

THE SALE & SEXUAL EXPLOITATION OF CHILDREN: MIGRATION



The sale and sexual exploitation of children in the context of migration¹

I. The key issues

Children move with families, or on their own, or with peers for multiple reasons ranging from forced displacement to the need to escape poverty and family breakdown, and the drive to seek new opportunities. Today, environmental events and climate change are commonly recognized as contributing and exacerbating factors influencing migratory movements and displacement.² With droughts, ice melting, heavy rains and frequent unexpected sudden on-set events, migration is deeply affected by environmental events and people on the move are strongly and negatively affected by them. Extreme environmental events lead to food insecurity, lack of healthcare, access to safe water and sanitation, and heighten the risk of experience of violence and abuse.³

According to the International Organization for Migration, 36.1 million children were international migrants in 2018 alone.⁴ About half of the 25.9 million refugees in 2018 were children⁵ and at least 17 million children were living in internal displacement conditions⁶. In 2016, 1 in 8 migrants was a child and 1 in 200 children in the world was a refugee.⁷ In recent years the number of children traveling alone has increased: in 2015-2016, there were five times as many children estimated to be migrating unaccompanied by guardians than in 2010-2011.⁸

Regional figures detail the magnitude and scale of this issue: around 100,000 unaccompanied and separated children were apprehended at the Mexico-U.S. border in 2015 and 2016 and 90,000 unaccompanied and separated children were displaced internally and across borders in the Horn of Africa in 2015. Furthermore, 170,000 unaccompanied and separated children applied for asylum in Europe in 2015 and 2016.⁹ Given the complexity of migration flows and data capture, these figures are likely to underestimate the scale of the issue.

¹This brief presents highlights of the key issues discussed at a two-day expert consultation organized by the Special Rapporteur on the sale and sexual exploitation of children and UNICEF Office of Research – Innocenti, in Florence on September 24 and 25 2019. The brief draws both on published literature as well as presentations made at the consultation. More information on the consultation is available at <https://www.unicef-irc.org/article/1928-un-special-rapporteur-holds-expert-consultation-on-prevention-of-the-sale-sexual.html>

² <https://www.brookings.edu/research/the-climate-crisis-migration-and-refugees/>
https://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/73/195
<https://documents-dds-ny.un.org/doc/UNDOC/GEN/N11/448/35/PDF/N1144835.pdf?OpenElement>

³ <https://www.unicef.org/press-releases/200000-children-affected-heavy-flooding-somalia-brings-increased-risk-malnutrition>

⁴ https://publications.iom.int/system/files/pdf/global_migration_indicators_2018.pdf

⁵ <https://www.unhcr.org/statistics/unhcrstats/5d08d7ee7/unhcr-global-trends-2018.html>

⁶ Internal Displacement Monitoring Centre (2019), 'Twice invisible accounting for internally displaced children', November 2019.

⁷ https://www.unicef.org/publications/files/UNICEF_A_child_is_a_child_May_2017_EN.pdf

⁸ Ibid.

⁹ https://publications.iom.int/system/files/pdf/global_migration_indicators_2018.pdf

Children on the move¹⁰ are first and foremost children¹¹ and their rights should be upheld as such. However, in the context of human migration, there are multiple categories and types of movement which are recognized and categorized differently, which determine status, entitlements and protection mechanisms in place for children. For instance, a child on the move may be part of mixed migration movement¹², and categorized as an international migrant, an asylum seeker, a refugee, an Internally Displaced Person (IDP) a trafficked child or a returnee. In addition, the child may be unaccompanied, or may be traveling with family. In each of these contexts, the child's rights may be subject to different national, regional and international laws and policies that exacerbate risk and heighten vulnerability to deprivations and harms.

Further, children "left behind" may be impacted by the migration of family members, including one or both parents, and be vulnerable to many deprivations or risks, depending on the strength of the caring environment that is in place to protect them in the absence of parental care. For example, in Central America, particularly in the Northern Triangle area, children left behind often lack basic protection and access to services, and can become an easy target for trafficking networks, or be subjected to sexual violence and abuse.¹³

Children engaging in migratory movements, both within and between States, are subject to an increased risk of being exposed or subjected to violence, a "fluid and shifting phenomenon in children's lives as they move between the places where they live, play, sleep and learn."¹⁴ Migrant and refugee children are especially vulnerable if unaccompanied or separated from their families and may experience sexual violence, and exploitation, as well as forced labour and human trafficking. Their vulnerability may be exacerbated by limited access to services and to justice.¹⁵ Children are particularly exposed to risks in the context of taking unsafe and unregulated routes on their migration pathways, or where they are dependent on strangers and agents to help them navigate these routes.¹⁶ Migration may make children vulnerable to being sold for forced labour and be sexually exploited since they typically lack financial resources, access to effective child protection and welfare systems, and effective paths to residence status.¹⁷

¹⁰ "Children on the Move" is an umbrella term, defined by the Inter-Agency Group on Children on the Move to include 'all children moving for a variety of reasons, voluntarily or involuntarily, within or between countries, with or without their parents or other primary caregivers, and whose movement while it may open up opportunities might also place them at risk (or at an increased risk) of economic or sexual exploitation, abuse, neglect and violence'.

¹¹ https://www.unicef.org/publications/files/UNICEF_A_child_is_a_child_May_2017_EN.pdf

¹² According to IOM (2008): "The principal characteristics of mixed migration flows include the irregular nature of and the multiplicity of factors driving such movements, and the differentiated needs and profiles of the persons involved. Mixed flows have been defined as 'complex population movements including refugees, asylum seekers, economic migrants and other migrants. Unaccompanied minors, environmental migrants, smuggled persons, victims of trafficking and stranded migrants, among others, may also form part of a mixed flow.'" (IOM's Ninety-Sixth Session, Discussion Note: International Dialogue on Migration)

¹³ Grillo Rivera, M. (2019) Presentation made at *Consultation on the Mandate of the Special Rapporteur on the sale and sexual exploitation of children, including child prostitution, child pornography and other child sexual abuse material*, 24-25 September 2019, Florence.

¹⁴ Maternowska, M.C., Potts, A., Fry, D. and Casey, T (2018). Research that Drives Change: Conceptualizing and Conducting Nationally Led Violence Prevention Research Synthesis Report of the "Multi-Country Study on the Drivers of Violence Affecting Children" in Italy, Peru, Viet Nam and Zimbabwe. UNICEF Office of Research – Innocenti, Florence (2018), p5.

¹⁵ Special Rapporteur on the sale and sexual exploitation of children, Input from a child rights perspective to the United Nations High-level Political Forum on Sustainable Development, "Empowering people, ensuring inclusiveness and equality", July 2019, p6.

¹⁶ Ibid.

¹⁷ A_71_261_2016, p.14 and A_72_164_2017, p10

Age, gender, sexual identity and disability are all intersecting factors that determine a child's experience and vulnerability to sale and sexual exploitation. Being a girl, a boy or a transsexual child may severely affect a child's experience and the kind of sexual exploitation they might be subjected to.¹⁸ For instance, girls' journeys are affected by structural factors including patriarchal values and gender norms that tend to favour boys and men.¹⁹ Moreover, when children are forcibly displaced or decide to migrate, the overarching social and normative structures as well as connection to family and community are disrupted, potentially enhancing their vulnerability and risk of being subjected to sale and sexual exploitation.²⁰

Age is another fundamental determinant of children's vulnerability and exposure to violence and harm. As girls and young women on the move transition from childhood to adolescence and adulthood, their education may be interrupted resulting in significant socio-economic challenges and linguistic barriers as they adjust to new contexts. Girls may be subjected to practices such as forced marriage or forced labour, as these may be the only options available to earn money and support large families and relatives. This condition of insecurity exposes them to many risks including being subject to sale and sexual abuse and exploitation.²¹

Children on the move may incur such risks at all points during their journeys. As they start the movement from their country of origin, when they are on the move, many fall victims of sex traffickers. For instance, in Peru, many girls have been found in the sex trade in Miami, Ecuador, Argentina and Chile. On the other hand, girls from Ecuador, Bolivia, Chile and Japan have been found to be sex workers in Peru.²² As children and adolescents are on their way, they may find difficult situations in countries of transit. For instance, at the US-Mexico border, many unaccompanied children seeking asylum fall victim to violence and sexual abuse and have no access to basic health services.²³ Others are separated from their parents due to US immigration policy on family separation, causing serious trauma that can leave separated children more vulnerable to abuses and can impact children's long-term development.²⁴ Moreover, many children are locked in detention facilities in transit countries, such as Libya, in areas where there is no humanitarian access and assistance, putting them in danger and heightening the difficulties in tracking human rights violations.²⁵

As migrant and refugee children reach their country of transit or arrival, the risk of being subjected to sale, abuse and sexual exploitation does not vanish. Studies have identified many children who

¹⁸ Women's Refugee Commission (March 2019) "More Than One Million Pains": Sexual Violence Against Men and Boys on the Central Mediterranean Route to Italy, New York.

¹⁹ Wringe, A. et al. (2019). Altered social trajectories and risks of violence among young Syrian women seeking refuge in Turkey: a qualitative study. *BMC Women's Health* (2019) 19:9, p7.

²⁰ Ibid.

²¹ Ibid.

²² Maternowska, M.C., Potts, A., Fry, D. and Casey, T (2018). Research that Drives Change: Conceptualizing and Conducting Nationally Led Violence Prevention Research Synthesis Report of the "Multi-Country Study on the Drivers of Violence Affecting Children" in Italy, Peru, Viet Nam and Zimbabwe. UNICEF Office of Research – Innocenti, Florence (2018), p56.

²³ Alberto, C. and Chilton M. (2019). Transnational Violence Against Asylum-Seeking Women and Children: Honduras and the United States-Mexico Border. *Human Rights Review* 20, p.207.

²⁴ <https://www.unicef.org/press-releases/children-should-not-be-separated-their-families-because-their-migration-status>

²⁵ Bhabha, J. (2019) Presentation made at *Looking back, looking forward - Consultation on the Mandate of the Special Rapporteur on the sale and sexual exploitation of children, including child prostitution, child pornography and other child sexual abuse material*, 24-25 September 2019, Florence.

had fallen victims to sexual abuse in reception centers in Greece²⁶ and in Italy.²⁷ When children reach a destination country, they may encounter other difficulties, such as discrimination and limited access to basic services, making them extremely vulnerable to sale and sexual exploitation.²⁸ Children who use the services of smugglers or other agents are also invisible and remain unidentified, hindering the process of identification which further creates barriers to putting in place the best strategies to protect children and promote their rights.²⁹ Data from IOM's Global Victim of Trafficking Database (VOTD) shows that, eight of ten Nigerian victims (85%) were trafficked into prostitution or some form of sexual exploitation.³⁰

Migrant and refugee children face harsh realities that are characterized by multiple intersecting and overlapping issues. One example is the detrimental mental and physical health impacts of stressful journeys where statelessness or absence of required documentation such as a birth certificate or other identification document may restrict their access to appropriate health services.³¹ Even though children and young people may show resilience and agency in dealing with difficult circumstances, the emotional, mental and physical toll of uncertain and often arduous journeys may undermine their ability to protect themselves further making them more vulnerable to violence, abuse and exploitation, in all its forms.³²

II. Building a rights-based protective framework

Several legal instruments currently in force offer protection to children and address specific issues that may address the vulnerabilities of migrant and refugee children. The UN Convention on the Rights of the Child (CRC) (1989) establishes the right to be protected from violence, exploitation and abuse, including sexual exploitation (Art.19). The CRC also determines the measures to prevent sexual abuse (Art.34) and “the abduction of, the sale of or traffic in children for any purpose or in any form” (Art.35). These rights are further underscored in the CRC Optional Protocol on the sale of Children, Child Prostitution and Child Pornography (2000) that require parties to prohibit the sale of children, sexual exploitation and child sexual abuse materials. Furthermore, General Comment 6 to the Convention on the Rights of the Child (2005) aims to address protection gaps and special vulnerabilities of “Unaccompanied and Separated Children Outside their Country of Origin” and provides States with guidance on how to implement their obligations under the Convention with respect to the treatment of such children, as they are particularly vulnerable to all forms of violence, including sexual exploitation and abuse.

Other key legal documents related to migrant and refugee children include the 1951 Refugee Convention and its 1967 Protocol which provide protection to refugees, including protections against discrimination, non-penalization for seeking refuge and non-refoulement. The 1954 Convention relating to the Status of Stateless Persons that aims to protect stateless individuals and the complementary 1961 Convention on the reduction of statelessness. Moreover, the two

²⁶ Digidiki V. and Bhabha J. (2018). Sexual abuse and exploitation of unaccompanied migrant children in Greece: Identifying risk factors and gaps in services during the European migration crisis. *Children and Youth Services Review*, Vol.92, 114-121.

²⁷ Behr, H. (2019) Presentation made at *Looking back, looking forward - Consultation on the Mandate of the Special Rapporteur on the sale and sexual exploitation of children, including child prostitution, child pornography and other child sexual abuse material*, 24-25 September 2019, Florence.

²⁸ A_72_164_2017, p12

²⁹ A_72_164_2017, p13

³⁰ <https://plan-uk.org/file/trafficking-of-girls-and-young-women/download?token=gXqs11ip>

³¹ Bissell, Susan, J. Bhabha. and P. Spiegel. 2019. *The health challenges facing children on the move in the Health of Refugees*. Oxford University Press, January 2019.

³² United Nation Children's Fund (UNICEF 2020), *Ending Violence, Abuse and Exploitation of Children and Young People on the Move in the Horn of Africa*, forthcoming.

Protocols supplementing the United Nations Convention against Transnational Organized Crime relate to child migration: The Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children (2000) and The Protocol against the Smuggling of Migrants by Land, Sea and Air (2000). The Convention on Jurisdiction, applicable law, recognition, enforcement and cooperation in respect of parental responsibility and measures for the protection of children (1996) provides a set of legal provisions and international cooperation arrangements on cross-border child protection, children's safety and welfare in cases of children moving from one State to another.

The international legal landscape related to migrants and refugees has grown considerably over the past few years. Although some gaps remain, the overall legislative framework has now developed into a comprehensive set of key documents which can be further implemented. In 2016, the New York Declaration for Refugees and Migrants (2016) also expresses the political commitment of Member States to protect the rights of refugees and migrants, to save their lives and share the responsibility for large movements worldwide. Specifically, for children, the current international framework of commitments is to always protect the principle of the best interest of the child and to provide assistance during their entire journeys, including protection from violence and sexual abuse and exploitation. Following the New York Declaration in 2018, two crucial Global Compacts were agreed upon: The Global Compact for Safe, Orderly and Regular Migration (GCM) and the Global Compact on Refugees (GCR). The former seeks to regulate migratory movements that pertain to many children and young persons, whilst the latter aims at improving the response to large movements of refugees and of those in protracted refugee situations, including by implementing the Comprehensive Refugee Response Framework (CRRF). However, these pacts are not legally binding and not all countries have signed them. Rather, they represent a political commitment and the willingness to act upon the hard conditions of many persons on the move and refugees.

Finally, the 2030 agenda importantly sets some targets that are interlinked to the phenomena of sale and sexual exploitation of children on the move. The SDGs' target 10.7 calls for signatories to "facilitate orderly, safe, and responsible migration of people, including through implementation of planned and well-managed policies" as part of the wider goal 10, "Reduce inequality within and among countries; in addition to linked SDGs on education, decent work and economic growth, climate action and peaceful societies, and target 16.2 which commits the global community to end abuse, exploitation, trafficking and all forms of violence against and torture of children"³³

III. Priorities reinforced by expert participants

Building on the recommendations given by the Special Rapporteur in her thematic report on trafficking,³⁴ a number of priorities were identified by the experts who participated in the meeting. These priorities also have informed the Special Rapporteur's latest report to member states and the international community.³⁵ First and foremost is the need for an **integrated approach** to address the multiple and overlapping vulnerabilities of children on the move to sale and sexual exploitation, using gender and age-sensitive lenses, and with adaptation to local context. Many migrant and refugee children do not fully understand the context that they live in or their legal and social status. For this reason, they sometimes migrate into sale and sexual exploitation.³⁶

³³ <https://sustainabledevelopment.un.org/sdg10>

³⁴ A_72_164_2017

³⁵ A_HRC_43_40_2020

³⁶ Blight, S. (2019) *Looking back, looking forward - Consultation on the Mandate of the Special Rapporteur on the sale and sexual exploitation of children, including child prostitution, child pornography and other child sexual abuse material*, 24-25 September 2019, Florence.

Strengthening individual children's access to information as well as community education should be the basis of programmes to reach children and families that are moving or plan to move.³⁷

A key focus should be on **risk mitigation** through improving the effectiveness and inclusiveness of awareness campaigns for all migrant and refugee children in relation to their journeys and status. If the displacement is forced, specific prevention mechanisms should be enforced to address those specific circumstances, and informative measures should be implemented; on the other hand, if the movement is voluntary, children on the move should be aware of the risks that their journey implies, including sale and sexual exploitation, and be equipped to connect to child protection systems in the countries they move through.

National governments, supported by regional and international governments, need to put in place adequate **investments and infrastructure** to ensure that children on the move have access to resources including food and shelter, education and health services, and safe transportation, including using innovative approaches to the provision of multi-sectoral services for migrant and refugee children.³⁸ Child protection should be mainstreamed into the curricula of all front-line professionals (police, social service workforce, services providers, prosecutors, amongst others) working on the prevention, victim identification and protection/assistance of children on the move, reaching both victims or those at risk of abuse, trafficking, sale and sexual exploitation.

National child protection mechanisms should expand to include children on the move – irrespective of status - and serve as the first point of contact for children when they come into contact with national and local authorities. An integrated approach is necessary to ensure that *all* children affected by migration – are protected within an overarching approach grounded in child rights. Children left behind, usually left alone in plain sight, should not be forgotten and left without protection.³⁹ Governments should adopt an all-encompassing approach considering the intersectional aspects of age and gender and encouraging focused programmatic and community-based interventions, including, but not limited to, parenting interventions and financial support to children on the move and their families to continue education activities, and the provision of safe spaces and transport options.⁴⁰

³⁷ Rafferty, Y. (2019) Presentation made at the *Consultation on the Mandate of the Special Rapporteur on the sale and sexual exploitation of children, including child prostitution, child pornography and other child sexual abuse material*, 24-25 September 2019, Florence.

³⁸ Behr, H. (2019) Presentation made at the *Consultation on the Mandate of the Special Rapporteur on the sale and sexual exploitation of children, including child prostitution, child pornography and other child sexual abuse material*, 24-25 September 2019, Florence.

³⁹ Grillo Rivera, M. (2019) Presentation made at *Consultation on the Mandate of the Special Rapporteur on the sale and sexual exploitation of children, including child prostitution, child pornography and other child sexual abuse material*, 24-25 September 2019, Florence.

⁴⁰ Behr, H. (2019) Presentation made at the *Consultation on the Mandate of the Special Rapporteur on the sale and sexual exploitation of children, including child prostitution, child pornography and other child sexual abuse material*, 24-25 September 2019, Florence.