SEC-related concerns in ongoing child protection processes at all levels.

ACTION AREAS:

S 5.1 Developing Local Anti-SEC Strategies and Incorporating Them in Local Planning Processes to Build Community Resilience and Location-Specific Responses

Village or municipal councils, supported by children’s councils and groups, can play a vital role in developing local safety nets to keep perpetrators of SEC out of the city limits. Existing village or ward-level plans should include provisions for preventing child trafficking, early marriage and child labour, and tightening controls over entertainment establishments, hotels, Internet cafés and other businesses that could put children at risk of sexual exploitation.

Neighbourhood, village, or resident committees, active in several countries to improve community life and enhance safety, should act as antennae for illicit activities being committed against children. Location-specific processes should be set in motion to help residents recognise real and potential child sex offenders and facilitators, and build social pressure to stop perpetrators from harming individual children and threatening communities. Dedicated websites, telephone hotlines, community-level alert mechanisms, and school drop boxes could be instituted to publicise the names, whereabouts and modus operandi of locals, and outsiders posing a threat to children, in collaboration with government and non-government agencies, law enforcement officials, community leaders and local residents, including young people. Schools and local government institutions should be equipped to act as child protection hubs for managing, monitoring, tracking, reporting and creating complaint mechanisms to protect local constituencies.

An example of community efforts to reduce demand relates to grassroots organisations active in Peru facilitating processes leading boy children and youth to analyse social and cultural constructs of gender in order to encourage changes in illicit sexual conduct. A forum convened by a male facilitator converging high-school student boys, teachers and parents was created to raise awareness, challenge men’s roles in perpetuating sexual exploitation and exploring boys’ potential in acting as catalysts for change, with the result that 40 percent of the students achieved a positive behavioural change.⁵⁶¹

S 5.2 Framing National and Global Strategies and Mainstreaming Them in Existing Planning Processes to Prevent Demand Systematically

Local plans implemented to defeat SEC can be substantially strengthened when broader strategic frameworks are developed at the national level. Prevention of SEC at primary, secondary, and tertiary levels should be a national objective framed in the context of the SDGs. Action developed to achieve it over a pre-defined timeframe should be planned as part of ongoing national planning processes. National level planning should provide an overall framework for action at both national and local levels.

⁵⁶¹ Mark Capaldi, “Examining Neglected Elements in Combating Sexual Exploitation of Children.” ECPAT International Journal. No. 7 (2013): 16-25.

With the objective of achieving the SDGs, local and national planning efforts should lead to the development of a global strategy to address SEC, with emphasis on preventive measures aimed to curb demand. The global strategy should emerge as a distillation of national planning processes and, in turn, provide an international framework for decentralised planning in the context of both international law and the post-2015 agenda.

Not many examples exist of such comprehensive long-term approaches. In the U.S., the *PROTECT Our Children Act of 2008* established a mandate to develop and implement a national strategy for preventing child sexual exploitation. The first ever August 2010 *National Strategy for Child Exploitation Prevention and Interdiction: A Report to Congress* (DOJ, 2010) document, framed by the Department of Justice, has established goals for enhancing government responses to child sexual exploitation.⁵⁶²

Efforts of this nature allow moving beyond ad-hoc reparative interventions and work as a platform for long-term systematic, comprehensive, and preventive action, which alone can promise to eradicate the problem. A plan approach allows a variety of partners to contribute to contrasting demand for SEC, converging coherently, around one single strategy, activities by the government, the judiciary, law enforcement agencies, civil society organisations, the private sector, communities, families, schools, and children. The ultimate objective should be to mainstream SEC concerns into established planning processes, ensuring that it is organically reflected in mainstream investments and programmes targeting children.⁵⁶³

STRATEGY 6: Leverage the Private Sector to Prevent Demand

RECOMMENDATION 6 A: Make the Internet environment child-safe and empower young users to protect themselves using ICT in a way to prevent demand.

ACTION AREAS:

S 6A.1 Creating a Safe and Inclusive Digital Environment to Protect Children from Online Predators

When it comes to child protection, ICT are a double-edged sword. While it may be possibly regarded as the single most serious menace to children's safety, the Internet also provides boundless opportunities for enriching, empowering, and protecting young users. If young people have to benefit from an inclusive and safe digital environment, it is necessary to strike a balance between ensuring equal access to the Internet by all children and minimising the potential harm that they may incur online.

In devising responses to limit demand for SEC, it is necessary to carefully examine the multiple channels opened to child sex predators by the Internet and identify ways to disable each one of them. The ICT industry, which often views online SEC as a massive problem beyond its reach, should be supported in identifying feasible steps to protect underage Internet surfers. In particular, Internet Service Providers (ISPs) need to take responsibility and play an active

⁵⁶² Clayton et al., (2013). "Confronting Commercial Sexual Exploitation and Sex Trafficking of Minors in the United States", (Washington, DC: The National Academic Press, 2013)

⁵⁶³ Commission on Human Rights, "Report submitted by Juan Miguel Petit, Special Rapporteur on the sale of children, child prostitution and child pornography," UNDOC E/CN.4/2004/9 (2004).

role against online criminal behaviour affecting children. Internet regulations should also be strengthened. The case of the Philippines, for instance, where lack of regulatory mechanisms has allowed a rampant use of live-streaming sexual exploitation of children, has provided important learning on the dangers stemming from inaction. The online safety and cybersecurity guidelines developed by the International Telecommunication Union (ITU), the UN specialised agency for information and communication technologies, in collaboration with UNICEF and partners, in the context of the ITU Child Online Protection Initiative, provide a positive example of tools that should be made increasingly available to young people, parents, educators, policy-makers and the industry itself to make the digital environment more child-friendly.⁵⁶⁴ Making the web safe, however, is only one approach that must be adopted. ICT should also be turned to the advantage of children, and used to connect them to each other for mutual support and to mechanisms that can protect them from online enticing and outright sexual exploitation. Systematic efforts should be made to explore the potential role that existing platforms can play in ensuring a safe, empowering, and inclusive use of ICT by children.

A number of initiatives have been initiated to enhance cybersecurity. The #We PROTECT Children Online Summit and the Global Alliance against Child Abuse Online offer important platforms to foster international cooperation and create a global alliance to combat online child sexual exploitation. The Demi and Ashton (DNA) Foundation has brought together top technology companies to create programmes to prevent online sexual abuse and exploitation of children, including one triggering a preventive message when an individual conducts an online search for CAM.⁵⁶⁵ Such a cost-effective mechanism should be strengthened and adopted extensively, given its unique potential for interfering with each online attempt of accessing illicit contacts and material relying on existing technology. In a parallel move, Microsoft awarded grants to teams to research how offenders search for victims online; how technology has changed the recruiting, buying and selling process in trafficking; and how clandestine language is used in web advertising to facilitate child sex trafficking.⁵⁶⁶ Guidelines for children, parents, teachers, educators, communities and web users, such as World Vision's *Keeping Children Safe Online* toolkit, are necessary instruments to protect potential victims and alert policymakers.⁵⁶⁷ The *Make IT Safe* campaign, a global initiative spearheaded by ECPAT International, has helped in empowering young people to approach the Internet safely, educating ICT teachers and orienting Internet café owners among others.⁵⁶⁸

RECOMMENDATION 6 B: Private sector industries develop corporate social responsibility tools that include an analysis of their own contribution to demand

ACTION AREAS:

S 6B.1 Developing Codes of Conduct That Address the Issue of Demand

Codes of conduct can be an effective tool for a corporation to commit to addressing the issue of demand. Although codes have their limitations, the process of developing the code can be a

564 ITU, "COP Guidelines," <http://www.itu.int/en/cop/Pages/guidelines.aspx>; ITU, "Child Online Protection," <http://www.itu.int/en/cop/Pages/default.aspx>, accessed 18 October 2015

565 Kate, Walker "Ending the Commercial Sexual Exploitation of Children: A Call for Multi-System Collaboration in California". (California: Child Welfare Council, 2013)

566 Redmond Walsh, "Shedding Light on the Role of Technology in Child Sex Trafficking," *Microsoft*, 18 July 2012, <https://news.microsoft.com/2012/07/18/shedding-light-on-the-role-of-technology-in-child-sex-trafficking/>, accessed 11 September 2015.

567 World Vision International, "Keeping Children Safe Online," <http://www.wvi.org/keeping-children-safe-online>, accessed 11 September 2015.

568 ECPAT International, "Make IT Safe," <http://www.make-it-safe.net/index.php/en/>, accessed 11 September 2015.

valuable exercise in that it requires the company to look inwards and examine their own policies and practices that may inadvertently be creating a culture of demand or placing children at risk. Further, the publication of the code creates a type of contract with the public and puts possible offenders on notice that the private entity will not tolerate behaviours that could support the demand for the sexual exploitation of children.

S 6B.2 Offering Training to Employees

Once a code of conduct is produced, it is imperative that the employees are trained on the values contained in the code and on the steps that will be taken should someone be suspected of violating the code. One of the greatest criticisms of codes of conduct is the fact that the employees on the front lines are often unaware of the expectations or their duty to report. In order to properly implement the code, employees from the boardroom to the shop floor must be taught about the contents and feel supported in its application.

S 6B.3 Engaging the Customers about the Code

After the employees have been trained on the code of conduct, the corporation should then let their customers know about the code, the fact that their staff members are knowledgeable about the code and have a requirement to notify their superiors about breaches to the code, and the expectation of the clients to adhere to the values contained in the code. This could be done through a large-scale campaign or on a smaller level through direct contact with the customers. Research suggests that some companies are concerned about interfacing with the public about their morals, but in fact, the public is demanding that the private sector make value judgements and not be afraid of calling out clients who may be offending their beliefs.

S 6B.4 Exploring the Use of the International Organization for Standardisation (ISO)

ISO certification can be a useful way to “add credibility, by demonstrating that [a company’s] product or service meets the expectations [of customers]” and for some industries, certification is legally or contractually required.⁵⁶⁹ If certification bodies or legislation requires a new standard for the private sector about addressing and managing demand for SEC, then the private sector may be motivated to manage corporate behaviour in this regard.

RECOMMENDATION 6 C: Private sector industries promote anti-demand values and culture within their industries.

ACTION AREAS:

S 6C.1 Corporations Develop Internal Policies to Promote an Anti-Demand Culture

Whereas codes of conduct can be crafted to be specific to the issue, it is necessary for the private sector to also look inwards and ensure that their own policies promote an anti-demand culture. To this end, it is necessary to examine human resource practices, chains of command, and supply/outsourcing agreements to determine whether they are consistent with a prevention and protection model on this topic.

⁵⁶⁹ International Organization for Standardization, “Certification...” accessed 25 October 2015, <http://www.iso.org/iso/home/standards/certification.htm>.

S 6C.2 Collaborating with Like-Minded Organisations

Finally, another significant way of promoting an anti-demand culture is to collaborate with an organisation that is already committed to protecting children from sexual harm. By developing strategic alliances, the corporation will be seen as being a good corporate citizen, while their own practices are legitimised through the work of a credible child-focused organisation. At the same time, the organisation is supported in its work by fostering a relationship with a private sector partner.

STRATEGY 7: Measure Progress toward Ending Demand for SEC

RECOMMENDATION: Strengthen monitoring and evaluation of ongoing policies and programmes addressing demand to measure impact, and replicate successful approaches.

ACTION AREAS:

S 7.1 Strengthening Monitoring and Evaluation

As demand for SEC becomes more hidden and difficult to gauge, efforts to monitor factors influencing different levels of the Demand Tree should be multiplied to assess the evolution of the market. In parallel, lack of regular data collection, analysis, and monitoring presently stands as a major barrier in counteracting the crime effectively. New tools should be developed to measure demand, as well as to ascertain impact of policies on existing and potential perpetrators and victims. Periodic situation analyses would provide benchmark data for rigorous monitoring and evaluation. Examining the evolution of SEC locally and globally may be effective to strengthen existing tracking systems linked to law enforcement agencies with market analysis methodologies. Understanding trends, mobility, seasonality, preferences, prevalence areas, and purchaser groups as they change over time is necessary to design more strategic and efficient responses not only from the perspective of law enforcement, but also of policy and programming.

Improving data collection and analysis at the local, national, and international levels, with the contribution of affected communities and new technologies, would empower both governments and law enforcement agencies to prosecute criminals, and local residents to defend themselves based on the information in their possession. The University of Southern California's Annenberg Center on Communication Leadership and Policy (CCLP), in collaboration with State Department's Office to Monitor and Combat Trafficking in Persons, launched the *CCLP Technology & Trafficking Initiative* in 2010, which resulted in the release of a report identifying areas where the public and private sector can contribute to strengthening data collection and tracking of sex trafficking, in addition to developing software to detect the sex trafficking of children online.⁵⁷⁰

Stronger monitoring and evaluation processes are necessary to prepare for meeting SEC-related SDG targets. National governments now have the responsibility of reporting to the international community about their efforts to end SEC. Evaluating ongoing efforts, distilling successful practices, scaling up initiatives underway and measuring progress toward the achievement of

⁵⁷⁰ Kate Walker, "Ending the Commercial Sexual Exploitation of Children: A Call for Multi-System Collaboration in California". (California: Child Welfare Council, 2013); University of Southern California, "Technology & Human Trafficking", USC Annenberg Center on Communication Leadership & Policy, accessed from <http://technologyandtrafficking.usc.edu/history-of-the-project/>

SDGs is expected to be the way by which the international, national, and local communities can hope to eliminate demand for SEC within the next generation.

STRATEGY 8: Empower Children and Adolescents

RECOMMENDATION: Empower girls and boys with adequate information, knowledge, and participation opportunities to enhance resilience and contribute actively to local, national, and global initiatives mobilised to curb demand.

ACTION AREAS:

S 8.1 Empowering Children to Enhance Their Resilience to Sexual Harm

Enhancing young people's resilience to sexual attacks would be effective in protecting them from various forms of harm, while also helping discourage demand. Learning about sexuality and sexual rights, understanding the risks associated with illicit sexual conduct, knowing how to recognise potentially predatory peers and adults, even among trusted or female relatives and acquaintances, are tools necessary to make informed decisions about one's own body and sexuality. Context-specific inputs relating to risky individuals, locations, situations, behavioural patterns would help young people to orient their steps averting potential pitfalls in the settings where they live. Families, teachers, educators, and carers should be supported to help young people learn about their rights and responsibilities and develop necessary life skills, encouraging them to participate in decision-making processes and support the development of individual and collective agency. Children can learn from each other, and act as peer educators and motivators reaching out also to adult community members.

S 8.2 Children's Participation in the Design and Implementation of Measures to Counteract Demand

The participation of children in initiatives to curb sexual exploitation has proven successful in tailoring responses to the age-specific needs, perceptions, and sensitivities of young people. So far, the involvement of children and youth has been tested mainly in programmes oriented to enhancing protection and recovery of victims from traumas and social stigma. Policy and programme experiences specifically designed to address the demand side of sexual exploitation of children are fewer as compared to those oriented to enhancing victims' wellbeing, with the consequent involvement by children on the demand front being more sporadic. Also necessary are considerations regarding the potential level of risk that might be faced in involving young people in programmes aimed to curb demand and prosecute criminals, especially at the local level where the interface with offenders is closer. While specific interventions harnessing children's creativity and energy in deflating the demand are few, there are several avenues potentially open to young people's engagement, which are worth exploring. Involving children and youth in programme design, plan development, and project monitoring are some examples. In Latin America, the *Youth Partnership Project* (YPP) programme established by ECPAT Guatemala, ECPAT Mexico and PAICABI (Chile) acts as a channel for young stakeholders to contribute to research, programmes, monitoring and advocacy activities.⁵⁷¹

⁵⁷¹ ECPAT International "ECPAT's International Child and Youth Participation Policy" 2007)

S 8.3 Raising Awareness among Peers

New generations have the most compelling voices to lift up against SEC. Young people can be effectively involved in raising awareness on the harmful effects of SEC and spreading information on ways by which young people can be protected.⁵⁷² Survivor, at-risk, and , in fact, all children can carry messages against SEC and mobilise peers as well as adults to make all possible efforts to make the family, the school, the community and the government violence free. In the US, experiences like *Girls Education and Mentoring Services (GEMS)* have developed leadership skills by placing youth survivors at the core of anti-CSEC activities.⁵⁷³ Involving victims, GEMS' Youth Outreach Team offers peer-led facility-outreach workshops in residential and detention facilities across New York City and Westchester County to sensitise and orient about the involvement of girls and young women in the commercial sex industry and provide peer support and leadership.⁵⁷⁴

In Africa, the Gambia's primary advocacy group for children, the *Voice of the Young*, mobilised by the Child Protection Alliance (CPA), advocates issues affecting children, including sexual exploitation through school and community outreach programmes, radio and television talk shows and capacity development processes in the form of Bantabas⁵⁷⁵ and lobbying with the government.⁵⁷⁶

In Asia, the *Young Journalist Group* in Vietnam, the *Thai Youth News Network* in Thailand, *Kids News Network (KNN)* in the Philippines and the *Young Journalist Club* in Cambodia are Asian examples of youth involvement in the media.⁵⁷⁷ Similarly, *The Philippines Kabataan News Network (KNN)* brings together adolescent children from diverse social, economic, and ethnic backgrounds to produce a magazine-style news programme that is broadcast nationwide, addressing issues relating to poverty, HIV and AIDS, lack of education, and sexual exploitation in the Philippines.⁵⁷⁸ The widespread network of over 5,000 *Children's Clubs* active in Nepal raise awareness about early marriage and child trafficking in one of the countries most affected by SEC in the Region.⁵⁷⁹

In Mexico, deprived children living and working in the market area of La Merced have been organised through *Club Mechita* and, among other activities, act as spokespersons to raise awareness in their communities, including the production of a monthly bulletin, which also spreads information on children's rights and the risks of sexual exploitation.⁵⁸⁰

572 Claire Cody, (2015) "They don't talk about it enough": Report of the 2014 consultations with Youth Advisors for "Our Voices", Luton: University of Bedfordshire.

573 Girls Educational & Mentoring Services, "About GEMS", Accessed on 11 September 2015 from <http://www.gems-girls.org/about/mission-history>

574 Girls Educational & Mentoring Services, "About GEMS", Accessed on 11 September 2015 from <http://www.gems-girls.org/about/what-we-do/our-services/prevention-outreach>

575 Bantaba is a local term referring to a place where people gather to discuss issues affecting individuals or society.

576 Musukuta Badjie, "From invisibility to visibility with a voice: a case of children's participation in decision making in The Gambia", MA dissertation, n.d., [http://lnweb90.worldbank.org/exteu/SharePapers.nsf/\(ID\)/9DC6631F2E65F89285257A8A004834A4?OpenDocument](http://lnweb90.worldbank.org/exteu/SharePapers.nsf/(ID)/9DC6631F2E65F89285257A8A004834A4?OpenDocument), accessed on 14 September 2015

577 UNICEF, "Situation Review of Children in ASEAN, A report by UNICEF to the Association of Southeast Asian Nations" (2007), http://www.unicef.org/eapro/Asean_book.pdf, 26

578 Elissa Shuey, "Young People in the Media. A Review of Young People's Participation in the Media in UNICEF Projects for the East Asia and Pacific Region" http://www.unicef.org/magic/media/documents/youth_media_in_south_east_asia.pdf (2004), accessed 9 September 2015.

579 Claire O'Kane, "Children and Young People as Citizens: Partners for Social Change". Save the Children Alliance. South and Central Asia Region, (Kathmandu: Save the Children Alliance, 2004).

580 ECPAT International, "Ensuring Meaningful Child and Youth protection in the fight against Commercial Sexual Exploitation of Children: The ECPAT Experience". (Bangkok: ECPAT, 2007) 20

S 8.4 Institutionalising Participation in Children’s Councils and Parliaments

An empowering tool for expanding participation, both at national and local levels is children’s councils and parliaments. Children’s fora make it possible to institutionalise young people’s participation in government and civil society, overcoming short-time project-based involvement. Building mechanisms for sustained child participation is necessary now since the fight against SEC has been inscribed in the forthcoming global development agenda. Children’s participation should be conceived as part of broader participatory processes involving local communities and governments in mounting comprehensive responses against SEC. In Ukraine, for example, the *UNICEF Child Friendly Cities Initiative* has made it possible for young people to be involved in decision-making by the local authority of Vinnitsia City, with the active support of the Children’s Ombudsman of Vinnitsia, a public defender of children’s rights in the local government and community.⁵⁸¹

S 8.5 Planning for and with Children

The institutionalisation of children’s participation in the government allows young citizens to contribute to legal, policy and programme development in their constituencies. In Indonesia, for example, children’s perspectives were reflected in the formulation of the *Law on the Eradication of the Criminal Act of Trafficking in Persons*. Cooperating with policy makers and planners, in Mongolia, vulnerable children provided inputs in the *National Plan of Action (NPA)* evaluation to combat CSEC, while, in Thailand, children, and youth contributed to the development of the *National Strategic Plan to Prevent and Eliminate Violence against Children*.⁵⁸²

In South Asia, where some countries have expanded avenues for young people’s involvement,⁵⁸³ Bangladesh engaged children in drafting the *National Plan of Action for Children*, which focuses on child participation as one of its overarching strategies, as well as the *National Plan of Action against Sexual Abuse and Exploitation of Children including Trafficking*.⁵⁸⁴ A child-friendly version of the NPA helped engage young people in implementing the strategy.

In Africa, the progressive institutionalisation of children’s participation in decision-making processes has been highlighted in a review by the Eastern and Southern Africa Regional Inter-Agency Task Team on Children and AIDS (RIATT-ESA). New spaces are being created for young people’s opinions to be heard and influence public decision-making in the development of national policy and programme frameworks, as well as in implementation and participation in advocacy initiatives, with promising examples originating from Uganda and Mozambique and the number of children’s parliaments growing in the region.⁵⁸⁵ In the Gambia, the Child Protection Alliance (CPA) has institutionalised child and youth participation in its initiatives, also to address issues relating to advocacy and prevention of commercial sexual exploitation of children with the media and the government.⁵⁸⁶

581 ECPAT International, “The Commercial Sexual Exploitation of Children in the Commonwealth of Independent States.” (Bangkok: ECPAT, 2014) 43

582 ECPAT International *Electronic bulletin*. (9 December 2011).

583 UNICEF, “South Asia in Action: Preventing and Responding to Child Trafficking - Analysis of Anti-Trafficking Initiatives in the Region”, (2009), http://www.unicef-irc.org/publications/pdf/ii_ct_southasia_analysis.pdf,

584 United Nations Human Rights, “Committee on the Right of the Child, Consideration of Reports Submitted by States Parties under Article 44 of the Convention.” (Dhaka: United Nations 2008). from: <http://www2.ohchr.org/english/bodies/crc/crcs51.htm>

585 Rachel Bray & Glynis Clacherty, “Reflecting on child and youth participation. A publication for programmers and policy makers in East and Southern Africa” (Eastern & Southern Africa, 2011) http://www.ci.org.za/index.php?option=com_content&view=article&id=871&phpMyAdmin=xGIUwSo1y0U00fk9xyQp8iqGULa#sthash.WVEIkbeK.dpf

586 ECPAT International, “Ensuring Meaningful Child and Youth protection.” (Bangkok: ECPAT, 2007), 16

European institutions have emphasised the importance of child and youth participation in a number of legal acts and policy documents, notably, the *Council of Europe's Recommendation on the participation of children and young people under the age of 18*, adopted by the Committee of Ministers. The document, based on a comprehensive review involving member states and young people, upholds the rights of children to be heard in schools, communities and families, as well as at the national and European levels.⁵⁸⁷ The Recommendation echoes Article 9 of the Lanzarote Convention calling on states to encourage the participation of young people in developing and implementing policies and other initiatives to fight sexual exploitation and sexual abuse of children. In the context of the participatory *Building a Europe for and with Children* programme, the *ELSA for Children* legal research project works to stop sexual violence against children.⁵⁸⁸

587 Recommendation CM/Rec (2012)2 of the Committee of Ministers to member states on the participation of children and young people under the age of 18 (Adopted by the Committee of Ministers on 28 March 2012 at the 1138th meeting of the Ministers' Deputies). Accessed 28 Aug. 2013 from: <https://wcd.coe.int/ViewDoc.jsp?id=1927229>

588 "An EU Agenda for the Rights of the Child"/* COM/2011/0060 final *. Accessed 28 Aug. 2013 from: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:52011DC0060:en:N OT>

Annexes

Annex A:

LIST OF PARTICIPANTS Demand Expert Meeting in Geneva (1-2 October 2015)

Margaret Akullo

Regional Programme Coordinator for the UNODC Regional Office for Southeast Asia and the Pacific

Alessia Altamura

ECPAT International consultant/expert on trafficking and CSEC

Maud de Boer-Buquicchio

Special Rapporteur on the sale of children, child prostitution, and child pornography

Mark Capaldi

ECPAT International, Head of Research and Policy

Donald Findlater

Director of Research and Development with Lucy Faithfull Foundation

Hans Guyt

Project Director, Terre des Hommes Netherlands

Dr. Susanna Greijer

Project officer for ECPAT Luxembourg and an independent expert on children's rights issues

Dorian Hall

Team member of Special Procedures Branch of the Office of the High Commissioner for Human Rights

Mark Erik Hecht

Lawyer, academic and human rights advocate. Currently, legal advisor to the Children's Aid Society and the senior legal counsel to Beyond Borders/ECPAT Canada

Dr. Lori Heise

Senior Lecturer at the London School of Hygiene and Tropical Medicine

Nekane Lavín

Human Rights Officer at the Special Procedures Branch of the Office of the High Commissioner for Human Rights

Mick Moran

Member of An Garda Síochána, Ireland's National Police service, on secondment to INTERPOL General Secretariat

Dr. Julia O'Connell Davidson

Professor of Sociology at the University of Nottingham

Dr. Lorraine Radford

Research professor in social policy and social work, University of Central Lancashire, UK

Dr. Eliana Riggio

Academic, researcher and development planner focussing on issues relating to social development planning, human rights, child rights and protection, local governance and urban poverty

Dorothy Rozga

Executive Director of ECPAT International

Dr. Maia Rusakova

Director of Regional NGO 'Stellit', Senior Researcher and Director of the Centre of Sociology of Childhood under the Sociological Institute of Russian Academy of Sciences

Dr. Lucie Shuker

Senior Research Fellow at the University of Bedfordshire

Dr. Joe Sullivan

Registered Forensic Psychologist (Health Professions Council)

Jane Warburton

Social worker, lawyer, and consultant specialising in mainstreaming children's social work into humanitarian crises

Annex B:

A Theory of Change to Eliminate the Demand for Sexual Exploitation of Children

Vision	Elimination of the demand for sexual exploitation of children (SEC) caused by direct perpetrators, facilitators and underlying causes								
Goal	<p>Contribute to achieving SDG targets relating to sexual exploitation of children, namely:</p> <ul style="list-style-type: none"> 5.2 Eliminate all forms of violence against all women and girls in the public and private spheres, including trafficking and sexual and other types of exploitation 5.3 Eliminate all harmful practices, such as child, early and forced marriage and female genital mutilation 8.7 Take immediate and effective measures to eradicate forced labour, end modern slavery and human trafficking and secure the prohibition and elimination of the worst forms of child labour, including recruitment and use of child soldiers, and by 2025 end child labour in all its forms 16.2 End abuse, exploitation, trafficking and all forms of violence against and torture of children 								
Impact	Demand is eliminated – perpetrators are prevented from offending and children are safe from sexual exploitation								
Results	The SEC demand is measured and analysed at its multiple levels.	The general public, at-risk groups and victims are aware of the risks of demand for SEC (both in communities and online) and know how to respond.	Local communities internalise child-sensitive social norms and resist attempts to sell or purchase sexual services by children.	Strategies, policies, and laws are framed to prevent demand for SEC and protect children.	Law enforcement increases implementation of legal frameworks to prevent demand and protect children.	CSR, codes of conduct, ISOs etc. address the issue of demand within the private sector.	Ongoing policy and practices are evaluated to identify effective strategies for replication.	Children are involved in planning, monitoring, and evaluation of policy and programming aimed to curb SEC.	Young people act as proactive citizens in keeping their communities safe from sex predators.

A Theory of Change to Eliminate the Demand for Sexual Exploitation of Children

<p>Outcomes</p> <p>Local, national, and global situational analyses developed, relying on independent research and programme evaluations, to define the demand size, characteristics and trends and inform policy and programme development at all levels.</p>	<p>Awareness on demand is progressively raised among the public at large, at-risk, and SEC victims and perpetrators.</p> <p>Men and boys are re-educated to change perceptions of masculinities. Capacities of professionals and caregivers interfacing the various levels of the demand are developed to prevent sexual exploitation of children.</p>	<p>Local communities supported in questioning harmful traditional and contemporary practices.</p> <p>Communities are sustained in socialising gender-transformative child-rights sensitive norms and behaviours.</p>	<p>State parties ratify all relevant international and regional instruments and ensure harmonization with their domestic laws.</p> <p>State parties report to international/regional monitoring mechanisms and include specific information on how its domestic law addresses the demand for SEC.</p> <p>Countries ensure domestic law adequately addresses demand through criminalization of SEC and preventative strategies in child welfare, immigration, and family law.</p> <p>Countries regulate the private sector where CSR tools fail to protect against SEC adequately.</p> <p>Countries study barriers to effective application of the law and develop strategies to mitigate</p>	<p>Local, national, and global strategies are developed & implemented to tackle demand for SEC.</p> <p>SEC strategies mainstreamed in ongoing child protection planning processes at all levels.</p>	<p>The private sector is more accountable to mitigating demand in its infrastructure.</p> <p>The Internet is made a child-safe environment.</p> <p>Young users are empowered to protect themselves using ICTs in a way to prevent demand.</p>	<p>Monitoring and evaluation mechanisms relating to ongoing policies and programmes addressing demand are established and regularly implemented</p> <p>Policy and programme impact is measured & successful approaches replicated.</p>	<p>Girls and boys are empowered with info, knowledge, and participation opportunities.</p> <p>Children are equipped to protect themselves from child sex predators.</p> <p>Children are able to contribute actively to local, national, and global initiatives mobilised to curb demand.</p>	<p>Local, national, and global situational analyses developed, relying on independent research and programme evaluations, to define the demand size, characteristics and trends and inform policy and programme development at all levels.</p>
--	--	--	--	--	---	--	--	--

A Theory of Change to Eliminate the Demand for Sexual Exploitation of Children

Strategies	1. Situation Analyses	2. Awareness, Education and Capacities	3. Rights-Sensitive Social Norms	4. Laws and Policies	5. Global, National and Local Strategies	6. The Private Sector	7. Monitoring and Evaluation	8. Empower Children and Adolescents
	Develop local, national and global situation analyses of demand for SEC	Raise awareness, educate and develop capacities	Promote the transition from harmful to rights-sensitive social norms and practices	Frame and enforce laws and policies	Develop and implement local, national and global strategies to eliminate demand	Develop CSR tools that analyse demand Leverage the Internet to prevent demand	Measure local, national, and global progress toward ending demand for SEC	Empower children and adolescents to enhance their resilience and contribute to initiatives to curb demand.

Catalysing Strategy

Eliminating demand for sexual exploitation of children will require long-term joint efforts to be catalysed at the local, national, and international levels. Demand for SEC has been insufficiently analysed and addressed in standard development practice. Approaching SEC from the perspective of demand opens new avenues for preventive strategies, which are presently few in number and poorly evaluated. A shift must be taken from prevailing recovery-oriented approaches to new preventive strategies aimed to avert demand for SEC before irreparable harm is done to a child. Additional investments and coordinated efforts must be mobilised by communities, governments and specialised agencies to eliminate demand caused by direct perpetrators, facilitators, and underlying factors in order to contribute to achieving SDG targets 5.2, 5.3, 8.7 and 16.2.

Problem

Demand for sexual exploitation of children (SEC) has grown in size and complexity since a couple of decades ago when the First World Congress against the Commercial Sexual Exploitation of Children (Stockholm, Sweden, August 1996) first identified it as a serious form of violence against children, gravely violating a full range of children's rights in the spheres of protection, education, health and nutrition. SEC disempowers children; it hinders progress towards more equal, gender-sensitive, safe, and violence-free societies. Large profits, distorted sexual models, gender inequalities, and prevailing perceptions of masculinity spur the demand for sexual exploitation of children. As the SEC market becomes more hidden, mainly because of online access to sexual services by children and exchange of child abuse material, power imbalance between adults and children, impunity and anonymity are the main forces driving the demand for sexual exploitation of children. Lack of awareness, data, and effective practices on the demand side of the SEC market, challenge the identification of effective responses for victims.

BIBLIOGRAPHY

- Abrol, Manpreet (2014). "The Criminalization of Prostitution: Putting Women's Lives at Risk." *Prandium - The Journal of Historical Studies*. Vol. 3, No. 1. Fall 2014. University of Toronto Mississauga
- African Commission on Human and Peoples' Rights (1981). "African Charter on Human and Peoples' Rights". Accessed 10 August 2015: <http://www.achpr.org/instruments/achpr/>
- African Commission on Human and Peoples' Rights (1990). "African Charter on the Rights and Welfare of the Child". Accessed 10 August 2015: <http://www.achpr.org/instruments/child/>.
- African Commission on Human and Peoples' Rights (1998). "Protocol to the African Charter on Human and Peoples' Rights on the Establishment of the African Court on Human and Peoples' Rights". Accessed 10 August 2015: <http://www.achpr.org/instruments/court-establishment/#1>.
- African Union. "African Union Convention on Cyber Security and Personal Data Protection". Doc. EX.CL/846(XXV). Malabo. 27 June 2014. Accessed 20 October 2015: http://pages.au.int/sites/default/files/en_AU%20Convention%20on%20CyberSecurity%20Pers%20Data%20Protec%20AUCyC%20adopted%20Malabo.pdf.
- Asian Human Rights Commission (1998). "Asian Human Rights Charter: A Peoples' Charter". 17 May 1998. Accessed 10 August 2015: <http://www.refworld.org/pdfid/452678304.pdf>.
- Barnett, Laura and Lyne Casavant (2011). "Prostitution: A Review of Legislation in Selected Countries". Library of Parliament: Legal and Social Affairs Division. 3 November 2011. Revised 21 July 2014.
- Boister, Neil and Robert J Currie, eds (2015). *Routledge Handbook of Transnational Criminal Law*. New York: Routledge. Accessed 10 August 2015: https://books.google.ca/books?id=-_rDBAAQBAJ&pg=PA224&lpg=PA224&dq=lack+of+enforcement+of+child+sex+tourism+laws&source=bl&ots=8uq6vJozwk&sig=Yj0OPO96dMNGn_iqdc-Q9wlj_exE&hl=en&sa=X&ved=0CDQQ6AEwBGoVChMIw9nD7uOjxwIVSHuSch2AJQ4e#v=onepage&q&f=false.
- Boyd, Cameron and Leah Bromfield, "Young people who sexually abuse: Key issues", Australian Government: Australian Institute of Family Studies, December 2006, accessed 25 October 2015, <https://aifs.gov.au/cfca/publications/young-people-who-sexually-abuse-key-issues>.
- Brown, Sarah. *Treating Sex Offenders*. New York: Routledge, 2005.
- CBC News. "Victoria sexting teen given conditional discharge." 27 April 2014. Accessed 25 October 2015: <http://www.cbc.ca/news/canada/british-columbia/victoria-sexting-teen-given-conditional-discharge-1.3050679>.
- Canada (Attorney General) v Bedford. 2013 SCC 72. [2013] 3 SCR 1101. Accessed 10 August 2015: <https://scc-csc.lexum.com/scc-csc/scc-csc/en/item/13389/index.do>.
- Child Exploitation and Online Protection Centre (2011). "Out of Mind, Out of Sight". June 2011. Accessed 10 August 2015: https://www.ceop.police.uk/Documents/ceopdocs/ceop_thematic_assessment_executive_summary.pdf.
- Coalition against Trafficking in Women (2014). "Over 300 Human Rights Groups and Anti-Trafficking Advocates Worldwide Weigh in on 'Sex Work' Terminology in Media". 4 November 2014. Accessed 20 October 2015: <http://www.catwinternational.org/Home/Article/587-over-300-human-rights-groups-and-antitrafficking-advocates-worldwide-weigh-in-on-sex-work-terminology-in-media>.
- Commission on Human Rights (2000). "Report of the Special Rapporteur on the sale of children, child prostitution, and child pornography, Ms. Ofelia Calcetas-Santos: Report on the mission of the Special Rapporteur on the issue of commercial sexual exploitation of children to the Kingdom of Morocco". UN Doc. E/CN.4/2001/78/Add.1.
- Committee on the Rights of the Child (2002). "Second periodic reports of States parties due in 2000: Libyan Arab Jamahiriya". UN Doc. CRC/C/93/Add.1.
- Committee on the Rights of the Child (2008). "Concluding Observations: Kuwait." 18 February 2008. UN Doc. CRC/C/OPSC/KWT/CO/1.

Committee on the Rights of the Child (2010). "Concluding observations: Nicaragua." 21 October 2010. UN Doc. CRC/C/OPSC/NIC/CO/1.

Committee on the Rights of the Child (2013). "Combined fourth and fifth periodic reports of States parties due in 2011: Jordan". 1 March 2013. UN Doc. CRC/C/JOR/4-5.

Committee on the Rights of the Child (2013). "Concluding observations on the initial report of Rwanda." 8 July 2013. UN Doc. CRC/C/OPSC/RWA/CO/1.

Committee on the Rights of the Child (2013). "Concluding observations on the initial report of the Philippines." 26 June 2013. UN Doc. CRC/C/OPSC/PHL/CO/1.

Council of Europe (n.d.). "Who We Are". Accessed 10 August 2015: <http://www.coe.int/en/web/about-us/who-we-are>.

Council of Europe (1950). "European Convention on Human Rights". Accessed 10 August 2015: http://www.echr.coe.int/Documents/Convention_ENG.pdf.

Council of Europe (1996). "European Convention on the Exercise of Children's Rights". Strasbourg. 25 January 1996. Accessed 10 August 2015: <http://conventions.coe.int/Treaty/EN/Reports/HTML/160.htm>.

Council of Europe (2001). "Convention on Cybercrime". Budapest. 23 November 2001. Accessed 10 August 2015: <http://conventions.coe.int/Treaty/EN/Treaties/Html/185.htm>.

Council of Europe (2007). "Explanatory Report: Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse". Accessed 20 October 2015: <https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=09000016800d3832>.

Council of Europe (2010). "Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse". Lanzarote. 25 October 2010. Accessed 10 August 2015: <http://conventions.coe.int/Treaty/EN/treaties/Html/201.htm>.

Council of Europe (2010). "Guidelines of the Committee of Ministers of the Council of Europe on child-friendly justice". 17 November 2010. Accessed 20 October 2015: <https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=090000168045f5a9>.

"Declaration and Agenda for Action: 1st World Congress against Commercial Sexual Exploitation of Children" (1996). Accessed 10 August 2015: http://www.ecpat.net/sites/default/files/stockholm_declaration_1996.pdf.

"Declaration of the Rights of the Child" (1959). Accessed 10 August 2015: <http://www.unicef.org/malaysia/1959-Declaration-of-the-Rights-of-the-Child.pdf>.

Department Home Affairs Republic of South Africa (2015). "Overview of the new immigration laws and regulations and their implications, by Home Affairs Director-General Mkuseli Apleni". 24 April 2015. Accessed 20 October 2015: <http://www.dha.gov.za/index.php/statements-speeches/600-overview-of-the-new-immigration-laws-and-regulations-and-their-implications-by-home-affairs-director-general-mkuseli-apleni>.

Department of International Law (1969). "American Convention on Human Rights". Accessed 10 August 2015: http://www.oas.org/dil/treaties_B-32_American_Convention_on_Human_Rights.htm.

Department of Justice (2014). "Technical Paper: Bill C-36, Protection of Communities and Exploited Persons Act". Accessed 10 August 2015: <http://www.justice.gc.ca/eng/rp-pr/other-autre/protect/p1.html>.

Dodillet, Susanne, and Petra Östergren (2011). "The Swedish Sex Purchase Act: Claimed Success and Documented Effects." Conference paper presented at the International Workshop Decriminalizing Prostitution and beyond: Practical Experiences and Challenges. The Hague. 3 March 2011. Accessed 10 August 2015: <http://gup.ub.gu.se/records/fulltext/140671.pdf>.

ECPAT International (n.d.). "Reducing violence against children, with special focus on sexual exploitation of children and child sex tourism."

ECPAT International (2008). "Combating Child Sex Tourism: Questions & Answers." Bangkok: ECPAT International, 2008. Accessed 10 August 2015: http://www.ecpat.net/sites/default/files/cst_faq_eng.pdf.

ECPAT International (2008). "Strengthening Laws addressing child sexual exploitation: A Practical Guide." Bangkok.

ECPAT International (2008). "Thematic Issues at the World Congress III against Sexual Exploitation of Children and Adolescents". Accessed 10 August 2015: <http://resources.ecpat.net/worldcongressIII/thematic2.php>.

ECPAT International (2009). "Private Sector Roles and Responsibilities to End Sexual Exploitation of Children: Child and Youth Version". Bangkok: ECPAT International. December 2009. Accessed 10 August 2015: http://www.ecpat.net/sites/default/files/private_sector_roles_and_resp.pdf.

ECPAT International (2009). "Report of the World Congress III against Sexual Exploitation of Children & Adolescents". Bangkok: ECPAT International. September 2009. Accessed 20 October 2015: http://www.ecpat.net/sites/default/files/ECPATWCIIIReport_FINAL.pdf.

ECPAT International (2013). "Analysis of Legal Frameworks Surrounding the Sexual Exploitation of Children". Mark Capaldi, editor. Journal Series No. 5. January 2013. Bangkok: ECPAT International. Accessed 10 August 2015: http://www.ecpat.net/sites/default/files/ecpat_journal_jan_2013.pdf.

ECPAT International (2013). "Examining Neglected Elements in Combating Sexual Exploitation of Children." Journal Series No 7. July 2013. Accessed 23 July 2015: http://www.ecpat.net/sites/default/files/ecpat_journal_jul_2013_eng.pdf.

ECPAT International (2013). "Global Monitoring: Kazakhstan". 2nd edition.

ECPAT International (2014). "National Child Protection Systems in the East Asia and Pacific Region". Bangkok: ECPAT International, 2014. Accessed 20 October 2015: http://www.unicef.org/eapro/Child_Protection_Systems_Mapping.pdf.

ECPAT International (2014). "The Commercial Sexual Exploitation of Children in Africa". November 2014. Accessed 25 August 2015: http://www.ecpat.net/sites/default/files/Regional%20CSEC%20Overview_Africa.pdf.

ECPAT International (2014). "The Commercial Sexual Exploitation of Children in East and South-East Asia". November 2014. Accessed 25 August 2015: http://www.ecpat.net/sites/default/files/Regional%20CSEC%20Overview_East%20and%20South-%20East%20Asia.pdf.

ECPAT International (2014). "The Commercial Sexual Exploitation of Children in Europe". November 2014. Accessed 25 August 2015: http://www.ecpat.net/sites/default/files/Regional%20CSEC%20Overview_Europe.pdf.

ECPAT International (2014). "The Commercial Sexual Exploitation of Children in South Asia," November 2014. Accessed 25 August 2015: http://www.ecpat.net/sites/default/files/Regional%20CSEC%20Overview_South%20Asia.pdf.

ECPAT International (2015). "World Congress against the Commercial Sexual Exploitation of Children". Last updated 2015. Accessed 10 August 2015: <http://www.ecpat.net/world-congress-against-commercial-sexual-exploitation-children>.

Equality Now. "Global Sex Trafficking Fact Sheet". Accessed 25 August 2015: <http://www.equalitynow.org/node/1010>.

European Commission, "Explaining the rules," accessed 20 October 2015, http://ec.europa.eu/immigration/who-does-what/more-information/explaining-the-rules-why-are-there-eu-rules-and-national-rules_en#EUImmRules.

European Commission, "Official Journal of the European Union: C83", Vol 53, 30 March 2010, accessed 20 October 2015, <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2010:083:FULL:EN:PDF>.

European Cybercrime Centre (Europol) (2015). "Commercial Sexual Exploitation of Children Online: A Strategic Assessment". Accessed 10 August 2015: <http://www.europeanfinancialcoalition.eu/private10/images/document/21.pdf>.

European Financial Coalition against Commercial Sexual Exploitation of Children Online. "About EFC". Accessed 10 August 2015: <http://www.europeanfinancialcoalition.eu/>.

Franklin, Jordon. "Where Art Thou, Privacy?: Expanding Privacy Rights of Minors in Regard to Consensual Sex: Statutory Rape Laws and the Need for a "Romeo and Juliet" Exception in Illinois". *John Marshall Law Review*. Vol. 46(1). Fall 2012. Accessed 25 October 2015: <http://heinonline.org.uml.idm.oclc.org/HOL/Page?page=309&handle=hein.journals%2Fjmlr46&collection=journals>.

Fredette, Karen (2009). "International Legislative Efforts to Combat Child Sex Tourism: Evaluating the Council of Europe Convention on Commercial Child Sexual Exploitation". 32 BC Int'l & Comp L Rev.

Frontier Economics (2014). "Uber regulated?" July 2014. Accessed 20 October 2015: <http://www.frontier-economics.com.au/documents/2014/07/uber-regulated.pdf>.

Foreign & Commonwealth Office (2013). "G8 UK 2013: Declaration on Preventing Sexual Violence in Conflict". 11 April 2013. London. Accessed 10 August 2015: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/185008/G8_PSVI_Declaration_-_FINAL.pdf.

George, Babu P and Thomas R Panko (2011). "Child Sex Tourism: Facilitating conditions, legal remedies and other interventions." 6 Vulnerable Children and Youth Studies: An International Interdisciplinary Journal for Research, Policy and Care 2. 134-143.

Government of Thailand. "Immigration Act". Accessed 20 October 2015: http://www.immigration.go.th/nov2004/en/doc/Immigration_Act.pdf.

Grant, Anna, Dr. Peter Grabosky and Fiona David (1999). "The Commercial Sexual Exploitation of Children". Paper presented at the Children and Crime: Victims and Offenders Conference. Brisbane.

Gunter, Barrie (2014). *Media and the Sexualization of Childhood*. New York: Routledge.

Hecht, Mark (2008). "Private Sector Accountability in Combating the Commercial Sexual Exploitation of Children". Bangkok: ECPAT International.

Home Office (Gov.Uk). "#WePROTECT summit: statements of action". 11 December 2014. Last updated 17 September 2014. Accessed 20 October 2015: <https://www.gov.uk/government/publications/weprotect-summit>.

Home Office, Foreign & Commonwealth Office and Rt. Hon Theresa May MP. "Global war declared on online child sexual abuse". 8 December 2014. Accessed 20 October 2015: <https://www.gov.uk/government/news/ending-online-child-sexual-exploitation-uk-leads-global-summit-in-london-weprotect-children-online>.

Hughes, Donna (2004). "Best Practices to Address the Demand Side of Sex Trafficking". University of Rhode Island. August 2004.

Human Rights Council (2013). "Report of the Special Rapporteur on the sale of children, child prostitution, and child pornography, Najat Maalla M'jid". 23 December 2013. UN Doc. A/HRC/25/48.

Humanium. "Child Prostitution". Last updated 12 December 2011. Accessed 25 August 2015: <http://www.humanium.org/en/child-prostitution/>.

International Centre for Missing & Exploited Children. "Financial Coalition against Child Pornography". Accessed 10 August 2015: http://www.icmec.org/missingkids/servlet/PageServlet?LanguageCountry=en_X1&PageId=3064.

International Centre for Missing & Exploited Children. "Global Efforts to Expand the Financial Coalition". Accessed 10 August 2015: http://www.icmec.org/missingkids/servlet/PageServlet?LanguageCountry=en_X1&PageId=4355.

International Labour Office. "Worst Forms of Child Labour Convention, 1999". Accessed 10 August 2015: http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---declaration/documents/publication/wcms_decl_fs_46_en.pdf.

International Labour Organisation (2008). "Commercial sexual exploitation of children and adolescents: the ILO's response". 24 November 2008. Accessed 10 August 2015: <http://www.ilo.org/ipecinfo/product/download.do?type=document&id=9150>.

International Organization for Standardization. "Certification...". Accessed 25 October 2015: <http://www.iso.org/iso/home/standards/certification.htm>.

Jaffer, The Honourable Mobina S B, and The Honourable Patrick Brazeau (2011). "The Sexual Exploitation of Children in Canada: the Need for National Action". November 2011. Accessed 10 August 2015: <http://www.parl.gc.ca/Content/SEN/Committee/411/ridr/rep/rep03nov11-e.pdf>.

Kaplan, Roberta and Michael Nadler (2015). "Airbnb: A Case Study in Occupancy Regulation and Taxation". 82 U Chi L Rev Dialogue 103. Accessed 20 October 2015: https://lawreview.uchicago.edu/sites/lawreview.uchicago.edu/files/uploads/Dialogue/Kaplan_Nadler_Dialogue.pdf.

Kotiswaran, Prabha (2014). "Beyond the allures of Criminalization: Rethinking the regulation of sex work in India". *14 Criminology & Criminal Justice* 5.

Library of Congress (2015). "Children's Rights: International Laws". Last updated 2 July 2015. Accessed 10 August 2015: <http://www.loc.gov/law/help/child-rights/international-law.php>.

Lucas, Ann M (2013). "Race, Class, Gender, and Deviancy: The Criminalization of Prostitution". *Berkeley Journal of Gender, Law & Justice*. Vol. 10, Iss. 1. September 2013. Accessed 10 August 2015: <http://scholarship.law.berkeley.edu/cgi/viewcontent.cgi?article=1096&context=bglj>.

Lynch, Darlene, Kosha Tucker, and Kirsten Widner (2012). "Improving Offender Accountability in CSEC Cases: Tools for Investigating and Prosecuting Adult Exploiters." Atlanta: Emory University School of Law. 2nd edition. March 2012. Accessed 10 August 2015: http://children.georgia.gov/sites/children.georgia.gov/files/related_files/site_page/Improving%20Offender%20Accountability.pdf.

Maalla M'jiid, Najat (2011). "Introducing remarks: Expert meeting on the legal framework required to prohibit, prevent, and respond to all forms of violence against children". 6-7 July 2011.

Mallon, Gerald and Peg McCartt Hess, eds. *Child Welfare for the Twenty-first Century: A Handbook of Practices, Policies, and Programs*. 2nd edition. New York: Columbia University Press.

Moser, Sandra L (2001). "Anti-Prostitution Zones: Justifications for Abolition". *The Journal of Criminal Law and Criminology*. Vol. 91, No. 4. Northwestern University School of Law. Accessed 10 August 2015: http://www.jstor.org/stable/1144157?seq=1#page_scan_tab_contents.

Mullin, Gemma. "Boy, 14, is 'branded a paedophile' by police for texting naked selfie to schoolgirl: Mother's fury as son is put on sex crime database for 100 years". *MailOnline*. 3 September 2015. Accessed 25 October 2015: <http://www.dailymail.co.uk/news/article-3220682/Pupil-14-police-database-sending-naked-picture-girl-shared-school.html>.

Murray, Bethany (2014). "Legislating Lust: A Comparative Analysis of Prostitution Legal Frameworks in Western and Central Europe". Minnesota. April 2014.

Natapoff, Alexandra (2015). "Misdemeanor Decriminalization". *Vanderbilt Law Review*. Vol 68. pp. 20 April 2015. 1055-1116.

National Coalition to Prevent Child Sexual Abuse and Exploitation (2012). "National Plan to Prevent the Sexual Abuse and Exploitation of Children". March 2012.

Newell, Peter and UNICEF's Innocenti Research Centre (2008). "Legal Frameworks for Combating Sexual Exploitation of Children".

O'Brien, Erin (2015). "Prostitution Ideology and Trafficking Policy: The Impact of Political Approaches to Domestic Sex Work on Human Trafficking Policy in Australia and the United States." *Journal of Women, Politics & Policy*. Brisbane: Queensland University of Technology. 7 May 2015. Accessed 10 August 2015: <http://www.tandfonline.com/doi/pdf/10.1080/1554477X.2015.1019277>.

O'Donnell, Dan (2008). "Promoting Child-friendly Court Procedures: CRC Article 12.2." Bern: UNICEF, October 2008. Accessed 24 October 2014: <http://www.unicef-irc.org/files/documents/d-3571-Promoting-Child-friendly.pdf>.

Office of the High Commission for Human Rights. Status of Ratification Interactive Dashboard. Accessed 24 October 2015: <http://indicators.ohchr.org/>.

Office of the High Commissioner for Human Rights (1976). "International Covenant on Economic, Social and Cultural Rights". 3 January 1976. Accessed 10 August 2015: <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CESCR.aspx>.

Office of the High Commissioner for Human Rights (1990). "Convention on the Rights of the Child". 2 September 1990. Accessed 10 August 2015: <http://www.ohchr.org/en/professionalinterest/pages/crc.aspx>.

Omar, Shaheda, Elizabeth Steenkamp, Sheri Errington (2012). *Children who sexually abuse other children: A South African Perspective*. SUN MeDIA MeTRO. Accessed 25 October 2015: https://books.google.ca/s?id=TeDeDdzVdQUc&pg=PA16&lpg=PA16&dq=children+who+sexually+abuse+other+children&source=bl&ots=ekC_W&sig=sSPQ1z64W6mPx7x9CqCmdmJmp5M&hl=en&sa=X&ved=0CEAQ6AEwBjgUahUKEwilwPvr3d7IAhWHPogKHfqLA9k#v=onepage&q=children%20who%20sexually%20abuse%20other%20children&f=false.

Ontario Ministry of Children and Youth Services. "Reporting Child Abuse and Neglect: You're your Duty." Accessed 20 October 2015: <http://www.children.gov.on.ca/htdocs/English/topics/childrensaidd/reportingabuse/abuseand-neglect/abuseandneglect.aspx>.

Open Society Foundations. "10 Reasons to Decriminalize Sex Work". Revised March 2015. Accessed 20 October 2015: https://www.opensocietyfoundations.org/sites/default/files/10-reasons-decriminalize-sex-work-20150410_0.pdf.

"Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution, and child pornography". 18 January 2002. Accessed 10 August 2015: <http://www.ohchr.org/EN/ProfessionalInterest/Pages/OPSCCRC.aspx>.

Parliament of Canada (2014). "Bill C-36," 41st Parliament, 2nd Session. Accessed 20 October 2015: <http://www.parl.gc.ca/LegisInfo/BillDetails.aspx?Language=E&Mode=1&Bill=C36&Parl=41&Ses=2>.

Parliament of Canada (2014). "Summary of Bill C-36: An Act to Amend the Criminal Code in response to the Supreme Court of Canada Decision in Attorney General of Canada v. Bedford and to Make Consequential Amendments to Other Acts". 6 November 2014. Accessed 10 August 2015: <http://www.parl.gc.ca/HousePublications/Publication.aspx?Language=E&Mode=1&DocId=6767128&File=19>.

Pecora, Peter, James Whittaker, Anthony Maluccio, and Richard Barth. *The Child Welfare Challenge: Policy Practice, and Research*. New Brunswick: Transaction Publishers, 2010.

Perrin, Benjamin (2014). "How to Make Canada's New Prostitution Laws Work". Macdonald-Laurier Institute Publication. October 2014. Accessed 10 August 2015: <http://www.macdonaldlaurier.ca/files/pdf/MLICommentaryPerrin1014WebReady.pdf>.

Pitcher, Jane, and Marjan Wijers (2014). "The impact of different regulatory models on the labour conditions, safety and welfare of indoor-based sex workers". *Criminology & Criminal Justice*. Vol. 14(5). 22 April 2014.

Raymond, Janice (2008). "Ten Reasons for Not Legalizing Prostitution and a Legal Response to the Demand for Prostitution". *Journal of Trauma Practice*. 15 October 2008.

Said-Foqahaa, Nader (2011). "Arab Women: Duality of Deprivation in Decision-making under Patriarchal Authority". *Journal of Women of the Middle East and the Islamic World*. Accessed 25 August 2015: <http://www.genderclearinghouse.org/upload/Assets/Documents/pdf/Arab-Women-Duality-of-%20Deprivation-in-decision-making%20-under%20-patriarchal%20-authority.pdf>.

Sampson, Lauren (2014). "'The Obscenities of this Country': Canada v Bedford and the Reform of Canadian Prostitution Laws". *Duke Journal of Law and Policy*. Vol. 22(137).

Sanders, Teela, and Rosie Campbell (2014). "Criminalization, protection and rights: Global tensions in the governance of commercial sex". *Criminology & Criminal Justice*. Vol. 14(5).

Save the Children Sweden (2003). *Globalization and Commercial Sexual Exploitation of Children and Adolescents*. Accessed 23 July 2015: <http://resourcecentre.savethechildren.se/sites/default/files/documents/2941.pdf>.

Schofield, Karin. "Chapter 10: Collisions of Culture and Crime: Media Commodification of Child Sexual Abuse". In Jeff Ferrell, Keith Hayward, Wayne Morrison, Mike Presdee, eds. *Cultural Criminology Unleashed*. London: The GlassHouse Press, 2004.

Sheehan, Rosemary, Nicky Stanley, and Helen Rhoades. *Vulnerable Children and the Law*. London: Jessica Kingsley Publishers, 2012.

South Asian Association for Regional Cooperation (2002). "SAARC Convention on Regional Arrangements for the Promotion of Child Welfare in South Asia". Accessed 10 August 2015: <http://www.saarc-sec.org/userfiles/conv-children.pdf>.

Stop It Now. "FAQ: Can child sexual abuse also involve a child abusing another child?" Accessed 25 October 2015: <http://www.stopitnow.org/faq/can-child-sexual-abuse-also-involve-a-child-abusing-another-child>.

Swedish Institute. "Selected extracts of the government report SOU 2010:49: 'The Ban against the Purchase of Sexual Services. An Evaluation 1999-2008'". November 2010. Accessed 20 October 2015: <http://www.government.se/contentassets/8f0c2ccaa84e455f8bd2b7e9c557ff3e/english-translation-of-chapter-4-and-5-in-sou-2010-49.pdf>.

The Code. "About." Accessed 10 August 2015: <http://www.thecode.org/about/>.

The Code (2013). "Annual Report 2013". Accessed 20 October 2015: http://www.thecode.org/wp-content/uploads/2014/05/The-Code_Annual-Report-2013_Web.pdf.

"The Swedish Penal Code" (1962:700). Brottsbalken. Accessed 20 October 2015: <http://www.government.se/contentassets/5315d27076c942019828d6c36521696e/swedish-penal-code.pdf>.

"The Yokohama Global Commitment 2001". Accessed 10 August 2015: http://www.ecpat.net/sites/default/files/the_yokohama_global_commitment_2001.pdf.

Thomson Reuters Foundation for the Trust Women Conference (2012). "Overview of Trafficking and Prostitution Laws in the Middle East and Africa". November 2012. Accessed 25 August 2015: <http://www.trust.org/contentAsset/raw-data/1035fde5-b945-49ed-8cd4-166bc1ec156b/file>.

Uber. "Driving Jobs vs Driving With Uber". Accessed 20 October 2015: <https://www.uber.com/driver-jobs>.

UN Commission on Human Rights (2006). "Integration of the Human Rights of Women and a Gender Perspective: Report of the Special Rapporteur on the human rights aspects of the victims of trafficking in persons, especially women and children, Sigma Huda". UN Doc. E/CN.4/2006/62.

UN Commission on Human Rights (2006). "RIGHTS OF THE CHILD: Report of the Special Rapporteur on the sale of children, child prostitution, and child pornography, Juan Miguel Petit". UN Doc. E/CN.4/2006/67.

UN Committee on the Rights of the Child (2002). "General Discussion: the Private Sector as Service Provider and its Role in Implementing Child Rights". UN Doc. CRC/C/121.

UN Human Rights Council (2014). "Report of the Special Rapporteur on the sale of children, child prostitution, and child pornography, Maud de Boer-Buquicchio". UN Doc. A/HRC/28/56.

UNICEF (n.d.). "Commercial Sexual Exploitation of Children: The Situation in the Middle East/North Africa Region". Accessed 3 June 2015: http://www.unicef.org/events/yokohama/background8.html#_edn1.

UNICEF (2005). *Children Out of Sight, Out of Mind, Out of Reach; Abused and Neglected, Millions of Children Have Become Virtually Invisible*. December 2005.

UNICEF (2006). "Child Protection Information Sheet: Commercial Sexual Exploitation". May 2006. Accessed 10 August 2015: http://www.unicef.org/chinese/protection/files/Sexual_Exploitation.pdf.

UNICEF (2012). "Assessing the Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism: Discussion Paper." Florence: UNICEF Innocenti Research Centre. 22 February 2012. Accessed 10 August 2015: http://www.unicef-irc.org/publications/pdf/ids_codeofconduct2.pdf.

UNICEF (2015). "Amendments to the Family Law provide better protection of child's rights." 14 September 2015. Accessed 20 October 2015: http://www.unicef.org/montenegro/media_28310.html.

UNICEF Pacific (2006). "Commercial Sexual Exploitation of Children (CSEC) and Child Sexual Abuse (CSA) in the Pacific: A Regional Report". UNICEF, UNESCAP and ECPAT.

United Nations (2011). "Optional Protocol to the Convention on the Rights of the Child on a Communications Procedure". Accessed 25 August 2015: https://treaties.un.org/doc/source/signature/2012/CTC_4-11d.pdf.

United Nations Office on Drugs and Crime (2004). "United Nations Convention against Transnational Organized Crime and the Protocols Thereto." Vienna. Accessed 10 August 2015: <http://www.unodc.org/documents/treaties/UNTOC/Publications/TOC%20Convention/TOCebook-e.pdf>.

University of Southern California Annenberg Centre (2012). "Private-Sector Initiatives". Accessed 10 August 2015: <http://technologyandtrafficking.usc.edu/private-sector-initiatives/>.

UNTERM. "Arab-African Forum against Sexual Exploitation of Children". Accessed 10 August 2015: <http://unterm.un.org/DGAACS/unterm.nsf/WebView/D7C268DC5543A46E85256BFB00486FE2>.

US Bureau of Democracy, Human Rights, and Labor (2006). "Brazil". 8 March 2006. Accessed 25 August 2015: <http://www.state.gov/j/drl/rls/hrrpt/2005/61718.htm>.

US Bureau of Democracy, Human Rights, and Labor (2009). "2008 Human Rights Reports: Argentina". 25 February 2009. Accessed 25 August 2015: <http://www.state.gov/j/drl/rls/hrrpt/2008/wha/119145.htm>.

US Bureau of Democracy, Human Rights, and Labor (2009). "2008 Human Rights Reports: India". 25 February 2009. Accessed 25 August 2015: <http://www.state.gov/j/drl/rls/hrrpt/2008/sca/119134.htm>.

Walters, Joanna. "Teen prosecuted as adult for having naked images - of himself - on phone." *The Guardian*. 20 September 2015. Accessed 25 October 2015: <http://www.theguardian.com/us-news/2015/sep/20/teen-prosecuted-naked-images-himself-phone-selfies>.

Ware, Jayson, Andrew Frost, and Anna Hoy. "A Review of the Use of Therapeutic Communities with Sexual Offenders". *International Journal of Offender Therapy and Comparative Criminology*. Vol. 54, No. 5. October 2010. Accessed 25 October 2015: <http://ijo.sagepub.com.uml.idm.oclc.org/content/54/5/721.full.pdf+html>.

Weitzer, Ronald (2012). "Legalizing Prostitution: From Illicit Vice to Lawful Business". New York: New York University Press.

Weitzer, Ronald (2014). "Researching Prostitution and Sex Trafficking Comparatively". 22 August 2014.

Wong, Christoffer. "Chapter 6 of the Swedish Penal Code". Lund University Faculty of Law, July 2013. Accessed 20 October 2015: http://works.bepress.com/cgi/viewcontent.cgi?article=1028&context=christoffer_wong.

World Tourism Organization Network. "Campaign on Child Protection". Accessed 10 August 2015: <http://ethics.unwto.org/content/campaign-child-protection>



ECPAT INTERNATIONAL

328/1 Phayathai Road, Rachathewi, Bangkok, Thailand 10400
Telephone: +662 215 3388, 02 215 8272 | Fax: +662 215 8272
E-Mail: info@ecpat.net | Website: www.ecpat.net