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

***Gender dimension of the sale and sexual exploitation of children and the importance of integrating a human rights-based and non-binary approach to combating and eradicating sale and sexual exploitation of children***

**Objectives**

The Special Rapporteur seeks to explore the gender dimension of the sale and sexual exploitation of children by dedicating a thematic report to the issue of the existing evidence based, as well as the magnitude, causes, risk factors and identification tools for boys and those who identify outside of the gender binary, to the risks of sexual abuse and exploitation, with a view to raising evidence-based awareness and providing context-specific and sustainable prevention services, access to child- and gender-responsive strategies, justice, protection and comprehensive care and recovery.

The Special Rapporteur will seek to understand the demand for sale and sexual exploitation of children fueled by the perception, and as a result of prevailing social norms and power dynamics, and other contingent factors, related to gender construction, such as the applicable legal and policy frameworks social, cultural, economic and institutional constructs, including discrimination based on gender identity that foster the conditions in which the sexual exploitation of children is either ignored, tolerated or even accepted.

**Call for inputs**

In order to inform the preparation of her report, the Special Rapporteur would like to seek contributions from States, National Human Rights Institutions, civil society organizations, United Nations agencies, academia, international and regional organizations, corporate entities, individuals, on the following questions:

1. **What forms of existing societal norms, practices/behaviors (cultural, social, traditional or other) may explicitly or implicitly involve and/or manifest sale and sexual exploitation of children?**
2. **How is gender and gender identity incorporated in existing legislative and policy frameworks on the eradication and prevention of the sale and sexual exploitation of children?**
	1. **Please provide information on relevant legislation or policy on the implementation of integrating gender dimensions in the prevention and eradication of sale and sexual exploitation of children, online and offline.**

*There are examples of State parties integrating gender dimensions in legislation concerning the prevention and eradication of child sexual exploitation. In Zimbabwe, for example, UNICEF is providing legal drafting support to the government to strengthen the provisions in the Cyber Security and Data Protection Bill relating to technology-facilitated/ enabled violence against women and children. The Bill includes provisions on child sexual abuse material, ‘revenge pornography’ (transmission of intimate images without consent) and cyber-harassment and bullying. A submission by UNICEF and UN partners in the Spotlight Initiative to Eliminate Violence against Women and Girls[[1]](#footnote-1) proposed language to strengthen these other forms of technology-facilitated/ enabled violence not yet included in the Bill such as cyber-grooming and ‘upskirting’ (producing imagery beneath a person’s clothes without their consent).*

* 1. **What are the existing gaps and challenges in incorporating the gender dimensions in legislations, policies and practices?**

*Strong legal and policy frameworks (e.g., criminal and civil legislation, family codes,*

*administrative laws, policies, regulations and codes of conduct) are an essential component of a protective environment for children.[[2]](#footnote-2) However, an analysis of SDG data from 53 countries found that more than one-quarter had gaps in legal protections for violence against women and girls.[[3]](#footnote-3) The 2020 ‘Out of the Shadows’ index noted that in almost half (27) of 60 countries studied, child rape legislation failed to include legal protection for boys.[[4]](#footnote-4) In many countries, civil and criminal legal codes either lacked protection for LGBTQI+ individuals and/or put them at greater risk of harassment and violence through discriminatory laws, including those criminalizing consensual same-sex relationships.[[5]](#footnote-5)*

*Evidence from virtually all sectors – including justice, social welfare, health and education – suggests that long-term, sustainable improvements in violence prevention and response require changes across whole systems and whole institutions.[[6]](#footnote-6) Gender-responsive policies, reforms, training (etc.) – one component of systems*

*strengthening – are particularly important for preparing systems and institutions to address violence. Institutions characterized by gender discrimination in hiring and management, impunity for sexual harassment, misogyny, homophobia and failure to respect the dignity of all individuals are not only unprepared to protect the rights of girls, boys and women, but also risk doing harm when interacting with those who have experienced abuse.[[7]](#footnote-7)*

* *See further: UNICEF, Gender Dimensions of Violence Against Children and Adolescents, 2020,* [*https://www.unicef.org/media/92376/file/Child-Protection-Gender-Dimensions-of-VACAG-2021.pdf*](https://www.unicef.org/media/92376/file/Child-Protection-Gender-Dimensions-of-VACAG-2021.pdf)
1. **Please provide contextual information on any existing good practices, policies, or legislation tackling sale and sexual exploitation of children that include a gender dimension that takes into account different gender identities?**
2. **What institutional, regional and national legal frameworks are in place to integrate gender dimensions in the prevention, prohibition and protection of children from all forms of sale, sexual abuse and exploitation?**
3. **What forms and manifestations do gender dimensions take in the context of the eradication and prevention of the sale and sexual exploitation of children, boys in particular, including online, and which ones are the most prevalent. Please provide information about the causes and manifestations of gender dimension, and how it affects the eradication and prevention of sale and sexual exploitation of children?**

*Child sexual abuse and exploitation has a clearly gendered pattern with the majority of perpetrators being male and the majority of victims being adolescent girls.[[8]](#footnote-8) Most (although not all) studies find higher rates of sexual violence against adolescent girls than adolescent boys,[[9]](#footnote-9) as did 12 of 14 national Violence against Children surveys,[[10]](#footnote-10) with greater gender differentials for penetrative abuse.[[11]](#footnote-11) Worldwide, an estimated 1 in 20 (13 million) adolescent girls aged 15–19 years have experienced lifetime forced sex (i.e., rape), including 9 million in the past year.[[12]](#footnote-12) Levels of other forms of sexual abuse are likely to be even higher. A UNICEF analysis concluded that girls become particularly vulnerable to sexual violence after puberty; in 20 countries with comparable data, nearly 9 in 10 adolescent girls who reported forced sex said it first occurred in adolescence rather than earlier in childhood.[[13]](#footnote-13)*

***LGBTQI+ children face a heighted risk of sexual abuse and exploitation:*** *Girls and children who belong to sexual minorities are at particular risk of sexual abuse and exploitation, due to gender inequality and social norms in many contexts which dictate that girls and women need to be submissive and where sexual minorities are seen as a threat to the patriarchal system.[[14]](#footnote-14)*

*Researchers[[15]](#footnote-15) and the UN High Commissioner for Human Rights[[16]](#footnote-16) have documented high levels of violence and discrimination against LGBTQI+ individuals on the basis of sexual orientation and gender identity worldwide. In many countries, the situation is exacerbated by legal frameworks that fail to protect LGBTQI+ children and adolescents from violence or increase the risk of harassment and violence by criminalizing same-sex relationships.[[17]](#footnote-17) A UNICEF report noted evidence that LGBTQI+ individuals are often rejected by their families and forced into homelessness, placing them at even greater risk of various types of violence, including sexual exploitation.[[18]](#footnote-18)*

***Data are fragmented, with gendered gaps:*** *Globally, more data are available for girls than boys. For example, as of September 2020, only 11 of 58 countries had SDG estimates for sexual violence in childhood against boys.[[19]](#footnote-19) A UNICEF review noted that, data on sexual abuse and exploitation of boys remain severely limited, plagued by: “underreporting, definitional ambiguities and inconsistencies, misconceptions, . . . social stigma and, simply, a lack of research.”[[20]](#footnote-20) That report noted that most studies on sexual abuse and exploitation of boys come from select regions (Europe, North America and Southeast Asia), and called for expanding research on boys as “a critical step in ensuring that all children’s rights can be protected.”*

*There are also gaps in knowledge to be addressed regards the prevalence of child sexual abuse and exploitation among children from ethnic minority groups, those with different forms of disability, as well as among children and young people who identify as gay, lesbian, bisexual or transgender or who are intersex.[[21]](#footnote-21)*

***Gendered barriers to help-seeking:*** *Help-seeking for sexual violence is low for both girls and boys; by some estimates only 1–2 per cent of victims try to access asssitance.[[22]](#footnote-22) Barriers to care are often gendered. Adolescent girls often turn to health services designed for adult women, unequipped for their needs.[[23]](#footnote-23) Widely held gender norms often blame girls for sexual violence they experience, posing barriers to help-seeking or even disclosure. On the other hand, boys often confront a lack of services for male victims, lack of awareness that boys can be victims of sexual abuse and exploitation, failure of communities and service providers to recognize that sexual abuse of boys causes harm, and a fear of having their masculinity questioned.[[24]](#footnote-24) As a result, evidence suggests boys may be even less likely than girls to seek help or receive services.[[25]](#footnote-25)*

* *See further: UNICEF, Gender Dimensions of Violence Against Children and Adolescents, 2020,* [*https://www.unicef.org/media/92376/file/Child-Protection-Gender-Dimensions-of-VACAG-2021.pdf*](https://www.unicef.org/media/92376/file/Child-Protection-Gender-Dimensions-of-VACAG-2021.pdf)
1. **Please indicate any specific measures aimed at reducing vulnerability of children to sale and sexual exploitation in a gender-and disability-responsive, as well as age- and child-sensitive manner.**
2. **What measures and safeguard can be put in place to identify the protection needs of vulnerable children in order to prevent, prohibit and protect them from all forms of sale and sexual exploitation, including examples of child-friendly, independent, timely and effective reporting and complaints made available without discrimination in child-friendly spaces at community, national and regional level.**

*It is important to recall that the protection of children from sexual exploitation must be placed in the broader context of the promotion and protection of all children’s rights and to consider children’s rights in a holistic manner. The Committee on the Rights of the Child has recognized four guiding principles that underpin a child rights approach and foster the implementation of the rights set out in the Convention. These include the child’s right to non-discrimination, the best interests of the child as a primary consideration, the child’s inherent right to life, survival and development, and the child’s right to express views freely in “all matters affecting the child” and those be given due weight. For example, a child rights approach to sexual exploitation will seek to both identify and redress discriminatory practices and unjust distribution of power that underline sexual exploitation. A child rights approach would also recognize children victims of sexual exploitation as active subjects of rights.*

* *See the following for the application of a rights based approach to prevent and respond to child sexual abuse and exploitation: Radford, L. Allnock, D. & Hynes, P, Promising programmes to prevent and respond to child sexual abuse and exploitation, UNICEF, New York, 2015.* [*https://sec4-www.unicef.org/sites/default/files/2020-04/Promising-programme-responses.pdf*](https://sec4-www.unicef.org/sites/default/files/2020-04/Promising-programme-responses.pdf)

*Many of the structural drivers for child sexual abuse and exploitation are drivers for child maltreatment in general so general responses to reduce risks of child maltreatment are likely to be helpful. However, there are specific and important drivers for child sexual abuse and exploitation that should also be considered when thinking about prevention. Important drivers for child sexual abuse include structural drivers such as gender inequalities and social norms around masculinity, sexuality and male sexual entitlement, and hostile, disbelieving, victim blaming and stigmatising attitudes, organisational and institutional practices towards child and adolescent victims.[[26]](#footnote-26)*

* *See further: UNICEF, “Action to End Child Sexual Abuse and Exploitation: A Review of the Evidence 2020”, UNICEF, New York, 2020.* [*https://www.unicef.org/documents/action-end-child-sexual-abuse-and-exploitation-review-evidence-2020*](https://www.unicef.org/documents/action-end-child-sexual-abuse-and-exploitation-review-evidence-2020)
1. **Please indicate any other areas of concern and provide any additional information which is relevant in the context of gender dimension and eradication of sale and sexual exploitation of children.**
2. **In what context do external environment factors exacerbate the prevalence and/or magnitude of sale and sexual exploitation of children. Do the vulnerabilities of the surrounding environment play a significant role in terms of rural/urban; war/conflict zones, different forms of migration, emergency contexts (e.g. natural & manmade disaster, climate change, COVID-19) and religious context.**
1. The Spotlight Initiative is a global, multi-year partnership between the European Union and the United Nations to eliminate all forms of violence against women and girls. See further: <https://www.spotlightinitiative.org/> [↑](#footnote-ref-1)
2. United Nations Children’s Fund, Preventing and Responding to Violence Against Children And Adolescents: Theory of Change 2017. UNICEF, Child Protection Section, New York, 2017. [https://www.unicef.org/protection/files/UNICEF\_VAC\_ToC\_WEB\_271117(2).pdf](https://www.unicef.org/protection/files/UNICEF_VAC_ToC_WEB_271117%282%29.pdf); United Nations Children’s Fund, UNICEF Child Protection Strategy. United Nations Economic and Social Council, New York, 2008. [www.unicef.org/protection/CP\_Strategy\_English(1).pdf](http://www.unicef.org/protection/CP_Strategy_English%281%29.pdf) [↑](#footnote-ref-2)
3. United Nations, Special edition: Progress towards the Sustainable Development Goals. Report of the Secretary-General. United Nations, New York, 2019. <https://undocs.org/E/2019/68> [↑](#footnote-ref-3)
4. Economist, Out of the Shadows: Shining Light on the Response to Child Sexual Abuse and Exploitation. A 60 Country Benchmarking Index. The Economist Intelligence Unit, London, 2020. <https://outoftheshadows.eiu.com/> [↑](#footnote-ref-4)
5. United Nations General Assembly, Discriminatory Laws and Practices and Acts of Violence Against Individuals Based on Their Sexual Orientation and Gender Identity: Report of the United Nations High Commissioner for Human Rights. United Nations, New York, 2011. <https://www.ohchr.org/Documents/Issues/Discrimination/A.HRC.19.41_English.pdf>; United Nations, International Human Rights Law & Sexual Orientation & Gender Identity. United Nations Human Rights, Office of the High Commissioner, New York, 2019. <https://www.unfe.org/wp-content/uploads/2018/10/International-HumanRights-Law-English.pdf>; United Nations, Living Free and Equal: What States Are Doing to Tackle Violence and Discrimination Against Lesbian, Gay, Bisexual, Transgender and Intersex People. United Nations, New York and Geneva, 2016. <https://www.ohchr.org/Documents/Publications/LivingFreeAndEqual.pdf> [↑](#footnote-ref-5)
6. World Health Organization, INSPIRE Handbook: Action for Implementing the Seven Strategies for Ending Violence Against Children. WHO, Geneva, 2018. <https://www.who.int/publications-detail/inspire-handbook-action-for-implementingthe-seven-strategies-for-ending-violence-against-children>; Morrison, A. R., M. Ellsberg and S. Bott, ‘Addressing gender-based violence: a critical review of interventions’, World Bank Research Observer (International), vol. 22, no. 1, 2007, pp. 25–51. [↑](#footnote-ref-6)
7. Bott, S., A. Guedes, C. Claramunt and A. Guezmes, Improving the Health Sector Response to Gender-Based Violence: A Resource Manual for Health Care Professionals in Developing Countries. International Planned Parenthood Federation, New York, 2004. <http://www.ippfwhr.org/en/node/288> [↑](#footnote-ref-7)
8. United Nations Children’s Fund, A Familiar Face: Violence in the lives of children and adolescents. United Nations Children’s Fund (UNICEF), New York, 2017. <https://data.unicef.org/resources/a-familiar-face/> [↑](#footnote-ref-8)
9. Sumner, S. A., et al., ‘Prevalence of sexual violence against children and use of social services - seven countries, 2007-2013’, MMWR Morbidity and Mortality Weekly Report, vol. 64, no. 21, 2015, pp. 565–9; Stoltenborgh, M, M. H. van IJzendoorn, E. M. Euser and M. J. BakermansKranenburg, ‘A global perspective on child sexual abuse: meta-analysis of prevalence around the world’, Child Maltreatment, vol. 16, no. 2, 2011, pp. 79–101. [↑](#footnote-ref-9)
10. Ligiero, D., et al., What Works to Prevent Sexual Violence Against Children:

Evidence Review. Together for Girls, Washington, DC, 2019. <https://www.togetherforgirls.org/wp-content/uploads/2019-11-15-What-Works-toPrevent-Sexual-Violence-Against-Children-Evidence-Review.pdf> [↑](#footnote-ref-10)
11. Barth, J., et al., ‘The current prevalence of child sexual abuse worldwide: a systematic review and meta-analysis’, International Journal of Public Health, vol. 58, no. 3, 2013, pp. 469–483 [↑](#footnote-ref-11)
12. United Nations Children’s Fund, UN Women and Plan International, A New Era for

Girls: Taking Stock of 25 Years of Progress. New York, 2020. <https://www.unicef.org/media/65586/file/A-new-era-for-girls-2020.pdf> [↑](#footnote-ref-12)
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14. UNICEF East Asia and the Pacific Regional Office, What Works to Prevent Online and Offline Child Sexual Exploitation and Abuse? Review of national education strategies in East Asia and the Pacific, United Nations Children’s Fund (UNICEF), Bangkok, 2020, p. 3. <https://www.unicef.org/eap/media/4706/file/What%20works.pdf> [↑](#footnote-ref-14)
15. Blondeel, K., et al., ‘Violence motivated by perception of sexual orientation and gender identity: a systematic review’, Bulletin of the World Health Organization, vol. 96, no. 1, 2018, pp. 29–41L. [↑](#footnote-ref-15)
16. United Nations General Assembly, Discriminatory Laws and Practices and Acts of Violence Against Individuals Based on Their Sexual Orientation and Gender Identity: Report of the United Nations High Commissioner for Human Rights. United Nations, New York, 2011. <https://www.ohchr.org/Documents/Issues/Discrimination/A.HRC.19.41_English.pdf> [↑](#footnote-ref-16)
17. United Nations General Assembly, Discriminatory Laws and Practices and Acts of Violence Against Individuals Based on Their Sexual Orientation and Gender Identity: Report of the United Nations High Commissioner for Human Rights. United Nations, New York, 2011. <https://www.ohchr.org/Documents/Issues/Discrimination/A.HRC.19.41_English.pdf>; United Nations, International Human Rights Law & Sexual Orientation & Gender Identity. United Nations Human Rights, Office of the High Commissioner, New York, 2019. <https://www.unfe.org/wp-content/uploads/2018/10/International-HumanRights-Law-English.pdf>; United Nations, Living Free and Equal: What States Are Doing to Tackle Violence and Discrimination Against Lesbian, Gay, Bisexual, Transgender and Intersex People. United Nations, New York and Geneva, 2016. <https://www.ohchr.org/Documents/Publications/LivingFreeAndEqual.pdf> [↑](#footnote-ref-17)
18. United Nations Children’s Fund, Research on the Sexual Exploitation of Boys: Findings, Ethical Considerations and Methodological Challenges. UNICEF, New York, 2020. <https://data.unicef.org/resources/sexual-exploitation-boys-findingsethical-considerations-methodological-challenges/> [↑](#footnote-ref-18)
19. United Nations, Sustainable Development Goal Indicators Global Database. n.d., United Nations: New York [↑](#footnote-ref-19)
20. United Nations Children’s Fund, Research on the Sexual Exploitation of Boys: Findings, Ethical Considerations and Methodological Challenges. UNICEF, New York, 2020. <https://data.unicef.org/resources/sexual-exploitation-boys-findingsethical-considerations-methodological-challenges/> [↑](#footnote-ref-20)
21. United Nations Children’s Fund, Action to end child sexual abuse and exploitation: A review of the evidence, United Nations Children’s Fund (UNICEF), New York, 2020, p. 32. <https://www.unicef.org/documents/action-end-child-sexual-abuse-and-exploitation-review-evidence-2020> [↑](#footnote-ref-21)
22. Sumner, S. A., et al., ‘Prevalence of sexual violence against children and use of social services - seven countries, 2007-2013’, MMWR Morbidity and Mortality Weekly Report, vol. 64, no. 21, 2015, pp. 565–9; United Nations Children’s Fund, A Familiar Face: Violence in the lives of children and adolescents. United Nations Children’s Fund (UNICEF), New York, 2017. [↑](#footnote-ref-22)
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Been Sexually Abused, WHO Clinical Guidelines. World Health Organization, Geneva, 2017. [↑](#footnote-ref-24)
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