

# VOICES OF SURVIVORS

of child sexual exploitation and abuse  
on justice and effective remedies



This paper was written by Dorine Van der Keur with support from Matteo Russo, Andrea Varrella and Sendrine Constant.

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The findings, interpretations and conclusions expressed in this publication are those of ECPAT International and do not necessarily reflect the views of the organisations involved in these previous projects.

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# 01

## Introduction

Everyone who has suffered child sexual exploitation or abuse has the right to rebuild their lives and find a path towards healing. Access to justice and effective remedies can be an important step on that path.

Victims<sup>1</sup> of child sexual exploitation have a fundamental right, under Article 34 of the Convention on the Rights of the Child, to live free from abuse and exploitation.<sup>2</sup> If a child's right is infringed, states are obliged to uphold the right to legal remedy.<sup>3</sup> Access to justice encompasses the child's ability to seek a just and timely remedy for violations of their rights under national and international laws.<sup>4</sup> This includes not only fair and timely legal proceedings but also access to support services aimed at aiding the recovery and reintegration of survivors.<sup>5</sup> The implications of these rights for national legislative frameworks are detailed in the *ECOSOC Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime*.<sup>6</sup> Despite states' efforts to enact laws and policies conducive to child-centric/survivor-centric justice systems, effective implementation remains a challenge.

ECPAT advocates for justice and remedies for survivors of child sexual exploitation and abuse. In the past decade, ECPAT has had conversations with 141 female, 34 male, and 10 nonbinary survivors in 16 countries<sup>7,8 9,10,11,12</sup> to understand the barriers they experienced in accessing justice through the formal justice system. ECPAT also conducted interviews with 1,164 social support workers in 15 countries<sup>13,14,15,16</sup> and with justice professionals in 12 countries.<sup>17,18,19</sup> In nine countries ECPAT supported advocacy actions with ECPAT member organisations<sup>20</sup> aimed at access to justice for victims of child sexual exploitation and abuse.<sup>21</sup>

The findings and expertise built through aforementioned research and advocacy work allow ECPAT to assess the implementation of the ECOSOC guidelines at national level. But most importantly, they allow victims of child sexual exploitation and abuse who have attempted access to formal justice to have their voices heard. Their voices clearly demonstrate the specificities of justice issues for children who are the victim of this particular crime.

## 02

# Paving the way for reporting as an entry point into the justice system

Reporting cases of child sexual exploitation and abuse serves the dual purpose of holding offenders accountable and empowering victims. As it is difficult to detect child sexual exploitation and abuse, the justice system depends mostly on reports by victims, witnesses, professionals working with children or members of the public. Most cases of child sexual exploitation and abuse are never reported. Although the *ECOSOC Guidelines on Justice in Matters Involving Child Victims and Witnesses of Crime* are silent on reporting matters, the United Nations Model Law does recommend countries to monitor reporting procedures.<sup>22</sup> If doing so, countries can draw on the experiences shared by child victims as set out below.

**Barriers to disclosing and reporting** ECPAT identified different levels of barriers to disclosing or reporting. At the individual level, barriers include children's reluctance because the offender is someone who has power and influence over the child and they worry about the consequences, for instance when the offender is a family member. Other barriers are fear of social stigma if their experience gets publicly known and changing the way how people look at them, deportation when on the move or a general distrust in the police. Some victims do not report because they are threatened by the offender(s) or believe themselves complicit when they have actively engaged in their own exploitation through manipulations or in exchange for a gain or benefit.

Other reasons to stay silent are dependency on the earnings or in-kind benefits of their own exploitation, lack of awareness about the acts constituting a crime, or inability to break through taboos and talk about sex.<sup>24</sup> Families that are aware of the exploitation or abuse might discourage a child to report because they fear stigmatisation while people from communities tend to adhere to a culture of silence. Institutional barriers encompass discriminatory and corrupt practices by law enforcers, language barriers and lack of confidentiality. Finally, systematic barriers where the child fears self-incrimination when there are laws criminalising prostitution, (adult) pornography, or homosexual relations. To counter this, some countries have introduced 'safe harbour' laws to protect child victims from prosecution.

And what are you going to say to the police, that you undressed yourself?<sup>23</sup>

Female survivor,  
MOLDOVA



**In the context of the sexual exploitation of children, safe harbour laws protect children from being prosecuted for prostitution or other crimes related to their exploitation. For example, in the Philippines and Thailand trafficked children cannot be prosecuted for prostitution-related crimes.<sup>25</sup>**

I was scared  
that the police  
would arrest  
me too...<sup>26</sup>

Male survivor,  
SOUTH KOREA

#### **Gender aspect of disclosing and reporting**

For boy victims disclosing or reporting can be even more daunting. Victims themselves, communities, institutions and the legal system often do not acknowledge they can fall victim to sexual exploitation and abuse.<sup>27</sup> More than one third of surveyed frontline support workers in South Korea indicated that boys are often reluctant to define themselves as victims and one fourth thought that gender norms stop them from seeking help.<sup>28</sup> Boys and men are expected to be self-sufficient, resilient and in control.<sup>29</sup> One survivor expressed that it was:

Difficult to seek help  
because people do not see  
boys as victims.<sup>30</sup>

Male survivor,  
SOUTH KOREA

Additionally, in cases where boys were exploited by a male offender, they felt disclosure would call their own sexual identity into question. With hostile attitudes towards people of diverse sexual orientation, this was described as a further barrier to disclosure or help-seeking.<sup>31</sup>

**Disclosures and reporting by children** Given all these obstacles, it is no wonder that it is rare for children to report their sexual exploitation or abuse to authorities. Among the children in *Disrupting Harm*<sup>32</sup> who experienced online sexual exploitation and abuse only approximately 3% reported to police, 3% to helplines and 3% to a social worker. Approximately one in three children (34%) did not even tell anyone and had to handle the abuse on their own.<sup>33</sup>

[ I told ] no one, that  
was my own little  
skeleton I put it back  
into the closet until I  
was ready to deal with  
it one day.<sup>34</sup>

Female survivor,  
NAMIBIA

*Disrupting Harm* also showed that most children disclose to someone they trust, most commonly friends (40%), siblings (24%) followed by female caregivers (21%), and male caregivers (19%).<sup>35</sup> Peers are most probably not equipped with information to help connect with professional services. Caregivers may also be unable to support the child, e.g. because of a lack of understanding, victim blaming or apprehension of stigma and bringing shame to the family. At the same time, family can also be the best support for a child, as many survivors gave testimony to.<sup>36</sup>

Always count on us, here we will be as a family waiting for you so that you can recover.

*Female survivor,*  
**COLOMBIA**

When children did report to the police, they usually first told a family member, who then encouraged them to report or took the decision out of the child's hand and reported the crime themselves.<sup>37</sup>

I [...] talked to my mom and my mom decided that we should go to police and get justice.

*Female survivor,*  
**UGANDA**

Survivors indicated they have very little knowledge on where to formally report a crime with authorities and where to seek help.<sup>38</sup> In some countries a child is not even able to formally report a crime and an adult is required to make the formal complaint on behalf of the child. This is an unnecessary obstacle for children who want to report by themselves.

At first the police were not very interested. I remember when I went to the police, they looked at me like I was nobody. It seemed to me that they didn't care that I came to them and that I was a minor. [...] The police seemed to be making fun of me.<sup>39</sup>

*Female survivor,*  
**MOLDOVA**

As children disclose mostly to trusted persons rather than directly to hotlines and helplines, these organisations could position themselves as resources to support not only victims, but also to support the ones who receive disclosures. Peers and family members – to who victims disclose primarily – can turn to helplines for information and referrals to local services where support can be found.

Survivors also brought up that external prompts can help to disclose or report, for instance attention in the media on child sexual exploitation but also the #MeToo movement was mentioned.<sup>40</sup> Education on sex and boundaries or awareness raising on sexual exploitation and abuse can prompt disclosures as well as this will create comprehension about the exploitation and abuse.<sup>41</sup>

## PROMISING

### PRACTICE:



**In Uganda the government helpline organises outreach in schools on child sexual abuse. As a result, according to informants interviewed by ECPAT, children disclose and report abuse they had previously kept hidden.<sup>42</sup>**

**Safe reporting** Most children felt anxious to report as they were not aware of their rights and knew they would need to relate their exploitation or abuse to a law enforcement officer. Children need to be able to disclose or report in a safe manner. It is in the interest of law enforcement to lower the threshold for reporting. Special police desks or centres for women and children or one-stop-centres in for example hospitals can make reporting more accessible. Survivors mentioned that schools and community centres were the least intimidating settings in which to ask for help.<sup>43</sup> Staff in schools and community centres need training on how to deal properly with disclosures.

**Mandatory reporting** Mandatory reporting can help to increase reporting; however, this takes the agency away from the child who might not

be ready or willing to go through the formal justice system. Also, this might stop victims from seeking out support when they know their case will be reported to law enforcement. A comparative study showed many variations in reporting obligations across national legal frameworks. In Cambodia reporting obligations often do not extend to older children.<sup>44</sup> Pakistan and Moldova grapple with gaps in mandatory reporting, where professionals who work with children are not legally required to report suspected cases of child sexual exploitation.<sup>45</sup>

Notwithstanding the importance of reporting, systems should be re-vamped to ensure reporting is not necessarily a pre-condition for children to have access to the full range of available support services. Such services should indeed be available to children even when a formal report has not been made.



# Guidelines on justice in matters involving child victims of sexual exploitation

The ECOSOC *Guidelines on Justice for Child Victims and Witnesses of Crime*<sup>46</sup> advise a practical framework to national governments to protect the rights of children in the justice process. Victims' experiences in the justice system are presented here to examine the implementation of the guidelines on different national levels, with specific reference to crimes of child sexual exploitation and abuse.

## GUIDELINE V:

### THE RIGHT TO BE TREATED WITH DIGNITY AND COMPASSION

Child victims and witnesses should be treated in a caring and sensitive manner throughout the justice process, taking into account their personal situation and immediate needs, age, gender, disability and level of maturity and fully respecting their physical, mental and moral integrity.<sup>47</sup>

Children and caregivers interviewed in the context of *Disrupting Harm* often described feelings of confusion and helplessness during police investigations and court procedures, frequently due to a lack of information about what to expect, the duration of processes, and who would be involved.<sup>48</sup> Many respondents felt that their cases were not taken seriously, and some experienced blame, particularly in situations involving grooming or coercion. In Malaysia, for instance, justice professionals noted that interviews conducted by insufficiently trained officers could cause distress due to inappropriate questioning or victim-blaming. Concerns were also raised about children undergoing multiple interviews, including those by the Suspected Child Abuse and Neglect Team police officers, and court officials, which professionals believed increased trauma and suffering for child victims.<sup>49</sup>

**Blaming the victim** A considerable number of victims brought up law enforcement officers who were dismissive, sceptical or even accusatory.

The police said it was late, and why we were not at home.

I explained to them what happened. Then they said, 'Why did you go out at night?'

They seemed to want to blame me for what had happened.<sup>50</sup>

Female survivor,  
THAILAND

Similar complaints were made regarding prosecutors.

I went to the Prosecutor's office. To begin with, they treated me super badly. They sat me down and asked me 'What happened?' Their treatment was very cold.<sup>51</sup>

Female survivor,  
MEXICO

According to the survivors who spoke with ECPAT, this is still a common attitude of professionals in the justice sector, especially in instances of exploitation where the child was paid or where the child showed some level of agency, e.g. when they created images or videos themselves or decided to meet up with someone. Law enforcement and prosecutors must properly enforce their national laws. Not only that but blaming victims retraumatizes the victims. The survivors we talked with found it utterly soul crushing when law enforcement does not support or inform them properly.

The police did not do their duties. I was really hurt when I went and reported my case to them, and they did not help me. They did not take action. I felt bad.

[...] When I told them my problem, they were blaming me, asking me why I would do such a thing and why I would do such a thing and why I behaved like that.<sup>52</sup>

Female survivor,  
UGANDA

**Empowerment** Relatively simple ways to empower children is allowing them to choose who is in the room when they make their statements, to limit the number of people present to the bare minimum, and to give them the opportunity to select the gender of the police officer. Although not done consistently, this approach was noted and appreciated by numerous survivors from the countries where *Disrupting Harm* was conducted.

I selected a female officer because I felt she would understand me better compared to a male officer.<sup>53</sup>

*Female survivor,  
NAMIBIA*

## PROMISING PRACTICE:



**‘Child Interview Centres’ established in Malaysia are a good example of a way to make children feel comfortable when discussing sensitive and difficult incidents. These centres prioritise creating a child-centric/survivor-centric environment, often with officers not in official uniforms, to ensure a comfortable setting for interviews. Moreover, officers undergo specialised training to conduct interviews sensitively, mitigating the risk of re-traumatisation for child victims.<sup>54</sup>**

To enhance child-centric/survivor-centric justice in courts, there is a need for tailored legislation.<sup>55</sup> For instance, Nepal lacks specific legislation prioritising rights, needs and the wellbeing of child victims and witnesses while Peru’s initiatives are limited to children under 14, potentially leaving older adolescents vulnerable to revictimisation.<sup>56</sup>

Furthermore, despite their existence in legislation, concerns arise regarding the effective implementation of protective measures, such as closed-circuit television and courtroom screens, in nations like Bolivia, Kenya,<sup>57</sup> and Thailand.<sup>58</sup> Insufficient training and procedural protocol expose child survivors to further harm, emphasising the critical need for standardised practices.

## GUIDELINE VI: THE RIGHT TO BE PROTECTED FROM DISCRIMINATION

The justice process and support services available to child victims and witnesses and their families should be sensitive to the child's age, wishes, understanding, gender, sexual orientation, ethnic, cultural, religious, linguistic and social background, caste, socio-economic condition and immigration or refugee status, as well as to the special needs of the child, including health, abilities and capacities. Professionals should be trained and educated about such differences.<sup>59</sup>

Children brought up issues around gender, sexual orientation and ethnicity.

**Gender** Many children brought up feeling uncomfortable relating their story to a police officer, they also often referred that the gender of the police officer made them feel embarrassed to relate their story.

The fact that the police officer was male made me feel ashamed. I couldn't tell the policeman that I was naked, I was very ashamed.<sup>60</sup>

Female survivor,  
MOLDOVA

**Sexual orientation** One of the male victims had police officers questioning his sexual identity when interviewing him.<sup>61</sup> Another male victim described how two police officers present in the interview room, not directly involved in the interview, were listening and laughing at him when he answered questions.<sup>62</sup>

**Corruption** Several survivors also mentioned suspicions of corruption in their countries. For instance, police officers requesting 'informal fees' to proceed with investigations or worse, dismissing a case after receiving bribes from the suspected perpetrator.<sup>63, 64</sup> These practices deny poorer people access to justice.

In Nepal, those who have money get justice, that is why not many people get justice. I think in ten people, only three get justice. The police are very corrupt too. Most police are working together with the perpetrators...only those who have the support of powerful people get justice.<sup>65</sup>

Survivor,  
NEPAL

The police officers who gave me time explained to me, but they were like - 'we cannot help you without giving us anything.'<sup>66</sup>

Female Survivor,  
UGANDA

According to justice professionals who took part in consultations in Pakistan alleged bribery impede effective prosecution, despite legal mandates for public prosecutors to pursue child sexual abuse cases.<sup>67</sup>

## GUIDELINE VII:

### THE RIGHT TO BE INFORMED

Child victims and witnesses, their parents or guardians and legal representatives, from their first contact with the justice process and throughout that process, should be promptly and adequately informed.<sup>68</sup>

**Understanding the process is critical** Many victims and their caregivers shared that they received little information about their rights and role in the justice processes.<sup>69</sup>

[The police] did not tell me anything. They never bothered.<sup>70</sup>

*Female Survivor,*  
**UGANDA**

Although most victims and caregivers felt poorly informed, one caregiver from Kenya showed that it can be done well.

Someone explained the process to me at the station, I was told of my right to testify, and I felt good about knowing my rights. I got full information on how I could find justice for my child and as a result, I was able to support my child.<sup>71</sup>

*Caregiver of a survivor,*  
**KENYA**

Children should be able to make an informed decision about their commitment to the justice processes.<sup>72</sup> In many cases the child is the only witness, and the success of the prosecution will depend on their testimony. This may put a lot of pressure to proceed on the child from law enforcement, prosecutors, and non-governmental organisations and pressure from the offender to retract.

A few victims interviewed by ECPAT were rescued in police operations and placed into long term shelters. These respondents recalled a significant amount of trauma and chaos associated with the police 'rescue' operation, but furthermore they felt obligated to participate.<sup>73</sup>

**Lack of updates** Many respondents described the length of the investigation processes as being excessive. Several survivors even had to actively follow up themselves to ensure cases progressed at the investigation stage.

**Child-centric/survivor-centric** When cases do reach the court, many children and their caregivers who spoke with ECPAT feel particularly disempowered at this phase. They often do not understand the complex and unfamiliar court proceedings and technical language. Sometimes the court is held in a language other than the mother tongue and therefore even less comprehensible.



## GUIDELINE VIII: THE RIGHT TO BE HEARD

Professionals should make every effort to enable child victims to express their views and concerns related to their involvement in the justice process.<sup>74</sup>



In spite of the principle of the right to express views and to be heard, the formal role of the child victim in criminal court proceedings is usually limited. This is not a particularly empowering role and contributes little to the child's healing process.

### PROMISING PRACTICE:



In Kenya, Malaysia, Thailand and Uganda judges may request a victim impact statement to help guide them regarding sentencing. In a victim impact statement, children have the opportunity to describe the impact that the crime has had on their lives. In the case of children, a social worker can speak on their behalf unless the child prefers to speak for themselves.

**In some countries victims have an opportunity to express their views when an accused is found guilty by a criminal court. The victim can express their point of view and concerns in a written statement (sometimes called a 'victim impact statement'), which can be read aloud in the courtroom to convey the harm suffered by the victim and its consequences on their life. The judge then gives weight to the statement in the sentencing decision.<sup>75</sup>**

## GUIDELINE IX: THE RIGHT TO EFFECTIVE ASSISTANCE

Child victims and, where appropriate, family members should have access to assistance provided by professionals who have received relevant training.<sup>76</sup>

The government is responsible for the provision of services to the victim that allow for their full social reintegration and their full physical and psychological recovery.<sup>77</sup> This includes support services such as legal, medical, psychosocial, and access to education or vocational training. These services must be provided until the child is healed, so often beyond the duration of the trial.

**Coordination** There is a need for coordination of all services, especially in the (pre)trial period. This ensures comprehensive support for survivors and will also minimise the number of times the child has to relate their trauma.

It was 5 times in total. Every time I went to each place, I had to tell the same story [...] When I had to repeat the story, it was a kind of repeating my trauma that I made a mistake on this. I was not ok with this negative feeling.<sup>78</sup>

Female survivor,  
THAILAND

For instance, models like Barnahus in Iceland exemplify successful multidisciplinary approaches, emphasising joint case management and personalised interventions tailored to each child's needs.<sup>79</sup>

## PROMISING PRACTICE:



In the Philippines, the Women and Child Protection Centre was named as using a multi-disciplinary approach for gathering information from children – both victims and witnesses. In this context, one judge interviewed in the Philippines explained that *“when the child is in the child protection centre, there will be only one person questioning [in the presence of] the police, the social service worker, the doctor and the psychologist. So, they will be there observing the child while the police are asking questions.”*<sup>80</sup>

The Thai government has established multi-disciplinary one-stop crisis centres that offer coordinated medical, legal, and counselling services for child and adult victims of violence, including sexual violence. Although the quality of services and staff capacity was found to vary by location, those centres were described as the most important component of the child protection system.<sup>81</sup>

**Barnahus is a concept whereby law enforcement, criminal justice, child protective services and medical health workers coordinate criminal cases involving children. Decisions are taken jointly by the different disciplines with the best interests of the child at the centre. Services needed by the child or family can be provided by Barnahus or referred.<sup>82</sup>**

They need to feel that there is at least one person who has their best interests at heart and is able to explain the different steps to them. Besides having a lawyer for their expertise, victims felt safer with the support of a lawyer.<sup>86</sup>

The lawyer was like a guarantee certificate for my safety<sup>87</sup>

Female survivor,  
MOLDOVA

**Legal support** Children need guidance through the various stages of their case in the justice system.<sup>83</sup> This will give children some sense of agency in an otherwise overwhelming, complicated and potentially disempowering process.

I went to court alone and did not understand the proceedings.<sup>84</sup>

Female survivor,  
KENYA

Children who were supported by a lawyer often felt more positive about the justice process, highlighting the value of such vital services.

The lawyer did make it easier and encouraged me to speak. I was worried and scared about what was happening, but she said, 'Don't worry, I will sort it out.'<sup>85</sup>

Female survivor,  
CAMBODIA

In the realm of legal aid for child survivors, a spectrum of challenges and approaches emerges across various countries. Some countries have free legal aid provided by their governments, e.g. Moldova,<sup>88</sup> Namibia,<sup>89</sup> Kenya,<sup>90</sup> and Uganda,<sup>91</sup> but limited funding curtails awareness and access to legal aid. Other nations like Nepal, Kenya and Cambodia have pro bono assistance via lawyers' associations or legal aid delivered by non-governmental organisations. In Tanzania, the provision of legal aid varies by location, which can leave some child victims without the crucial support they need. Across the board, in many countries there is a lack of legal aid services due to funding constraints, leaving many victims without legal assistance.

If there is no lawyer available, the next best option is to have a social worker or other professional support the child throughout the court procedure.

## PROMISING PRACTICE:



In the Philippines, the Supreme Court Rule on the Examination of a Child Witness permits courts to appoint a guardian ad litem to assist child victim-witnesses during criminal proceedings.<sup>92</sup> Guardians ad litem are social workers, lawyers or other professionals who are assigned to the child with the aim to promote the child's best interests throughout the case. Besides explaining the proceedings to the child in child appropriate language, they seek the child's views, help the child cope with hardships, and make recommendations to judges about how best to meet the child's need.

**Psychosocial support** Survivors emphasise the importance of psychosocial support. Ideally the support is trauma informed.

"I told her everything and she told me that I wasn't the first person and that it was almost normal nowadays and most of the youth have encountered the same. She encouraged me to talk face-to-face... The more I attended the more I heard others, and I started feeling like I am healing inside and outside. I listened to other survivor stories and felt like I was healing."<sup>93</sup>

Female survivor,  
KENYA

Many survivors are not aware of psychosocial services available.<sup>94</sup> And many countries lack the availability of free-of-charge services and rely on non-governmental organisations. If they are available, they are often only available in the capital and bigger cities, making them out of reach for children from rural areas. The programmes available usually only offer short term support.<sup>95</sup> Moreover, legislation alone is insufficient without effective implementation tailored to children's needs. For instance, in South Africa, Uganda, and Moldova, laws recognise the right to recovery and reintegration for survivors of child sexual exploitation and abuse.<sup>96</sup> However, specific programmes catering to these children are lacking.<sup>97</sup> Similarly, Bolivia lacks specialised centres for child victims, particularly those without families, highlighting the need for sustainable alternatives to compensate and reintegrate them into society.<sup>98</sup>

Even if there are services, the needs of male and transgender child victims are often overlooked, leaving them underserved. Specialised services for victims of sexual exploitation and abuse are often not equipped to deal with boys or transgender child victims or even exclude them from their services.<sup>99</sup>

"I don't know why they call it 'National' if they only support girls."<sup>100</sup>

Male survivor,  
SOUTH KOREA

A hurdle that was brought up by some survivors on access to psychosocial services is the common belief that these services are targeted for the mentally ill.<sup>101</sup>

An issue that came up in many countries is that if services are available, they are only available in cities, not in rural areas. This renders these services unavailable for many.

My parents... they think that seeing a psychologist is something serious, very serious, that you are already crazy.<sup>102</sup>

Male survivor,  
MEXICO

"We had to travel almost 200km for each meeting with the psychologist."<sup>103</sup>

Female survivor,  
MOLDOVA





## GUIDELINE X: THE RIGHT TO PRIVACY

Child victims should have their privacy protected as a matter of primary importance.<sup>104</sup>

If privacy cannot be guaranteed, less victims will step forward to report their exploitation and abuse.

The justice sector as a whole should provide reporting on the basis of confidentiality, meaning that no identifiable information about the victim is shared with any external party. This will take away fears that many children have about reporting.

What kept me from going to the police was a case that became public a long time ago, in which the media published the name of the school, the city, the age, faces of family members, schoolteachers and lots of other details, and as a child I remember being distressed by this whole thing. This kept me from reporting it sooner, because I was afraid that maybe my case would be in the media as well. As a matter of fact, this fear came true because the same thing happened to me when I reported it!<sup>105</sup>

Female survivor,  
ALBANIA

For the sake of transparency, criminal cases are generally held publicly with the discretion of the judge to hold closed hearings in particular cases. In child sexual exploitation and abuse cases a public hearing would almost always be inappropriate. If the judge nevertheless decides to hear the case publicly, identifiable evidence should not be shown in a public hearing, the name of the victim(s) should be withheld, and the hearing of the victim(s) should not be done publicly.

Media should be prohibited from publishing any information that could disclose the identity of the victim at any stage, including pre- and post-trial. Not all countries researched by ECPAT have these principles enacted in their laws. The countries that do have privacy protection of victims are for instance Cambodia,<sup>106</sup> Kenya,<sup>107</sup> Indonesia,<sup>108</sup> Malaysia,<sup>109</sup> Mozambique,<sup>110</sup> Namibia,<sup>111</sup> Philippines,<sup>112</sup> Tanzania,<sup>113</sup> Thailand,<sup>114</sup> and Viet Nam.<sup>115</sup>

ECPAT has seen that the privacy of child victims is not always easy to guarantee. For instance, in Cambodia, the absence of privacy screens in courts hampers protective measures for child victims, exposing them to potential risks during legal proceedings.<sup>116</sup> In Peru, the law mandates the use of *Gesell Chambers* in all prosecutors' offices to provide a secure environment for child victims.<sup>117</sup> However, the scarcity of these chambers, particularly outside major cities, limits their accessibility and effectiveness. In Indonesia, despite legal provisions emphasising the confidentiality of a child's identity, the implementation of child-centric/survivor-centric measures such as closed hearings and blurred media coverage lacks consistency, especially in smaller regions.<sup>118</sup>

## GUIDELINE XI:

### THE RIGHT TO BE PROTECTED FROM HARDSHIP DURING THE JUSTICE PROCESS

During the court procedure, all professionals should approach child victims with sensitivity and ensure that the best interests and dignity of child victims are respected.<sup>119</sup>

**Criminal court** Most reported cases will never reach court and are dismissed because of lack of evidence or end in a plea bargain. When they do enter the court phase, a balance needs to be struck between the rights of the accused to a fair trial and the best interests of the child victim.<sup>120</sup> This implies that courts need to be sensitive to the needs of child victims and ensure their best interests are kept at the heart of the procedure.<sup>121</sup> Most criminal court judges are not as familiar with this principle as judges working in family courts, so there is a need for training for criminal court judges.<sup>122</sup>

Some of the children and young people we spoke with related of disrespectful attitudes by judges who sometimes even openly seem to blame them. From Kenya an example where a judge was able to set the victim at ease.

"I felt the judge listened to me and I felt like I was free to ask questions."<sup>123</sup>

Female survivor,  
KENYA

**Re-traumatisation** Having to relate their sexual exploitation or abuse in an - often public - court room can be re-traumatising. There is a need for more protective processes when children enter the court system. For example, when there is already sufficient evidence – such as images or videos, or when the accused has confessed – it is good practice to avoid requiring children to give evidence themselves in the court room. And where there is a need to hear children in court, these sessions should be closed and limiting the number of people present.

## PROMISING PRACTICE:



The South-African law allows child witnesses to provide evidence through a - by the court appointed - intermediary, e.g. social workers.<sup>124</sup> Intermediaries can interview the child at any place for their testimony to prevent re-traumatisation.

Particularly difficult experiences were shared by some children who were forced to face their offenders in-person when in the courtroom.

"I felt so worried because the offenders were sitting behind me, and I was in the middle of the courtroom... They could hear what I was saying. I was afraid that they would hate it. I was afraid they would hate me, and one day... they would take revenge because I had ruined their futures."<sup>125</sup>

Female survivor,  
THAILAND

These damaging incidents should be avoided through the use of live video links, or at the very least protect the child from seeing the offender by hiding the offender from view (not by hiding the child from view).

"The only thing that gave me peace and confidence is that the lawyer assured me that I would not testify before the offender, but I would be heard only once in a special room"<sup>126</sup>

*Female survivor,*  
**MOLDOVA**

## PROMISING PRACTICE:



.The fast tracking of cases where children are involved. In the Philippines cases of sexual exploitation of children are to be prioritised.<sup>127</sup>

The Standing Committee on Children's Matters in Kenya initiated 'Judicial Service Month for Children Matters' by declaring one month a 'Children National Service Month' fast tracking all cases involving children.<sup>128</sup>

**Duration of the trial** Children and young people who spoke with ECPAT also indicated they feel disempowered due to unexplained and long delays in their case, sometimes even years which in some cases also delays their emotional healing.

## GUIDELINE XII: THE RIGHT TO SAFETY

Where the safety of a child victim or witness may be at risk, appropriate measures should be taken to require the reporting of those safety risks to appropriate authorities and to protect the child from such risk before, during and after the justice process.<sup>129</sup>

Especially victims of sexual exploitation can be subjected to intimidation and retaliation during (pre-)trial periods. A court should carefully consider the interests of the child when pre-trial detention, restraining orders or house-arrest can be ordered.

If a child is not safe at home, alternative care will have to be sought.

upon arriving at  
the private shelter,  
everything was  
different because I  
realised that I felt  
better, I felt safe, I felt  
calm, I could talk about  
what happened to me,  
they provided us with a  
psychologist<sup>150</sup>

Female survivor,  
MEXICO

It should however be avoided that these children's lives are on hold for longer periods. Some survivors reported living in shelters for years while their cases went through the slow court system.<sup>131</sup>

"If they identify you  
are a victim you will  
be kept in shelter  
for long time and  
you will never go  
home for 3 years."<sup>152</sup>

Survivor,  
THAILAND

One survivor from the Philippines was desperate to go home after a long time of confinement in a shelter. A member of the shelter staff warned her that, if she recanted, she would be held in the shelter even longer and she would bear the responsibility for any other child or woman who fell victim to her exploiter.<sup>133</sup> The practice of not allowing children to go home before the trial is debatable at best and a blatant disregard of human rights at worst. It also demonstrates that the services provided in the shelter do not align with the needs of the survivors and many of the children run away.<sup>134</sup>

## GUIDELINE XIII: THE RIGHT TO REPARATION

Child victims should, wherever possible, receive reparation in order to achieve full redress, reintegration and recovery. Reparation may include restitution from the offender ordered in the criminal court, aid from victim compensation programmes administered by the State and damages ordered to be paid in civil proceedings.<sup>135</sup>

Compensation for child survivors of sexual exploitation and abuse are important aspects of their journey towards healing and justice.<sup>136</sup> It acknowledges the harm suffered and offers additional opportunities for their recovery and help them rebuild their lives. Compensation may also provide victims with a sense of dignity and agency. Also, if the compensation is paid by the offender, it is an additional way to hold them accountable for their actions.

**Hurdles to compensation** Compensation may be sought and awarded to victims of (online) child sexual exploitation and abuse crimes in all countries researched by ECPAT.<sup>137</sup> In most countries, compensation may even be awarded within the criminal procedure – not requiring a separate civil proceeding. Nevertheless, no instances of children receiving compensation via the formal justice system were identified through the interviews with survivors. Seeking and obtaining compensation has many hurdles. Many children and caregivers are not informed about their right to compensation or about the process as to how to obtain it.<sup>138</sup>

Even when the court awards compensation to the victim, execution of these orders is complex and not guaranteed.<sup>139</sup> In countries like Bolivia, Uganda, Peru, and Cambodia, the absence of country-managed funds poses a barrier to justice and the lack of law enforcement mechanisms and specific legislation on compensation for these offences compounds the issue.<sup>140</sup> For example, Bolivia allows child survivors to seek compensation,<sup>141</sup> but the absence of available state funds significantly hinders their successful recovery. Similarly, Mozambique lacks country-managed funds for compensating crime victims,<sup>142</sup> while in Cambodia, the compensation process is challenging, especially for victims seeking restitution from foreign offenders.<sup>143</sup> In Ethiopia, injured persons can seek compensation from offenders within criminal suits or civil claims,<sup>144</sup> but there is no specific provision addressing compensation for victims of certain offenses.

**Settlements** In spite of these hurdles, negotiating informal payments between children and the offender is from a justice perspective undesirable as the offender may then not be held accountable before the law.<sup>145</sup> However, when considering informal settlements, the cumbersome road to formal justice should also be considered when deciding what is in the best interests of the child. Sometimes settlements are part of the formal justice system, such as the plea-bargaining system used in the Philippines.<sup>146</sup> This is seen as a way to spare the child from going through the formal court process. Evidence indicates that informal settlements are more common in cases where the offender is someone within the family or community.<sup>147</sup> Informal settlements are sometimes even brokered by formal justice system professionals, for example by the police or judges.<sup>148, 149</sup> A worst practice of an informal 'settlement' is to force the victim to marry their offender,<sup>150</sup> which can never be in the best interests of the child.



## PROMISING PRACTICE:



An accessible fund managed by the government from which victims can claim compensation. However, many government-managed victim compensation funds impose cumbersome or even excluding conditions to disbursements.<sup>151</sup> For example, funds are established in Kenya<sup>152</sup> and Ethiopia,<sup>153</sup> but no cases of children accessing them for online sexual exploitation or abuse were identified in ECPAT's interviews with child victims.

Some victims and their caregivers felt ambiguous about receiving compensation or a settlement as it might be perceived as getting paid for the abuse.

I do not want anything to do with money - people may think I only want to profit money. I just want help, especially to find a psychiatrist for my younger child.<sup>154</sup>

Caregiver of a survivor,  
PHILIPPINES

# 04

## Statutory limitations on cases of child sexual exploitation and abuse

In order to be able to uphold access to justice, a country requires a solid legal framework properly criminalising child sexual exploitation and abuse and at the same time ensuring that their legal system does not criminalise victims nor consensual relationships between peers. ECPAT has assessed the national legal frameworks of many countries, but the outcome is beyond the scope of this paper. One poignant gap in access to justice for child victims however is time limitations. Many victims we spoke with needed time to disclose and report. They have to overcome the many barriers mentioned in chapter 2. For instance, one victim took ten years before he was ready to disclose.<sup>155</sup> Statutory limitations might prohibit the victim to obtain justice in the formal justice system as the crime is no longer prosecutable after a prescribed period.<sup>156</sup>

They did not provide us with the help we needed, we told them what was happening, and they asked us 'how long ago was it?' "... well, this was something that happened many years ago, since I was 5, and by then I was 16, which is why they told us that they could no longer do anything, that it was no longer a crime because it had already been a long time.<sup>157</sup>

Female survivor,  
MEXICO

Countries such as Peru,<sup>158</sup> and South Africa,<sup>159</sup> have acknowledged the unique challenges of addressing sexual violence against children and have adopted exceptions to accommodate longer reporting periods. To overcome these challenges, it is recommended to eliminate all statutory time limits for prosecuting sexual abuse and child exploitation offences.

### GOOD

#### PRACTICE:



*Kenya, Pakistan, Malaysia, Uganda and Tanzania have no statute of limitations for crimes of sexual exploitation and abuse of children. In child exploitation and abuse cases this approach allows survivors to come forward at any time, providing them with the opportunity to report their experiences when they are emotionally prepared and ensuring greater access to justice.*

## ECPAT's call to action

Conversations with survivors of child sexual exploitation and abuse and other primary research has provided an important window into the realities of access to justice in 21 countries.<sup>160</sup> Many of the issues that were brought up by survivors are especially relevant for victims of child sexual exploitation and abuse. ECPAT has synthesised the findings to advocate for actionable solutions to call on all global governments, non-governmental organisations and other stakeholders to improve access to justice for survivors of child sexual exploitation and abuse and to ensure that they are addressing the issues set out in this report. This call is urgent, as it cannot be expected of children to report sexual exploitation or abuse if these guidelines are not met. Without addressing the issues raised by survivors, children will almost certainly be re-traumatised and reporting or engaging in the formal justice system can therefore not be considered in the best interests of the child.

### **CALL** to the **GOVERNMENTS**



#### **to implement the ECOSOC Guidelines on Justice in Matters Involving Child Victims and Witnesses of Crime and more specifically to adopt laws:**

- ▶ **Enabling children to make criminal complaints without adults.**
- ▶ **Ordaining closed (non-public) hearings when children are involved as victims/witnesses.**
- ▶ **Prohibiting media to publish any information that allows the identification of victims.**
- ▶ **Abolishing statutory limitations for all crimes related to sexual exploitation of children.**

## **CALL** for **GOVERNMENTS**

to provide funding for and/or ensure the implementation of:



- ▶ Helplines to raise awareness in schools and in the communities.
- ▶ Special desks or services mandated, equipped and capable of providing coordinated support to victims of child sexual exploitation and abuse.
- ▶ Multi-sectoral coordination in child sexual exploitation and abuse cases including with non-governmental entities, ensuring that the best interests of the child are placed at the centre of all procedures and actions.
- ▶ Mandatory continuous gender-sensitive and trauma-informed trainings for justice professionals and law enforcement. Trainings should be provided at the beginning of their recruitment and then continuously throughout their service. Trainings should be specialised and focus on child-centric/survivor-centric practices.
- ▶ Legal aid provided free of charge to survivors of child sexual exploitation and abuse.
- ▶ Trauma-informed psychosocial services, also available in more rural areas (for both children and their families).
- ▶ Training for media on how to publish responsibly and ethically on child sexual exploitation and abuse cases, avoiding gender-based stereotypes.
- ▶ Establish compensation funds or widen eligibility to include victims of child sexual exploitation and abuse.
- ▶ Outreach and materials to encourage parents to talk with their children about child sexual exploitation and abuse.

## **CALL** for **LAW ENFORCEMENT**

to:

- ▶ Implement community policing approaches that decentralise police services and establish positive working relationship between police and all members of the community (including frontline workers, teachers, traditional leaders, caregivers, children, etc.)
- ▶ Train on trauma informed gender-sensitive and child-centric/survivor-centric reporting/investigations incorporated within police academy curricula.
- ▶ Allow children to choose who is in the room when they make their statements, to limit the number of people present to the bare minimum, and to give them the opportunity to select the gender of the police officer.
- ▶ Train on age-appropriate information providing to child victims/witnesses incorporated within police academy curriculum.
- ▶ Enforce protection of identity of victims in the media.
- ▶ Lead by example and enforce anti-corruption laws.
- ▶ Standardise procedures related to cases of child sexual exploitation and abuse, centring the best interests and rights of the child victims at the core of such procedures.
- ▶ Train on legal framework around child sexual exploitation and abuse incorporated within police academy curriculum.



## **CALL** for **COURTS**



to:

- ▶ Train judges on child/victim-centred and gender-sensitive hearings and procedures within the judicial training academy.
- ▶ Expedite court cases with children involved, ensuring that investigation and trial of cases of child sexual exploitation are conducted as soon as possible.
- ▶ Protect privacy of victims during hearings.
- ▶ Request victim impact statements.

## **CALL** for **NON-GOVERNMENTAL ORGANISATIONS**

to:

- ▶ Monitor and if needed support and complement the provision of services by the government, e.g. legal aid, psychosocial services and shelter.
- ▶ Review and monitor shelter practices, either governmental or non-governmental organisations' shelters.
- ▶ Support schools and other educational and recreational entities/settings (such as summer camps, sports settings, etc.) in training their staff on disclosure, sexuality education and referral pathways.
- ▶ Monitor implementation of child-centric justice processes with children.

## **CALL** for **SCHOOLS**

to:

- ▶ Train their staff in how to handle disclosures and referral pathways.
- ▶ Provide age-appropriate comprehensive education on sexuality and boundaries.



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- 19 Moldova by ECPAT International (2017). [Barriers to Access to Justice for Child Victims of Sexual Exploitation](#).
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