

Commercial Sexual Exploitation of Children (CSEC)

The commercial sexual exploitation of children is child abuse. It takes many forms, including child prostitution, child pornography and trafficking in children.

CSEC Risk Factors

- **Poverty** – Agents thrive in urban slums and poor rural villages where they bribe, coerce and lie to families, promising marriage or employment to obtain children.
- **Gender Discrimination** – Girls are often treated as property and denied a voice and the right to protection.
- **Disasters, War and Instability** – Sexual violence flourishes when systems break down; children are often kidnapped or forced to exchange sex for survival.
- **HIV/AIDS** – Many exploiters believe that sex with a child will prevent contraction of HIV/AIDS and/or heal them from the virus.
- **Weak Laws/Corrupt Law Enforcement** – Inadequate laws and under-valued police contribute to bribery and lack of justice.
- **Globalization** – The greater movement of goods and people means that traffickers are transporting children across borders.
- **Technology** – Without comprehensive regulation, children are bought and sold over the Internet and child pornography is rampant.
- **Family Breakdown** – Family instability can result in an increase in runaways and street children.

International Law

The Optional Protocol to the UN Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography was adopted in May 2000 and came into force in January 2002. This instrument strengthens the Convention by requiring states to criminalize these activities, making prosecution of offenders easier, and instituting measures for the protection of child victims.

Additionally, the UN Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children entered into force in 2003. The Protocol commits ratifying states to prevent and combat trafficking in persons; protect and assist victims of trafficking; and promote cooperation among states in order to meet these objectives.

Members of the international community have also gathered to discuss CSEC at three world congresses. These took place in Stockholm (1996), Yokohama (2001), and Rio de Janeiro (2008). At the first World Congress against Commercial Sexual Exploitation of Children, the Stockholm Declaration and Agenda for Action was adopted. It defines CSEC as, “a form of coercion and violence against children that amounts to forced labour and a contemporary form of slavery.”

Child Pornography in Canada

Child sexual abuse images exploit children in many ways. Children are harmed when they are initially forced or coerced into participating. They are also harmed in the long-term when the images remain online. Also, individuals who possess child pornography often continue to exploit children. For more information see the facts sheets on *Child Sexual Abuse Images — Law* and *Child Sexual Abuse Images — Statistics*.

Child Prostitution in Canada

Statistical data on child prostitution in Canada should be viewed with caution as the underground nature of prostitution in Canada generally makes it very difficult to obtain a true picture of the number of people involved. Studies show that approximately 10–12 percent of those involved in prostitution in Canada are under age 18. Further, 48–86 percent of adult prostitutes became involved in prostitution before age 18. The average age for children to enter prostitution is 15 for females and 12 for males. Prostitution occurs in a variety of locations with only 20 percent of all acts taking place on the street. Child prostitution is more likely to occur underground. First Nations girls are overrepresented in prostitution, accounting for 14–60 percent of all involved youth. Since 1999, some provinces (including Alberta, British Columbia, and Ontario) have used child protection legislation to regulate street prostitution. This is controversial because it can authorize the involuntary detention of minors engaged in prostitution.

Child Trafficking in Canada

Bill C-49 came into force in November 2005, and made trafficking in persons a *Criminal Code* offense (s. 279.01). Under this section it is an offense to recruit, transport, transfer, receive, hold, conceal or harbour a person, or exercise control, direction or influence over the movements of a person for the purpose of exploiting them or facilitating his/her exploitation. Movement of victims is not required.

In 2009, MP Joy Smith introduced Bill C-268, *An Act to Amend the Criminal Code (minimum sentences for offenses involving trafficking of persons under the age of eighteen years)* as a private member's bill. It passed into law in June 2010 and amended

s. 279.01 of the *Criminal Code* to include an offense of child trafficking with a mandatory penalty of 5 years. This was only the fifteenth time in Canadian history that a private member's bill had succeeded in amending the *Criminal Code*.

In October 2011, Smith introduced another private member's bill. Bill C-310, *An Act to Amend the Criminal Code (Trafficking in Persons)*. It would allow Canadian law enforcement to prosecute Canadian citizens or permanent residents who engage in human trafficking while outside of Canada. In support of this Bill, Beyond Borders ECPAT Canada made a presentation in front of the Standing Committee on Justice and Human Rights as well as the Senate Committee on Legal and Constitutional Affairs.

Senior Legal Counsel Mark Hecht successfully argued for the constitutionality of the bill, which later received Royal Assent on June 28, 2012.

During their presentations to the committees, Beyond Borders co-founders Rosalind Prober and Mark Hecht also highlighted the need for convicted extraterritorial child sex offenders to be declared unfit for travel when released from prison, a better framework for the investigation of offences set up amongst Canadian embassies, and the signing and ratifying of the Third Optional Protocol (a communications protocol) on the UN Convention on the Rights of the Child.

For more information see the facts sheets on *Child Trafficking – General*, *Child Trafficking – Law*, and *Child Trafficking – Action*.

Sources

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- Talia Bell, “A Survey and Literature Review that Reveals Best Practices for Working with Sexually Exploited Youth,” School of Criminology and Justice, University of the Fraser Valley.