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**Promotion and protection of the rights of children: Follow-up to the outcome of the special session on children (resolutions [S-27/2](#) and [76/147](#))**

### **Sale and sexual exploitation of children, including child prostitution, child pornography and other child sexual abuse material**

#### **Note by the Secretary-General**

The Secretary-General has the honour to transmit to the members of the General Assembly the report of the Special Rapporteur on the sale and sexual exploitation of children, including child prostitution, child pornography and other child sexual abuse material, Mama Fatima Singhateh, submitted in accordance with Assembly resolution [76/147](#).

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\* [A/77/150](#).



## **Report of the Special Rapporteur on the sale and sexual exploitation of children, including child prostitution, child pornography and other child sexual abuse material, Mama Fatima Singhateh**

### *Summary*

In the present report, submitted pursuant to General Assembly resolution [76/147](#), the Special Rapporteur on the sale and sexual exploitation of children, including child prostitution, child pornography and other child sexual abuse material, Mama Fatima Singhateh, describes the activities undertaken in relation to the discharge of her mandate since her previous report to the Assembly ([A/76/144](#)).

She also presents a thematic study on addressing the vulnerabilities of children to sale and sexual exploitation within the framework of the Sustainable Development Goals. The study includes identification of children who are at risk or vulnerable to sale and sexual abuse and exploitation under targets 5.3, 8.7 and 16.2. The Special Rapporteur also suggests measures for the protection of vulnerable groups of children within: (a) the situational status of the family; (b) the digital space; (c) institutional and alternative care. Good practices and recommendations are underscored through references to national efforts towards ensuring that no child is left behind.

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## I. Introduction

1. The present report, submitted pursuant to General Assembly resolution [76/147](#), contains information on the activities undertaken by the Special Rapporteur on the sale and sexual exploitation of children, including child prostitution, child pornography and other child sexual abuse material, from August 2021 to August 2022.
2. The report also includes a thematic study on addressing the vulnerabilities of children to sale and sexual exploitation within the framework of the Sustainable Development Goals.

## II. Activities carried out by the Special Rapporteur

### A. Conferences and engagement with stakeholders

3. Information on the activities carried out in this area by the Special Rapporteur in 2021 can be found in her annual report to the Human Rights Council, submitted at its forty-ninth session.<sup>1</sup>
4. On 7 February 2022, the Special Rapporteur met with the Committee on the Rights of the Child during its eighty-ninth session to exchange views on their respective activities and enhance their ongoing cooperation.
5. On 9 and 10 March 2022, the Special Rapporteur presented her annual report<sup>2</sup> to the Human Rights Council at its forty-ninth session, focusing on a practical approach to addressing the sale and sexual exploitation of children.
6. On 11 March 2022, the Special Rapporteur organized a side event on “a practical approach to addressing the sale and sexual exploitation of children”. The event was co-sponsored by Uruguay and the European Union.
7. Also on 11 March 2022, the Special Rapporteur held an online brainstorming meeting with a circle of partners in order to gain their perspectives and inputs on the possibility of taking forward the recommendations in her latest report to the Human Rights Council.
8. On 23 March 2022, the Special Rapporteur participated in and collaborated with the Committee on the Rights of the Child and other partners on an online event celebrating the twentieth anniversary of the entry into force of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography. During her presentation, the Special Rapporteur shared her reflections on good examples of how sexual exploitation of children is being addressed at a global level.
9. The Special Rapporteur was invited to the Pan-African Symposium on Violence Prevention, held from 11 to 13 May 2022, at which she gave a presentation on practical solutions that African Governments may consider in addressing the sale and sexual exploitation of children.
10. At a summit organized by the WeProtect Global Alliance on 1 and 2 June 2022, the Special Rapporteur presented a keynote address virtually, wherein she highlighted the importance of adopting and implementing preventive, protective and rehabilitative measures for children, to address the increasingly contextual challenges stemming from the digital world.

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<sup>1</sup> [A/HRC/49/51](#), paras. 3–10.

<sup>2</sup> [A/HRC/49/51](#).

## B. Country visits

11. The Special Rapporteur visited Montenegro from 8 to 16 September 2021. The report on the mission was presented to the Human Rights Council at its forty-ninth session, in March 2022. The Special Rapporteur thanks the Government of Montenegro for the cooperation extended before, during and after the visit.

12. The Special Rapporteur undertook a country visit to Mauritius from 21 to 30 June 2022. The Government of the Philippines has also invited her for a visit in the second half of 2022. The Special Rapporteur is grateful for the acceptance of her requests and looks forward to constructive dialogues with regard to the country visits.

## III. Thematic study on addressing the vulnerabilities of children to sale and sexual exploitation within the framework of the Sustainable Development Goals

### A. Scope, objective and methodology

13. In the report outlining the vision of the Special Rapporteur in 2020 ([A/75/210](#)), the Special Rapporteur emphasized the need to identify those children who are at risk of falling victim to sale and sexual exploitation and what needs to be done to mitigate their vulnerability and protection needs.<sup>3</sup> In the same report, she highlighted the importance of analysing this issue in the context of targets 5.3, 8.7 and 16.2<sup>4</sup> of the Sustainable Development Goals with focus on specific groups of children who are at greater risk of being left behind.<sup>5</sup> The aim of the present report is therefore to address these issues with a view to informing the national reviews and follow-up reports on the Goals in the context of protecting the most vulnerable groups of children from sale and sexual exploitation.

14. Building on her most recent report to the Human Rights Council, on a practical approach to addressing the sale and sexual exploitation through prevention, protection and rehabilitation services, in the present report, the Special Rapporteur identifies children who are most at risk or vulnerable to sale and sexual abuse and exploitation under Sustainable Development Goal targets 5.3, 8.7 and 16.2. She also provides examples of good practices to addressing these issues and protecting these vulnerable groups of children in the context of the situational status of the family, the digital space and institutional settings.

15. With the unprecedented impacts of the coronavirus disease (COVID-19) pandemic, which jeopardized the gains made in terms of the Sustainable Development Goals and increased the vulnerability of children to sale and sexual exploitation, it has become necessary to address the existing stark inequalities and vulnerabilities of the most disadvantaged children.<sup>6</sup> Because the COVID-19 crisis has had lasting effects on public institutions, human rights and essential services, it is imperative to review the existing situation with a view to finding sustainable solutions. This can contribute to building back better on child protection delivery.

16. The aim of the present study is therefore to serve as a guide, and suggest recommendations for the protection of the most vulnerable children from sale and

<sup>3</sup> [A/75/210](#), para. 48.

<sup>4</sup> The specific set of indicators is in the list (refinements up to the fifty-second session in March 2021, [E/CN.3/2021/2](#), annex), as adopted by the General Assembly at its seventy-second session in 2017.

<sup>5</sup> [A/75/210](#), para. 47.

<sup>6</sup> See [A/HRC/46/31](#).

sexual exploitation, to States and other stakeholders when applying the Sustainable Development Goal framework to national processes, programmes and measures.

17. To inform the preparation of her report, and in addition to a literature review, the Special Rapporteur issued a call for contributions from States, national human rights institutions, civil society organizations, agencies, academia and individuals on concrete examples of good practices. The Special Rapporteur wishes to thank all the stakeholders who responded to her call for inputs for their valuable contributions.<sup>7</sup>

## **B. International legal framework**

18. Children are recognized in the 2030 Agenda for Sustainable Development as rights holders and a vulnerable group that needs to be empowered.<sup>8</sup> The Convention on the Rights of the Child, and the Optional Protocol to the Convention on the sale of children, child prostitution and child pornography, comprise provisions that protect children from sexual abuse and exploitation. Article 2 of the Convention prohibits discrimination of any kind, irrespective of the child's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status. Refugees, indigenous communities, ethnic minority groups and children with disabilities are also protected under article 2. The extensive body of jurisprudence, general comments and concluding observations of the Committee has encapsulated the special needs of other groups of children, such as those in poverty, those who are abused, displaced or impacted by conflict or climate and those in street situations or in institutional care. Regional instruments, such as the African Charter on the Rights and Welfare of the Child, and the Council of Europe Convention on the Protection of Children from Sexual Exploitation and Sexual Abuse, comprise obligations on the State parties to prevent, protect and ensure adequate support and access to justice for all children.

19. The 2030 Agenda therefore serves as a blueprint for the effective implementation of the existing international legal instruments. Several Sustainable Development Goals and targets reflect the legal obligations to which States have already committed under treaty law and custom. To measure the achievement of the Goals, the indicators can also be used to measure compliance with international law where intersections exist between the targets and international legal obligations. While different provisions of the Goals bear varying degrees and scope of application of international law, failure to comply with the targets set under the Goals, in particular, targets 5.3, 8.7 and 16.2, also signifies an explicit disregard for the legal obligations to which States parties have committed.

20. Sustainable Development Goal 5.3 relates to the elimination of harmful practices such as child marriage, which is also addressed under the Convention on the Rights of the Child and its Optional Protocol on the sale of children, child prostitution and child pornography. Marriage before the age of 18 is a violation of the human rights of children. The Special Rapporteur has highlighted that child marriage may be considered as sale of children for the purposes of sexual exploitation, and, jointly with other Special Rapporteurs, has also underlined that child marriage cannot be justified on traditional, religious, cultural or economic grounds. The Convention, under article 24, provides that States parties should "take all effective and appropriate measures with a view to abolishing traditional practices prejudicial to the health of children".

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<sup>7</sup> Available at [www.ohchr.org/en/calls-for-input/2022/addressing-vulnerabilities-children-sale-and-sexual-exploitation-framework](http://www.ohchr.org/en/calls-for-input/2022/addressing-vulnerabilities-children-sale-and-sexual-exploitation-framework).

<sup>8</sup> Resolution 70/1, paras. 23 and 51.

21. Sustainable Development Goal target 8.7 requires States to take measures to eradicate forced labour, end modern slavery and human trafficking and secure the prohibition and elimination of the worst forms of child labour, which includes the sale and/or the sexual abuse of a child through prostitution or for illicit activities. This target invokes article 32 of the Convention on the Rights of the Child, which prohibits any work that could impair the child's development, and article 35, which forbids the sale of children for any purpose or in any form. The international framework also comprises the International Labour Organization (ILO) Minimum Age Convention, 1973 (No. 138), which sets the minimum age for admission to employment at 15 (art. 2.3), with the option of setting it at 14 as a transitional measure (art. 2.4).

22. Sustainable Development Goal target 16.2, which requires States to end abuse, exploitation, trafficking and all forms of violence against and torture of children, can be linked to article 37 of the Convention on the Rights of the Child, which also requires States parties to ensure that no child is subjected to torture or other cruel, inhuman or degrading treatment or punishment. Article 19 of the Convention contains a broader provision for the protection of children from mental and physical abuse. The Special Rapporteur has previously included physical violence, mental violence, neglect, maltreatment and exploitation, including sexual abuse, as factors to be considered to protect children.<sup>9</sup> The United Nations Convention against Transnational Organized Crime and its Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, as well as the United Nations Convention against Corruption, are relevant to trafficking and other forms of exploitation. In the Forced Labour Convention, 1930 (No. 29), ILO calls for the prohibition and elimination of trafficking in and other forms of exploitation. The Domestic Workers Convention, 2011 (No. 189) is also relevant, as exploited children on the move regularly end up in domestic work. Treaties at the regional level, such the Council of Europe Convention on Action against Trafficking in Human Beings, the African Charter on the Rights and Welfare of the Child, the South Asian Association for Regional Cooperation Convention on Preventing and Combating Trafficking in Women and Children for Prostitution and the Inter-American Convention on International Traffic in Minors, are all vital and relevant instruments.

## **C. Analysis of risks and drivers for vulnerable groups of children in the process of attainment of the Sustainable Development Goals**

### **1. Children most at risk or vulnerable to sale and sexual exploitation**

23. There are certain groups of children who are more vulnerable to sale and sexual exploitation owing to specific aspects of their conditions of birth, identity or circumstances. The focus on their vulnerabilities is due to the fact that there are specific risks that they face, or that they have increased chances of being exposed to or falling victim to sale and sexual exploitation. These vulnerabilities may arise because of the situational status of their families; in the digital space; or within institutional or alternative settings. These children are more likely to experience violence and denial of a spectrum of human rights. The Special Rapporteur has outlined<sup>10</sup> and reiterated<sup>11</sup> that vulnerability emanates from the child's exposure to a range of risks in everyday life or cumulatively and that impact on the child's resilience. The state of being vulnerable depends on the situation of the child but,

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<sup>9</sup> See [E/CN.4/2000/73](#).

<sup>10</sup> See [A/68/275](#).

<sup>11</sup> See [A/HRC/46/31](#) and [A/HRC/25/48](#).

most importantly, on the child's immediate environment and the broader context comprising elements that are interdependent.<sup>12</sup>

**(a) Children vulnerable by virtue of the situational status of their families**

24. Every child has a right to a safe family environment. A child should not be separated from his or her parents against their will, except in the best interests of the child.<sup>13</sup> Children who are deprived of living within family settings, or those who lack stable homes are at increased risk of exposure to sale, sexual abuse and sexual exploitation.

25. Children who experience poverty, notably financial pressure, are pushed into situations such as child labour or become victims of compromised parenting, neglect, domestic violence, physical or emotional abuse. Often owing to financial desperation, children are sold or made to make difficult choices to ensure the survival of the family. Hardships encountered during childhood can also increase the vulnerability of children by reducing their coping skills, without which they are unable to escape their high-risk relationships with their exploiters, leading to increased dependence on them for shelter and basic needs. Multiple forms of deprivation can contribute to reasons for adolescents to leave home to seek better lives, which may eventually lead them to the commercial sex sector, where they will be abused and exploited.

26. Children on the move are at high risk of sale and sexual exploitation.<sup>14</sup> These children include migrants, asylum-seekers, refugees and children affected by conflict or displaced by climate change and natural disasters. Undocumented children and unaccompanied minors are also vulnerable owing to the risks being exacerbated by limited access to safe migration pathways, services and justice. Children displaced owing to climate-induced migration face risks arising from relocation to informal settlements with insufficient infrastructure and environmental hazards.<sup>15</sup> Discrimination, limited access to services and linguistic barriers also render them extremely vulnerable. Protracted conflicts and emerging new ones are pushing millions of children into human trafficking, sale and exploitation.

27. Children belonging to minority and indigenous communities, or in rural settings, also face heightened vulnerabilities.<sup>16</sup> The issues by which they are often affected relate to homelessness, limited access to formal education and language barriers. These factors make them especially vulnerable to the risks of sexual exploitation and trafficking.<sup>17</sup>

28. Children in street situations, deprived of living in family settings, or those who lack a stable home are vulnerable to being recruited, deceived and sexually exploited.<sup>18</sup> There also appear to be links between the sexual exploitation of boys and homelessness, mental health issues and substance misuse.<sup>19</sup> It has been found by

<sup>12</sup> See [A/68/275](#), paras. 21–66. See also [A/HRC/25/48](#), para. 29, and [A/HRC/46/31](#), para. 17.

<sup>13</sup> Convention on the Rights of the Child, art. 9.

<sup>14</sup> Chile submission; and Secretariat of the Committee of the Parties to the Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse, *Special Report: Protecting Children Affected by the Refugee Crisis from Sexual Exploitation and Sexual Abuse* (2017).

<sup>15</sup> Elizabeth Ferris, “Securing the Rights and Protection of Children on the Move”, background paper for Climate Mobility and Children: A Virtual Symposium, 3 and 4 November 2020 (United Nations Children's Fund (UNICEF) and International Organization for Migration, 2020), p. 2.

<sup>16</sup> See ECPAT International, *The Commercial Sexual Exploitation of Children in East and South-East Asia* (2014); and Alberto Minujin, “Child Poverty in East Asia and the Pacific: deprivations and disparities – a study of seven countries” (UNICEF, Division of Policy and Strategy, 2011).

<sup>17</sup> ECPAT International, “Hotel staff took action: indigenous children are not for sale”, 8 June 2020.

<sup>18</sup> Chile submission.

<sup>19</sup> Submission by ECPAT International.



ECPAT International that boys who are victims of sexual exploitation are less likely to report and be identified, and, if they come forward, they face significant barriers to accessing help.<sup>20</sup> Living in a home with multi-problem issues such as substance abuse,<sup>21</sup> addiction, mental health issues and coping and attachment problems has also been known to increase the likelihood of sexual exploitation, as well as early sexual initiation.<sup>22</sup> Boys and lesbian, gay, bisexual, transgender and intersex children are at high risk of ending up homeless, and may also engage in “survival sex” because of not having a social network to rely on.<sup>23</sup>

29. Children with disabilities who are not adequately safeguarded or provided with an enabling environment within their family settings face higher degrees of vulnerability to sale and exploitation. They experience neglect and physical and sexual abuse, especially within circles of trust.<sup>24</sup> Studies have also found that children with disabilities experience a higher risk of being in child labour compared with their non-disabled peers.<sup>25</sup> Children with mental or intellectual disabilities are five times more likely to be victims of sexual abuse than their peers without disabilities.<sup>26</sup> There is also a disproportionate risk of exploitation for girls with disabilities because of their inability to identify risks, and the relative ease with which traffickers can manipulate them.<sup>27</sup>

**(b) Children vulnerable within the digital space**

30. While the digital space and new technologies offer many positive opportunities for children, they also present new risks and threats. Data collected during reporting show that, in 2020, more than 21.7 million reports indicated the existence of 65 million images, videos and other files comprising content of potential abuse and exploitation.<sup>28</sup> Over 99 per cent of the online reports received by CyberTipline in 2021 related to suspected child sexual abuse material.<sup>29</sup> There are also numerous reports on the increase in risks of cyberbullying and child abuse.<sup>30</sup> Mafia networks have been known to take advantage of the economic needs of families by grooming children and exploiting them through sexting and sextortion.<sup>31</sup> Research shows that girls with low esteem suffering from isolation, psychological problems and anorexia fall victim to men with sexual intentions, in particular on the Internet.<sup>32</sup>

**(c) Children in institutional and alternative care settings**

31. Children in alternative or institutional care settings such as orphanages, residential or foster care, residential schools or correctional facilities can be vulnerable to sexual abuse and exploitation<sup>33</sup> in the absence of adequate safeguards and regulations to protect them. Furthermore, various studies point to the impacts of

<sup>20</sup> Ibid.

<sup>21</sup> Ibid. See also Jennifer Cole and Ginny Sprang, “Sex trafficking of minors in metropolitan, micropolitan, and rural communities”, *Child Abuse and Neglect*, vol. 40 (2015).

<sup>22</sup> Submission by civil society organizations, Netherlands.

<sup>23</sup> Ibid. See also [A/76/144](#).

<sup>24</sup> Submission by civil society organizations, Netherlands.

<sup>25</sup> El Salvador submission.

<sup>26</sup> Submission by UNICEF.

<sup>27</sup> Ibid. See also Joan A. Reid, “Sex trafficking of girls with intellectual disabilities: an exploratory mixed methods study”, *Sexual Abuse A Journal of Research and Treatment*, vol. 30, No. 2 (2016).

<sup>28</sup> Submission by International Centre for Missing and Exploited Children.

<sup>29</sup> Ibid.

<sup>30</sup> Chile submission; and submission by Equality Now.

<sup>31</sup> Ibid.

<sup>32</sup> Submission by civil society organizations, Netherlands.

<sup>33</sup> Russian Federation submission.

institutionalization as being harmful to the development of children.<sup>34</sup> The Committee on the Rights of the Child has remained concerned about the high rates of institutionalization of children, in particular those with disabilities or from ethnic minorities and indigenous communities.<sup>35</sup> Children coming out of institutions without a support system in their transition process to adulthood are also exposed to a myriad of risks.

## 2. Interrelatedness of the Sustainable Development Goals

32. The situation of children most at risk of sale and sexual exploitation is also exacerbated because States have not met the targets set under other Sustainable Development Goals, and there is therefore a need to endeavour to meet all the goals of the 2030 Agenda, as they are all interrelated.

33. Poverty and the associated financial pressures lead to situations of children being forced into survival sex or high-risk cases and their interaction with individuals who can abuse their economic vulnerabilities. Poverty also perpetuates or increases the likelihood of harmful practices such as child marriage.<sup>36</sup> Illiterate and less educated families are more likely to expose their children to harmful practices.<sup>37</sup>

34. Gender inequality, discrimination, stigma, norms, defective value systems and violence all contribute to holding girls back from reaching their full potential to enable them to empower themselves against the different manifestations of sale and sexual exploitation.

35. Global trends point to a rise in child labour for the first time in two decades. Failing to reduce economic inequality within and among countries relates to increases in adult unemployment rates, as a result of which risks for abuse, sale and sexual exploitation increase.<sup>38</sup> The continued impacts of COVID-19 also threaten to push an additional 8.9 million children into child labour by the end of 2022.<sup>39</sup>

36. In addition, there is a need for climate action in order to address the rising temperatures and disasters which lead to food insecurity, displacement, migration and loss of livelihoods. Children's considerations remain invisible in business supply chains, products and operations,<sup>40</sup> putting millions of children at risk from exploitation, labour and abuse.<sup>41</sup>

37. Owing to the COVID-19 pandemic, countries have witnessed even more disruptions in government functioning. Significant setbacks are encountered in rule of law and protection systems. With issues surrounding accountability and a lack of

<sup>34</sup> Submission by Kathryn E. van Doore, Griffith University, and Rebecca Nhep, Senior Technical Advisor, Better Care Network.

<sup>35</sup> See Committee on the Rights of the Child, concluding observations, for example: Austria (CRC/C/AUT/CO/5-6, 2020); Costa Rica (CRC/C/CRI/CO/5-6, 2020); Czechia (CRC/C/CZE/CO/5-6, 2021).

<sup>36</sup> United Nations Population Fund (UNFPA)-UNICEF global programme to end child marriage, "Child marriage", 2021 (available at [www.unicef.org/protection/child-marriage](http://www.unicef.org/protection/child-marriage)). See also Egypt and Mauritius submissions.

<sup>37</sup> Egypt and Mauritius submissions.

<sup>38</sup> Mauritius and Oman submissions.

<sup>39</sup> UNICEF and International Labour Organization (ILO), *Child Labour, Global Estimates, 2020, Trends and the Road Forward* (2021).

<sup>40</sup> UNICEF and United Kingdom of Great Britain and Northern Ireland, "Preventing corporate abuse and realizing child rights: the case for UK legislation on human rights and environmental due diligence" (2021), p. 8.

<sup>41</sup> UNICEF, *The Climate Crisis is a Child Rights Crisis* (2021), p. 111.

inclusive institutions, children at risk face persistent setbacks pertaining to their protection and access to justice and/or rehabilitation services.<sup>42</sup>

38. Partnerships for the Sustainable Development Goals remain one of the outstanding issues to be harnessed for the cause of addressing the sale and sexual exploitation of children. The private sector is not well governed, particularly with respect to tourism and travel agencies, Internet service providers, telecommunications companies and the financial institutions. Gaps also lie in bilateral, regional and international agreements and partnerships with countries of origin, transit and destination on trafficking.

## **D. Manifestations and protection needs under targets 5.3, 8.7 and 16.2**

39. As part of its follow-up and review mechanisms, the 2030 Agenda encourages Member States to conduct regular and inclusive reviews of progress at the national and subnational levels. The key points presented by the States and multiple stakeholders under voluntary national reviews of Sustainable Development Goals 5.3, 8.7 and 16.2 will facilitate the sharing of experiences, including successes, challenges and lessons learned as they relate to the protection of children. Such findings as discussed below could support States in the formulation of effective policies and institutional strengthening in their national efforts.

### **1. Eliminate all harmful practices, such as child, early and forced marriage and female genital mutilation**

40. The risk of child marriage increases as a result of vulnerability in economic circumstances within the family, limited or no access to education and basic services. The societal costs of child marriages are also very high.<sup>43</sup> The practice of child, early and forced marriage is a direct manifestation of gender inequality, which is well highlighted by the SDG indicators metadata repository.<sup>44</sup> The findings of the voluntary national reviews for 2021 reiterate the intricate link between child marriage and harmful traditional practices in conjunction with the situation of lack of safety, security and political instability.<sup>45</sup>

41. Child marriage is also known to be a coping mechanism for vulnerable groups impacted by conflicts, food crises and disasters. There are reports of the selling off of children in conflict situations for family survival or for the interest of the profit nexus in institutional care setups.<sup>46</sup> Additionally, parents view marriage as a way of “protecting” their daughters from the high rates of physical and sexual violence in times of conflict or crisis.<sup>47</sup>

42. In recent years, an alarming rise in child marriages has been seen among the most vulnerable refugee populations, even in instances where, prior to the conflict,

<sup>42</sup> See Department of Economic and Social Affairs, Statistics Division, report on Goal 16. Available at <https://unstats.un.org/sdgs/report/2021/goal-16/>.

<sup>43</sup> Report by the Special Rapporteur on a practical approach to addressing the sale and sexual exploitation of children (A/HRC/49/51), 2022.

<sup>44</sup> Department of Economic and Social Affairs, Statistics Division, SDG indicators metadata repository on 5.3. Available at <https://unstats.un.org/sdgs/metadata/?Text=&Goal=5&Target=5.3>.

<sup>45</sup> Department of Economic and Social Affairs, high-level political forum on sustainable development, *2021 Voluntary National Reviews Synthesis Report*.

<sup>46</sup> See Girls Not Brides, “Child Marriage in Humanitarian Contexts”, thematic brief (August 2020); and Arab Reporters for Investigative Journalism, “Underage orphaned girls married off in Egyptian ‘welfare homes’”, 2021.

<sup>47</sup> See World Vision, “Breaking the chain, empowering girls and communities to end child marriages during COVID-19 and beyond”, 20 May 2021.

child marriage was significantly less.<sup>48</sup> Parents and caregivers of disabled children also tend to find justifications in forced marriage with a view to securing long-term care and that marriage can alleviate disability.<sup>49</sup> Barriers to engaging with the formal justice system to prevent her being forced into an illegal marriage and the death of a parent can increase the likelihood that a female orphan will be married off. With the impacts of COVID-19, awareness campaigns and community dialogues on the harmful effects of child marriage were curtailed, and this created a dangerous vacuum.<sup>50</sup> Evidence from the experience of both child marriage and female genital mutilation indicate that interventions through social protection programmes need to be targeted through measures which are able to reach the poorer sections of communities, minority ethnic groups and families continuing to be deprived of education.<sup>51</sup>

## 2. Eradicate forced labour, end modern slavery and human trafficking

43. In low- and middle-income countries, disproportionately high numbers of vulnerable groups, often linked with low economic status<sup>52</sup> of children, are involved in child labour in dominant sectors of the economy. For children impacted by poverty, child labour is one of the biggest driving forces for the survival of the family, as income from a child's work is felt to be crucial for the survival of the family.<sup>53</sup>

44. The voluntary national reviews report 2021 emphasizes that holistic efforts are required to take stock of the widespread prevalence of an informal economy and its existence in rural settings across the nations. Additionally, the reviews point to the need for measures to address increasing youth unemployment and barriers in creating sustainable tourism.<sup>54</sup> From the demand side, children from vulnerable groups are viewed as easier to manipulate and less likely to demand higher wages or better working conditions.<sup>55</sup> Indigenous children face specific problems such as debt bondage and other manipulations by labour intermediaries, placing them in economic hardship, with families unable to repay.<sup>56</sup> Impacts on indigenous children by the extractive businesses recorded have included illegal child labour and work as domestic servants.<sup>57</sup> Child domestic workers also come primarily from rural families, and girls who move to the cities to avoid marriage frequently end up as child domestic workers or in other forms of abuse and exploitation.<sup>58</sup> Those particularly at risk of recruitment into armed groups in conflict situations are children from marginalized

<sup>48</sup> United Nations Population Fund, "New study finds child marriage rising among most vulnerable Syrian refugees", 31 January 2017.

<sup>49</sup> See Michelle McCarthy and others, "Risk of forced marriage amongst people with learning disabilities in the UK: perspectives of South Asian carers", *Journal of Applied Research in intellectual disabilities*, vol. 34, No. 1 (2020).

<sup>50</sup> UNICEF, "COVID-19, a threat to progress against child marriage", 2021, pp. 6 and 8.

<sup>51</sup> See UNICEF, *Understanding the relationship between child marriage and female genital mutilation: a statistical overview of their co-occurrence and risk factors* (2021).

<sup>52</sup> Guyana submission; submission by Maat for Peace, Development and Human Rights.

<sup>53</sup> See ILO, *World Report on Child Labour Economic vulnerability, social protection and the fight against child labour* (Geneva, 2013).

<sup>54</sup> Department of Economic and Social Affairs, Statistics Division, report on Goal 16.

<sup>55</sup> Anti-Slavery International, Child Slavery, 2022. Available at [www.antislavery.org/slavery-today/child-slavery/](http://www.antislavery.org/slavery-today/child-slavery/).

<sup>56</sup> Federico Blanco Allais and Patrick Quinn, "Marginalisation and child labour", working paper, ILO, 2009, pp. 7 and 8; ILO, *Forced labour, discrimination and poverty reduction among indigenous peoples in Bolivia, Peru and Paraguay*, 2008.

<sup>57</sup> Inter-American Commission on Human Rights, *Indigenous Peoples, Afro-Descendent Communities, and Natural Resources: Human Rights Protection in the Context of Extraction, Exploitation, and Development Activities* (2015), p. 171.

<sup>58</sup> See Anti-Slavery International, "Tanzania: child domestic workers". Available at [www.antislavery.org/what-we-do/tanzania/](http://www.antislavery.org/what-we-do/tanzania/).

ethnic groups broadly, or lower castes in South Asia, as emergencies tend to mean that the low status groups are disadvantaged or discriminated against.<sup>59</sup> In the sub-Saharan Africa region, the children in terrorist-controlled schools are also from families who volunteered them or from orphanages.<sup>60</sup> While both boys and girls have been abducted and raped during forced recruitment into armed groups and repeatedly sexually abused by their abductors, studies show that girls are held as the sex slaves and/or “wives” of combatants.<sup>61</sup> The desire for protection may also push girls to join militant groups in order to escape domestic abuse at home, as well as develop skills.<sup>62</sup>

### 3. End abuse, exploitation, trafficking and all forms of violence and torture against children

45. The SDG indicators metadata repository highlights that physical discipline and psychological aggression tend to overlap and frequently occur together. The consequences of violent discipline ranges from immediate effects to long-term damage that children carry well into adulthood.<sup>63</sup> Children in families under stress are exposed to physical and mental abuse that could hamper their resilience. Significant numbers of cases of abuse are not fully documented, and are hidden or difficult to investigate, except when reported to competent authorities. In their voluntary national reviews for 2021, countries outlined the need for greater efforts to address the physical abuse by parent(s) in family settings. The reviews also point to the fact that digital arenas may be concealing a greater problem with regard to children’s experience of exploitation online.<sup>64</sup>

46. For children in alternative or institutional care such as orphanages, detention centres and shelters, neglect as a form of abuse, experience of peer violence and maltreatment are known to have lasting impacts.<sup>65</sup> A 2020 Lancet Commission found that children residing in institutional care were “at risk of severe physical or sexual abuse, violation of fundamental human rights, trafficking for sex or labour, exploitation through orphan tourism, and risk to health and well-being after being subjected to medical experimentation”.<sup>66</sup> Orphanage trafficking is one form of trafficking and modern slavery to which children in institutional care may be exposed for exploitation and profit.<sup>67</sup> Children from minority and indigenous groups are found to be overrepresented in institutional care and as candidates for international

<sup>59</sup> See UNICEF, *Education in Emergencies in South Asia: Reducing the Risks Facing Vulnerable Children* (2009), p. 8.

<sup>60</sup> See International Institute for Strategic Studies, *Armed Conflict Survey 2018*, chap. 1, part III, “Child soldiers in armed conflict”.

<sup>61</sup> Megan Bastick, Karin Grimm and Rahel Kunz, *Sexual Violence in Armed Conflict, Global Overview and Implications for the Security Sector* (Geneva, Geneva Centre for Security Sector Governance (DCAF), 2007), p. 14.

<sup>62</sup> See International Institute for Strategic Studies, *Armed Conflict Survey 2018*.

<sup>63</sup> Department of Economic and Social Affairs, Statistics Division, SDG indicators metadata repository on 8.7. Available at <https://unstats.un.org/sdgs/metadata/files/Metadata-08-07-01.pdf>.

<sup>64</sup> Department of Economic and Social Affairs, high-level political forum on sustainable development, *2021 Voluntary National Reviews Synthesis Report*.

<sup>65</sup> See Lorraine Sherr, Kathryn J. Roberts and Natasha Gandhi, “Child violence experiences in institutionalised/orphanage care”, *Psychology, Health and Medicine*, vol. 22 (2017).

<sup>66</sup> See Marinus H. van IJzendoorn and others, “Institutionalisation and deinstitutionalisation of children 1: a systematic and integrative review of evidence regarding effects on development”, *The Lancet Psychiatry*, vol. 7, No. 8 (2020).

<sup>67</sup> Submission by van Doore and Nhep (see footnote 34).

adoption.<sup>68</sup> Conflicts such as that in Ukraine have indicated situations arising from commercial surrogacy of newborns at risk of abandonment.<sup>69</sup>

47. In her report on surrogacy,<sup>70</sup> the Special Rapporteur emphasizes that, while exploitative practices should be prevented, there should also be a clear framework ensuring that the parental responsibility of the intending parents and/or surrogates towards the surrogate-born child cannot be relinquished until a suitable alternative-care solution has been found. Incorrect information in civil registration systems and falsification of identity information risk the children ending up in the hands of traffickers, as well as their non-inclusion in access to services and justice.

## E. Contextual challenges

### 1. Coronavirus disease (COVID-19)

48. The challenges posed by the COVID-19 pandemic in terms of increased risk and the various manifestations of the sale and sexual exploitation of children have been extensively examined by the Special Rapporteur.<sup>71</sup> Family stress and anxieties over incomes, basic necessities and services have led to greater isolation of children. A surge in pandemic-induced economic crisis,<sup>72</sup> poverty and the inaccessibility of social services have increased the vulnerabilities of migrants and ethnic, indigenous and rural groups.<sup>73</sup> The risks of children engaged in child labour<sup>74</sup> and street begging have increased.<sup>75</sup> Institutions have faced the challenges of providing continuity of care services to children and adolescents owing to shortages of caregivers, changes in regulatory environment, government directives and financial insecurity.<sup>76</sup> While the gains have reversed in child marriage, on the other hand, trafficking, abuse and exploitation have taken new forms through the escalation of the use of technology to recruit, control and exploit child victims.<sup>77</sup> The impacts of the pandemic have been visible in and have compromised access to services, including sexual and reproductive health services, and, with the reduction in the trend of reporting of cases, the need for protection has also become acute for cases of cyberbullying.<sup>78</sup>

### 2. Climate change, environmental impacts and natural disasters

49. Climate-related impacts and displacement are forcing families to leave their homes and often separate from their children. In Eastern and Southern Africa, some 28 per cent of children are unable to attend school, with girls and vulnerable

<sup>68</sup> Committee on the Rights of the Child, concluding observations on the Czech Republic (CRC/C/CZE/CO/5-6), 2021, para. 45; and Permanent Forum on Indigenous Issues, report of the International Expert Group Meeting on Indigenous Children and Youth in Detention, Custody, Foster-Care and Adoption (2010), p. 11 (available at <https://www.un.org/development/desa/indigenouspeoples/unpfi-sessions-2/ninth-session.html>).

<sup>69</sup> Submissions by Object Now and Stop Surrogacy Now UK.

<sup>70</sup> A/HRC/37/60.

<sup>71</sup> See A/HRC/46/31.

<sup>72</sup> Submission by ECPAT International.

<sup>73</sup> Egypt submission; and submission by civil society organizations, Plurinational State of Bolivia.

<sup>74</sup> Guyana submission; Office of Public Defender (Ombudsman) of Georgia; and submission by Adé Olaiya, United Nations Educational, Scientific and Cultural Organization (UNESCO) Inclusive Policy Lab Expert Moderator.

<sup>75</sup> Guyana submission.

<sup>76</sup> El Salvador submission. See also Sudeshna Roy, "Restructuring institutional care: challenges and coping measures for children and caregivers in post-COVID-19 era", *Institutionalised Children Explorations and Beyond*, vol. 8, No. 1 (2020).

<sup>77</sup> Submission by WeProtect Global Alliance.

<sup>78</sup> El Salvador submission.



populations being disproportionately impacted.<sup>79</sup> Children are placed in unsafe refugee and internally displaced camps in countries where they are at risk of trafficking and recruitment into armed groups. Extremely high risks of climate change impacts on children are also found in populous regions of South Asia.<sup>80</sup> As climate change disrupts protection systems and forces migration and displacement, climate change stands to put millions of children at risk of exploitation, child labour and abuse.<sup>81</sup> Children travelling alone or separated from their parents are particularly at risk of emotional, physical and sexual violence. There is also the challenge of having their voices heard for policymaking and a lack of knowledge, including on climate change.<sup>82</sup>

### 3. Safety in the digital space

50. Online grooming, catfishing and sock-puppetry are the forms of abuse in the online environment affecting children.<sup>83</sup> Early detection, effective reporting and intervention to thwart these forms of abuse require specialized police personnel and a high-quality Internet technology system, which in many countries are not funded.<sup>84</sup> A 106 per cent increase in reports of suspected child sexual exploitation globally was recorded during the pandemic.<sup>85</sup> Cyberbullying has increased and “self-generated” imagery/online material has spiked, with 95 per cent of the content being from girls in early adolescence aged 11–13. Compared with what was available in 2019, a 77 per cent escalation was observed in 2020, which was attributed to the conditions created by COVID-19.<sup>86</sup>

51. A worrying trend, which has also been exacerbated by poverty caused by COVID-19, is that of self-generated materials in exchange for payment. The tendency to blame the victim for “self-generated” material points to the problems of stigmas preventing children from coming forward. There needs to be more discussion and consensus on the important questions related to balancing the right to privacy with child protection needs and the proportionate use of innovative technology by private companies to proactively identify children at risk of, or experiencing, exploitation and abuse.<sup>87</sup> For example, debates had ensued on the impact on other human rights following the introduction of the temporary derogation to the e-Privacy Directive and the Electronic Communications Code in 2021, aimed at countering online child sexual abuse in the European Union region.<sup>88</sup> These questions need to be addressed with consideration to weighing long-term policy implications. There is a pressing challenge with regard to the lack of stakeholders’ engagement for a “building back better” approach. While the private sector predominantly focuses on issues that are regulated, those outside this scope are not gaining adequate attention.<sup>89</sup>

<sup>79</sup> International Red Cross and Red Crescent Movement, “Urgent action needed to protect children against climate related disasters in Africa”, 5 July 2021.

<sup>80</sup> See UNICEF, *The Climate Crisis is a Child Rights Crisis*.

<sup>81</sup> Egypt submission.

<sup>82</sup> See Committee on the Rights of the Child, concluding observations, e.g., on Fiji (CRC/C/FJI/CO/2-4), 2014.

<sup>83</sup> Submission by Child Helpline International.

<sup>84</sup> Submission by Down to Zero Alliance.

<sup>85</sup> Submission by civil society organizations, Netherlands.

<sup>86</sup> Submission by WeProtect Global Alliance.

<sup>87</sup> Ibid.

<sup>88</sup> Ibid.

<sup>89</sup> Submission by ECPAT International.

#### 4. Increasing conflict outbreaks

52. In the present decade, more countries are experiencing violent conflicts than at any point over the past three decades.<sup>90</sup> The fragile landscape is becoming more complex with climate change, rising inequality, demographic change, new technologies and other issues.<sup>91</sup> Data on emerging conflicts indicate a vast majority of women and children, at grave risk of violence, trafficking, abuse and exploitation,<sup>92</sup> and reports covering conflicts have highlighted under-age recruitment for use in hostilities.<sup>93</sup> Support for unaccompanied children or children separated from family, including for institutional care, and children with disabilities is at stake.<sup>94</sup> Response to child protection in post-disaster and conflict humanitarian contexts has seen an increase in the number of children institutionalized,<sup>95</sup> which has raised concerns that the notion of orphanages as sites of protection can interfere with reintegration efforts.<sup>96</sup> Children affected by conflict may also be at greater risk of being targeted for sexual exploitation and assault by the military, irregular forces, other refugees and/or those in a position of authority.<sup>97</sup> Additional risks intensify in terms of protection and rehabilitation of victims where the enforcement and jurisdiction space of the security, legal and judicial bodies in the national context are encroached upon by foreign forces in the territories of conflict. The long-term impacts upon children, communities and States need to be further assessed and addressed.

#### F. Practical measures to address the vulnerabilities of children and protect them from sale and sexual exploitation

53. This section incorporates good practices derived from contributions received on measures to protect children from sale and sexual exploitation within the context of: (a) the situational status of the family; (b) the digital space; and (c) institutional and alternative care. The examples and lessons can be effectively tailored to national settings in pursuit of the attainment of the Sustainable Development Goals to leave no child behind.

##### 1. Situational status of the family

54. **Address vulnerabilities through legal framework and by countering de facto discrimination.** The situation of children in communities that are already vulnerable is aggravated by discriminatory attitudes towards and stigmatization and treatment of individuals in communities. Broader and systemic issues of vulnerable groups of children can be addressed by developing laws and policies specific to

<sup>90</sup> UN 75, 2020 and beyond, “A new era of conflict and violence”, 2020.

<sup>91</sup> World Bank, Fragility, conflict and violence, overview, 2022.

<sup>92</sup> UNICEF, “Children fleeing war in Ukraine at heightened risk of trafficking and exploitation”, press release, 19 March 2022.

<sup>93</sup> See report of the Special Representative of the Secretary-General for Children and Armed Conflict (A/HRC/49/58), 2022.

<sup>94</sup> Ibid. See also statement of the European Union on behalf of the European Union, forty-ninth session of the Human Rights Council, interactive dialogue with the Special Representative of the Secretary-General on Children and Armed Conflict, 2022 (available at [www.eeas.europa.eu/delegations/un-geneva/hrc-49-eu-intervention-interactive-dialogue-special-representative-un\\_en?s=62](http://www.eeas.europa.eu/delegations/un-geneva/hrc-49-eu-intervention-interactive-dialogue-special-representative-un_en?s=62)).

<sup>95</sup> Kathryn E. van Doore and Rebecca Nhep, “Providing protection or enabling exploitation: orphanages and modern slavery in post-disaster contexts”, *Journal of Modern Slavery*, vol. 6, No. 3, (2021) pp. 46–61.

<sup>96</sup> Submission by van Doore and Nhep (see footnote 34).

<sup>97</sup> Office of the United Nations High Commissioner for Refugees (UNHCR), resource pack on the rights of children, *Critical Issues: Abuse and Exploitation*, 2009. Available at <https://www.unhcr.org/3bb81aea4.pdf>.



countering discrimination, as well as addressing the root causes of de facto discrimination, thereby reducing the barriers to their empowerment.<sup>98</sup>

**55. Alleviate poverty and financial stressors.** Poverty reduction strategies can assist families and communities, as well as contribute to the attainment of targets 5.3, 8.7 and 16.2. Provisions are necessary for families to have access to adequate income, housing, health, social benefits and participatory structures.<sup>99</sup> Allocation of sufficient State funds<sup>100</sup> is essential for creating an adequate number of child-care facilities, support services for parents and specialized community care for preventing repeated victimization,<sup>101</sup> with particular attention to children in socially and financially disadvantaged situations.

56. The Special Rapporteur highlights the importance of finding innovative ways to cut across the pervasive problem of poverty in minimizing vulnerabilities and risks for children. In the Netherlands, Project Money and Violence, for instance, addresses the link between financial issues and violence. The project provides social workers with insights into the relationship between money and violence and dependence relationships. It also provides tools to social workers to detect these issues early and to be able to discuss these with clients.<sup>102</sup> Another example is from Egypt, where the Hayah Karima project implements quantitative goals to improve the living conditions of those in need. The savings made from the amount spent on fuel subsidies, a drain on public finances, have also been reallocated to finance cash transfer programmes for the most vulnerable sections of people.<sup>103</sup>

**57. Education, training and awareness-raising.** Education has significantly been shown to build resilience with regard to the risks to child marriage, child labour and trafficking among vulnerable groups.<sup>104</sup> As underlined in the report of the Special Rapporteur on a practical approach to addressing the sale and sexual exploitation of children,<sup>105</sup> prevention strategies such as education should place families at the centre. Kenya, for example, introduced free basic education for all in a bid to retain vulnerable children in school. This policy is also a prevention strategy, to protect children from exposure to other risks.<sup>106</sup> Teachers, parents and caregivers should also be sensitized on the risks to which children may be exposed by information and communications technologies (ICTs) and be provided with information that would provide protection from risks in the digital space.<sup>107</sup> Another good practice is the strategy of working across cultures to reach vulnerable groups, in particular to transmit key messaging on protecting children from sexual abuse and exploitation. For example, Guyana developed a programme called the Communication 4 Development Programme, aimed at reducing the gap between culture and law in some indigenous communities on topics such as child sexual abuse, under-age sexual activity and early marriages.<sup>108</sup>

<sup>98</sup> See Committee on the Rights of the Child, concluding observations: Eswatini (CRC/C/SWZ/CO/2-4, 2021); Marshall Islands (CRC/C/MHL/CO/3-4, 2018); Netherlands (CRC/C/NLD/CO/5-6, 2022).

<sup>99</sup> See Committee on the Rights of the Child, concluding observations on Spain (CRC/C/ESP/CO/5-6), 2018.

<sup>100</sup> Plurinational State of Bolivia submission.

<sup>101</sup> Submission by civil society organizations, Netherlands.

<sup>102</sup> Ibid.

<sup>103</sup> Egypt submission.

<sup>104</sup> Guyana submission.

<sup>105</sup> A/HRC/49/51.

<sup>106</sup> Kenya submission.

<sup>107</sup> Submission by Down to Zero, see also submission from Slovenia.

<sup>108</sup> Guyana submission.

58. **Support through programmes and services.** Vulnerable families within the communities can build parenting skills through community services. Under the Asja care programme in the Netherlands, parents, as part of the families of child victims and survivors, are included in rehabilitation programmes through therapies and training to build resilience.<sup>109</sup>

59. Luxembourg uses information handbooks, resource materials, publicly visible campaigns and social networks in local languages as key resources to disseminate messages on preventive, protective and rehabilitative services to families of victims and survivors of sexual abuse and exploitation.<sup>110</sup> In El Salvador, a plan was launched in conjunction with services to assist and ensure the protection of migrant children and their families who have returned.<sup>111</sup> In Guyana, the Government adopted a humanitarian approach to migrants from the Bolivarian Republic of Venezuela, who are offered access to the same services as Guyanese, in particular in accessing health and education services.<sup>112</sup>

60. In Azerbaijan, community service agencies have an integrated approach through referrals and communication among agencies, using early warning measures in schools and health centres to keep a lookout for vulnerable children with substance abuse problems or those coming from families impacted by such problems.

61. In Italy, health assistance through local hospitals and targeted projects is envisioned for migrant children and families.<sup>113</sup> For street children, health-care access is crucial, as victims of commercial sexual exploitation are exposed to greater sexual and reproductive health risks such as sexually transmitted infections, unplanned pregnancies and HIV/AIDS.<sup>114</sup>

62. Support measures are also important for families coping with the challenges of caregiving responsibilities for children with disabilities. Kenya, for example, introduced social protection measures such as cash transfers for the well-being of vulnerable children with disability. Hunger safety nets and cash transfers are aimed at ensuring that children and household members have access to basic needs, and this contributes to reducing the risk of exploitation.<sup>115</sup> El Salvador, for instance, has put in place a law that gives priority to children and adolescents with disabilities as beneficiaries of services.<sup>116</sup>

63. **Combating stereotypes.** Combating stereotypes and stigmatization are important as they can reduce the vulnerability of children to sale and sexual exploitation. Strategies can include engagement of faith-based actors and peer support groups to disrupt harmful norms.<sup>117</sup> In Belize, for example, faith-based and community-based organizations are identified as key partners in their involvement in advocating against child marriages, sexual exploitation and abuse.<sup>118</sup>

64. **Participation and decision-making.** Action plans or toolkits can be developed through the participation of children, including victims, to address sale and sexual

<sup>109</sup> Submission by civil society organizations, Netherlands.

<sup>110</sup> Luxembourg submission.

<sup>111</sup> El Salvador submission.

<sup>112</sup> Ibid.

<sup>113</sup> See fifth national plan of action on children, Italy, 2021. Available at [www.minori.gov.it/en/minori/5deg-piano-nazionale-di-azione-infanzia-e-adolescenza](http://www.minori.gov.it/en/minori/5deg-piano-nazionale-di-azione-infanzia-e-adolescenza).

<sup>114</sup> Submission by the Plurinational State of Bolivia.

<sup>115</sup> Kenya submission.

<sup>116</sup> El Salvador submission.

<sup>117</sup> See UNICEF, *Action to end Child Sexual Abuse and Exploitation: a Review of the Evidence* (New York, 2020).

<sup>118</sup> Submission by UNICEF.

exploitation. Progress can be more effective through plans that clearly define resources, targets, sustainable implementation and monitoring mechanisms.<sup>119</sup>

65. **Birth registrations.** States must ensure that families from vulnerable and marginalized groups have access to birth registration throughout the country. Awareness-raising measures can be put in place to target vulnerable groups about the importance of birth registration and made available with support services for accessing birth certificates.

66. **Data and use of technology.** A centralized data acquisition and information collection system can support efforts to address the different manifestations of child sexual abuse and exploitation. For instance, in Spain, Organic Law 8/2021 creates a central registry of information on different forms of violence against children and adolescents, including sexual exploitation.<sup>120</sup> Bosnia and Herzegovina also has something similar in the form of a register which was established under the Act on the Special Register of Persons Convicted by Final and Binding Judgements for Criminal Offences of Sexual Abuse and Sexual Exploitation of Children.<sup>121</sup> Streamlining efforts through a single channel for data collection can be effective to avoid parallel structures and waste of resources, according to inputs received from Romania.<sup>122</sup> While all these steps are commendable, the Special Rapporteur emphasizes the importance of comprehensive, systematically collected reliable data, disaggregated by age, gender, socioeconomic factors and any other vulnerabilities based on the situational status of the families: this will enable Governments to address this scourge through targeted interventions.

67. Increasing the use of technology tools to enhance the database and its utility can also complement the set of measures. Poland, for instance, has implemented a special algorithm that is useful in collecting information and dealing with cases affecting minors due to the migrant crisis. The algorithm prepared for the Police and Border Guard identifies minor victims of human trafficking, in particular taking into account issues of potential sexual exploitation.<sup>123</sup>

## 2. Digital space

68. **Legal framework and policy tools.** Legislation governing the online space to counter sale and sexual exploitation with clarity in definition, applicability, enforceability and effectiveness should be a priority. Transnational law enforcement collaboration also needs to be strengthened.<sup>124</sup> Some jurisdictions, for example, have legislation at the national level prohibiting the storage and dissemination of data containing child sexual abuse material on their servers.<sup>125</sup> According to one contribution received, national tip lines for reporting sexual exploitation and abuse of children on the Internet process the allegations of child sexual abuse and exploitation material and request web hosts to remove these images.<sup>126</sup>

69. **Increase access and use of technological tools for reporting and processing.** A significant shift in the post-pandemic era is the need to have more effective response mechanisms online for child victims. The contribution of Colombia

<sup>119</sup> Ibid.

<sup>120</sup> Submission by ECPAT International.

<sup>121</sup> Submission by the Institution of Ombudspersons of Bosnia and Herzegovina.

<sup>122</sup> Romania submission.

<sup>123</sup> Poland submission.

<sup>124</sup> See submission by Sabine K. Witting, Assistant Professor, Leiden University.

<sup>125</sup> Submission by Sovereign Military Hospitaller Order of St. John of Jerusalem, of Rhodes and of Malta.

<sup>126</sup> Ibid.

highlights its good practice of capacity-building exercises on the use of technological tools for prevention, online reporting and processing of the cases virtually.<sup>127</sup>

70. **Strengthening roles of service providers.** The role played by the communications technology sector to combat forms of sale and sexual exploitation is very important. For example, in Azerbaijan restrictions are placed through a Safe Internet service to combat the spread of child sexual abuse material on the Internet, paying heed to the requests of subscribers, telecommunications operators and providers.<sup>128</sup>

71. **Engagement of development partners.** While all countries are grappling with issues of governance in relation to online space, the low- and middle-income countries in particular have setbacks due to resource constraints. Introducing country cooperation agreements between development partners and the Governments for such capacity-building in low- and middle-income countries can be a good practice. Closing the digital divide in the regions within a country is equally important, as it has asymmetric effects between urban and rural areas.<sup>129</sup>

72. Strategic work for development cooperation can be focused on expanding access to enhance digital literacy and funding for better quality Internet and technology use by law enforcement personnel to support their protection efforts.<sup>130</sup> UNICEF, in recent years, has supported Governments, including those of Cambodia and Zimbabwe, in protecting children from online sexual exploitation. A baseline has also been established to measure progress in implementing comprehensive responses to online child sexual exploitation and abuse covering 29 low- and middle-income countries.<sup>131</sup>

73. **Digital space awareness and capacities in education systems.** Referring to the report of the Special Rapporteur on a practical approach to addressing the sale and sexual exploitation of children,<sup>132</sup> the Special Rapporteur highlights the importance of training teachers in information and communications technology skills and improving digital awareness in schools. Saudi Arabia, for example, through the Crown Prince Mohammed bin Salman initiative, has launched training for educators and awareness programmes for broader knowledge on cyber risks of impersonation, harassment, intellectual influence and cyberbullying.<sup>133</sup>

74. **Mobilization of social workers with innovative tools.** Contributions from the Netherlands provide examples from “Chat with Fier”, which, through digital helplines, assists children and youth to chat anonymously with certified social workers and refers them to “offline” care. This initiative, according to the submission received, has proven effective in reaching potential victims.<sup>134</sup>

75. **Reaching families and caregivers online.** Family members and caregivers, in particular in low-income groups, are largely unaware of the risks of the forms of sexual exploitation related to the presence of children on online platforms. To tackle this issue, alliances can be generated by the Government with the media for the dissemination of information regarding the responsible and productive use of the Internet.<sup>135</sup>

<sup>127</sup> Colombia submission.

<sup>128</sup> Azerbaijan submission.

<sup>129</sup> See submission by Down to Zero.

<sup>130</sup> Ibid. See also submission by civil society organizations, Plurinational State of Bolivia.

<sup>131</sup> Submission by UNICEF.

<sup>132</sup> [A/HRC/49/51](#).

<sup>133</sup> Saudi Arabia submission

<sup>134</sup> See submission by civil society organizations, Netherlands.

<sup>135</sup> See submission by Down to Zero.

76. In Luxembourg, The BEE SECURE platform offers specific training for teachers and educators on Internet risks, border crossings, verbal sexual harassment and grooming. The platform also provides guides for parents on topics such as “Screens in the family” and “My child on the Internet? 10 Tips” and the guide “Naked on the net? Sexting – everything you should know about it”.<sup>136</sup>

77. In Egypt, under the *Nabtet Misr* initiative, infographics on positive parents were launched through videos for parents. The campaign #ChooseWordsWisely on Instagram was recognized as increasing understanding of Instagram’s rules regarding bullying.<sup>137</sup>

78. **Cross-border cooperation measures.** Joint activities across borders, such as capacity-building and training for police officers, border guards and social workers, as indicated in the contribution by the Russian Federation,<sup>138</sup> can support regional and global efforts. Activities can be undertaken jointly to raise awareness and capacities in preventing, detecting and suppressing crimes of the production and distribution of pornographic and sexual abuse materials on the Internet.<sup>139</sup>

### 3. Institutional or alternative care

79. **The best interest of the child.** The Special Rapporteur emphasizes that children should not be separated from their families unless it is necessary in their best interests and subject to a judicial process, in accordance with article 9 (1) of the Convention on the Rights of the Child. Poverty and disability should never be a justification for removing a child from the family environment.<sup>140</sup>

80. **Sanction businesses or persons who profit from the exploitation of children.** There is a need to make specific provisions in legislations that sanction businesses or persons who make profits from the exploitation of children in institutional settings. In Cambodia, the Law on Suppression of Human Trafficking and Sexual Exploitation, 2008, for example, provides under article 10 for measures of “unlawful removal with purpose of exploitation”.<sup>141</sup> There is, however, the need for laws to make provisions on specific measures that provide for the rehabilitation of child victims who have been exploited for profit, as well as for their compensation.

81. **Continue support for children transitioning from residential care institutions.** Training, support and counselling services should be made available to foster and adoptive parents and carers to provide support to and prepare children from institutions transitioning to adulthood, to help build their resilience and avoid their exposure to the risks of sale and sexual exploitation. In Azerbaijan, for example, provisions are made for social, legal and sociopsychological services, employment assistance and social counselling to graduates of State children’s institutions with a view to reducing the risks in trafficking. Specific measures are also outlined to monitor the families of adopted or foster children and ensure that identity documents are provided to these children.<sup>142</sup>

82. **Increase awareness and use of tools to combat risks from orphanage tourism and volunteering.** National and regional policies should be developed and enforced to eliminate unskilled volunteering in residential care facilities. Recognizing the harms of orphanage tourism and volunteering, States such as Australia, the

<sup>136</sup> Luxembourg submission.

<sup>137</sup> Egypt submission.

<sup>138</sup> Russian Federation submission.

<sup>139</sup> Ibid.

<sup>140</sup> See Committee on the Rights of the Child, concluding observations on Switzerland (CRC/C/CHE/CO/5-6), 2021.

<sup>141</sup> Law on Suppression of Human Trafficking and Sexual Exploitation, Cambodia, 2008.

<sup>142</sup> Azerbaijan submission.

Netherlands, the United Kingdom of Great Britain and Northern Ireland and the United States of America have put in place practices such as travel advice to provide advice to prospective volunteers. Australia has taken several steps to regulate charities' engagement with orphanage tourism and volunteering, including restricting access to government funding and introducing regulatory measures for charities with overseas activities.<sup>143</sup> Residential care for children, overseas volunteering and child sponsorship are categorized as high-risk activities under the regulations, and charities are required to meet minimum safeguarding requirements and relevant minimum standards, as set out in Australian law and the laws of the host country.<sup>144</sup>

83. The United Kingdom and Australia have also acknowledged orphanage trafficking as a reportable type of modern slavery under their respective Modern Slavery Acts.<sup>145</sup> In Cambodia and Thailand, the Governments have formed partnerships with key child protection organizations to reduce the prevalence of orphanage tourism in order to combat sexual exploitation in travel and tourism. The Asia Pacific Economic Cooperation Tourism Working Group released *Voluntourism Best Practices in the Asia-Pacific Region* in 2018, in which it explicitly discourages orphanage voluntourism in member economies' tourism sectors.<sup>146</sup> The ECPAT legal checklist: key interventions to protect children from sexual exploitation in travel and tourism provides a good practice framework to address the potential harms of exploitation in institutional care.<sup>147</sup>

## IV. Conclusion and recommendations

### A. Conclusion

**84. In the present report, the Special Rapporteur identifies those children most at risk of falling victim to sale and sexual exploitation within the situational status of the family, the digital space and institutional and alternative care. Practical measures with examples are outlined in the context of targets 5.3, 8.7 and 16.2 of the Sustainable Development Goals. These measures are not meant to be exhaustive but rather to serve as references for possible concrete actions to protect the most vulnerable groups of children from sale, sexual abuse and exploitation.**

**85. While there have been some efforts in the provision of protection measures for vulnerable groups of children against child marriage, forced labour, abuse and exploitation, these measures also need to be addressed in the context of new challenges. The continued impact of the COVID-19 pandemic, the expansion of the digital space, outbreaks of conflict and the hazards of climate change and disasters should therefore be factored into any measures and response to address the situations of these vulnerable groups of children in order to build back better and sustain longstanding efforts, as well as find innovative solutions.**

<sup>143</sup> See Australian Government response to the Parliamentary Joint Standing Committee on Foreign Affairs, Defence and Trade inquiry reports, 2020. Available at <https://www.homeaffairs.gov.au/reports-and-pubs/files/government-response-jscfadt-report.pdf>.

<sup>144</sup> Ibid. See also submission by van Doore and Nhep (see footnote 34).

<sup>145</sup> Australian Government response to the Parliamentary Joint Standing Committee on Foreign Affairs, Defence and Trade inquiry reports, 2020. See also submission by van Doore and Nhep (see footnote 34).

<sup>146</sup> Asia Pacific Economic Cooperation Tourism Working Group, *Voluntourism Best Practices: Promoting Inclusive Community-Based Sustainable Tourism Initiatives* (2018.)

<sup>147</sup> See ECPAT International, Legal checklist: key legal interventions to protect children from sexual exploitation in travel and tourism, 2022.

86. For the effective implementation of the 2030 Agenda, addressing the vulnerabilities of children within the framework of the Sustainable Development Goals is therefore indispensable towards a world where no child is left behind. Adequate responses should be provided at the national, regional and international levels through legislation, policies, programmes and strategies. These responses should be reflected in the reporting processes and national reviews within the scope of the targets set under the Sustainable Development Goals.

## **B. Recommendations for States and other stakeholders**

87. The Special Rapporteur offers the following recommendations to States and other stakeholders:

(a) **Children vulnerable by virtue of the situational status of their families:**

(i) **Address vulnerabilities of children to sale and sexual exploitation through a comprehensive legal framework and the effective implementation thereof. Efforts should also include countering de facto discrimination, including by developing specific policies to counter the existing forms of discrimination that negatively impact these children;**

(ii) **Alleviate poverty and financial stressors for families who are vulnerable and marginalized, through poverty reduction strategies, including by effective quantifiable indicators, reallocation and mobilization of resources to minimize risks;**

(iii) **Provide education, awareness-raising and capacity-building programmes in local contexts to develop and support parenting skills, in particular in combating child marriage, child labour and trafficking;**

(iv) **Disseminate information materials in the languages of vulnerable groups, including through social media, on preventive and protective measures that protect children, as well as the means to access rehabilitative support for children;**

(v) **Provide access for families and children in street settings to health-care services, in particular reproductive health services, to counter the health risks for victims of sexual exploitation;**

(vi) **Provide priority legal services and safeguards for children with disabilities at risk or who are victims of sale and sexual exploitation;**

(vii) **Support measures through governmental packages such as cash transfers, distribution of food or other basic resources should also be provided to families coping with the challenges of caregiving responsibilities for children with disabilities;**

(viii) **Institute early warning measures at community service points, such as schools and health centres, by sensitizing the employees in these agencies on the identification of vulnerable groups of children. Share and provide information on children at risk of sale and sexual exploitation, including through referral procedures among the agencies;**

(ix) **Combat stereotypes and stigmatization through strategies involving the engagement of faith-based actors and community organizations;**

(x) **Launch peer support programmes and services separately or together for parents or caregivers, as well as for child victims;**

(xi) **Develop action plans or toolkits through the participation of vulnerable groups of children, including child victims;**

(xii) **Establish a centralized national database or record of children who have been recorded as victims of sale and sexual exploitation and how they are being supported, and keep track and follow up on their situations and provide them with further relevant support after they have been released from protective care;**

(xiii) **Establish a proper comprehensive, systematic reliable data system, including through the use of technology tools to collect information disaggregated by age, gender, socioeconomic factors, and any other details of the vulnerabilities associated with the victimization due to the family situation.**

(b) **Children vulnerable within the digital space:**

(i) **Develop a comprehensive legal framework and policy to regulate and govern the online space specifically to counter the sale and sexual exploitation of children, with clarity in the aspects of definition, applicability, enforceability and effectiveness, and strengthen transnational law enforcement collaboration;**

(ii) **Apply a national standardized education curriculum on digital skills for children to protect themselves online, and supply an adequate number of qualified and trained teachers;**

(iii) **Increase access to and use of technological tools for enforcement officials in the reporting and the processing of cases related to the sale and sexual exploitation of children;**

(iv) **Strengthen the roles of the information, communications and technology sector to combat forms of sale and sexual exploitation through collaboration and cooperation among subscribers, operators and providers;**

(v) **Encourage development partners to collaborate on programmes to address the digital divide within States, and among States to scale up technology capacities and its use by law enforcement personnel, as well as share information to combat the sale and sexual exploitation of children;**

(vi) **Mobilize social workers to work with law enforcement through the use of technologically innovative tools to help identify potential victims and refer them to appropriate support services;**

(vii) **Establish alliances among government and media for the dissemination of information regarding the responsible and productive use of the Internet. Publicize materials on online platforms, including in the languages of vulnerable groups, to raise awareness among families and caregivers of the risks associated with the use of digital technology for children;**

(viii) **Conduct joint activities to share information under cross-border cooperation measures for the prevention, detection and suppression of crimes relating to the production and distribution of child sexual abuse materials.**

(c) **Children in institutional and alternative care:**

(i) **Regulate and adopt national standards, as well as allocate adequate resources to deliver quality of care to children in institutional settings and**



**alternative care; these standards must also extend to children living with foster families and in asylum and refugee centres;**

**(ii) Ensure the continuation of support and monitoring of adolescents while in transition from institutional care, to prevent or reduce their risks of falling victim to sale and sexual exploitation;**

**(iii) Legislate against businesses making profits or benefiting from the exploitation of children within institutions or alternative care;**

**(iv) Ensure protection and rehabilitation to victims through adequate service delivery mechanisms;**

**(v) Regulate institutional care set-ups to deter the exploitation of children in the context of travel and tourism through volunteering and orphanage tourism;**

**(vi) Introduce measures such as the issuing of travel notices and publicly available information materials in both tourism source and destination countries on laws and regulations relating to orphanage tourism and volunteering;**

**(vii) Eradicate unskilled volunteering and increase awareness of the harms of tourism and volunteering in the institutional care of children, including by sharing good practices and measures that are effective, at the local, national and regional levels.**

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