

# The Commercial Sexual Exploitation of the Girl-Child in Commonwealth Countries: *An Overview*

*Professor Savitri Goonesekere*

## Introduction

The phenomenon of the sexual exploitation of women and young girls for financial or other consideration is familiar to most societies. It is commonly described as prostitution and its discreet social legitimacy is reflected in the idea that it has existed from time immemorial and is the “oldest profession” of women. Sanctions introduced have invariably been against women for “soliciting” on public streets and occasionally against men and women who facilitate prostitution as procurers and brothel owners.<sup>1</sup>

When international standard setting commenced in the early part of this century, it focused only on the suppression of “white slave traffic”, a phrase used to describe transportation of women and girls from Britain and Europe across borders for sex work in brothels in the colonies.<sup>2</sup> By 1921 the international standards on prostitution and trafficking were extended to minor children of both sexes. The major instrument on the subject, a United Nations Convention of 1949 has been ratified by a few Commonwealth countries.<sup>3</sup>

The most recent international instrument of importance in this area is the United Nations Convention on the Rights of the Child, 1959. The Convention which has been widely ratified by 187 countries including many countries in the Commonwealth contains a clear definition of a child as a person under the age of 18 years, unless majority is attained earlier. The Convention confers on all children under 18 years the right of protection against all forms of sexual exploitation and abuse. It imposes an obligation on State Parties to take all measures, national, bilateral and multilateral to prevent the abduction sale and traffic in children. Consequently the traditional sexual exploitation of girls, as well as all forms of sexual exploitation of boy children have become critical areas of concern.

The World Congress against Commercial Sexual Exploitation of Children held in Stockholm in August 1996 has given priority to the problem of the commercial sexual exploitation of children, distinguishing this phenomenon from sexual abuse. Commercial sexual exploitation has been defined for this purpose as sexual abuse, by an adult in a context where there is “remuneration in cash or kind to the child or a third person or persons”. This definition covers the aspects of prostitution, sex tourism, trafficking, and pornography.

It must be remembered however that the sexual abuse of children in Commonwealth countries of Africa and Asia may occur in an environment which does not fall within these particular problem areas, and yet merits critical concern as exploitative sexual abuse. It is also important to recognise that child sex work (CSW) in many Commonwealth countries involves adolescent girls in the age group 14 to 18, who would be considered “women” in these societies. Indeed the legal age of “statutory rape” or the age below which consent to sexual intercourse is not relevant to prove the offence of rape, is 14 or 16 years in many countries. A girl above this age is considered mature enough to express consent to sexual intercourse. The commercial sexual exploitation of girls is therefore inextricably linked to the wider problem of prostitution of women, and also reflects attitudes to gender relations between men and women in society.

Though commercial sexual exploitation as it was defined at the World Congress exposes very young children of both sexes to similar types of sexual abuse and violence, girls of all ages as a group are more at risk in Commonwealth countries. More girls seem to be exploited in commercial sex, for a



different range of reasons. This is evident from available information on the commercial sexual exploitation of children in Commonwealth countries, particularly in Asia and Africa.

## The Incidence of Commercial Sexual Exploitation and Current Trends

It is comparatively recently that there has been a focus on the young girl engaged in prostitution as an exploited victim of a vicious system. The recent focus on child rights and the monitoring processes connected with the United Nations Convention on the Rights of the Child have encouraged national and international scrutiny and recognition of the problem. It has in particular strengthened the capacity of non-governmental organisations (NGOs) to collect material on child prostitution. Scrutiny at the national and international level is an essential part of the commitment of governments to realise the rights of children in their countries. The commercial sexual exploitation of children can no longer be perceived as a “sensitive” political issue, but rather a global problem that must elicit a shared commitment to eliminate this abuse.

There are many NGO reports on the incidence of commercial sexual exploitation of girl-children. A clear rise in the figures can be seen in some documentation from the early 1980s in several Asian countries both from within and outside the Commonwealth.<sup>4</sup> The increase in the incidence of the problem in non-Commonwealth countries has relevance for the Commonwealth, since clients who patronise child prostitution come from some of the countries of the Commonwealth.

In general, statistics that have emerged from these studies are not definitive. Discrepancies between estimates in government reports, academic research and NGO studies foster denial of the problem, and the allegation that the data is not reliable. There are usually no reliable statistics on girl prostitution or accurate gender desegregated data in these studies, even in countries where both boy prostitution and girl prostitution can be found.

However the existing inadequate and impressionistic data and case studies suggest that the commercial sexual exploitation of girl-children is a more widely prevalent problem in both developing and developed Commonwealth countries. The commercial sexual exploitation of boys by contrast is a significant problem in very few Asian and African countries of the Commonwealth, and is most commonly associated with tourism in beach resorts.

## Child Prostitution and Sex Tourism<sup>5</sup>

Child prostitution involving the sexual abuse and exploitation of girls is connected with local marketing in both developed and developing countries of the Commonwealth, as well as the demand for sex tourism in some Asian and African countries. Though the latter phenomenon has received a great deal of publicity in recent years, the flesh trade always supplied and continues to supply local clients who desire these services. Indeed in some Commonwealth countries traditional customs and practices give legitimacy to the exploitation of girls in the sex trade.

In some countries of Asia and Africa prostitution is clearly connected to foreign tourism. Girls solicit for sex on their own on the streets, or in places frequented by tourists. However, the phenomenon of girl sex workers who operate on their own is less common in Asia than forced prostitution. Girls forced into prostitution in Asian countries of the Commonwealth, or in non-Commonwealth countries, that provide these services to clients from Commonwealth countries, are exploited and abused by local and foreign tourists and paedophiles. The latter may be casual tourists from developed countries or travelling paedophiles who maintain and have contact with “safe houses” or even children’s homes and orphanages operated by local collaborators. These foreigners are frequent and regular visitors to the country. They also act in complicity with local procurers such as hotel personnel, taxi drivers and tour operators. This exploitation takes place with or



without the knowledge of the children's parents. Though girls are sometimes abducted and forced into prostitution, parental and family involvement seems to be placing girls at increasing risk of sexual exploitation in the trade.

Girls who solicit for clients on their own, or who are forced into prostitution in "safe houses" and brothels, come from a wide range of ages. Some are younger than 10 years. Girls in the older age group of 13 to 18 years are employed as entertainers in tourist hotels and nightclubs. In many Asian countries, these girls are physically and emotionally abused and live a life of brutal enslavement and forced prostitution. This type of prostitution therefore represents a contemporary form of slavery.

Boy prostitution that has surfaced in some Commonwealth countries and attracts clients from other Commonwealth countries also manifests itself as forced sexual exploitation of boys mainly by travelling paedophiles and tourists acting with the complicity of local procurers and even parents. However, "beach boys" who solicit for sex from tourists in resort towns and even act as procurers of younger children, are also self-employed, and their activities are visible. They have more personal freedom and control over their lives, and are therefore less subject to adult abuse at the hands of clients, procurers and family. They engage in the trade for reasons that go beyond survival and are often in response to the consumer culture of their environment.

Girls between the ages of 11 to 18 years are sexually exploited in some African countries by older men who seek sex with virgins for sexual potency or to obtain protection from HIV/AIDS. Older men also attract young girls with lavish gifts, and keep them as casual mistresses for a short period of time before discarding them. This "sugar daddy" syndrome fosters the commercial sexual exploitation of girls, and is also seen in non-Commonwealth countries of Asia. It has the potential of spreading in countries where extreme poverty exists side by side with new wealth and growing consumerism. There is also an increasing demand for sex with virgins from Commonwealth countries of Asia.

## Child Trafficking and Pornography<sup>6</sup>

There seems to be little information on the problem of trafficking in Commonwealth African countries. Nevertheless, cross-border trafficking for fake employment is known to be a channel for absorbing girls into prostitution. Young girls are being taken across borders to Europe and the Middle East.

In South Asia the phenomenon of trafficking in girls within national borders to service red light districts in major cities has been superseded by cross-border trafficking. There is documented evidence of widespread cross-border trafficking in women and girl-children in countries of the subcontinent of India. There are also reports of open auctions in some remote villages in the subcontinent, in circumstances where the girls are humiliated, abused and treated as sex objects.

Several Commonwealth countries in Asia and the Pacific are both receiving and host countries involved in trafficking and the international sex trade in young girls. Myths with regard to sex with a virgin giving longevity, sexual potency and protection from HIV/AIDS have encouraged "one step" trafficking, or direct recruitment of Asian girls from rural areas by wealthy foreign clients. Solemnisation of fake marriages in the subcontinent of India and the practice of obtaining mail order brides from Asia also encourage child trafficking between developed and developing Commonwealth countries. Migration for employment represents another area that is closely connected with trafficking and the sexual exploitation of girls in Asian and African Commonwealth countries. Since immigration papers have often been falsified, the girls are vulnerable to exploitation and abuse by traffickers. There is clear evidence that the widespread prevalence of trafficking also encourages kidnapping and abduction of girls in the Commonwealth and non-Commonwealth countries of Asia. Abduction and kidnapping further entrenches the enslavement of these girls and encourages the use of extreme physical and sexual violence.



The phenomenon of prostitution and trafficking has created opportunities for the exploitation of children in pornography in these countries. Children are forced to be subjects for pornographic productions, or stimulated to view pornographic material and participate in sex for the purpose of producing pornography. These productions are circulated in well-known international magazines and create a wider clientele for sex with children. While trafficking seems to be confined to the sexual exploitation of girl-children, pornography affects boys as well.

## **The Impact of Commercial Sexual Exploitation on Girls<sup>7</sup>**

The sexual exploitation of boys and girls has in many senses the same impact. It violates not merely their right to protection from abuse and exploitation, but all the other rights of privacy, personal liberty and participation recognised by the United Nations Convention on the Rights of the Child. It involves a denial of their right to physical and psychological growth and development. The immaturity of their bodies creates greater risk of physical damage to the sexual and reproductive organs. Their right to obtain access to adequate health, nutrition and education is denied. Where death, HIV/AIDS infection, venereal disease, grave physical injury, rape, sodomy and permanent disfigurement occur, there is a denial of the very right of survival and protection from violence.

Girls seem to suffer greater abuse. They are more frequently trapped and enslaved and have less freedom where they are the victims of abduction and trafficking. They run the risk of unwanted pregnancies and abortion, and may be forced to give up a child in adoption or be required to support it with no means to do so. They are at greater risk of sexual and psychological violence, since every effort is made to destroy their self esteem so that they lose their sense of individual identity and succumb to sexual enslavement. Young Asian and African girls are more vulnerable because of the myths surrounding sex with a virgin, and a new demand for sex with virgins from non-Commonwealth Asian countries amongst men from some countries of the Commonwealth.

Gender discrimination is encouraged by the commercial sexual exploitation of girls in Asia and Africa. It both manifests as, and further entrenches, negative stereotyping, thus undermining social and policy changes that seek to recognise a girl's right to equal treatment. When the sex trade flourishes, girls seem more prone to exploitation by parents and relatives, both male and female. They have been conditioned to filial obedience, and seem to accept their exploitation as a strategy of family survival.

## **Causes of Sexual Exploitation of Girls<sup>8</sup>**

Poverty is often stated as a cause of this exploitation in the developing countries of Asia and Africa and even developed countries. However, it is becoming clearer that it is poverty combined with destabilisation of families particularly due to factors such as rural-urban migration, armed conflict and global economic policies that is placing girls at risk of exploitation. A culture of consumer values in a context where structural adjustment policies in Asia and Africa have been combined with open market policies, has placed children of low income families at risk of exploitation by families and adults tempted by financial considerations. Traditional family values on childcare seem to be breaking down. Children themselves are attracted by the new consumer culture. It is in this context that tourism becomes linked to the commercial sexual exploitation of children in general, and girls in particular. Promotion of tourism has often become a goal to attract any foreigner at any cost. The demand for "exotic" attractions creates an urgent need to supply such services.

In some countries there has been inadequate allocation of resources for education and other aspects of human development. Global economic trends have created an environment in which child prostitution can flourish, and girls do not have access to education, or their families to employment or alternative methods of income generation.



The low status of girls in the family and community in some Commonwealth countries of Asia and Africa has also contributed to the trafficking and commercial exploitation of girls. Local customs and values on the exercise of male power give legitimacy to the manipulation of social practices. Parents are forced or duped into giving their daughters to strangers as brides or workers, and the girls have no right to exercise personal choice. The permissive attitude to domestic violence against women and girls also results in sexual abuse in the family or in domestic service, so that victims of violence are drawn into prostitution.

The spread of HIV/AIDS has created a demand for virgins in both Asian and African countries. It has also created the phenomenon of AIDS orphans in Africa. These children lack adequate care and often become victims of the sex trade. In countries affected by armed conflict, orphaned and abandoned children cross borders as unaccompanied minors, and become victims of procurers and traffickers.

## Current Interventions and Recommendations for Action

Most countries in the Commonwealth have ratified the Convention on the Rights of the Child, but have not used it to enter into bilateral agreements against trafficking.

However, very recently there has been an effort to strengthen laws that impose penal sanctions, and also to improve the mechanism for law enforcement. Several countries in the Commonwealth have introduced new legislation and created mechanisms such as child abuse committees and special police desks to combat sexual exploitation and violence<sup>9</sup>. However, the laws in some countries are not in place and therefore do not act as a deterrent<sup>10</sup>. Some developed countries have introduced the concept of extra territorial jurisdiction into their legal systems so as to try nationals for offences involving the sexual exploitation of children committed overseas, provided the conduct is an offence under their own laws. There has been inter-country collaboration through international NGOs and INTERPOL so as to be able to track down paedophiles, and engage in effective investigation and prosecution. Nevertheless the ineffectiveness of the legal procedures, laws and law enforcement, often continues to be a barrier to effective detection and punishment of offenders. It is not often that deterrent sentences and punishments are imposed on foreign paedophiles or locals even when they are prosecuted in trials in the courts. It is also alleged that mechanisms for cross-border patrolling are inadequate, and ineffective to prevent or detect trafficking. However, public interest litigation through constitutional proceedings in the Superior Courts in India has been sometimes initiated successfully on behalf of victims. This has also helped to highlight the need for effective administrative interventions<sup>11</sup>.

The ratification of the United Nations Conventions on the Rights of Women and Children has encouraged this issue to be raised in country reports to the International Monitoring Committees set up under these Conventions. International agencies such as UNICEF and the ILO have in recent years moved towards recognising the commercial sexual exploitation of girls as a critical problem of concern. There have been recent efforts to modify the United Nations Convention on Trafficking (1949) to make it more comprehensive. There is concern with strengthening the international standards for monitoring a problem that is manifesting itself in new ways. The United Nations Commission on Human Rights adopted a programme of action for the prevention of the sale of children, child prostitution and child pornography, in 1992. A United Nations Special Rapporteur has also been appointed. The reports of these officials are important and encourage international scrutiny and accountability.

The NGO community has been active in recent years in many countries. It has engaged in advocacy and set up programmes of reintegration and recovery for child victims of sexual exploitation. It has also engaged in lobbying for law reform, and impacted to persuade governments to introduce legal and policy changes. There have been concerted efforts to encourage local NGOs to collaborate with international agencies, international NGOs and governments in responding to the



problem and this has resulted in a fruitful partnership. Local lobbying and advocacy has been strengthened by the networking between national and international agencies and governments. The recent World Congress in Stockholm was an outcome of this collaboration and networking.

Based on the Declaration and Agenda for Action adopted at the World Congress Against Commercial Sexual Exploitation of Children (1996)<sup>12</sup>, Commonwealth governments, local institutions and agencies should give priority to the following initiatives:

Countries that have ratified the United Nations Convention on the Rights of the Child should work towards meeting their obligation to eliminate the commercial sexual exploitation of children in general, and girls in particular. In doing so they should work towards realising the child's right to development, protection and participation under this Convention in an environment of gender equity, bearing in mind the obligation to make the "best interests" of the child a primary consideration in all their actions;

Countries should allocate adequate resources for this purpose and also encourage studies and data collection to provide an appropriate information base for programming, resource allocation, advocacy, and policy formulation;

Countries should recognise the importance of co-operation between governments international and regional organisations, and create a solidarity effort amongst all sections of society to eliminate the sexual exploitation of children. Political parties, NGOs, the community, and children and their families should be mobilised to eliminate this problem;

They should review and revise all laws, strengthen them, and where necessary introduce new laws to effectively combat this problem;

They should criminalise this conduct on the part of adults, and impose deterrent punishments and sanctions, and ensure effective implementation and enforcement of laws. Special attention should be given to criminalising the conduct of traffickers. These policies should be combined with others to promote long term socio-medical rehabilitation and behavioural change on the part of offenders;

Efforts should be made to realise the international, constitutional and legal standards and equality that are already accepted in most countries, so as to create an environment in which girls cannot be discriminated against and sexually exploited;

Countries should develop national agendas for action with time-bound goals so as to work towards effectively eliminating commercial sexual exploitation of girls. Indicators should be developed to monitor progress on the achievement of these goals;

Countries should develop effective mechanisms and focal points at national and local level to assist in implementing action plans and monitor progress;

Policies to promote access to health and education for children should receive priority, primary education should be made compulsory and free;

Gender-sensitive communication through media and information campaigns should be used to mobilise support for families, the community, government personnel, the private sector and professionals, for child rights and the elimination of sexual exploitation of children;

Every effort should be made to develop community-based programmes that can help in the reintegration of child victims, so as to provide the maximum facilities for medical and psychological counselling and support;

The legal system and legal procedures should be modified so as to treat the child victim as a person in need of care, recovery and reintegration, rather than as an offender;

Sensitisation programmes for law enforcement personnel, judicial officers and social workers on this non-punitive approach should accompany changes in the laws and legal procedures relating to the situation of victims of commercial sexual exploitation and child abuse;

Programmes should focus on child-to-child interaction so that children and young persons themselves can become catalysts and a community resource to prevent the incidence of sexual exploitation, and assist with the reintegration and recovery of victims.

### Notes

- 1 e.g. Vagrancy and Brothels Ordinances introduced in British India and British Colonies in Africa.
- 2 Convention on the Suppression of White Slave Traffic, 1910.
- 3 International Convention on the Suppression of Trafficking in Women and Children, 1921. United Nations Convention on the Suppression of the Traffic in Persons and Exploitation of the Prostitution of Others, 1949 ratified by 67 countries including Singapore, South Africa, Sri Lanka, India, Bangladesh, and Pakistan.
- 4 Arts. 34, 35.
- 5 Draft Declaration World Congress against Sexual Exploitation of Children, 1996, para.5.
- 6 Situation of Children and Women in the Philippines, 1992, p. 76; International Traffic in Women Workshop Changmai, Report of Foundation for Women, Thailand, Women's Studies Centre Changmai, Thailand and Women and Autonomy, Centre Leiden University, 1994, p.13 and Appendix 11; Promotion of Community Awareness for the Prevention of Prostitution, Economic and Social Commission for Asia and the Pacific ST/ESCAP/1078, United Nations, New York, 1991.
- 7 *ibid*: Report of Muntarbohorn Viti, UN Special Rapporteur, 1994, Economic and Social Council E/CN.4/1994/84; Narveson Ove, "The Sexual Exploitation of Children in Developing Countries" Redd Barna Norway, 1989; "An Evil under the Sun: The Sexual Exploitation of Children in Sri Lanka," Peace Campaign Colombo, 1995; Conference papers, SAARC Conference on the Rights of the Child, Calcutta, November 1991; Mandal Mana Bendra "Sexual Exploitation of the Child and the Law in India" in Law Asia Conference papers on Child Labour and Child Prostitution, Kuala Lumpur, Law Asia, Sydney, 1986; Goonesekere S, Child Prostitution in Sri Lanka, *ibid*; An International Strategy for Intervention into the Commercial Sexual Exploitation of Children, Defence for Children International, USA, DCI New York, 1985; Butegwa, Florence, "The Sexual Exploitation of the Girl Child: The African Perspective", paper prepared for the Commonwealth Secretariat, 1996; Flavia, Agnes "Rescuing Mumbai's Sex Workers", Economic and Political Weekly, India, 6 April 1996, p. 873.
- 8 *ibid*: The Flesh Trade: The Trafficking of Women and Children in Pakistan, Lawyers for Human Rights and Legal Aid, Karachi, 1993; Fawad Usman Khan, Sexual Abuse of Girls and Young Women, UNICEF and WAR Working Committee, Lahore, 1995; O'Dea, Pauline "Gender Exploitation and Violence: The Market in Women, Girls and Sex in Nepal", UNICEF Katmandu, 1993; *International Herald Tribune*, 20-26 November, 1991; Gover, Deepa, An Analysis of the Situation of the Girl Child in Nepal, UNICEF, Katmandu 1991, p. 59, The Trafficking and Prostitution of Children in Cambodia, A Situation Report, 1995.
- 9 Notes 7 and *ibid*.
- 10 *ibid*.
- 11 e.g. India Prevention of Immoral Traffic Prevention Act, 1986; Nepal Human Traffic Control Act, 1987; Penal Code Amendment Act, Sri Lanka, 1995; Torture Act, Sri Lanka, 1994; Child Protection Act, Malaysia, 1991; Nepal Children's Act, 1992; Oppression Against Women and Children Ordinance, Bangladesh, 1995.
- 12 Hudood Ordinances, Pakistan, 1979 discussed Fawad Usman Khan, *op. cit*.

### Additional Notes

Vishal Jeet v Union of India AIR 1990 SC 1412, Agnes Flavia *op.cit*.

Draft Declaration and Agenda For Action.