

High Commissioners' Roundtable Discussion

Child Sexual Exploitation and Abuse (CSEA) in the Commonwealth

Report April 2019



THE ROYAL COMMONWEALTH SOCIETY
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IT'S A PENALTY

HARNESSING THE POWER OF SPORT TO PREVENT ABUSE,
EXPLOITATION AND TRAFFICKING GLOBALLY

About this Report

Building from a mapping report produced by It's a Penalty to determine the extent of extraterritorial legislation against child sexual exploitation and abuse (CSEA) within the Commonwealth, The Royal Commonwealth Society (RCS) and It's a Penalty convened High Commissioners to discuss the issue of transnational child exploitation in the Commonwealth. The discussion was co-chaired by Sarah de Carvalho (It's a Penalty) and Dr Greg Munro (RCS).

Overview of subject

The full Research Mapping report and Executive Summary will be sent out following this event and made available on It's a Penalty's website. The preliminary research, which informed a significant portion of the report, was facilitated with assistance from the Commonwealth Secretariat and the law firm Latham & Watkins with the production and distribution of a questionnaire to Commonwealth Member States on behalf of It's a Penalty.

CSEA: A Global and Commonwealth Issue

Child Sexual Exploitation and Abuse (CSEA) is an increasingly global human rights issue, described by some as a global humanitarian crisis.

The activity of offenders committing crimes of child sexual exploitation and abuse extraterritorially, or in other words, whilst abroad, is a common occurrence. For example, 10% of Thailand's five million annual tourists and visitors engage in the sexual exploitation and abuse of children whilst in the country.

Both commercial and non-commercial CSEA are hidden and little-understood issues. The clandestine nature of such crimes means that solid information is unfortunately severely lacking. Nevertheless, estimates are available, and both the International Labour Organisation and UNICEF estimate that close to 2 million children are abused and exploited in the global sex trade each year.

No country is immune to CSEA and, as with most areas of the world, the Commonwealth is greatly afflicted. Particularly affected regions include the Pacific, Africa, the Caribbean, and South and South-East Asia.

Who are the Victims?

All children could potentially become victims of CSEA. However, some are more at risk of being victimised than others. The majority of victims are between 13 and 18 years of age, although the under-13 victim population is growing. Predominantly, victims of CSEA are girls, although many boys are also victimised.

CSEA has an immense effect on every victim. The legacy of such exploitation and abuse is vast, and victims are often afflicted with severe physical, emotional and psychological damage for the rest of their lives.

Who are the Offenders?

Offenders of extraterritorial CSEA are often mischaracterised exclusively as Western paedophiles when, in fact, they originate from countries all over the world and come from all walks of life. They may be married or single, male or female, young or middle-aged or older.

Offenders use a variety of techniques to gain access to children and communities, create opportunities to be by themselves with the child to abuse and exploit them, and avoid detection by law enforcement or members of the public.

In order to prevent the exploitation and abuse of children worldwide, it is crucial to deter potential offenders. An effective deterrent is the possibility of prosecution. Often, however, offenders escape prosecution by returning to their home country – where national police forces are either unaware that such a crime was committed or unable to prosecute due to lack of jurisdiction overseas.

Extraterritorial Legislation: A Solution

Comprehensive extraterritorial legislation is one of the key tools in combating these crimes against children on a worldwide scale. It allows legal authorities to hold citizens and residents accountable for crimes committed abroad and to undertake prosecution in their country of origin. It decreases the likelihood of those who commit crimes against children escaping legal punishment, while sending a clear message to potential offenders.

Findings of the Report

Overall, the report found that a relatively low number of Commonwealth Member States have enacted extraterritorial legislation to combat the sexual abuse and exploitation of children by offenders when travelling abroad. Predominantly, the few laws, which are in place, contain inconsistencies, and many difficulties have been encountered in their implementation. While some states have introduced extraterritorial legislation that is fully comprehensive, evidently there is still much room for improvement across the Commonwealth.

In summary:

- Only 10 Commonwealth Member States have sufficiently comprehensive extraterritorial legislation against CSEA in place. Even when such legislation has been introduced by states, reported prosecution rates are low and information available to the public is limited.
- 25 Commonwealth Members States lack extraterritorial legislation against CSEA in any form. Furthermore, many of these states' domestic legislation against CSEA is insufficient. Therefore, children in these countries are legally unprotected from abuse and exploitation both at home and abroad.

- 18 Commonwealth Member States have insufficient extraterritorial legislation in place, meaning that it needs improving or elements changed in order to be fully comprehensive. These improvements to be made include:
 - the removal of limiting conditions such as dual criminality or statutes of limitations;
 - the changing of ages of majority and ages of consent in line with the international standard (18);
 - the extension of criminalisation to include all forms of CSEA;
 - the extension of extraterritorial jurisdiction over anti-CSEA laws.

In total, the report found that 43 Commonwealth Member States lack fully comprehensive extraterritorial legislation against CSEA.

The extent of CSEA, both within the Commonwealth and beyond, clearly warrants more action and effort than are presently being exerted.

OPEN DISCUSSION

Co-chair, Sarah de Carvalho opened the discussion by outlining how It's a Penalty harnesses the power of sport to prevent abuse, exploitation and trafficking globally, positioning major global sporting events as platforms for positive change. So far It's a Penalty have campaigned around seven major sporting events, including the 2018 Commonwealth Games in Australia, thanks to the endorsement of the Commonwealth Games Federation through the CEO David Grevemberg. Over the next few years, It's a Penalty plans to run campaigns at several Commonwealth major sporting events, including: the 2021 ICC T20 Cricket World Cup to be hosted in India, the UEFA Women's Euros in UK 2021 and the 2022 Commonwealth Games in Birmingham, UK. Sarah concluded by stating that It's a Penalty are delighted to be partnering with RCS and launching the Advocacy Project to see as many of these Commonwealth countries enact and implement this legislation as is possible. She added that we will only achieve this by working in collaboration and that they are pleased to be working with Latham & Watkins and Trust Law who will help produce a template legislative model that can then be adapted in country with the support of Trust Law. We are also looking to partner NGO's on the ground who can help to support this process locally. It is only by working together that long-term, sustainable change can be achieved for all children, no matter where they live.

High Commissioners and others in attendance were encouraged to consider the findings and recommendations made by the report. Conversation began by discussing examples of past, present and future projects. The Equality & Justice Alliance was highlighted as one successful model of working with civil society, legislators and government to reform discriminatory legislation. It was suggested that this model could be adopted in the case of CSEA.

The sharing of software with a cyber-crime unit in Sri Lanka and the formation of a new NGO to combat exploitation because of the African Union Summit in Addis Abba were also amongst the methods discussed to combat CSEA. The use of technology and specialist software was highlighted as an important element in the fight against active exploitation online.

Harnessing the power of sport to prevent the abuse, exploitation and trafficking of children globally

A Commonwealth organisation representative stressed the importance of working on child rights advocacy, safeguarding and child empowerment but also the need to advocate, raise awareness and take action with corporates, civil society and government. This representative highlighted the important role sport can play in advocating for positive change using opportunities such as the Commonwealth Games to raise awareness. It is by acting collectively that we can set a standard.

How Commonwealth member can states work together to prevent CSEA

One African High Commissioner commented that they recognised that they had work to do but that this was an issue for many smaller states due to the lack of capacity. In an effort to bridge this the creation of a toolkit / shared model law for legislators was suggested. This view was echoed by many High Commissioners in attendance. The same High Commissioner also underlined the importance of education and the need to keep educating. In this vein a toolkit for schools, teachers, parents, ministers etc. was also recommended.

A High Commissioner from the Caribbean raised the issue of extraterritorial jurisdiction and how it would work in the case of CSEA. Attention was given to the role of law in regards to extradition and the complications this would entail. Template legislation was discussed but it was made clear that it must be cross cutting so that all government departments are aware, not just a specialised unit, and that reform be driven by internal actors and civil society. Emphasis was also put on the need to take into account each member country's specific needs.

Commonwealth best practice was outlined as a minimum standard that should be adopted in any Commonwealth activity moving forward when working with people at risk. Examples of best practice such as the Commonwealth Youth Games in Samoa were highlighted.

Representatives of It's a Penalty and Trust Law (a programme of Thomson Reuters Foundation) outlined how they have developed a toolkit / model law. They offered member countries pro-bono support to further reform.

Harnessing unique moments: One African High Commissioner suggested incorporating recommendations for ending CSEA into the CHOGM 2020 agenda / communique. Other suggestions included raising the issue with the Commonwealth Ministerial Action Group (CMAG) but also addressing underlying causes such as poverty and modern day slavery.

Key points raised:

1. The idea of Commonwealth best practice
2. The use of technology in combating exploitation
3. Using future events such as the CHOGM 2020 and the Commonwealth Games to promote and raise awareness of child sexual exploitation and abuse.
4. The need to identify a funding stream to develop the programme.

High Commissioners who wish to learn more about ending child sexual exploitation and abuse in the Commonwealth in order to report back to capital can contact Dr Greg Munro, Chief Executive, The Royal Commonwealth Society and Sarah de Carvalho, Chief Executive Officer, It's a Penalty.