



DEFINING THE DEMAND FOR THE SEXUAL EXPLOITATION OF CHILDREN

The aim of defining the demand *for the sexual exploitation of children (SEC)* is achieved by first determining the essence of SEC, especially as it differentiates from child sexual abuse.

Defining Sexual Exploitation of Children

Child sexual exploitation is an extreme form of violence against children. The harmful effects of sexual exploitation should be regarded as a gross violation of children's integrity, dignity and fundamental rights as human beings. It is inflicted mainly by adults, who take advantage of the power imbalance resulting from the age, gender, social and education differentials that separate them from their young victims. Adult men, but also, more marginally women and peers are responsible for SEC offending.

International law does not offer a distinct definition of sexual exploitation of children. The 1989 United Nations Convention on the Rights of the Child (UNCRC) fails to make a clear distinction between child sexual exploitation and child sexual abuse. The UNCRC Article 34 generically refers to "all forms of sexual exploitation and sexual abuse", in particular to "[t]he exploitative use of children in prostitution or other unlawful sexual practices" [34 (b)] and "[t]he exploitative use of children in pornographic performances and materials" [34 (c)].

In Article 3 of the 2000 Optional Protocol on the Sale of Children (OPSC) state parties are required to criminalise sexual exploitation of children in the context of what is defined as sale of children. sexual exploitation of children in the context of what is defined as sale of children.¹ The 2007 Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (Lanzarote Convention) refers to child sexual exploitation and child sexual abuse in articles 18 to 23 and in its Preamble refers to "the sexual exploitation of children, in particular child pornography and prostitution".² Non-binding instruments also refer to sexual exploitation of children, although they normally do not provide a specific definition of the acts covered by this term.

1 UN General Assembly (2000), "Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography", A/RES/54/263 of 25 May 2000, Article 1(a)(i)a.

2 Council of Europe, Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse, October 2012, Preamble.

An Interagency Working Group (IAWG) representing several organisations committed to addressing sexual exploitation of children, has worked with the objective of reaching a consensus on the definitions and semantics relating to key concepts. In its terminology guidelines,³ adopted in Luxembourg on 28 January 2016, the IAWG offers a definition of sexual exploitation of children, stating that, “A child is a victim of sexual exploitation when he/she takes part in a sexual activity in exchange for something (e.g. gain or benefit) received by a third party, the perpetrator, or even the child him/herself.”⁴

Abuse of power and/or abuse of vulnerability may pressure a child into a situation of sexual exploitation through physical force or threats, or otherwise persuade the victim to engage in illicit activities because of human or situational factors.⁵ It could therefore be assumed that all acts that by leveraging power based on age, gender, social, economic, emotional status or other disparities result in exploiting a person younger than 18 years (the age defining childhood in international law) in order to obtain services of a sexual nature in exchange for gain or benefit, be regarded as SEC. As such, they should be condemned resolutely in all legal and social normative frameworks.

The concept of ‘exploitation’ underpinning the notion of ‘sexual exploitation of children’, marks the difference between sexual exploitation and sexual abuse of children. The main distinction lies in the notion of ‘exchange’ involved in exploitation, which is normally missing in the context of abuse.

The IAWG further highlighted that, “[i]n more general terms, the UN Secretariat has defined ‘sexual exploitation’ (not necessarily related to children) as follows: ‘any actual or attempted abuse of a position of vulnerability, differential power, or trust, for sexual purposes, including, but not limited to, profiting monetarily, socially or politically from the sexual exploitation of another’.”⁶

The exchange involved in ‘exploitation’ implies a compensation that can be translated into monetary gain or in any other type of benefit. When, for example, child sexual abuse material is exchanged not only for profit but also for other similar material benefits, the act can be regarded as amounting to child sexual exploitation. Considering that the abuse depicted in the material may not have been committed originally for monetary gain, the same act may be regarded as abusive and exploitative simultaneously.

As in the case of sexual exploitation of children, no international legally binding definition exists of the notion of ‘commercial sexual exploitation of children (CSEC)’. Relying on the definition provided by the IAWG, ‘commercial sexual exploitation of children’ can be construed as a subset of ‘sexual exploitation of children’.⁷ The Stockholm Declaration and Agenda for Action, emerging from the First World Congress against Commercial Sexual Exploitation of Children held in Stockholm in 1996, states that ‘commercial sexual exploitation of children’ “comprises sexual abuse by the adult and remuneration in cash or kind to the child or a third person or persons. The child is treated as a sexual object and as a commercial object. The commercial sexual exploitation of children constitutes a form of coercion and violence against children, and amounts to forced labour and a contemporary form of slavery.”⁸

3 Interagency Working Group, *Terminology Guidelines for the Protection of Children from Sexual Exploitation and Sexual Abuse*, June 2016, 24. Spearheaded by ECPAT International in partnership with ECPAT Luxembourg in 2014, the two-year ‘semantics project’ resulted in establishing international guidelines on terminology through an inter-agency working group of leading international institutions, including UNICEF, ILO, ITU, ICMEC, INTERPOL and Child Rights Connect.

4 *Ibid.*, 24.

5 *Ibid.*, 24-25. See further, for example: National Society for the Prevention of Cruelty to Children (2016), “Child sexual exploitation”, accessed 4 August 2016; or Barnardo’s, “About child sexual exploitation”, http://www.barnardos.org.uk/what_we_do/our_work/sexual_exploitation/about-cse.htm, accessed 4 August 2016.

6 Interagency Working Group, *Terminology Guidelines for the Protection of Children from Sexual Exploitation and Sexual Abuse*, June 2016, 25 citing The United Nations Secretariat, ‘Secretary-General’s Bulletin. Special Measures for Protection for Sexual Exploitation and Abuse’, 9 October 2003, section 1. <https://oios.un.org/resources/2015/01/ST-SGB-2003-13.pdf>, accessed 4 August 2016.

7 Interagency Working Group, *Terminology Guidelines for the Protection of Children from Sexual Exploitation and Sexual Abuse*, June 2016, 27.

8 Stockholm Declaration and Agenda for Action, Stockholm, adopted at First World Congress against Commercial Sexual Exploitation of Children, Stockholm, Sweden, 27-31 August 1996, paragraph 5.

Although it has been widely argued that the notions of SEC and CSEC overlap to a large extent, the emphasis on the term ‘commercial’ has lessened over time.⁹ The interpretation adopted in this series is that the act of buying and selling with the aim of making money¹⁰ is an element that can be understood as differentiating CSEC from overall SEC.

While the focus of this set of papers is placed on the demand for SEC, the scope may be extended to CSEC where relevant to the discussion. The notion of child sexual abuse, of which SEC and CSEC should be regarded as subsets, is beyond the scope of the papers and is referred to only contextually.

Defining Demand for Sexual Exploitation of Children

The definition of ‘demand for SEC’ has remained somewhat elusive with academics, NGOs and the UN providing different interpretations. The 2006 report by the-then Special Rapporteur on the sale of children, child prostitution and child pornography, Juan Miguel Petit, observed that there are “different forms demand can take” and highlighted the “divergent understandings of what may constitute demand.”

¹¹ Scanning through the highlights emerging from the literature, a variety of interpretations are offered.

- In an early publication, the International Labor Organization focussed on the dimension of masculinity emphasising that male perpetrators form the demand for the commercial sexual exploitation of children.¹²
- Research at the University of Rhode Island segmented the notion of demand for commercial sex into three components: first, men who seek out women, children and other men for the purpose of purchasing sex acts, otherwise known as the “clients”; second, profiteers in the sex industries; and third, the culture that “indirectly creates a demand for victims by normalising prostitution”.¹³
- In a 2006 report, the-then Special Rapporteur for Trafficking, Sigma Huda, clarified that, “demand must be understood expansively, as any act that fosters any form of exploitation that, in turn, leads to trafficking.”¹⁴ In particular, the report highlighted three issues relating to the definition of demand: one, that demand be understood in relation to exploitation, “irrespective of whether that exploitation constitutes trafficking”; two, that demand be understood “as that which fosters exploitation, not necessarily as a demand directly for that exploitation”; and three, that “it is not necessary for demand itself to lead to trafficking; rather, it is sufficient that the exploitation fostered by the demand leads to trafficking”.¹⁵
- In an article about perpetrators of CSEC, ECPAT International described the demand side of CSEC as a combination of “various social, cultural, and other conditions that create tolerance for CSEC” and “individuals who exploit prostituted and trafficked children and adolescents, [...] consumers of child abuse materials and those who sexually offend on the Internet, as well as [...] travelling child sex offenders”.¹⁶ The article also stressed the role played by facilitators, traffickers and criminal networks involved, thereby proposing an expanded understanding of demand.

⁹ See, in particular, the outcome documents of the second World Congress against Commercial Sexual Exploitation of Children in Yokohama in 2001 (the Yokohama Commitment) and the World Congress III against the Sexual Exploitation of Children and Adolescents in Rio de Janeiro in 2008 (the Rio Declaration).

¹⁰ Cambridge English Dictionary, Merriam-Webster English Dictionary.

¹¹ UN Commission on Human Rights (2006), “Rights of the Child: Report of the Special Rapporteur on the sale of children, child prostitution and child pornography, Juan Miguel Petit”, UNDOC. E/CN.4/2006/6, p. 1.

¹² International Labour Organization (2008), “Commercial sexual exploitation of children and adolescents: the ILO’s response”, 24 November 2008, <http://www.ilo.org/ipecinfo/product/download.do?type=document&id=9150>, accessed 4 August 2016.

¹³ Hughes, Donna (2004), “Best Practices to Address the Demand Side of Sex Trafficking” University of Rhode Island, August 2004.

¹⁴ UN Commission on Human Rights (2006), “Integration of the Human Rights of Women and a Gender Perspective: Report of the Special Rapporteur on the human rights aspects of the victims of trafficking in persons, especially women and children, Sigma Huda”, UN Doc. E/CN.4/2006/62, paras. 50-52.

¹⁵ *Ibid.*

¹⁶ ECPAT International (2013), “Examining Neglected Elements in Combating Sexual Exploitation of Children”, Journal Series No 7, July 2013, http://www.ecpat.org/wp-content/uploads/legacy/ecpat_journal_jul_2013_eng.pdf, accessed 4 August 2016.

An analytical review of the relevant subject literature reveals that the most promising approaches in defining the demand for the sexual exploitation of children imply exploring the role played by the individual offenders who pay for sexual services involving children, the individuals and groups facilitating the exploitation and, finally, the gender, social, cultural, economic and institutional constructs that contribute to creating an environment in which sexual exploitation of children is either ignored, tolerated, or even accepted. For the purposes of this series, an expansive approach has been adopted in which demand for SEC encompasses the individuals who want to sexually exploit children, the criminal networks involved and, more deeply, the social, economic, gender and institutional drivers that propagate, foster or endorse the sexual exploitation of children.

In the definition proposed, demand for SEC relies on both the desire to purchase or otherwise obtain sexual services from children, in exchange for a gain, and the power to do so. The willingness by a person, a group or a system, supported by power over the victim to be able to control him or her, to purchase or otherwise obtain sexual services rendered by a child is the principle underpinning demand for SEC.

When the conditions are created for a steady availability of SEC services to meet demand, a market economy for SEC is formed. Individuals, groups and systems that, directly or indirectly, foster sexual exploitation of children are responsible for generating demand for SEC. They form and sustain demand for commercial or non-commercial SEC services. Demand for SEC is the result of such forces interacting at the immediate, intermediate and underlying levels of causality.

In parallel to accepting an inclusive interpretation of *demand*, it is necessary to adopt the broadest understanding of *availability* of sexual services by children. This includes commercial sex, child trafficking, the sale of children for sexual purposes, sexual exploitation of children online, and the development, circulation and storage of child abuse or other undesirable content, in either printed, video or audio form, both online and offline. Only a broad understanding of availability will help deepen the appreciation of how the supply flow of SEC services is assured on the market and meets – and, in fact, potentially stimulates – demand in its complexity.

Demand for SEC leads to a systemic form of sexual exploitation whereby children are abused in exchange for money, power or status. Demand may rely on commercial as well as non-commercial transactions. Whether children are recipients of money, status goods, gifts, or perceived emotional support given to them or their families, they are in any case an object of exploitation.

Researched and written by Mark Erik Hecht; Edited by Eliana Riggio; Based on “Power, Impunity and Anonymity” as researched and written by Eliana Riggio and Mark Erik Hecht.



ECPAT INTERNATIONAL