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**Promotion and protection of the rights of children:
promotion and protection of the rights of children**

Gender dimension of the sexual exploitation of children and the importance of integrating a child-centred and gender-inclusive approach to combating and eradicating it

Note by the Secretary-General

The Secretary-General has the honour to transmit to the General Assembly the report of the Special Rapporteur on the sale and sexual exploitation of children, including child prostitution, child pornography and other child sexual abuse material, submitted in accordance with Assembly resolution [73/155](#).

* [A/76/150](#).



Report of the Special Rapporteur on the sale and sexual exploitation of children, including child prostitution, child pornography and other child sexual abuse material, Mama Fatima Singhateh

Summary

In the present report, submitted pursuant to General Assembly resolution [73/155](#), the Special Rapporteur on the sale and sexual exploitation of children, including child prostitution, child pornography and other child sexual abuse material, presents a thematic study on the gender dimension of the sexual exploitation of children and the importance of integrating a child-centred and gender-inclusive approach to combating and eradicating the scourge. Information on the activities undertaken by the Special Rapporteur during the period from August 2020 to June 2021 can be found on the Special Rapporteur's webpage.

I. Introduction

1. The present report, submitted pursuant to General Assembly resolution 73/155, contains a thematic study on the gender dimension of sexual exploitation of children and the importance of integrating a child-centred and gender-inclusive approach to combating and eradicating the scourge and providing comprehensive and gender-responsive care and services for child victims.

II. Study on the gender dimension of the sexual exploitation of children

A. Objectives, methodology and rationale

2. In its resolution 43/22, the Human Rights Council requested the Special Rapporteur to support States in developing legal and policy frameworks and child protection strategies in a child- and gender-responsive and child-friendly manner to effectively prevent and eradicate the sale and sexual exploitation and abuse of children. Cognizant of the protection needs of children at the greatest risk of being left behind,¹ the Special Rapporteur decided to explore the gender dimension of the sexual exploitation of children and the importance of integrating a child-centred, gender-inclusive and non-binary approach to combating and eradicating this scourge.²

3. The Special Rapporteur seeks to understand the underlying causes of sexual exploitation of children fuelled by perception and, as a result, of prevailing social and cultural norms and power dynamics related to gender construction and stereotypes. She also reflects on how existing legal and policy frameworks may foster the conditions in which the sexual exploitation of children is either ignored, tolerated or even accepted.³ Building on the work of previous mandate holders,⁴ the present report examines the underlying causes and risk factors of sexual exploitation in relation to girls, boys and children who identify outside the gender binary. It also reviews the shortcomings and insufficiencies of the existing normative, legal and institutional frameworks, with a view to assisting States to develop gender-sensitive strategies for the prevention and eradication of sexual exploitation of children and to provide gender-responsive and comprehensive care, recovery and rehabilitation services for child victims.

4. In terms of child protection and access to justice, the report examines how gender may play a role in the identification of child sexual exploitation and how allegations of sexual exploitation are received and handled by professionals. This potentially affects the type of support services a child victim is afforded,⁵ which are often believed to be designed for girls only.⁶ The report therefore addresses gender with regard to the victim, the offender and the service providers, so as to draw attention to the relevance and potential impact of gender on different aspects of tackling child sexual exploitation and to establish the often missing link between the

¹ See http://sustainabledevelopment.un.org/content/documents/26130Child_Rights_2030_Agenda_HLPF_2020.pdf, and A/75/210, para. 47.

² A/75/210, para. 39.

³ A/HRC/31/58, para. 41.

⁴ A/70/222 and E/CN.4/2004/9.

⁵ Sophie Hallett, Kat Deerfield and Kirsty Hudson, “The same but different? Exploring the links between gender, trauma, sexual exploitation and harmful sexual behaviours”, *Child Abuse Review*, vol. 28 (2019).

⁶ Submission from students of Utrecht University.

discourse around, on the one hand, sexual exploitation of children and, on the other, gender identity and diversity.

5. In order to inform the preparation of her report, and in addition to the literature review, the Special Rapporteur sought, through a questionnaire, contributions from States, national human rights institutions, civil society organizations, United Nations organizations, academia, international and regional organizations and individuals on questions related to the scope of the study.⁷ Over 71 submissions were received from State entities and non-State actors. The Special Rapporteur wishes to thank all stakeholders for their contributions and welcomes the engagement demonstrated through this exercise.

Definitions

6. For the purpose of the present study, the definition of gender is drawn from the Committee on the Elimination of Discrimination against Women, and refers to the socially constructed identities, attributes and roles of persons in relation to their sex and the social and cultural meanings attached to biological differences based on sex. The meaning of such socially constructed identities, attributes and roles varies across societies, communities and groups and over time, often resulting in hierarchical relationships between women and men and an unequal distribution of power and rights,⁸ with consequences both for boys and girls.

7. In addition, the social construction of gender as binary does not fully encompass the ways in which sexual and gender-minorities, and children in particular, are affected by sexual violence or by the normative framework aimed at protecting children from sexual exploitation. The Committee on the Rights of the Child has recognized the concept of “gender” since its third general comment and has expressly linked this social construction to the marginalization of children and young people on the basis of gender identity,⁹ recognizing the rights of children and young people to their gender identity and emerging autonomy.¹⁰ Only through a broader, more inclusive lens can we attempt to understand how children, owing to their diverse characteristics and circumstances, may be more vulnerable to sexual exploitation which is mediated through their real or perceived gender identity, often in conjunction with multiple and intersecting forms of discrimination, including on the basis of disability and migration status, race or ethnicity, and social and economic status, among others.

8. For the purpose of the present report, a child means every human being below the age of 18 years, as stipulated in article 1 of the Convention on the Rights of the Child. The present study aims to address the gender dimension of sexual exploitation as defined in articles 2 and 3 of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography.¹¹ Other forms of exploitation covered by the mandate are not within the scope of the present

⁷ Office of the United Nations High Commissioner for Human Rights (OHCHR), call for input for the report of the Special Rapporteur to the General Assembly, 2021.

⁸ Committee on the Elimination of Discrimination against Women, general recommendation No. 28 (2010), and [E/CN.4/1996/105](#), para. 13.

⁹ Committee on the Rights of the Child, general comment No. 20 (2016), para. 34.

¹⁰ *Ibid.*

¹¹ For information on gender in relation to trafficking in human beings, which often overlaps with the sale and sexual exploitation of children, see the report of the Special Rapporteur on trafficking in persons, especially women and children ([A/73/171](#)) and Organization for Security and Cooperation in Europe, Office of the Special Representative and Coordinator for Combating Trafficking in Human Beings, “Applying gender-sensitive approaches in combating trafficking in human beings”, Occasional Paper No. 10 (Vienna, 2021).

report (e.g. sale for the purpose of transfer of organs, forced labour and illegal adoptions).

9. The concept of “sexual exploitation”, which is the main focus of the report, is distinguished from that of sexual abuse¹² by a notion of exchange, namely when children take part in sexual activities in exchange for something (e.g. gain or benefit, or even the promise of such).¹³ Children may be coerced into a situation of sexual exploitation through (physical) force or threats, or be persuaded to engage in such sexual activity as a result of more complex and nuanced factors, either human or situational, including a power imbalance between the victim and the perpetrator. The sexual exploitation of children is now increasingly taking place online or is being facilitated or enabled by the digital environment. While any child may be sexually exploited, children such as those affected by poverty, who are in street situations, in marginalized communities or affected by conflict or emergencies, are migrants, refugees or internally displaced, those in alternative care or engaged in child labour, are at greater risk of falling victim to sexual exploitation. Furthermore, the age of a child may increase their vulnerability to sexual exploitation, with older children often mistakenly assumed to be either consenting or not in need of protection.¹⁴

Rationale

10. The focus of the mandate has in the past remained primarily on the risks to girls,¹⁵ paralleling the invisibility of male children and children who identify outside the gender binary, with little attention given to their vulnerability to sexual exploitation and their needs as victims. Research conducted globally has shown that while sex offenders are overwhelmingly (though not exclusively) men, girls account for the majority of documented victims of sexual exploitation and abuse.¹⁶ However, despite the fact that boys are less likely than girls to disclose abuse,¹⁷ a significant proportion of boys are depicted in online child sexual abuse material.¹⁸ Rates for boy victims of sexual exploitation have also been found to be higher than for girls in some places and in certain organizational settings, such as single sex residential institutions.¹⁹ While there is a growing recognition that sexual exploitation is inextricably linked to gender construction and dynamics and is therefore better understood and addressed when incorporated into policies and programming,²⁰ little is known about how gender stereotypes around masculinity adversely affect the vulnerability of boys and children who identify outside the gender binary.

¹² The Special Rapporteur acknowledges the frequent overlap between sexual exploitation and sexual abuse.

¹³ Interagency Working Group on Sexual Exploitation of Children, *Terminology Guidelines for the Protection of Children from Sexual Exploitation and Sexual Abuse* (2016).

¹⁴ Ibid.

¹⁵ [A/75/210](#), para. 19.

¹⁶ Ongoing research in the dark net by Protect Children Finland is confirming this tendency (see press release of 6 July 2021).

¹⁷ Lauren Hill and Clive Diaz, “An exploration of how gender stereotypes influence how practitioners identify and respond to victims (or those at risk) of child sexual exploitation”, *Child and Family Social Work* (2021), p. 3.

¹⁸ ECPAT International and International Criminal Police Organization (INTERPOL), *Towards a Global Indicator on Unidentified Victims in Child Sexual Exploitation Material* (2018), and Protect Children Finland, press release of 6 July 2021.

¹⁹ [A/70/222](#), para. 28, and United Nations Children’s Fund (UNICEF), *Action to End Child Sexual Abuse and Exploitation: A Review of the Evidence 2020* (December 2020).

²⁰ ECPAT International, “Examining neglected elements in combating sexual exploitation of children”, Journal Series No. 7 (July, 2013).

11. Similarly, the vulnerability of children of other gender or sex identities and orientations, who are at an increased risk of becoming rejected and marginalized, is often overlooked.

12. Gender-based discrimination and inequalities also play a large role in the propagation of sexual exploitation of children, in particular girls and children who identify as transgender.²¹ While sexual exploitation of girls is often rooted in patriarchal structures that promote male sexual domination and do not condemn the commercialization of girls and women, culturally imposed feminine gender stereotypes also contribute to sexual exploitation of girls by placing them in the role of serving males, negating their ability to make decisions regarding their sexual and reproductive life and making them prime targets for sexual violence.²²

13. When real or perceived gender identity does not conform to social norms, vulnerabilities tend to increase.²³ Gender-sensitive strategies are therefore instrumental in addressing both the vulnerabilities of boys and children of other gender or sex identities and orientations and the demand side of the sexual exploitation of children, including when that demand is directed towards gender minorities. This entails revealing underlying gender-based discrimination and violence and their root causes and addressing harmful social norms, including harmful masculinities, gender norms, stereotypes and behaviours that normalize and perpetuate violence against children, but also the existing binary understanding of sexual exploitation that overlooks the inclusion and protection of boys and children who identify outside the gender binary.

B. International legal framework, policy and practice: a gender-inclusive approach

14. The pledge made in the 2030 Agenda for Sustainable Development to leave no one behind involves addressing multiple forms of inequality and discrimination, and provides an opportunity to tackle inequities faced by children, especially those who are marginalized, in vulnerable situations or face stigmatization, discrimination, violence or exclusion.²⁴

15. Given the importance of children's rights as an integral part of sustainable development strategies, Member States committed to ensuring that the follow-up and review processes relating to the implementation of the 2030 Agenda would be people-centred and gender-sensitive, respect human rights and have a particular focus on the poorest, most vulnerable and those furthest behind.²⁵

16. A national legislative and policy framework, compliant with international norms and standards, must be informed and guided by the general principles of the Convention on the Rights of the Child, namely non-discrimination (art. 2), the best interests of the child (art. 3), the right to life, survival and development (art. 6) and respect for the views of the child (art. 12). By adopting a child-centred approach, children are recognized as inherent rights-bearers with agency, and not only as objects of protection. In implementing their legal and policy frameworks, States should ensure that the rights and best interest of the child are safeguarded and incorporate a gender perspective which adequately takes into account the different needs and

²¹ [A/70/222](#), para. 30.

²² *Ibid.*

²³ UNICEF, Current Issues No. 9, "Eliminating discrimination against children and parents based on sexual orientation and/or gender identity" (November 2014).

²⁴ Human Rights Council resolution [34/16](#).

²⁵ [A/73/174](#), para. 22, and General Assembly resolution [70/1](#), para. 74.

opportunities of girls, boys and children of other gender or sex identities and orientations.

1. International legal framework

17. The Convention on the Rights of the Child stipulates that States parties must prevent the sale of children for any purpose and in any form (art. 35) and protect the child from all forms of sexual exploitation and sexual abuse (art. 34). Article 34 is not restricted solely to intrafamilial settings²⁶ or offline environments.²⁷ It focuses on acts committed by a third person, the perpetrator, by referring to the “inducement or coercion” of a child in unlawful sexual activity, and the “exploitative use” of children in prostitution and pornography.

18. Although the Convention on the Rights of the Child makes no explicit reference to gender or gender identity anywhere in its provisions and article 2 of the Convention does not explicitly include sexual orientation and gender identity as forbidden grounds of discrimination, the Committee of the Rights of the Child has progressively incorporated such concepts as relevant factors to be considered in the realization of children’s rights in general and the prevention of their sexual exploitation in particular.²⁸ Furthermore, the Committee specified, in its general comment No. 13 (2011), that every child is covered by article 19 of the Convention, which prohibits all forms of violence against children, including sexual abuse. Indeed, the Committee refers mostly to “boys and girls”, but also mentions trans children.²⁹ Non-binary or gender-expansive children are not explicitly mentioned, but the general comment stresses the importance of the principle of dignity, whereby every individual’s personality, distinct needs, interests and privacy³⁰ must be ensured. The Committee has also highlighted the vulnerability of lesbian, gay, bisexual, transgender and intersex (LGBTI) adolescents by stating that they commonly face persecution, including abuse and violence, stigmatization, discrimination, bullying, exclusion from education and training, as well as a lack of family and social support, or access to sexual and reproductive health services and information. In extreme cases, they face sexual assault, rape and even death.³¹ The Committee has emphasized the rights of all adolescents to freedom of expression and respect for their physical and psychological integrity, gender identity and emerging autonomy and urged States to take effective action to protect all adolescents from all forms of violence.³²

19. With the adoption of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography in 2000, the international legal framework was considerably strengthened with respect to the protection of children from sexual exploitation. Article 3 of the Optional Protocol imposes an obligation on States parties to criminalize certain specific offences. Moreover, the Optional Protocol recognizes in its preamble that gender discrimination is a contributing factor to the sale and sexual exploitation of children.

20. In its guidelines regarding the implementation of the Optional Protocol,³³ the Committee underlines the fact that children of “other” gender identities may be more vulnerable to sale and sexual exploitation, stating that in any measure to implement

²⁶ John Tobin, ed., *The UN Convention on the Rights of the Child: A Commentary* (Oxford University Press, 2019), p. 1312.

²⁷ *Ibid.*, p. 1353.

²⁸ Submissions by students of Utrecht University. See, for instance, Committee on the Rights of Child, general comments No. 20 (2016) and No. 21 (2017).

²⁹ Committee on the Rights of the Child, general comment No. 13 (2011), para. 72 (g).

³⁰ *Ibid.*, para. 3 (c).

³¹ Committee on the Rights of the Child, general comment No. 20 (2016), para. 33.

³² *Ibid.*, para. 34.

³³ [CRC/C/156](#).

the Optional Protocol, the Committee encourages States parties to give specific consideration to children who, because of their characteristics, circumstances and/or living situations, may be more vulnerable to sale and sexual exploitation, including girls, boys, children of other gender or sex identities and orientations.³⁴ The Committee also recalls that it is crucial, through legislation, to ensure access to redress and secure the availability of child- and gender-sensitive, confidential and safe counselling, reporting and complaint mechanisms to address incidents of sexual exploitation and sexual abuse and protect victims,³⁵ and that professionals must be trained in gender-sensitive approaches to care for child victims and survivors.³⁶ When child victims are in contact with the justice system, information and assistance should also be gender-sensitive,³⁷ as should any counselling and reporting mechanisms for children.³⁸

21. Furthermore, in its general comment 25 (2021) on children's rights in relation to the digital environment, the Committee noted that the digital environment can include gender-stereotyped, discriminatory, racist, violent, pornographic and exploitative information, as well as false narratives, misinformation and disinformation and information encouraging children to engage in unlawful or harmful activities.³⁹ The Committee encouraged States to take legislative and administrative measures to protect children from violence in the digital environment, including sexual exploitation and abuse, child trafficking and gender-based violence,⁴⁰ and to take proactive measures to prevent discrimination, including against LGBTI children and children who are victims and survivors of trafficking or sexual exploitation.⁴¹

22. In terms of regional instruments, the African Charter on the Rights and Welfare of the Child of 1990 establishes the obligation on States parties to prevent the sale of children in any form (art. 29) and to protect children from all forms of sexual exploitation and sexual abuse (art. 27). The South Asian Association for Regional Cooperation Convention on Preventing and Combating Trafficking in Women and Children for Prostitution of 2002 emphasizes the need to tackle the sexual exploitation of children in prostitution. The Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (Lanzarote Convention, adopted in 2007), provides a solid legal framework in the matter, explaining in detail what States must do to prevent child sexual exploitation, prosecute child sex offenders and protect and provide assistance to child victims, taking due account of the child's views, needs and concerns (art. 14). It expressly mentions and prohibits discrimination based on the ground of sexual orientation (art. 2). As for policy instruments, the European Union strategy on the rights of the child addresses gender-based violence, but focuses only on girls, and the European Commission acknowledges a gender dimension to abuse solely on a binary level.⁴²

23. The above-mentioned regional instruments do not specifically refer to the existence of diverse gender identities, and adopt a binary understanding that fails to consider special gender-related vulnerabilities in relation to the rights of the child and the protection of children from sexual exploitation. By not including any reference to

³⁴ *Ibid.*, para. 13

³⁵ *Ibid.*, para. 17.

³⁶ *Ibid.*, paras. 29 (a) and 30 (b) and (c).

³⁷ *Ibid.*, para. 92.

³⁸ *Ibid.*, para. 96 (a).

³⁹ [CRC/C/GC/25](#), para. 54.

⁴⁰ *Ibid.*, para. 82.

⁴¹ *Ibid.*, para. 11.

⁴² See European Commission, 9th European Forum on the Rights of the Child, "Coordination and cooperation in integrated child protection systems", Reflection Paper, 30 April 2015.

children of other gender or sex identities and orientations in international legal and policy instruments, States' discretion in addressing these children within their implementation of such instruments renders child protection potentially inadequate.

24. The Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention) of 2011 is the first legally binding instrument to introduce a specific mention of gender and explicitly prohibit discrimination based on gender identity (art. 4 (3)). Moreover, while not a legally binding instrument, in the Declaration on the Elimination of Violence against Women and Elimination of Violence against Children in the Association of Southeast Asian Nations (ASEAN) of 2013, the sexual exploitation of children is explicitly mentioned and the ASEAN member States declare the need to develop, implement, monitor and evaluate gender-responsive and child-friendly legislation, policies and measures, including gender-responsive planning and budgeting. The need to adopt a gender-responsive, child-sensitive and age-responsive approach to eliminate violence against women and violence against children is underlined, and it is recognized that effective strategies are needed to eliminate harmful practices that perpetuate gender stereotyping, violence against women and violence against children.

2. Best practices, remaining challenges and the way forward on incorporating the gender dimension: law and policy

(a) Evolving practices

25. The Special Rapporteur welcomes the wealth of information received through the call for inputs and notes that significant efforts have been made to incorporate a gender perspective into law and policy, or to make sure that they are gender neutral. For instance, in the Republic of Korea before 2013, only women were considered as victims of sexual crimes, but the terminology was revised to say “a person who has been victimized”, resulting in improved services for male victims such as by the Sunflower Center.⁴³ In the Philippines, landmark laws on sexual exploitation recognize that any person below the age of 18, male or female, may be a victim of sexual exploitation.⁴⁴ In Portugal, the 2018–2030 national strategy for equality and non-discrimination includes three major areas related to gender: (a) promoting equality between women and men; (b) preventing and combating violence against women and domestic violence, including harmful practices such as female genital mutilation and early and forced early marriages; and (c) combating discrimination on the basis of sexual orientation, gender identity and expression, and sex characteristics.⁴⁵

26. The Special Rapporteur also welcomes the fact that States increasingly recognize the need to include a gender perspective with regard to children's rights and child protection. In the Plurinational State of Bolivia, for instance, child protection measures are based on the principle of “gender equity”, which indicates that girls enjoy the same rights and access to the same opportunities as boys,⁴⁶ while in Kenya a national gender and equality commission act was enacted in 2011 and seeks to address issues of gender inequalities/inequities among special interest groups.⁴⁷ In Colombia, gender has been included as a category of analysis within intervention processes for children who are victims of rights violations.⁴⁸ In Malta, the national children's policy addresses gender and gender identity by promoting the

⁴³ Submission by ECPAT International.

⁴⁴ Ibid.

⁴⁵ Portugal submission.

⁴⁶ Plurinational State of Bolivia submission.

⁴⁷ Kenya submission.

⁴⁸ Colombia submission.

values of respect, including for one's personal expression of sexuality and gender identity, and by combating all forms of discrimination and intolerance primarily among groups that are at greater risk of marginalization (including lesbian, gay, bisexual, transgender, intersex and queer (LGBTIQ+) children).⁴⁹

27. In South Africa, the Department of Basic Education has initiated a process of developing school guidelines for the social inclusion of sexual orientation, gender identity and expression and sex characteristics.⁵⁰ In Australia, the first national strategy to prevent child sexual abuse is being developed and will acknowledge that children and young people who identify as lesbian, gay, bisexual, transgender, queer, intersex and asexual (LGBTQIA+) experience high rates of harassment, social exclusion and sexual violence, and initiatives under the national strategy will be tailored accordingly.⁵¹

28. At the international level, non-governmental organizations do important work to include boys and men into programming, such as the Champions of Change model by PLAN International, or conduct research on sexual exploitation of boys, such as the Global Boys Initiative by ECPAT International. Indeed, failing to integrate the perspectives of boys and men can lead to backlash and their participation is essential to overcome negative gender stereotypes and eliminate gender-based violence.⁵²

29. At the regional level, it is noteworthy that the Committee of the Parties to the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (Lanzarote Committee), which monitors the implementation of the Convention, created, in 2014, a position of gender equality rapporteur to make sure that the Committee mainstreams gender equality in all its decisions and activities. Having such a rapporteur allows the Committee to be informed about and exchange views on numerous initiatives related to gender and child sexual exploitation.

30. Progress to incorporate a gender perspective in specific settings in which sexual exploitation occurs must also be noted, such as the emergence of new initiatives and policies aimed at protecting vulnerable young people and athletes in sports. This includes the International Olympic Committee's Basic Universal Principles of Good Governance of the Olympic and Sports Movement, the 2019 Special Rapporteur's report entitled "Playing it safe", and the UNICEF initiative "children before players". The development of a framework on safeguarding children from trafficking in sport, led by the work of Mission 89 to combat human trafficking in and through sport in partnership with Good Corporation, also ensures that a process is in place to protect young women and other vulnerable groups from sexual harassment, violence and exploitation.⁵³

(b) Gaps and remaining challenges

31. The Special Rapporteur observes that there is increasing understanding and recognition of the need for a gender-inclusive and gender-sensitive approach to tackling child sexual exploitation. This is also illustrated in the many contributions received, which exposes the existing barriers and shows how much still needs to change to provide equal protection to all children independent of gender and irrespective of who they are, while at the same time shaping support and care mechanisms in a manner that is gender-informed and gender-sensitive.

⁴⁹ Malta submission.

⁵⁰ South Africa submission.

⁵¹ Australia submission.

⁵² Submission by Uganda Youth Development Link (UYDEL).

⁵³ Mission89 submission.

32. Many State contributions pointed to how their national legislation relating to child sexual exploitation and abuse, or relating to trafficking in human beings, does not specifically mention gender and gender identity.⁵⁴ When a gender aspect is integrated, it often focuses on the empowerment and protection of women. While this is very important, the absence of a broader perspective on gender may result in the underestimation of the rate of violence against children of other gender or sex identities and orientations. The patriarchal system takes precedence over exploitative situations and the experiences of male children and adolescents, portraying them in the traditional sense that shows strength and courage, and does not recognize or approve signs of weakness (such as denouncing, for example, a violation).⁵⁵ As noted by one of the stakeholders, until the definition of child protection is revisited to address the specific cultural and traditional bias against gender, the result is a one-sided approach to both gender-based violence and child protection.⁵⁶

33. The absence of sufficiently gender-sensitive responses to children's experiences can represent a significant barrier to full disclosure, as children often remain silent if they do not feel safe or believed. Some submissions also pointed towards the stereotyping and gender bias in outreach services for sexually exploited youth, which are often designed for girls only.⁵⁷ Moreover, the exploitation of children of other gender or sex identities and orientations is not mentioned in the discourse around child sexual exploitation in many influential settings, preventing our understanding of the needs of these vulnerable groups.⁵⁸ Stakeholders have also acknowledged the multiple challenges confronting them in the implementation of gender-sensitive approaches. For instance, some States referred to how the lack of disaggregated data regarding gender is a key issue that hampers evidence-based policy making.⁵⁹

(c) The way forward

34. The Special Rapporteur has noted earlier that although most voluntary national reviews of the 2030 Agenda, which is a crucial milestone in the elimination and eradication of the sale and sexual exploitation of children, address children in the context of leaving no one behind, there is a general lack of analysis of and disaggregated data on how the 2030 Agenda is being implemented in relation to eliminating the sale and sexual exploitation of children.⁶⁰ Such a dearth of detailed information indicates a possible lack of transformative and structural implementation on the ground. The absence of reliable data jeopardizes efforts to combat the sexual exploitation of children. The hidden nature of those violations makes data collection extremely important.⁶¹ The Lanzarote Committee has also stressed the need for gender-disaggregated data, which may have strong implications in the way policies and measures are framed, adjusted and evaluated.⁶² The lack of gender-disaggregated data contributes to the lack of awareness of the magnitude of the problem and impedes

⁵⁴ By explicitly mentioning its absence (Australia submission), or by citing laws and provisions which contain no reference to gender.

⁵⁵ Plurinational State of Bolivia submission.

⁵⁶ Submission by Heartland Alliance International in collaboration with the National Human Rights Commission of Nigeria.

⁵⁷ Elizabeth M. Saewyc, "Protection from sexual exploitation in the Convention on the Rights of the Child", *Handbook of children's rights: Global and multidisciplinary perspectives*, Martin D. Ruck, Michele Peterson-Badali and Michael Freeman, eds., p. 457. Accessed at ProQuest Ebook Central.

⁵⁸ Beatriz Benavente and others, "Commercial sexual exploitation of children and adolescents in Europe: a systematic review", *Trauma, Violence, and Abuse* (2021), p. 16.

⁵⁹ Republic of Korea and South Africa submissions.

⁶⁰ A/75/210, paras. 44 and 45.

⁶¹ Ibid.

⁶² See <https://rm.coe.int/1st-implementation-report-protection-of-children-against-sexual-abuse-/16808ae53f>.

achieving a better understanding of potential differences in the victimization of girls, boys and children of other gender or sex identities and orientations.

35. Other actors referred to a lack of commitment and support to integrate a gender perspective into legal and policy frameworks, as well as the lack of a gender analysis of programmes and interventions, which risks perpetuating gaps in policies and services aimed at protecting children from sexual exploitation and supporting victims.⁶³ While most States have ratified the Convention on the Rights of the Child and its optional protocols and have incorporated relevant provisions into their domestic legislation, the concrete implementation of these frameworks remains insufficient and prevents the application of a child-centred and gender-inclusive approach in that they often divide victims into solely male and female. They do not sufficiently capture the specific needs and additional vulnerabilities and experiences of children of other gender or sex identities and orientations. There is room for a more inclusive approach that encompasses all children and recognizes their special vulnerabilities that may expose them to higher risks of sexual exploitation.

36. The Special Rapporteur also notes that an approach based firmly on the gender binary and in which gender is treated as synonymous to the sex attributed at birth, may lead to undesired negative outcomes for children and youth of other gender or sex identities and orientations, such as the denial of their economic and social rights. For instance, in the Republic of Korea, the current Youth Welfare Support Act requires that shelters for youth conform to the gender binary, preventing the realization of housing rights for transgender youth. When children and adolescents are deprived of their right to housing this makes them more vulnerable and may exacerbate the problem of sexual exploitation. Moreover, youth who make plans for medical transition endure economic instability and may be more easily exposed to sexual exploitation also for that reason.⁶⁴

37. Laws sometimes define sexual offences in a gender-biased manner, such as explicitly mentioning girls and women as the only potential victims (e.g. rape covering only female victims,⁶⁵ “indecent assault against a woman or girl” (Uganda), “disgraceful acts with a female (Yemen), or penetration only being penile penetration). Some national laws include ancient expressions such as “carnal knowledge” or constitutive elements such as “for sexual gratification”. When laws define sexual offences in such a gendered way, it risks excluding male and child victims of other gender or sex identities and orientations from accessing justice, reparations and recovery services.⁶⁶ This in turn results in a lesser rate of investigation, prosecution and convictions for offences relating to the sexual exploitation of boys and children of other gender or sex identities and orientations.

38. The lack of a gender-sensitive approach may also lead to a bias in how crimes against girls and boys are considered and addressed, such as the failure in some instances to recognize violence in sexual offences against girls. Likewise, for boys there tends to be a failure to recognize the sexualized element of an offence.⁶⁷ In some cases, gender-biased laws may even create a risk of criminalizing certain child victims of sexual exploitation.

⁶³ UYDEL submission.

⁶⁴ Republic of Korea submission.

⁶⁵ See also [A/HRC/47/26](#), paras. 67 and 68.

⁶⁶ Submission by Heartland Alliance International in collaboration with the National Human Rights Commission of Nigeria.

⁶⁷ Ingrid Elliott, Coleen Kivlahan and Yahya Rahhal, “Bridging the gap between the reality of male sexual violence and access to justice and accountability”, *Journal of International Criminal Justice*, vol. 18, No. 2 (May, 2020), p. 480.

39. Lastly, there is an issue of human misinterpretation of gender-neutral laws. Even if laws and policies were perfectly gender-neutral, there is a risk that assessments and interpretations are not. This may mean that, while gender-neutral legal and policy frameworks are certainly better than explicitly gender-biased ones, gender neutrality is not sufficient to adequately uphold the rights of all children to protection from sexual exploitation. Instead, laws and policies may need to integrate gender-inclusive principles that set forth a clear framework for positive action. Furthermore, while gender-inclusive and gender-sensitive legal and policy frameworks are indispensable, without adequate training and capacity-building of professionals, the gender bias will remain.

C. Gender in relation to victims, perpetrators and service providers

1. The gender dimension with regard to child victims of sexual exploitation

40. It cannot be stated enough that all children can be victims of being sold and sexual exploitation. While certain contributing factors, such as armed conflict or natural disaster,⁶⁸ can push children into situations of increased vulnerability and expose them to higher risks of being sold and sexual exploitation, it is equally true that these problems exist everywhere. With widely increased connectivity to the digital environment, a growing number of children are also being sexually exploited from their own homes, via webcams, live streaming, social media or gaming platforms. Many of the submissions to the Special Rapporteur highlighted the increased risk of online child sexual exploitation.⁶⁹

41. By establishing comprehensive and gender-inclusive legal and policy frameworks, States can grant the same rights to protection from sexual exploitation to all children, independent of their gender or sexual identity and orientation. This includes prevention efforts such as education, awareness-raising and professional training. In that regard, the Special Rapporteur notes that gender-sensitive and sexuality education has come under attack in recent years⁷⁰ and recalls that such education has a crucial part to play in the prevention of child sexual exploitation. For instance, in Serbia, the Ministry of Education approved expert-developed education packages on sexual education in schools in 2017, but political pressure from radical right-wing groups, which reportedly presented these materials as promotion of gay culture, led to the withdrawal of the packages from use.⁷¹ Reluctance to bring these topics into school curricula sends a message that child sexual exploitation and abuse are not things that can be talked about, further stigmatizing the issue and preventing children from disclosing abuse.⁷² By learning about their rights, including the right to physical integrity, sexual and reproductive rights, and the right not to be discriminated against, children can develop agency, increasing the chances that they may dare to speak up against violations of their rights.

42. The lack of an open discourse, both in society at large and in education for children, also means that many turn to online networks and communities for information and a sense of safety or security. While this can be helpful, it can also lead to their further marginalization and exposure to risks of online exploitation.

⁶⁸ See [A/HRC/46/31](#).

⁶⁹ See, for instance, submissions from Australia, Chile and the Plurinational State of Bolivia.

⁷⁰ OHCHR, "Mandate of the Working Group on discrimination against women and girls: gender equality and gender backlash", position paper (2020), p. 9.

⁷¹ Submission by ASTRA Anti-trafficking Action, Serbia.

⁷² Marudan Sivagurunathan and others, "Barriers and facilitators affecting self-disclosure among male survivors of child sexual abuse: the service providers' perspective", *Child Abuse and Neglect* (2018), p. 8.

Therefore, protective measures for children should also focus on the digital environment.⁷³

43. Estimating the magnitude or prevalence of child sexual exploitation and abuse is an impossible task, mainly because of the unknown dark figure of those who never disclose their abuse to anyone.⁷⁴ Nevertheless, within the realm of what is known, it is clear that gender differences exist in relation to prevalence. Hence, girls are estimated to be two to three times more likely to be sexually abused than boys,⁷⁵ although recent research has highlighted the extent of abuse against boys in specific settings such as single-sex residential institutions and church-based and sport institutions.⁷⁶

44. With regard to sexual exploitation more specifically, some research in Europe has shown up to a seven times higher risk for girls to be victims.⁷⁷ While these estimates often come from statistics on reported cases and from rates of girls receiving dedicated victim services, similar results also show in anonymous surveys in which children are asked if they have ever experienced abuse or exploitation.⁷⁸ This supports the hypothesis that, generally speaking, girls represent the main target group for child sexual exploitation. Research into sexual abuse of non-binary youth in the United Kingdom of Great Britain and Northern Ireland has shown that non-binary children and youth who were assigned female sex at birth had a higher prevalence of sexual abuse than children and youth who were assigned male sex at birth, a finding that is also consistent with findings in the general population that girls are more likely than boys to experience childhood sexual abuse.⁷⁹

45. Having said that, it must be acknowledged that estimates that boys are less exposed to sexual abuse and exploitation than girls are confounded by underreporting, unsubstantiated cases and social stigma about the abuse of boys.⁸⁰ Males have therefore been referred to as a hidden group.⁸¹

46. Disclosing and reporting sexual exploitation appears to be a particularly significant barrier in the identification of male victims. One of the major reasons why boys do not report sexual abuse or exploitation, at least when the perpetrator is another male, is the fear of stigma related to homosexuality.⁸² Similarly, having been sexually exploited by another male person may raise concerns and confusion around one's own sexuality,⁸³ which may be extremely delicate and difficult to discuss openly. Furthermore, research has shown that some male victims of sexual exploitation and abuse also dread the commonly held belief that male victims of

⁷³ Submission from students of Leiden University.

⁷⁴ Judy Cashmore and Rita Shackel, "Gender differences in the context and consequences of child sexual abuse", *Current Issues in Criminal Justice*, vol. 26, No. 1 (2014), p. 76.

⁷⁵ Sandra Gray and Susan Rarick, "Exploring gender and racial/ethnic differences in the effects of child sexual abuse", *Journal of Child Sexual Abuse*, vol. 27, No. 5 (2018), p. 571.

⁷⁶ Cashmore and Shackel, "Gender differences", p. 75.

⁷⁷ S. Hallett and others, "'Keeping safe?' An analysis of the outcomes of work with sexually exploited young people in Wales", (Cardiff University, 2019), p. 11.

⁷⁸ Gray and Rarick, "Exploring gender", p. 581.

⁷⁹ Katherine A. Rimes and others, "Nonbinary and binary transgender youth: comparison of mental health, self-harm, suicidality, substance use and victimization experiences", *International Journal of Transgenderism*, vol. 20, No. 2–3 (2019).

⁸⁰ Gray and Rarick, "Exploring gender", p. 571.

⁸¹ Hill and Diaz, "An exploration of how gender stereotypes influence how practitioners identify and respond to victims", p. 3.

⁸² Gray and Rarick, "Exploring gender", p. 582, Cashmore and Shackel, "Gender differences", p. 77, and Romona Alaggia, "Disclosing the trauma of child sexual abuse: a gender analysis", *Journal of Loss and Trauma*, vol. 10, No. 5 (2005), p. 457.

⁸³ Cashmore and Shackel, "Gender differences", p. 77.

sexual violence go on to perpetrate sexual violence themselves.⁸⁴ These kinds of stereotypes, which are typically gendered and reinforce the dichotomy between what it means to be a male and what it means to be a victim,⁸⁵ can cause much harm to male victims.

47. When the perpetrator is a female, disclosure might be hampered by the stigma and negative impact around male sexuality and masculinity.⁸⁶ It has been argued that boys who are victims of sexual exploitation committed by women feel more ashamed to tell because they may be seen as weak or as not being in control.⁸⁷

48. An additional element to consider with regard to boys finding it difficult to report sexual exploitation is the fact that they are, according to some research, less likely to be believed than girls.⁸⁸ In particular where gender stereotypes and victim-blaming are pervasive, reports of sexual exploitation of boys tend to be ignored.⁸⁹ Moreover, sexual offences committed against girls are more likely to incur legal action than when the same crimes are committed against boys. While this may mean that sexual offences committed against girls are seen as more serious⁹⁰ it may also be a result of the lack of disclosure and underreporting by male victims.

49. With regard to girl victims, studies show how other factors may make it harder for girls to disclose sexual exploitation and abuse, including feelings of guilt and shame, but also feeling responsible for what might happen to the family if the abuse is revealed.⁹¹

50. Gender aspects are also important when considering how children are affected by sexual exploitation, including how they experience, respond to and recover from such exploitation. Indeed, coping mechanisms appear to differ according to gender, showing that gender differences may play a role in how a child victim of sexual exploitation handles the situation and what type of support or help may be needed. For instance, with regard to child sexual abuse, research has shown that girl victims are more likely to be depressed and have suicidal ideations, while boy victims are more likely to resort to substance use.⁹² This might be one explanation as to why boys are more likely to be seen by practitioners as expressing harmful behaviour⁹³ or to be seen as victims of criminal exploitation⁹⁴ than girls, who are more likely to be seen as victims of sexual exploitation.

51. The difference in how victims of sexual exploitation are seen does not necessarily depend only on gender stereotypes or bias among professionals, but can also be a matter of how victims see themselves or what has happened to them. It has been suggested that, when approached by professionals regarding concerns about

⁸⁴ Cashmore and Shackel, "Gender differences", p. 81, Alaggia, "Disclosing the trauma", pp. 461 and 462.

⁸⁵ Sivagurunathan and others, "Barriers and facilitators affecting self-disclosure", p. 9.

⁸⁶ Gray and Rarick, "Exploring gender", p. 582.

⁸⁷ Ibid.

⁸⁸ Ella Cockbain, Matthew Ashby and Helen Brayley, "Immaterial boys? A large-scale exploration of gender-based differences in child sexual exploitation service users", *Sexual Abuse* (December 2015).

⁸⁹ ECPAT International submission.

⁹⁰ Olivia Banton and Keon West, "Gendered perceptions of sexual abuse: investigating the effect of offender, victim and observer gender on the perceived seriousness of child sexual abuse", *Journal of Child Sexual Abuse*, vol. 29, No. 3 (2020), p. 250.

⁹¹ Alaggia, "Disclosing the trauma", p. 463.

⁹² Gray and Rarick, "Exploring gender", p. 579.

⁹³ Hallett and others, "The same but different?", p. 452.

⁹⁴ Hill and Diaz, "An exploration of how gender stereotypes influence how practitioners identify and respond to victims", p. 6.

sexual exploitation, suspected male victims tend to deny,⁹⁵ dismiss or minimize the concerns more than female victims,⁹⁶ or deny that they have been damaged by their abuse.⁹⁷ The timing of disclosure or identification of child sexual exploitation may also influence how victims feel about the events. Feelings of distress may be felt at the time of the incident or much later in life, and it has been suggested that male victims tend to report much later in life, if they do at all. Victims' perceptions of abusive experiences may also be affected by the gender role attitudes and stereotypes that they themselves hold.⁹⁸ This shows how crucial it is that professionals are properly trained to identify and detect relevant information, even when it is indirect, and know how to create a safe space and build the trust that is necessary for victims to speak openly about what has happened.

52. For children who do not identify with the gender identity “boy” or “girl” or with the sex attributed to them at birth, the difficulties described above are equally important to consider, and there is reason to believe that the factors hampering disclosure of sexual exploitation may be even greater for these children. The child's confusion around gender identity or sexual orientation, fear of being labelled the “wrong” gender, or feelings of exclusion, shame and guilt surrounding the fact of not fitting into the “norm” of society, can be disempowering and potentially increase the vulnerability of the child and make it even more difficult for the child to speak up about exploitation and abuse. In that sense, it must be acknowledged that there is a separate victimology and set of risks for children of other gender or sex identities and orientations who are perceived as non-conforming to the gender binary norm.

53. Children of other gender or sex identities and orientations are often being overlooked in the already underreported prevalence of sexual exploitation. Children who identify as transgender are vulnerable to sexual exploitation⁹⁹ not only as children but also owing to the risk of social and family rejection and homelessness.¹⁰⁰ Nevertheless, how their vulnerability may differ from that of other children has not necessarily received sufficient attention. The proportion of sexually exploited children of other gender or sex identities and orientations is most likely higher than statistics indicate.¹⁰¹

54. Another issue with regard to boys and children who identify outside the gender binary is that they risk not being perceived or treated as victims of child sexual exploitation, but rather as criminals. Research in Thailand, for instance, has shown that if a child was gay or transgender, frontline workers tended not to assess them as victims.¹⁰²

2. The gender dimension with regard to perpetrators of child sexual exploitation

55. As shown above, the relevance of gender when addressing victimology of child sexual exploitation cannot be overemphasized. That said, the demand side of these

⁹⁵ Sivagurunathan and others, “Barriers and facilitators affecting self-disclosure”, p. 4.

⁹⁶ Hill and Diaz, “An exploration of how gender stereotypes influence how practitioners identify and respond to victims”, p. 3.

⁹⁷ Cashmore and Shackel, “Gender differences”, p. 77.

⁹⁸ Jo Ann Unger, G. Ron Norton and Rayleen V. De Luca, “The relationship between a history of childhood sexual abuse and gender role attitudes”, *Journal of Child Sexual Abuse*, vol. 18, No. 6 (November–December 2009), p. 643.

⁹⁹ A/70/222, para. 28.

¹⁰⁰ Soon Kyu Choi and others, “Serving our youth 2015: the needs and experiences of lesbian, gay, bisexual, transgender, and questioning youth experiencing homelessness”, The Williams Institute with True Colors Fund (June 2015).

¹⁰¹ Saewyc, “Protection from sexual exploitation”, p. 457.

¹⁰² ECPAT International, *The Global Initiative to Explore the Sexual Exploitation of Boys: Thailand Report* (Bangkok, 2021).

crimes, and the sexual offenders who commit them, also have a gender dimension that needs consideration to better comprehend the demand, but also to better understand how the perpetrators' gender may differently affect victims of sexual exploitation. The present section mainly addresses adult offenders of child sexual exploitation.

56. While male perpetrators are predominant in sexual offences against children, females also commit sexual offences and boys are more likely than girls to be the victims of a female offender.¹⁰³ Yet sexual offences committed against children by female perpetrators tend to be seen as less damaging than crimes committed by men.¹⁰⁴ Recent research has shown that the rates of female perpetrators of child sexual abuse are higher than previously known.¹⁰⁵ This might also be the case for child sexual exploitation.

57. As previously noted by the Special Rapporteur, the common understanding of the demand is often limited to those who directly exploit and abuse children, with little consideration for those who aid and abet in the commission of such crimes or contribute to the enabling environment.¹⁰⁶ Those who directly exploit children are sometimes referred to as “primary offenders” and are those who, for instance, purchase commercial sexual acts with children or child sexual abuse material. They are driving the demand and they are mainly committing their crimes for sexual gratification. While there is anecdotal evidence of female primary offenders, the great majority are men. At an intermediary level, those who act as facilitators (or “secondary offenders”) between primary offenders and child victims can be found, and they may be individuals or criminal groups. Though most are men, there is a significant presence of female offenders in this category of offenders, including a substantial number of cases of parents and/or family members pushing their children into sexual exploitation in order to provide the family with supplementary income.¹⁰⁷

58. With the rise of online-facilitated forms of child sexual exploitation such as live streaming of sexual abuse, females are increasingly involved in crimes as facilitators or intermediaries, making children available for primary offenders who order and pay for online sexual acts. Those females, who are naturally also complicit in the offence and who sometimes orchestrate the scene, force children to perform sexual acts or even perform the sexual abuse on the children, according to what the primary offender is requesting, represent a significant group of offenders which was previously rather unknown.¹⁰⁸

59. In the above-mentioned scenarios, the secondary offenders may be from a wide range of professions, such as taxi drivers, hotel staff, entertainment staff, massage parlour staff, tour guides and tour operators. However, they may also be persons close to the victims, such as their parents, siblings or close relations. This may make the experience even more traumatic for the child victims and make recovery more difficult as it often implies removing the child from the family setting. The dynamics of this form of child sexual exploitation are also extremely complex, since contributing factors such as economic inequalities and poverty, as well as power differences, tend to play an important role. While research has estimated that more than 80 per cent of all child sexual abuse is carried out by someone who knows and is close to the child, this has not necessarily been proven for child sexual exploitation. With the increase in online forms of exploitation, more research is needed on the

¹⁰³ Cashmore and Shackel, “Gender differences”, p. 77.

¹⁰⁴ Ibid., p. 79.

¹⁰⁵ Banton and West, “Gendered perceptions of sexual abuse”, p. 248.

¹⁰⁶ A/HRC/31/58, para. 24.

¹⁰⁷ Ibid., para. 35.

¹⁰⁸ See, for instance, Kim R. Sylwander, Ann-Kristin Vervik and Susanna Greijer, *Online Child Sexual Exploitation and Abuse: A Review of Norwegian Case Law* (Oslo, ECPAT Norway, 2021).

interplay between primary and secondary offenders and the relationship between secondary offenders and child victims. The more closely the victims are related to the perpetrator, the less likely they are to disclose the exploitation and abuse.¹⁰⁹

60. Research has also shown that certain characteristics of the perpetrator influence if and how children disclose sexual exploitation and abuse. Among these are gender and, as mentioned above, when the victim is male and the perpetrator female, for instance, it may be especially hard for the victims to tell, out of fear of not being believed or taken seriously.¹¹⁰ In this regard, the Special Rapporteur also notes the absence of research on perpetrators who identify outside the gender binary, and if and how their offending may differently affect children or place them at risk. More research is required to understand offending by non-binary sex offenders.¹¹¹

61. Lastly, the demand for child sexual exploitation is rooted in gender discrimination and culturally imposed gender stereotypes. The commodification of the female body, including the sexualization of very young girls, reinforces the notion of its consumption. Gender discrimination is further compounded by the inherent power imbalance between children and adults. Children are often not considered as rights holders and can even be viewed as property. This objectification of the child helps to comfort offenders in their actions.¹¹²

3. The gender dimension with regard to child protection systems

62. Another crucial angle that needs to be addressed is that of the child protection system and how gender may influence how professionals and service providers working with and for children respond to situations of sexual exploitation. Research in this area appears to have focused primarily on sexual abuse and on how gender may influence the risk or consequences of sexual abuse. Hence, a considerable knowledge gap still exists with regard to gender as a factor in the actual process of exploitation, as well as the official responses provided to victims.¹¹³

63. It is noteworthy that even when laws and policies are gender neutral, often their interpretation is not.¹¹⁴ One of the main challenges is therefore to raise awareness among the general public and, in particular, among practitioners and make sure they have the necessary knowledge and skills related to gender-sensitive services.

64. Gender may influence if and how a case is identified as sexual exploitation in the first place. Research has shown that male victims of child sexual exploitation are commonly overlooked by practitioners,¹¹⁵ and they may be slower or less likely to identify male victims or to provide boys with support services.¹¹⁶ Practitioners have reported finding it harder to identify child sexual exploitation in males than in females¹¹⁷ and boys are more often than girls referred initially to services for other reasons than sexual exploitation.¹¹⁸ Moreover, child victims of sexual exploitation

¹⁰⁹ Alaggia, “Disclosing the trauma”, p. 456.

¹¹⁰ Sivagurunathan and others, “Barriers and facilitators affecting self-disclosure”, p. 6.

¹¹¹ Kirpal Kaur Sahota, “Transgender sex offenders: gender dysphoria and sexual offending”, *Journal of Criminological Research, Policy and Practice*, vol. 6, No. 3 (2020), pp. 255–267.

¹¹² A/HRC/31/58, paras. 43 and 44.

¹¹³ Cockbain, Ashby and Brayley, “Immaterial boys?”.

¹¹⁴ Elliott, Kivlahan and Rahhal, “Bridging the gap”.

¹¹⁵ Hill and Diaz, “An exploration of how gender stereotypes influence how practitioners identify and respond to victims”, p. 2.

¹¹⁶ *Ibid.*, p. 5.

¹¹⁷ *Ibid.*, p. 3.

¹¹⁸ Cockbain, Ashby and Brayley, “Immaterial boys?”.

and abuse are often perceived as “problem children” or children (especially boys) with “problem behaviours”,¹¹⁹ and they tend to be seen as less vulnerable than girls.¹²⁰

65. These findings demonstrate how gender stereotypes among professionals working with children, but also among parents and the broader public, may hamper disclosure of child sexual exploitation, as well as how an individual’s own (often unconscious) gender bias and attitudes can contribute to situations in which some children go unseen. Disclosure of child sexual exploitation and abuse is not necessarily a single event, but one that happens tentatively and gradually, with victims telling small parts at a time, often testing if they are believed.¹²¹ If a victim feels disbelieved or blamed for what has happened, the child is more likely to remain silent, perhaps acting the trauma out in other ways, hence increasing the risk of being labelled “problematic”. Practitioners therefore need to be aware that their own gender attitudes can affect victim disclosure.¹²²

66. Service providers also play a huge role once sexual exploitation and abuse have been disclosed, and the gender dimension continues to be of the utmost relevance in that phase as well. Once a victim is identified, the process of seeking and getting assistance requires further considerations related to gender. This includes medical care and psychosocial support services, but also the judicial process that might ensue. For instance, the gender of the professional who is meeting with the victim may be an issue in need of consideration,¹²³ and the needs may change depending on the gender of both the victim and the perpetrator. In places where speaking about sex is taboo, expecting a girl victim to discuss in detail the sexual exploitation she was subjected to by a man with male police officers, lawyers, prosecutors and judges may contribute to retraumatizing the child.

67. By knowing about the gender dynamics involved in the sexual exploitation of children, service providers may facilitate the disclosure process,¹²⁴ as well as the ensuing processes of providing services and seeking justice. Receiving positive reactions from others, such as being believed or receiving compassion, empathy and emotional support, has been shown to make a difference in disclosures by male victims of sexual exploitation,¹²⁵ and there is no reason to doubt that the same is true for girls and children who identify outside the gender binary.

68. While emphasis is often placed on female child victims, there is a growing need for assistance and protection of boys and children who identify outside the gender binary, and therefore a need to ensure the availability of specialized care, recovery and reintegration programmes also for those children.¹²⁶ Such programmes must address multiple aspects to ensure that children receive holistic and multidisciplinary support that leads to durable solutions.¹²⁷

69. States bear the primary responsibility in the design and implementation of programmes, policies and services to ensure the rights of all children, including their timely identification as victims. However, in many settings, non-governmental organizations provide these services, often with the support of United Nations actors

¹¹⁹ Gray and Rarick, “Exploring gender”, p. 585.

¹²⁰ Cockbain, Ashby and Brayley, “Immaterial boys?”.

¹²¹ Alaggia, “Disclosing the trauma”, p. 455, and Cashmore and Shackel, “Gender differences”, p. 80.

¹²² Alaggia, “Disclosing the trauma”, p. 466; and Cashmore and Shackel, “Gender differences”, p. 80.

¹²³ Ibid.

¹²⁴ Sivagurunathan and others, “Barriers and facilitators affecting self-disclosure”, p. 2.

¹²⁵ Ibid., p. 5.

¹²⁶ [A/70/222](#), para. 68.

¹²⁷ [A/70/222](#), para. 69.

and other development partners, complementing government service provision or, where this does not exist, filling the vacuum.¹²⁸

70. Training of professionals working for and with children is an essential part of reducing gender-based discrimination. Training is needed that encompasses skills and knowledge about gender and that addresses unconscious biases against boys and children who identify outside the gender binary. Such training should be available to all child service providers, not just specialist services. Once practitioners have had the chance to recognize and acknowledge gender biases, they can also develop strategies to reduce them.

IV. Conclusion and recommendations

A. Conclusion

71. **In the present thematic report on the gender dimension of child sexual exploitation, the Special Rapporteur has attempted to show the importance of striking a balance between the fact that boys are often overlooked and the fact that girls are still much more at risk, while also opening up space for more attention towards children and young people who identify outside the gender binary and how they may be at risk or vulnerable owing to their gender identity not fitting into the classical “gender binary”.**

72. **The report underscores that any child, regardless of gender identity or sexual orientation, can become a victim of sexual exploitation. However, children of other gender or sex identities and orientations are often overlooked in the already underreported prevalence of child sexual exploitation. By focusing almost exclusively on girls as victims of sexual exploitation, support mechanisms and other services have been tailored mainly for girls, resulting in the invisibility of boys and children and young people who identify outside the gender binary as victims. At the same time, professional services such as legal professions remain male dominated in many parts of the world, leading to difficulties when, for instance, girl victims have to describe to male adults what they have been through.**

73. **Ultimately, there is a need for a human rights-based approach towards all children across the gender spectrum. This implies a system based upon an organizational culture that supports all children and young people to understand their rights and to know what child safety and well-being means. For this, child-centred policies are needed, in which children and young people are informed of their rights, participate in decisions affecting them and are taken seriously, independent of their gender identity.**

74. **While a gender-neutral legal and policy framework may represent a step in the right direction, and should be a minimum for all States, further steps can be taken towards a more explicit gender-inclusive child protection system, in which it is made clear that girls, boys and children who identify outside the gender binary have equal rights and that their right to protection from sexual exploitation, as well as their right to professional services, also includes being met and cared for in a gender-sensitive manner, which includes an understanding of non-binary gender identities.**

75. **Children are human beings with human rights, with their own unique developing personalities and characteristics, who by virtue of their young age**

¹²⁸ [A/70/222](#), para. 39.

and developing physical and mental characteristics, require a multidimensional approach. They are entitled to specific rights to realize their full potential, and to be empowered as rights holders with agency.

76. Gender can play a role before (risk of exploitation), during (forms and contexts of exploitation) and after (responses to) exploitation. To fully comprehend the different aspects that shape and determine situations of child sexual exploitation, gender considerations are relevant with regard to the victims of sexual exploitation, but also with regard to the perpetrators and professional service providers. Indeed, as this report has shown, gender can influence a child's risk of being sexually exploited and abused, as well as by whom the abuse will be committed, or the type and circumstances of the abuse. But gender can also influence a child's decision to disclose sexual exploitation, including how and to whom, and determine the likelihood of being believed and receiving support.¹²⁹ By understanding how gender identity may change the experience, coping mechanisms and support needs of children who are sexually exploited, support services and professionals working with and for children can provide better protection and support for girls, boys and children who identify outside the gender binary.

B. Recommendations

77. The Special Rapporteur calls on States to accelerate efforts towards achieving gender-inclusive child protection systems which protect and empower children with their own unique developing personalities and characteristics as rights holders with agency.

78. The Special Rapporteur invites all States to undertake the recommendations set out below.

Raise awareness

79. In order to eradicate the sexual exploitation of children in all its forms, there is a need to promote gender awareness and knowledge across society and among all ages, including through sexual education, and to make sure that the importance of a gender-sensitive approach as a prevention measure against child sexual exploitation is understood and recognized across all layers of society.

Provide specialized training

80. It is imperative that professionals are adequately trained to recognize and avoid gender stereotypes (including unconscious bias) and that their capacity is built and strengthened to develop gender-inclusive and gender-sensitive strategies for the detection, identification, reporting, treatment and support to victims of child sexual exploitation.

Strengthen legal and policy frameworks

81. There is a need to make sure that legal and policy frameworks relating to children's rights and child protection are, at the very least, gender neutral. While gender-neutral legal and policy frameworks are certainly better than explicitly gender-biased ones, gender-neutrality may not adequately uphold the rights of all children to protection from sexual exploitation. States are encouraged to consider integrating into law and practice a gender-inclusive framework for positive action to ensure that children who identify outside the gender binary do

¹²⁹ Cashmore and Shackel, "Gender differences", p. 84.

not suffer from gender-based discrimination. This includes reviewing laws which define typically gendered crimes, such as rape, being only against girls and women.

Promote an inclusive understanding of gender

82. There is a need to integrate into policy and practice the knowledge that “gender” is not equal to “female” only but has a broader meaning and that, for the purpose of protecting children from sexual exploitation, gender and gender identity must be understood in a broader and more inclusive manner, one which adequately takes into account the vulnerability of boys and children who identify outside the gender binary and the existing barriers preventing them from disclosing sexual exploitation.

Address gender and underlying factors

83. There is a need to consider how underlying factors that contribute to child sexual exploitation are also affected by deeply rooted gender stereotypes and bias. In that sense, it is important to address gender stereotypes both as an underlying cause of sexual exploitation per se, and as a contributing factor that, together with other intersecting forms of discrimination, increases the vulnerability of children to sexual exploitation.

Conduct research

84. Conducting research on the effects of sexual exploitation, including when it is facilitated by information and communication technology, on girls, boys and children who identify outside the gender binary, will help to inform specialized care, recovery and reintegration programmes with a gender perspective

85. Establishing reliable and integrated data collection and analysis disaggregated (both for victims and for offenders) by age, sex and gender, will promote effective and specialized child protection mechanisms.

Coordinate and cooperate among stakeholders

86. Coordination and cooperation among relevant stakeholders at the national, regional and international levels to support concrete actions to prevent and halt the sexual exploitation of children is important so as to address and tackle gender-driven demand, ensure rapid identification of victims and coordinated referral mechanisms, and provide child-friendly and gender-sensitive reporting and complaint mechanisms to report exploitative behaviour online and offline.