

DEFINING SEXUAL EXPLOITATION: The Need for Common Language

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Is there a need for common language?

- ❑ Definitions of child sexual abuse and exploitation vary considerably in research reports and data collection efforts, laws and conventions, policy documents and programme interventions.
- ❑ Different interpretations of the same terms and/or incorrect use of terms, leading to confusion
- ❑ Some terms are stigmatizing and not conducive for policy change and change in public opinion
- ❑ New forms of abuse and exploitation emerging with ICTs—ensure that these forms of harm to children are captured by terminology used

CHILDREN'S RIGHTS FRAMEWORK

- ❑ The children's rights framework aims to prevent and protect children from a wide range of sexual abuse and exploitation.
 - The Convention on the Rights of the Child (CRC)
 - The Optional Protocol to the CRC on the sale of children, child prostitution and child pornography
 - Council of Europe Convention on Protection of Children against Sexual Exploitation and Sexual Abuse

- The CRC is the most ratified human rights treaty in the world – holding Member States accountable to take action to protect children from these forms of harm

CRC Article 34: Protection from all forms of sexual exploitation and sexual abuse

*States Parties undertake **to protect the child from all forms of sexual exploitation and sexual abuse.** For these purposes, States Parties shall in particular take all appropriate national, bilateral and multilateral measures to prevent:*

(a) The inducement or coercion of a child to engage in any unlawful sexual activity;

(b) The exploitative use of children in prostitution or other unlawful sexual practices;

(c) The exploitative use of children in pornographic performances and materials.

Optional Protocol to the CRC on the Sale of Children, Child Prostitution and Child Pornography (OPSC)

Article 2 provides definitions of the offences:

- (a) *Sale of children*** means any act or transaction whereby a child is transferred by any person or group of persons to another for remuneration or any other consideration;
- (b) *Child prostitution*** means the use of a child in sexual activities for remuneration or any other form of consideration;
- (c) *Child pornography*** means any representation, by whatever means, of a child engaged in real or simulated explicit sexual activities or any representation of the sexual parts of a child for primarily sexual purposes.

Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse

Articles 18-24: Protection of children from sexual abuse and sexual exploitation

- ❑ Child sexual abuse becomes **sexual exploitation** when a child is used for sexual activities where money or any other forms of remuneration or consideration is given or promised as payment, regardless if this payment, promise or consideration is made to the child or to third person.
- ❑ This can include **exploitative use of children in prostitution, exploitative use of children in pornography, and/or solicitation of children for sexual purposes.**

EVOLVING CAPACITIES OF THE CHILD

CRC Article 5: Parental guidance and the child's evolving capacities

States Parties shall respect the responsibilities, rights and duties of parents or, where applicable, the members of the extended family or community as provided for by local custom, legal guardians or other persons legally responsible for the child, to provide, in a manner consistent with the evolving capacities of the child, appropriate direction and guidance in the exercise by the child of the rights recognized in the present Convention.

EVOLVING CAPACITIES OF THE CHILD

- ❑ Recognise that children acquire different competencies at different rates, and as they acquire enhanced capacities they are more able to make their own decisions and have less need for adults to make decisions on their behalf.
- ❑ The development of capacities will vary in different cultural contexts, children will be exposed to different life experiences (such as working for survival) and shared societal 'norms' about what children can or cannot do will vary cross culturally.

EVOLVING CAPACITIES OF THE CHILD

- Determine the age of consent can pose difficulties for balancing the child's right to protection with the child's right to have respect for these evolving capacities.
 - While some young people at age 14 can be capable of making informed choices about whether to have a sexual relationship with a person of their own or a similar age, others may not be ready to take this step.
 - The situation is more difficult if there is an age disparity or the other person may manipulate or coerce the young person and the young person may not regard themselves as being sexually exploited.
- Legal protection from sexual abuse and exploitation needs to take into consideration the situations where a child is unable to consent freely to sex.

EVOLVING CAPACITIES OF THE CHILD

- A developmental concept:** recognising the extent to which children's development, competence and emerging personal autonomy are promoted through the realisation of the rights in the CRC. In this sense it imposes obligations on States Parties to fulfil these rights.
- A participatory or emancipatory concept:** emphasizing the rights of children to respect for their capacities and transferring rights from adults to the child in accordance with their level of competence. It imposes obligations on States Parties to respect these rights.
- A protective concept:** acknowledges that because children's capacities are still evolving, they have rights to protection on the part of both parents and the State from participation in or exposure to activities likely to cause them harm, although the levels of protection they require will diminish in accordance with their evolving capacities. It imposes obligations on States Parties to protect these rights.

Is there a need for common language?

- ❑ Research and child protection practice often focus on some aspects of the problem - taking a more fragmented approach
 - Rape, sexual violence, exploitation in prostitution

- ❑ Few studies have comprehensively covered all forms of sexual abuse and exploitation experienced across the lifecourse.
 - e.g. Violence against Children Surveys main focus is on child sexual abuse, less focus on sexual exploitation but still not comprehensive measure

Need for a common conceptual framework

- ❑ Important we have a common understanding of the phenomena/harm children experience
- ❑ Use common language/definitions for comparability of data, trend analysis and research
- ❑ Important to use proper terminology/concepts in public discourse - not stigmatising, influence public opinion, public policy and ensure that research backs up legal, policy and programme interventions
- ❑ Important for programme interventions – ensure that different sectors/disciplines understand each other

Reaction: the Terminology and Semantics Project

Interagency Working Group



COUNCIL OF EUROPE



CONSEIL DE L'EUROPE



International Centre
FOR MISSING & EXPLOITED CHILDREN



Special Representative of the Secretary-General on

Violence against Children



Need for common language

- A shared feeling across sectors

Why?

Harmful/stigmatising terms

Inadvertently legitimising terms

Incoherent or haphazard use of terms

Different interpretations of the same terms

Result

Revictimisation of child victims

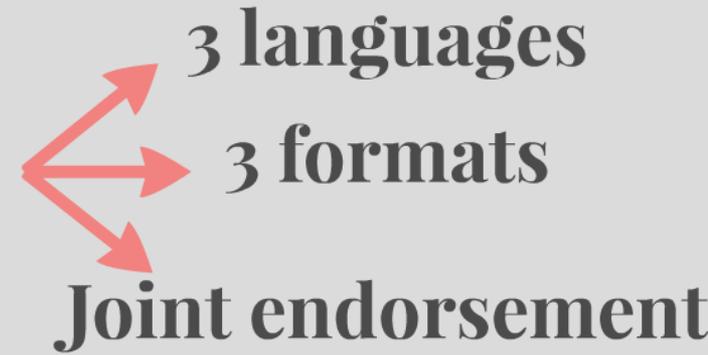
Social tolerance

Confusion » lack of efficiency

Loss of common strength to produce political and legislative change

The loser is: THE CHILD

Main objective: TERMINOLOGY GUIDELINES



- A thorough multistakeholder research and analysis of terms, semantics, and contexts, leading to clearly explained recommendations and guidelines
- A tool for child protection agencies and States to consult and use in their day-to-day work (programming, policy-making, legislation, promotion...)
- A multilingual instrument that is not only translated from one language, but where each language version is developed and adapted by experts in the field

Thank You !