Learning about SEC...

- Learn about the history of SEC definitions
- Identify themes and tensions in conceptualisations of SEC
- Understand the implications

Sexual Exploitation of Children
Lack of Conceptual Clarity: Implications

Research

- Complicates sampling and measurement
- Undermines collection of comparable data

Prevention

Response

LINEA Project
LEARNING INITIATIVE ON NORMS, EXPLOITATION AND ABUSE
Lack of Conceptual Clarity: Implications

Research
- Complicates sampling and measurement
- Undermines collection of comparable data

Prevention
- Complicates designing effective programmes

Response
Lack of Conceptual Clarity: Implications

Research
- Complicates sampling and measurement
- Undermines collection of comparable data

Prevention
- Complicates designing effective programmes

Response
- Potential over- or under-reach of law
- Patchy service provision
Methods

Desk Review

Interviews

Moral Philosophy

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Worst Forms of Child Labour Convention, 1999 (No. 182)

The General Conference of the International Labour Organization,

Having been convened at Geneva by the Governing Body and having met in its 87th Session on 1 June 1999, and

Considering the need to adopt new instruments for the elimination of the worst forms of child labour, as the main priority for international cooperation and assistance, to complement Recommendation concerning Minimum Age for Admission to Employment and Recommendation concerning readdir of Fundamental Instruments on child labour, and

Considering that the ILO has a unique and comprehensive mandate to promote and implement the Convention on the Rights of the Child, recalling the resolution of the 1989 World Congress on the Rights of the Child calling for the adoption of a protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography,

Declaration and Agenda for Action

1st World Congress against Commercial Sexual Exploitation of Children
Stockholm, Sweden, 27 - 31 August

Declaration

1. We, gathered in Stockholm for the World Congress against Commercial Sexual Exploitation of Children, recognize the need to adopt new instruments for the elimination of the worst forms of child labour, as the main priority for international cooperation and assistance, to complement Recommendation concerning Minimum Age for Admission to Employment and Recommendation concerning Reorientation of Fundamental Instruments on child labour, and

Convention on the Rights of the Child

Adopted and opened for signature, ratification and accession by General Assembly resolution 44/25 of 20 November 1989

entry into force 2 September 1990, in accordance with article 49

Preamble

The States Parties to the present Convention,
Sexual abuse
Sexual abuse is defined as the involvement of a child in sexual activity that he or she does not fully comprehend, is unable to give informed consent to, or for which the child is not developmentally prepared, or else that violates the laws or social taboos of society. Children can be sexually abused by both adults and other children who are — by virtue of their age or stage of development — in a position of responsibility, trust or power over the victim.
CSA definition

Lanzarote Convention (2007)

Sexual abuse

Sexual abuse is defined as the use of coercion, force, threat or the exploitation of a child, including within the family, or the use of a recognised position of trust, authority or influence over the child, including within the family; or the use of a particularly vulnerable situation of the child, notably because of a mental or physical disability or a situation of dependence.

Article 18 – Sexual abuse

1. Each Party shall take the necessary legislative or other measures to ensure that the following intentional conduct is criminalised:

   a. engaging in sexual activities with a child who, according to the relevant provisions of national law, has not reached the legal age for sexual activities;

   b. engaging in sexual activities with a child where:

      - use is made of coercion, force or threats; or

      - abuse is made of a recognised position of trust, authority or influence over the child, including within the family; or

      - abuse is made of a particularly vulnerable situation of the child, notably because of a mental or physical disability or a situation of dependence.
Key themes in Definitions of SEC

- Vulnerability
- Power

Victim

Perpetrator
## Evolving Definitions of SEC

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- **Sex** in context of vulnerability, power imbalance, constrained choice.

- **Benefit to Intermediary**, **Benefit to child or 3rd party**

- UNICEF (2001) *Stockholm Declaration*
Evolving Definitions of SEC

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- Prostitution
- Sex Tourism
- Pornographic materials and performances

UK Department for Education

Benefit to Intermediary

Benefit to child or 3rd party

UNICEF (2001) Stockholm Declaration

Specific acts as per CRC, Convention 182, Optional Protocol, Lanzarote:

- Prostitution
- Sex Tourism
- Pornographic materials and performances
Evolving Definitions of SEC

Specific acts

CRC, Convention 182, Optional Protocol, Lanzarote

Benefit to intermediary

UNICEF (2001)

“when a second party benefits - through making a profit or through a quid pro quo - through sexual activity involving a child”
Evolving Definitions of SEC

**Specific acts**

CRC, Convention 182, Optional Protocol, Lanzarote

- Benefit to intermediary
  - UNICEF (2001)
- Benefit to child or 3rd party
  - Stockholm Declaration

“comprises sexual abuse by the adult and remuneration in cash or kind to the child or a third person or persons.”
Evolving Definitions of SEC

Specific acts
- CRC, Convention 182, Optional Protocol, Lanzarote

Benefit to intermediary
- UNICEF (2001)

Benefit to child or 3rd party
- Stockholm Declaration

Sex in context of vulnerability, power imbalance, constrained choice
- UK Department for Education
Evolving Definitions of SEC

“...those exploiting the child/young person have power over them by virtue of their age, gender, intellect, physical strength and/or economic or other resources. Violence, coercion and intimidation are common, involvement in exploitative relationships being characterised in the main by the child or young person's limited availability of choice resulting from their social/economic and/or emotional vulnerability.”

Sex in context of vulnerability, power imbalance, constrained choice

UK Department for Education

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Changing perceptions of children affected by SEC

Juvenile delinquents

SEC victims

Agentless victim
Interview Findings

- Definitions and cases not seen as clear-cut
- Agreement on age and remuneration
- Ambiguity around role of vulnerability
Potential danger of existing discourse

• Focuses on the individual dyad (victim/perpetrator) casting the victim as agentless.

• Underplays social or structural sources of vulnerability.

• Encourages ‘rescue’ interventions that might lead to additional harm.
Exploitation is typically invoked without much analysis or argument.

Philosophers problematize the idea of exploitation as inherently bad.

Mutually beneficial transactions can be exploitative.

A relationship or transaction does not need to be coercive in order for it to be judged exploitative.
ex.plo.i.ta.tion
(ek.splaɪˈteɪʃən), n., 1. the use of something in order to get an advantage from it.
Exploitation is not *prima facie* wrongful

- **‘Good’ exploitation**
  - Exploiting one’s talent
  - Exploiting an opponent’s mistake in a game

- **‘Wrongful’ exploitation**
  - Asking someone for money to throw them a life saver when they are drowning
  - Paying workers a very low rate
So...

- We must determine when an act, practice or transaction becomes wrongful

- Moral philosophers demand that key criteria are met before exploitation becomes: wrongful exploitation
Different conditions...

Moral constraints:
- Harming people
- Coercion
- Using people as means

Moral obligations:
- Duty to rescue
- Protect the vulnerable
Harm or failure of beneficence

Exploiters do harm to their victims even when their interactions are mutually advantageous, by failing to benefit the disadvantaged party as fairness requires (Mayer, 2007)

A pusher satisfies an addict’s craving for a price.
Harm or failure of beneficence

Exploitation can benefit both parties relative to how they would have fared had they not transacted with each other (Valdman, 2009).

A and B are hiking in the jungle. A poisonous snake bites B and A has the antidote for it. B asks for the antidote and A offers it for a very high sum, much higher than the market price.
Harm?

No agreement exists that harm is a necessary condition for claims of exploitation although most philosophers acknowledge that exploitation is *usually* harmful.
Treating people as means not ends

‘Exploitation involves interacting with another being for the sake of advantage in a way that degrades or fails to respect the inherent value in that being’ (Sample, p.57).
Vulnerabilities

‘Failure to protect the vulnerable by taking advantage of their vulnerability’
(Wertheimer 1996, Goodin 1987)

Does this mean that someone who is not vulnerable cannot be exploited?

Or that the exploiter is always non vulnerable?
Free-rider example

A and B fell in a ditch while working on it. Water from a subterranean well is filling the ditch and they need to bail water for 20 minutes every hour till the rescue team arrives.

B is more worried than A about the water level, so A decides to take a free ride. B is angry but scared and continues to bail water every hour while A relaxes.

A and B are both in a vulnerable position.
Combined paradigm

“Extracting excessive benefits from someone who cannot or cannot reasonably refuse your offer” (Valdman 2009)
Combined paradigm

“Extracting excessive benefits from someone who cannot reasonably refuse your offer” (Valdman 2009)

Influenced by individual and structural factors that render individuals vulnerable, however it is not the vulnerability itself that makes the situation exploitative.

Excessive benefits + Inability to refuse offer = Wrongful exploitation

Beyond what you would expect from someone who could refuse the offer.
Responding to exploitation

Something can be exploitative and morally wrong however...

We need to be careful not to create more harm with our interventions.
Wrapping up

- Key concepts within SEC such as exploitation and childhood are less clear than usually thought.

- What makes a situation wrongful exploitation does not have a clear cut answer and we need to think about this.

- Defining exploitation in terms of excessive gains + inability to refuse offers a plausible definition that avoids portraying the vulnerable as agentless and disempowered by default.
Thank you

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Discussion

• How important is the distinction between CSA and SEC?

• Is it important to have a definition of SEC, agreed upon across sectors (e.g., advocacy, research, programme implementers)?

• How broad should the definition of SEC be? Implications of a larger or smaller net?

• How can we incorporate structural factors into a conceptual model of SEC?
Potential danger of existing discourse

• Focuses on the individual dyad (victim/perpetrator) casting the victim as agentless.
• Underplays social or structural sources of vulnerability.
• Encourages ‘rescue’ interventions that might lead to additional harm.