

Forum: CSW – Commission of Status of Women

Issue: The question of special measures for protection from sexual exploitation and sexual abuse

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Introduction

Sexual exploitation and sexual abuse are two of the most systematic and widespread forms of violating human rights. The issue affects all countries and societies. It is a major obstacle to ending gender inequality and discrimination globally. In order to understand the issue better it is necessary to clarify that the term “sexual exploitation” signifies any actual or attempted abuse. This can either be a differential power, position of weakness, trust, and sexual purposes or such as but not limited to, turn a social, political or monetary profit from the sexual exploitation of another. In the same way, the term “sexual abuse” stands for the actual or threatened physical imposition of sexual nature, whether by force or under uneven or coercive circumstances.

Definition of Key Terms

Sexual abuse: actual or threatened physical imposition of sexual nature, whether by force or under uneven or coercive circumstances. All sexual activity with a child is considered as sexual abuse. "Physical intrusion" is understood to mean "sexual activity". “Sexual abuse” is a broad term, which includes a number of acts described below, including “rape”, “sexual assault”, “sex with a minor”, and “sexual activity with a minor”.

Sexual activity: physical contact of a sexual nature.

Sexual exploitation: any actual or attempted abuse of 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.

Comment: “sexual exploitation” is a broad term, which includes a number of acts described below, including “transactional sex”, “solicitation of transactional sex” and “exploitative relationship”.

Rape: forced sexual intercourse. Victims of rape are females of any age and in every country of the world, although it is prevalent in contexts of war and conflict.

Sexual assault: any kind of sexual activity with another person who does not consent.

Sex with a minor: any kind of sexual penetration of a person younger than 18, which include(s) the penetration of the vagina, anus, or mouth by the penis or other body part. Also includes the penetration of the vagina or anus by an object. Sexual penetration of a child is forbidden

regardless of the age of majority or consents locally. This is considered as sexual abuse. The mistaken belief in the age of a child is not a defence.

Sexual activity with minor: any kind of sexual activity with a person, younger than 18 is prohibited regardless of the age of majority or consent locally. It is considered as sexual abuse. The mistaken belief in the age of a child is not a defence.

History

The matter of violence against women has not always been, as it is now, one of the main issues addressed by the United Nations. For instance, in the 1979 Convention on the Elimination of all Forms of Discrimination against Women (CEDAW) the issue wasn't even explicitly addressed. During the 1990s, the situation began to change and since then violence against women has gained a lot of attention in the discussion of human rights. Nonetheless, it took a great struggle and numerous international conferences in order for the United Nation to state in 1991. That led to violence against women, which is unable to coexist with human rights. In 1993 in Vienna, during the World Conference on Human Rights it was stated that: *"The human rights of women and girl-children are an inalienable, integral and indivisible part of human rights. The full and equal participation of women in political, civil, economic, social and cultural life at the national, regional and international levels and the eradication of all forms of discrimination on the grounds of sex are priority objectives of the international community."* (Vienna Declaration, para. 18). It was also stated that: *"the importance of working towards the elimination of violence against women in public and private life, the elimination of all forms of sexual harassment, exploitation and trafficking in women, the elimination of gender bias in the administration of justice [...] and the eradication of all forms of discrimination against women [...]"* (Vienna Declaration, para. 38-39).

Key Issues

One of the main issues of sexual exploitation and sexual abuse is their presence in humanitarian response. It first came to the world's attention in 2002 during a joint assessment mission examining the matter. This mission composed by personnel of the United Nation High Commissioner for Refugees (UNHCR) and of the Save the Children Fund UK (SCFUK). Which found that *"refugee children in Guinea, Liberia and Sierra Leone have been subjected to sexual abuse and exploitation, reportedly by employees of national and international NGOs, UNHCR and other UN bodies [...]"* (Reports that child refugees sexually exploited shock Annan). Soon after, humanitarian agencies tried to counter this issue by establishing measures to avoid the perpetuation of such crimes. Although, creating a task force in order to protect better women and children in conflicts and humanitarian crisis. Nonetheless, in 2008 it was discovered that not only sexual exploitation and sexual abuse continued, but they were under-reported. Since then an

Inter-Agency Standing Committee (IASC) Task Force on Protection from Sexual Exploitation and Abuse (PSEA) was established in January 2012. Which also merged with the Inter-Agency Standing Committee (IASC) Task Force on Accountability to Affected Populations (AAP) in 2014 to create the IASC AAP/PSEA Task Team. It involves all IASC members (the UN, NGOs, IOM, IFRC) and focuses on PSEA in humanitarian, development and peacekeeping contexts.

Major Parties Involved

This issue is not restricted simply to and area of the world in fact all countries are affected by it in different ways. Nevertheless, we can still identify some countries and organisation that stands out either for a critical situation or their effort into eradicating this violation of human rights. The United Nations are currently working to ensure that in peacekeeping missions managers are trained, receive support and are required to guarantee. Also that mechanisms on protection from sexual exploitation and abuse by mission personnel are in place. They are also aware that they would be held accountable should they fail to implement such measures. Twenty-six agencies have united to create an In-Country Network on Protection from Sexual Exploitation and Abuse (ICN PSEA) in Kenya. The Network works under the guardianship of the Resident Coordinator, and is co-chaired by the Kenya Red Cross Society and the UN Office for the Coordination of Humanitarian Affairs (OCHA). Activities of note consist of a presentation of the Teachers Service Commission of Kenya (Ministry of Education) to share the results of an overview of its procedures and policies for addressing child sexual abuse by teachers. The network on PSEA in Liberia includes international NGOs and UN member organisations. The Coordination Officer brought together UN agencies and NGOs to supervise the application of the UN Secretary-General's Bulletin on PSEA (ST/SGB/2003/13) and the zero-tolerance policy on SEA. The national sexual and gender-based violence task force is chaired by the Ministry of Gender and meets once a month. Its participation includes UN agencies and national and international NGOs, in addition to representatives of the government of Liberia.

Timeline

- 1979: Convention on the Elimination of all Forms of Discrimination against Women (CEDAW);
- 1991: The UN declares that violence against women is unable to coexist with human rights;
- 1993: World Conference on Human Rights in Vienna;
- 2002: The scandal of sexual exploitation and sexual abuse is their presence in humanitarian response arises;
- 2008: The discovery of the perpetuation of sexual exploitation and sexual abuse;
- 2012: Establishment of the Task Force on Protection from Sexual Exploitation and Abuse (PSEA);

- 2014: The creation of the IASC AAP/PSEA Task Team.

Evaluation of Previous Attempts

In the past years, many attempts have been made to put an end to sexual exploitation and sexual abuse. This can be seen by the great number of resolution made by the United Nation, such as the Security Council Resolution on peacekeeper sexual exploitation and abuse (S/RES/2272), the Resolution adopted by the General Assembly: United Nations Comprehensive Strategy on Assistance and Support to Victims of Sexual Exploitation and Abuse by United Nations Staff and Related Personnel (A/RES/62/214), the Comprehensive review of a strategy to eliminate future sexual exploitation and abuse in United Nations peacekeeping operations (A/59/300), the Report of the Special Committee on Peacekeeping Operations and its Working Group on the 2005 resumed session (A/59/19/Add.1) and the Resolution adopted by the General Assembly: Investigation into sexual exploitation of refugees by aid workers in West Africa (A/RES/57/306). Even though the attempts were many, this issue has not yet been eradicated, thus, indicating previous efforts were not successful and that it is necessary to find a new approach into tackling this matter.

Possible Solutions

Previous resolution and Bulletin could be re-launched, since they are not adequately known or understood at field level and in order to be more effective this could be done with the prominent participation of senior humanitarians and agency leaders. Moreover, to check the effectiveness of a solution, it could be implemented in a restricted number of locations. Also could be monitored regularly and adjusted based on the data collected. In addition, the victim assistance could and should be supported by field offices so that victims feel protected and free to report such crimes.

Bibliography and useful links

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