



Child sexual exploitation

This term appears to have a generally agreed meaning and/or can be used without stigmatising and/or otherwise harming the child.

Definitions in legally binding instruments

- i. 1989: As mentioned in Section C on “child sexual abuse”, the CRC refers to “*all forms of sexual exploitation and sexual abuse*” in its Article 34, and explicitly to “*(b) The exploitative use of children in prostitution or other unlawful sexual practices; (c) The exploitative use of children in pornographic performances and materials.*”
- ii. 1999: The ACRWC refers to all forms of sexual exploitation and sexual abuse, and explicitly mentions in Article 27 “(a) the inducement, coercion or encouragement of a child to engage in any sexual activity; (b) the use of children in prostitution or other sexual practices; (c) the use of children in pornographic activities, performances and materials”.
- iii. 2000: The OPSC refers to sexual exploitation in its Article 3, whereby it is required of State Parties to criminalise the sexual exploitation of the child in the context of what the OPSC defines as sale of children (Article 3.1(a)(i)a).
- iv. 2007: The Lanzarote Convention, as mentioned above, refers to the behaviour constituting the offences of child sexual exploitation and child sexual abuse as described in Articles 18–23. The Preamble refers to exploitation as “*the sexual exploitation of children, in particular child pornography and prostitution*”.
- v. 2011: EU Directive 2011/93 defines offences concerning sexual exploitation in its Article 4, and includes in that definition acts such as making a child participate in pornographic performances, knowingly attending pornographic performances that include children, making a child participate in child prostitution, and engaging in sexual activities with a child where recourse is made to prostitution.

Non-binding instruments

The term “child sexual exploitation” is often used in resolutions of the UNGA and of the HRC on the rights of the child (known as Omnibus Resolutions) and other non-binding international or regional documents (e.g. of the Council of Europe).¹¹⁰

Terminology considerations

A child is a victim of sexual exploitation when she/he takes part in a sexual activity in exchange for something (e.g. gain or benefit, or even the promise of such)¹¹¹ from a third party, the perpetrator, or by the child her/himself.

A child may be coerced into a situation of sexual exploitation through physical force or threats. However, she/he may also 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.¹¹² While any child may be sexually exploited, children may also find themselves in a situation that makes them particularly vulnerable to such exploitation (e.g. poverty, abuse/neglect, unaccompanied/homeless). Furthermore, the age of a child may increase her/his vulnerability to sexual exploitation, with older children

often mistakenly assumed to be either consenting to their own abuse or not in need of protection.

“Exploitation” in this context is thus a key term, the meaning of which marks its difference from sexual violence and sexual abuse of children. The main distinction lies in the notion of exchange involved in exploitation, which is lacking from the concepts of abuse and/or violence.

According to major dictionaries, “exploitation” is the use of something or someone else (unfairly) for one’s own advantage,¹¹³ the action of taking advantage of a person or situation, especially unethically or unjustly for one’s own ends,¹¹⁴ or treating others unfairly in order to gain an advantage or benefit.¹¹⁵ This idea of extracting or incurring a benefit, advantage, or gain from the sexual act involved in exploitation does not necessarily, as the meaning of the word clearly shows, have anything to do with a monetary gain, but can be any type of benefit.

It is noteworthy that the notion of exchange is often involved in the context of child sexual abuse material, such material often being exchanged for other child sexual abuse material or for monetary gain, and thus also amounts to child sexual exploitation. At the same time, the abuse depicted in the material may not originally have been committed for monetary gain. In this sense, the acts committed against the child, as well as the image of the child, can be both abusive and exploitative simultaneously.

In more general terms, the UN has defined “sexual exploitation” (not necessarily related to children) as follows: *“any actual or attempted abuse of a position of vulnerability, differential power, or trust, for sexual purposes, including, but not limited to, profiting monetarily, socially or politically from the sexual exploitation of another”*.¹¹⁶ Other existing definitions include describing child sexual exploitation as a type of child abuse that happens when a child is performing, and/or another or others are performing on them, sexual activities in exchange for something (e.g. food, accommodation, drugs, alcohol, cigarettes, affection, gifts, money).¹¹⁷

It should be noted that children can be the perpetrators, as well as the victims, of child sexual exploitation. The prior is described as “peer-on-peer” sexual exploitation.¹¹⁸

Conclusion: What distinguishes the concept of child sexual exploitation from other forms of child sexual abuse is the underlying notion of exchange present in exploitation. While these two phenomena must be distinguished, it is also important to acknowledge that there is considerable overlap between them, and that, semantically, the distinction will probably never be completely clear. For example, many cases of child sexual abuse also involve some kind of benefit to the child or exchange—often to win trust or ensure silence (especially non-tangible benefits like small gifts, attention, and affection). Similarly, the idea of exploitation is arguably applicable to all victims of abuse in the sense of exploiting the vulnerability of a child.

¹¹⁰ To mention a few, see UNGA Resolution 51/77 of 20 February 1997; UNGA Resolution 57/306 of 22 May 2003; UNGA Resolution 69/484 of 5 December 2014; Council of Europe Parliamentary Assembly, Resolution on the Sexual Exploitation of Children: Zero Tolerance, 5 September 2002; Council of Europe, Committee of Ministers Recommendation No. R(91)11 concerning sexual exploitation, pornography, and prostitution of, and trafficking in, children and young adults; Council of Europe, Committee of Ministers Recommendation Rec(2001)16 concerning the protection of children against sexual exploitation.

¹¹¹ In legal language, this notion of exchange is well covered by the term “consideration”, which refers to “anything given or promised or forborne by one party in exchange for the promise or undertaking of another” (J.M. Feinman (Ed.), “One Thousand and One Legal Words You Need To Know”, Oxford University Press, 2003). Nevertheless, in non-legal contexts, the term “consideration” is mainly used in a different sense (careful thought or sympathetic regard), which may cause confusion. The more general notion of “exchange” is therefore preferred in the present Guidelines.

¹¹² See, for instance, <http://www.nspcc.org.uk/preventing-abuse/child-abuse-and-neglect/child-sexual-exploitation/what-is-child-sexual-exploitation/> or http://www.barnardos.org.uk/what_we_do/our_work/sexual_exploitation/about-cse.htm

¹¹³ Cambridge English Dictionary.

¹¹⁴ Collins English Dictionary.

¹¹⁵ Oxford Advanced Learner’s Dictionary.

¹¹⁶ UN Secretariat, “Secretary-General’s Bulletin on Special Measures for Protection for Sexual Exploitation and Abuse”.

¹¹⁷ This definition of child sexual exploitation was created by the UK National Working Group for Sexually Exploited Children and Young People and is used in statutory guidance for England <http://www.nspcc.org.uk/preventing-abuse/child-abuse-and-neglect/child-sexual-exploitation/what-is-child-sexual-exploitation/>. In England, “child sexual exploitation” would also refer, for instance, to the situation of a child “receiving” attention and affection from an adult who sexualises the relationship over time and then routinely sexually abuses the child. See Department for Children, Schools and Families, “Safeguarding Children and Young People from Sexual Exploitation”.

¹¹⁸ See https://www.beds.ac.uk/_data/assets/pdf_file/0006/461463/RBF-3-CurtisLS.pdf