

**Inter-American Programme for the Prevention and Eradication of
Sexual Exploitation, Smuggling of and Trafficking in Children**

Risks of sexual exploitation in the migration of unaccompanied children and adolescents

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In recent years, there has been an increase in human mobility, due to a variety of factors: family, economic, political, social, cultural, and others. An increase in irregular migration has also been observed, as a result of the tightening of migration policies pursued by some States, which are increasingly restrictive and less protective of human rights.

Children and adolescents in the context of human mobility are doubly vulnerable, owing to both their age and their status as migrants. This vulnerability can increase depending on the circumstances in which the migration occurs: whether it is regular or irregular, whether they are accompanied, unaccompanied or separated. Irregularity and being unaccompanied increase the risk of children and adolescents being victims of various threats and violations of their human rights.

Issues Note No. 1/21 of the *Inter-American Programme for the Prevention and Eradication of Sexual Exploitation, Smuggling of and Trafficking in Children* seeks to reflect on the possible interactions between the migration of unaccompanied children and adolescents and sexual exploitation.

Basic concepts

The International Organization for Migration (IOM) defines “migration” as “*The movement of persons away from their place of usual residence, either across an international border or within a State*” (IOM, n.d.).

“*Regular migration*” is understood as “*Migration that occurs in compliance with the laws of the country of origin, transit and destination*”; while “*irregular migration*” is the “*Movement of persons that takes place outside the laws, regulations, or international*

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agreements governing the entry into or exit from the State of origin, transit or destination” (IOM, n.d.).

The Committee on the Rights of the Child, in its General Comment No. 6 on the treatment of children who are unaccompanied and separated from their families outside their country of origin, defines *“unaccompanied children”* as those who *“have been separated from both parents and other relatives and are not being cared for by an adult who, by law or custom, is responsible for doing so”* (CRC/GC/2005/6, para. 7. In IIN, 2019, p. 71).

For its part, the sexual exploitation of children and adolescents (SEC) is defined as *“[...] sexual abuse by the adult and remuneration in cash or kind to the child or a third person or persons [or only to the child or adolescent]. The child is treated as a sexual object and as a commercial object.”* (Declaration arising from the meeting held in Stockholm on the occasion of the World Congress against Commercial Sexual Exploitation of Children, 24 August 1996).²

Different forms of SEC have been identified: sexual relations in exchange for remuneration; use in/for pornography; trafficking (national or international) for sexual exploitation; forced marriages or relationships. At the same time, this phenomenon can occur in different areas or settings, each of which involves particular actors, mechanisms and circuits of operation. **Migration** and forced displacement are, in fact, two of these settings.

In the link between the two phenomena, trafficking for the purpose of sexual exploitation deserves to be highlighted, insofar as it implies, in itself, mobility, both domestic and cross-border. Trafficking in persons is the process involving *“the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of*

² It should be noted that the Stockholm Declaration provides a definition of “commercial sexual exploitation”; it therefore speaks of remuneration to the child and third parties. However, there are sexual exploitation situations in which compensation is paid only to the child or adolescent victim and not to third parties. The existence or not of a third person, or persons who make a profit is what makes the exploitation commercial or non-commercial, respectively.

organs” (Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, 2003, art 3 a). In the case of children and adolescents, the recruitment, transportation, transfer, harbouring or receipt of a child shall be considered trafficking even if this does not involve any of the means set forth above (threats, use of force, deception, etc.).

Links between migration and the sexual exploitation of children

Common Factors

There is a set of factors that act as a cause or origin of human mobility, both regular and irregular, and, in turn, as contextual elements that increase the vulnerability of people, and of children and adolescents in particular, to various forms of sexual exploitation. Some of these factors are:

- **Poverty and unemployment – Globalization of the economy – Structural inequality.** Economic crises generated as a result of structural adjustment policies and/or mismanagement, conflict, environmental disasters function as an expelling factor for migration, in view of the need to seek better living conditions elsewhere, and also as a recruitment factor for SEC, due to children’s need to obtain income and improve their quality of life, and promises that this will occur.
- **Tourism as a development strategy.** Among countries’ economic development strategies, tourism is a key sector. Tourism generates an increase in human mobility, domestic and international, both by those who travel for tourism purposes, and by those who travel to work in the sector. In turn, there is a connection between the flow of people who move from one place to another in search of sex and the recruitment and displacement of children and adolescents to meet this demand, thus constituting an area of vulnerability and recruitment for SEC. Moreover, economic dependence on this activity, both at macro and micro levels, gives rise to a culture of tolerance of this phenomenon.³

³ In relation to this, we should refer to the work of the Regional Action Group of the Americas (GARA for its acronym in Spanish) for the prevention of the sexual exploitation of children in the context of travel and tourism. GARA brings together the National Tourism Administrations of the region and international organizations as observers, working for tourism free of exploitation.

- **Restrictive immigration laws and policies.** As a result of restrictive migration laws and policies, people take greater risks to reach and enter the country of destination, sometimes even using illegal travel and entry documents and modalities. Recruiters or intermediaries use this vulnerability to their advantage, both to obtain economic returns for facilitating travel and entry, and to involve victims in other activities, such as exploitation.
- **Uncontrolled migration routes.** Uncontrolled migration routes facilitate the mobility of people and, in particular, unaccompanied children and adolescents. At the same time, these routes, and the precarious communities established around them as temporary and transit establishments, become a preferred venue for recruiting agents for SEC, as well as for exploitation itself.
- **The effects of the Internet and the media.** The global circulation of information generates expectations about job, economic and social opportunities in other countries, which motivates migration. The Internet also facilitates access to information on migration routes and opportunities, which is accessible to children and adolescents as well as to sexual exploitation networks. In addition, the Internet has become a means both for recruiting victims of sexual exploitation and for committing this criminal offence online.

Settings for SEC in the migration of unaccompanied children and adolescents

The routes, borders, departure from the country of origin, the country/ies of transit, the country of destination and the mechanisms used to reach it, bring into being various scenarios that involve the risk of sexual exploitation for migrant children, in particular for those who are unaccompanied. At this intersection, there is mainly an increase in vulnerabilities and a decrease in the care and protection of children and adolescents, which generates various scenarios of opportunity for sexual exploitation.

Below are some of the possible interactions between the two phenomena, taking as a focal point the stages of the migration process.

Origin

As explained above, there are a number of variables that can be considered both causes

that motivate migration and risk factors for SEC.

In particular, the idealization and promise of a better future at the destination (life project based on migration) play an important role that benefits recruiters for SEC, in its modality of international human trafficking.

On the other hand, being a victim of sexual exploitation in the country of origin can be a reason for migration, as a way out of the circuit of exploitation.

Transit

Both recruitment and sexual exploitation can take place at any point of the journey (routes, borders, countries of transit).

As indicated above, migrants' transit routes are becoming increasingly dangerous owing to the restrictive migration policies of countries of destination and transit. During the period 2005 - 2019, approximately 36.5% of the victims of human trafficking worldwide suffered psychological abuse and about 31.5% were subjected to some type of restriction of their movements (Statista, 2020). As these are unaccompanied children and adolescents, vulnerability increases. Being alone causes them to accept the help of any guides along their way, as a way to survive on their trip and upon arrival at their destination, which leads to links of economic and, in many cases, affective dependence, which then gives rise to manipulation and exploitation. This is compounded by misinformation about assistance and support mechanisms that enable them to safeguard their rights and integrity.

In addition, border controls are not always effective in detecting exploitation situations, particularly in the form of international trafficking for the purpose of sexual exploitation. During the period 2008 - 2018, 78.5% of the victims of human trafficking worldwide crossed international borders at official border crossing points. In the same period, 16% who crossed the border legally were subjected to trafficking for sexual exploitation and 36% to some type of exploitation during the journey (Statista, 2020).

In addition, unaccompanied migrant children and adolescents who are not allowed access to countries of destination may stay and settle around border crossings. This situation increases the likelihood that they will be recruited, transferred, sold and/or exploited. As Belvis (2009, p. 79) indicates:

“It is estimated that there are about five thousand Central American children who

remain in the border area of the state of Chiapas (...) These children are easy prey for extortion, exploitation and abuse, including sexual abuse. The majority (both sexes) must resort to the sex trade to survive (...) and the consumption of drugs and alcohol, and petty criminal activities. Except for occasional raids, they are not much affected by deportation, insofar as they become integrated into the environment and, in practice, invisible and invisibilized. They have no interest in returning to their country of origin or joining public or private shelters. And if they do want to return, seeking protection or affection in families, they do not always have the family support to do so, because these children are a source of small remittances and income necessary for the sustenance of parents and siblings residing in places of origin.”

Finally, to the vulnerability of potential victims, we must add the strengths of the exploiters and networks that, in most cases, have material and human resources that facilitate the task of recruitment and exploitation along the migratory route.

Destination

In an unfamiliar environment, in which they lack protection networks, unaccompanied children and adolescents are more highly vulnerable to being recruited, transferred and exploited at their destination.

In cases of international trafficking for the purpose of sexual exploitation, the country of destination is the place where the actual exploitation takes place. Victims are kept there, deceived or against their will, through violence, drugs and/or threats to them and their families (in the country of destination or origin).

In cases of migrant smuggling, sexual exploitation can start in the country of destination as a means of paying off debts (thus also becoming a case of trafficking).

Thus, at this stage of the migration process, exploitation can continue from previous phases; begin as payment of debts derived from the previous phases; or begin as a new phenomenon due to high vulnerability.

Conclusion

Like other scenarios, migration as a scenario for SEC implies the existence of stakeholders, mechanisms and specific circuits of operation that it is necessary to be aware of in order to address the issue appropriately.

In this case, in which two phenomena intersect – sexual exploitation and human mobility – against a background of common vulnerability, the comprehensiveness of public policies acquires particular significance.

Migration policies that safeguard the rights of migrant children and adolescents, and in particular those who are unaccompanied, in the countries of origin, routes, borders and countries of destination, are fundamental as a mechanism for prevention and action against SEC.

In this respect, it is worth recalling the obligations of the States in this regard:

“[...] prevention and reduction – to the maximum extent possible – of migration-related risks faced by children, which may jeopardize a child’s right to life, survival and development. States, especially those of transit and destination, should devote special attention to the protection of undocumented children, whether unaccompanied and separated or with families, and to the protection of asylum-seeking children, stateless children and child victims of transnational organized crime, including trafficking, sale of children, commercial sexual exploitation of children and child marriage. States should also consider the specific vulnerable circumstances that could face migrant children on the basis of their gender and other factors, such as poverty, ethnicity, disability, religion, sexual orientation, gender identity or others, that may aggravate the child’s vulnerability to sexual abuse, exploitation, violence, among other human rights abuses, throughout the entire migratory process. Specific policies and measures, including access to child-friendly, gender-sensitive and safe judicial and non-judicial remedies, should be put in place in order to fully protect and assist such children, aiming to facilitate their ability to resume their lives with their rights as children fully respected, protected and fulfilled” (CMW/C/GC/3-CRC/C/GC/22, para. 42, in IIN, 2019, p.345).

Particularly:

“For migrant children for whom there are indications of trafficking, sale or other forms of sexual exploitation or who may be at risk of such acts or of child marriage, States should adopt the following measures:

- Establish early identification measures to detect victims of sale, trafficking and abuse, as well as referral mechanisms, and in this regard carry out mandatory training for social workers, border police, lawyers, medical professionals and all other staff who come into contact with children.
- Where different migration statuses are available, the most protective status (i.e., asylum or residence on humanitarian grounds) should be applied and granting such status should be determined on a case-by-case basis in accordance with the best interests of the child.
- Ensure that the granting of residence status or assistance to migrant child victims of sale, trafficking or other forms of sexual exploitation is not made conditional on the initiation of criminal proceedings or their cooperation with law enforcement authorities.” (CMW/C/GC/4-CRC/C/GC/23, para. 43, in IIN, 2019, p.345).

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