Input for the upcoming Report of the Special Rapporteur on the sale and sexual exploitation of children, including child prostitution, child pornography and other child sexual abuse material

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ASSOCIAZIONE COMUNITA’ PAPA GIOVANNI XXIII
The Associazione Comunità Papa Giovanni XXIII (APG23) is an International Catholic NGO, accredited with Special Consultative Status to the Economic and Social Council (ECOSOC) since 2006.
The Association was founded by Fr. Oreste Benzi, an Italian Catholic Priest, in the early ‘60, in Italy. The Association is present in 38 countries on five continents. Its specific mission is to share directly the life with the least and work to remove the causes that generate injustice. The Association runs 500 welcoming structures all over the world, of which 298 are family homes where orphaned children, mentally and physically disabled, and others marginalised persons found a substitute family. The Association runs also emergency shelters, open families, houses of fraternity, cooperatives and day-centres, therapeutic communities for drug users, centres for alcoholics.

The Association works in the field of human rights on different levels and, in particular, it works on fight against human trafficking by providing support and protection to people victim of trafficking for sexual purposes. There is the constant work for the liberation of thousands of victims of trafficking and enforced prostitution. Our experience, acquired along 23 years, is well known nationally and abroad. This work has permitted to welcome in our structures over 5.600 women, often under age.
Last year, our social protection programme cared for 134 victims of prostitution, in respects of what is established in article 18 of the Italian Legislative Decree 286/1998 on ‘Consolidated Act of Provisions concerning immigration and the condition of third country nationals’. Thirteen of them are under age. Most of them are Nigerian followed by Romanian and Albanian.
In Italy, our Association goes on the streets every night with 150 operators clustered in 30 anti-trafficking street units. We work in 27 Provinces of 12 Regions. In 2018, we approached around 10000 victims of human trafficking and 1200 of them were approached for the first time.
Moreover, in the last years APG23 has also helped unaccompanied minor migrants coming from the Mediterranean route. APG23 received almost 50 unaccompanied minor migrants in their reception facilities between 2015 and 20191. They are offered a place to live, medical exams, support with bureaucratic procedures, schooling and social integration.

1The reception facilities of APG23 for unaccompanied foreign children are two: one in the province of Rimini and one in the city of Reggio Calabria.
INPUTS FOR THE REPORT

APG 23 wants to contribute to the call of the SR on the sale and sexual exploitation of children, including child prostitution, child pornography and other sexual abuse material, with the following points taken from our Italian experience on human trafficking for sexual exploitation and prostitution.

1. Context, awareness and attitudes underpinning the sale and sexual exploitation of children:

• What are the current challenges, trends and emerging threats defining the scope and extent of the sale and sexual exploitation of children?

APG23 recognized that one of the major threats concerning the sexual exploitation of children is the speed in the reorganization of criminal networks dealing with trafficking for sexual purposes. The phenomenon changes according to the laws and legal practices of the destination countries, well known by traffickers. An example is the legislation of "closed ports" in Italy that can lead to a new way of entering the country, i.e. returning to the airport route that was used before 2011. In this regard, APG23 came to know a case of two Ghanaian girls (9 and 12 years old) arrived with a hypothetical aunt. At the airport controls the officers called the social worker. The hypothetical aunt was held, and standard operative procedures were applied by the Ministry of the Interior since it was applied the benefit of the doubt for the children.

• What progress has been made in shifting the language and the narrative around these issues by the wider community of experts and practitioners? What are some of the good practices of raising public awareness and sensitisation on issues of sale and sexual exploitation of children at the local, national regional and global level?

Regarding good practices, APG23 is one of the few associations in Italy that narrates the phenomenon through books and videos with stories that tell the reality of prostitution. In particular, Apg23 made, together with other associations (SMA African Missions Society in this specific case), a video that is circulating in Nigeria’s and Mali’s schools and parishes to alert girls and families about the risks of sexual exploitation. Moreover, APG23 has organized meetings in collaboration with the associations of journalists and social workers of all Italian regions, with the aim of spreading correct information on the subject, keeping in mind not only national but also international annual reports about the phenomenon and the Italian situation within a wider European and international framework.

2. Factors of risk, root causes and demand for the sexual exploitation of children:

• What are the root causes and origins of demand for the sale and sexual exploitation of children?

Many reasons are behind the sale of children for sexual exploitation: the poverty of the countries of origin, the vulnerability of the victims because of the lack of social network, gender inequality and the lack of empowerment of all women and girls, the inadequate immigration and prostitution laws in Italy and other European countries, the criminal organizations that run this wicked market,

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4https://vimeo.com/280863526
etc. Moreover, we should never forget that this market exists and flourishes thanks to the so-called "customers" who buy the children's body. We rarely hear specific discourses about pedophiles, but most of the times they are the same customers of adult prostitutes, since most of the girls are 16 years old or more and therefore it is not considered as an act of pedophilia from the customers.

- **What tools are available to States and non-State actors to effectively address the underlying causes of sale and sexual exploitation of children, beyond training and awareness raising? What are the remaining challenges and obstacles in overcoming this scourge?**

APG23 considering the international legislation and based on decades of experience in this field, believes that anti-trafficking laws should consider first of all measures to discourage, reduce and eliminate the demand in order to be adequate and effective.

Another available tool for States to contrast children traffic for sexual exploitation is the fight against the request. An example that has already been implemented by some European countries is the so-called “Nordic Model”; a political and cultural approach that claims to defend gender equality rejecting the idea that woman and children, mostly girls, are commodities that can be bought, sold and sexually exploited by men. Addressing the root causes means to stop the demand, punishing the clients that support trafficking and sexual exploitation buying sex on the streets.

3. **Children’s vulnerability to sale and sexual exploitation, including in the context of cross-border challenges, technology and innovation:**

- **What is the available evidence about children’s vulnerability to sexual exploitation, including about existing and emerging drivers of risk (e.g. precarious socioeconomic situations, migration, conflicts and violence, climate change and natural disasters, digital space)?**

- **What groups of children (including on the grounds of gender, age, disability, social group) are especially vulnerable to exploitation in general and/or specific forms thereof?**

The groups mostly at risk of sexual exploitation and trafficking, according to the APG23’s experience, are female adolescents between the 11 and 17 years old. The main APG23’s experience is with Nigerian girls from Edo State and in particular from the rural area of Benin, capital city of Nigeria. The girls are recruited in the State of origin not by the madam (40-50 years old women returned from Europe to Nigeria who offer the girls a better future in Europe, a better life in terms of richness), but in the last years we have come across a reality of the recruitment made by fake boyfriends known as “lover boys”; in alternative, these recruiters are within the parental networks, such as uncles or step-brothers, since there is a social situation of strong disintegration and fragmentation of relationships and often there are families who have been broken apart and then reconstructed with other family units. In particular, the youngest daughters are used as bargaining chip both within the Nigerian society and the system of human trafficking for sexual exploitation in order to guarantee a dignified life to the family.

Another ethnic group vulnerable and at risk is within the Roma community, especially if of Bosnian origin or from Romania and Hungary. These young Roma girls, from 8/10 years old are sold within the nomadic camps of some Italian metropolises for sexual exploitation; this happens also to young boys. It often happens that, in particular in Hungary, young Roma girls with physical and intellectual disabilities are recruited. In this case they are used both for sexual and labour exploitation as well as for begging. Also in these cases APG23 had some experiences of foster care by Juvenile Courts of
children from nomadic camps where there was the risk of sexual exploitation. These are cases of long-term foster care, especially of children with disabilities or health issues.

There are also Italian young girls who are forced to prostitution, but in a more hidden way compared to the foreign girls who are the same age. APG23 has followed many cases of young girls who have been abuse by more than one person, girls “offered”, sold to adults (most of them professionals and men of power) who, during the day, use girls’ bodies in cars or in private houses, but also at night, making use of the rape drug to erase their memories. The main problem with these girls is the silence on these facts that doesn't allow an easy and rapid identification of the crime. It is the functioning of the collaborative network which is indeed complicated, the so-called multidisciplinary approach: as a consequence, in many cases the judicial procedures end up archived due to the little experience of the professionals involved. In fact, there are no social workers who precisely know how to listen to and recognize the situations experienced by girls, or carabinieri or police forces (especially women) delicate enough to collect the depositions. There are few lawyers able to maintain a dialogue with the wounded minor without hurting him/her again, or competent judges who use comprehensible language in interrogations related to sexual intercourses. In this regard, APG23 can testify the episode of a judge who, in order to relate to an abused minor, used the Latin language to refer to and ask about sexual acts, and the girl, not understanding the meaning of the words, was not able to respond adequately.

One of the many stories is the one of Gloria (an alias). When she was welcomed by APG23 she was 17 and she had been forced to prostitution for the last five years of her life (she began when she was 12). Gloria is Italian, she comes from a family that became poor after the crisis, she has a disabled brother and divorced parents. Her teachers warned the social services signaling that Gloria did not look fine and was not attending school regularly. Gloria had no more sensitivity to her body. The psychologists explained to us that this was her solution to defend herself: to dissociate herself from her body, in order to avoid the pain and get crazy. Gloria was welcomed in one of our facilities, she was helped in getting back her memories, but with lots of difficulties to elaborate what happened; one of the most difficult parts was the acceptance of being involved in those situations, she felt dirty and for a long time she could not avoid a seductive attitude towards men. A relative, who had forced Gloria to prostitution, ended up in jail, but only one of the clients ended up in court, and then negotiated a plea bargain admitting his crime. The others defended themselves very well, lying about their knowledge of Gloria’s age. In Italy this frequently happens: those who pay for sexual services from minors in most of the cases defend themselves by telling that they were not aware of the real age.

In conclusion, the causes that lead to sexual exploitation of minors do not differ according to nationality; both Italian and foreign girls are introduced into this system due to economic necessities, family problems coming from the breakdown of the family unit. Furthermore, young girls with physical and/or psychic fragilities are the easiest ones to be lured.

4. The overarching legal-normative framework, commitment and institutional capacity:

- **What progress has been made in global, regional and national legislative frameworks to address children’s vulnerability to sale and sexual exploitation, and to address impunity?**
- **To what extent do these frameworks adequately address or take due account of the challenges**
posed by transnational internet and financial flows, and their implications for accountability and challenging impunity?

At the legislative level, Italy is part of the European Union framework. APG23 points out that notwithstanding the European Union Directive 36/2011/EU on preventing and combating trafficking in human beings and protecting its victims\(^5\) has been transposed into the Italian legislation and it has been issued the National Action Plan against the trafficking and severe exploitation of human beings 2016-2018\(^6\) (Piano Nazionale di Azione, PNA), Italy has yet to act on the demand side as established in the 2014 European Parliament Resolution Honeyball\(^7\). No awareness-raising program for clients has been designed and the only existing initiatives are those promoted by APG23 and the trade union Cisl on the draft law C.3890\(^8\) for the sanctioning and rehabilitation of clients, who are (consciously or not) financing the phenomenon. Moreover, no specific information campaign has been carried out on the crime deriving from having sexual intercourses with minors upon payment. APG23 highlights that the Italian legislation does not encourage minors who are victims of human trafficking to declare to clients and police their real age and therefore most of the time they declare that they have reached the age of majority.

In addition, what we need to do is to align the aims of the PNA with those of the 2030 Agenda for sustainable development. In particular, under “Good Health and Well-Being” of goal 3 psychological support is hardly guaranteed, especially ethno-psychiatric support that takes into account ethnic and cultural differences. APG23 highlights the difficulties in school inclusion of victims of human trafficking aged 12 to 14 as their needs of special protection and gradual inclusion in the Italian education system as well as in the classroom is not taken into account. This problem stems from the fact that teachers are not trained on human trafficking and that supporting educators, such as cultural mediators or special needs teachers, are provided only by some schools and such an arrangement can only be activated at the beginning of the academic year, leading to the risk of losing a year of school.

Although the Italian law does not require any residence permit or any other registry office certificate for accessing any kind and level of education\(^9\), APG23 observed that this provision is not always respected and not having a residence permit or a permit to stay hinders the enrolment of victims of human trafficking aged 16 to 18 to education programs planned by the European funds for vocational training and Territorial Adult Education Centers. As far as social inclusion is concerned, once minors who are victims of human trafficking have reached the age of majority, they cannot undertake trainings for achieving work and housing self-reliance – as established in Legislative Decree No. 286/98 art. 18\(^10\). As for goal 8 on “Decent work for all”, girls can only undertake 3-month internships which does not constitute a commitment to future employment as the budget is provided by the

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\(^8\)Draft Law C. 3890: Amendment to article 3 of the law of 20 February 1958, No. 75, concerning the introduction of sanctions for those who make use of the sexual services of individuals who exercise prostitution, Chamber of Deputies, 2016.

\(^9\)Decree of the President of the Italian Republic 394/1999: Regulation laying down rules for the implementation of the Consolidation Act of the provisions concerning immigration regulations and rules on the condition of foreigners, pursuant to Article 1, paragraph 6, of Legislative Decree 25 July 1998, n. 286, 31 August 1999, Article 45.

Department for Equal Opportunities. Minors who are victims of human trafficking are not considered as a vulnerable category and there are no projects for protected and assisted job placement for them, so they often do not possess nor acquire sufficient skills for successfully completing their integration process. APG23 ensures continuing reception and support for a longer period than that envisaged by the law (from 12 to 18, 24 months), even without receiving public funding for the last part of the project in which the victims are helped to achieve self-reliance. Our method is based on the assumption that minors who are victims of human trafficking are integral part of the fostering family and not just users to be dismissed when they turn 18 and 6 months (as it happens in the majority of the reception projects for unaccompanied minor migrants).

An example of vulnerability and difficulties from the Italian State in the activation of the currently standard operative procedures by the Ministry of equal opportunities and Ministry of the interior, within the National Action Plan against the trafficking and severe exploitation of human beings 2016-2018 (PNA) is the situation of a young girl, arrived from Sierra Leone two years ago with the flow of refugees, now welcomed by an APG23 foster family. The girl was sent by social workers after she was temporarily welcomed by a hub in northern Italy, and then in a reception and sorting centre for asylum seekers coming from the Lybic coast and who had crossed of the Mediterranean Sea. This girl and his uncle were together in this centre which is supposed to be only for adults. Then she was sent to the social services in order to be recollocated in a facility for minors, and afterwards she was welcomed by a foster family. Later the uncle went missing without trace. In these two years the girl has begun an integration process, but there is still an absence of information about the phenomenon of trafficking, about the identifying procedures of the victims of trafficking of minors by the social services, and in particular by the social worker who's dealing with the girl's case; the migratory path of the minor was not verified and which were the figures of reference that the girl had both during the trip, and possibly in the country of destination.

According to the Italian normative, in particular the one concerning the victims of trafficking and unaccompanied minors asylum-seekers, the important element to keep in mind is the wellbeing of the minor that requires information about his/her rights, the participation of the minor during his/her integration process and the rebuilt of his/her migration path or the one of his/her family of origin. In Italy it is possible to trace the family of origin through the procedures established by the prefecture and the international organization of migration (OIM), but not always these procedures are activated in a rapid way as it should be. In the case of this young girl this process was dealt with in a rapid but superficial way. At the present time the girl is attending the high school and has started a good integration process in the territory where the foster family lives, but in the last six months her situation has changed. She got in contact with an aunt that lives in another country of northern Europe, who very quickly proceeded to obtain, even in the absence of the minor and her tutor, a passport and initiated the procedure for family reunification for have this minor with her.

Another element of vulnerability of this girl is that she is an orphan without any important family connection in the country of origin. After two years since her reception, as requested also by APG23, an evaluation of her case will start to reconstruct her migration path in order to verify that she was not destined to trafficking. The same OIM emphasizes that in the phenomenon of trafficking for sexual purposes, in particular as regards unaccompanied foreign minors, the procedures for family reunification cannot be always considered positive if there is not a previous verification of the so called benefit of the doubt concerning the superior well-being of the minor because he/she could be recruited also in a phase after the arrival in Italy.
In 2017 the Italian government passed the law n. 47/2017 on the reception of unaccompanied minor migrants, which includes a provision on the creation of a “social folder” for each minor containing all their family, migration and exploitation history in order for each social worker who is dealing with a particular case to get to know the child better and identify the best long term solution for them, including the most adequate reception facility. Yet, this provision is not fully implemented as 90% of minors who are victims of trafficking for sexual exploitation purposes do not have a corresponding individual education project nor a “social folder”. In addition, the law 47/2017 promotes foster families as a reception method for unaccompanied minor migrants. Nonetheless, according to the law, this is an optional measure which therefore depends on the discretionary decision of local authorities and must be undertaken without additional expenses. There also other gaps in its implementation. For example, when unaccompanied minors change residence, new tutors are not appointed promptly nor there is a prompt handover of competence from the territory of arrival or exploitation to the territory where they settle in and start the integration process. Frequently, families are not supported by the relevant institutions (regional authorities, courts, social services) in verifying that the handover of competence has taken place.

After having spent two years in a community for minors in the region of arrival, B.A. (15 years old) left that region for fleeing sexual exploitation and was transferred to a foster family. In the new region the girl was not taken in charge by the territorial social services nor the relevant court appointed a new guardian. Moreover, the first region of reception decreed the handover of the competence to the new region and consequently no one was in charge of the case and of her protection. The foster family was left alone by the institutions and did not receive the public funding usually given by the local authorities for protection and integration projects for victims of human trafficking for sexual exploitation purposes.

In conclusion, from its experience, APG23 concludes that there in not an adequate formation of the public and private personnel that creates a connection with minors victims of trafficking for sexual exploitation. The lack of knowledge of the law and its application leads to a delay in recognizing cases of sexual exploitation by perpetuating the violation against girls or in the worst cases without recognizing the risk and favoring it.

5. **New and innovative strategies to effectively prevent and protect children from sale and sexual exploitation:**

- How adequate is our global multi-stakeholder response to this complex phenomenon (States, NHRIs, domestic and international policy-makers, international and regional human rights mechanisms, CSOs, private sector)?
- How adequate are current systems and strategies to protect children effectively? What are the current global and domestic human rights and protection challenges in the context of evolving global developments?
- Are there sufficiently accessible complaints mechanisms available to victims and their representatives?

According to our Italian experience, investigations and judicial proceedings are very difficult when people organizing the sexual exploitation of minors, in particular in the context of human trafficking, are in a different country from the one in which the minor was found and even more if many other countries are involved. An example is the story of E., a Nigerian girl who arrived in Italy in Reggio Calabria at the age of 15 and was intercepted by the APG23’s operators of the active landings project. She was with a 14-year-old friend and another person who accompanied them; they understood during the trip to Libya, as they were not aware before, that they were destined to France and that they risked being in the context of prostitution and sexual exploitation. The girl immediately entered a protection project. She was in this structure in a regime of high protection, without a cell phone so that the Madame could not find her. In this year she learnt Italian and reported her exploiter and who had organized the trip with the sister of the girl. The other 14-year-old girl stayed with the Madame and is still in prostitution in the south of France. When E. turned 17 years and six months, the social service and the guardian disappeared completely, while the foster family continued to be her family of reference by giving her the residence and maintaining the educational context, but without any social support neither for minors or adults, despite the girl still has many traumas. As far as we know, the investigations on these cases are difficult also due to the fact that different countries are involved; it is complex, due to the type of crimes, to have a database and connection capacities among police forces of other States regarding these phenomena.

6. Data and monitoring:

- How effective are current tools and monitoring systems, including collection, analysis and publication of routine data, in supporting the prevention of and response to the sale and exploitation of children?

Data collection is difficult both for Italian girls who are exploited for sexual purposes and for foreign girls who arrive through trafficking.

In the case of victims from Italian families there is a lot of silence and therefore, even if they are welcomed and protected, data on children are not specified as cases of sexual exploitation. In case of periodic checks, these are carried out by the defender of children’ and adolescents’ right, which would be the most appropriate institution in deepening the methods of protection, the number of cases and the practice of reception in the protection and recovery of these children. Often, they are not registered as victims of sexual exploitation, but children accepted or removed for abuse without specifying if abuse in the domestic context, exploitation for prostitution, etc.

As far as the trafficking and exploitation of foreign minors that are part of the flow of asylum seekers and refugees (or that are trafficked for northern Europe) is concerned, the difficulty is to obtain data regarding minors, since reference is made to the reception facilities managed by the anti-trafficking system.

Since 2011 a computerised system for collecting data on human trafficking (SIRIT) is active. However, this system does not ensure that victims on all national territory are adequately monitored as the system was conceived in a way that only certain organizations can access the database and therefore not all minors who are victims of human trafficking are registered as such. The result is not only a gap in the data collected, but also the impossibility for the victims to have access to the necessary services and to undertake an adequate integration process.
In addition, another problem with monitoring is that many girls cannot access the anti-trafficking free helpline as the telephone service providers used by foreigners (Lycamobile, for example) do not allow phone calls to free helplines.

In conclusion, APG23 highlights that the Italian legislation does not encourage minors who are victims of human trafficking to declare to clients and police their real age and therefore most of the time they declare that they have reached the age of majority. It would be important to devise mechanisms that encourage minors who are victims of human trafficking to declare their real age.

8. The way forward:

- How can the impact of the mandate be further enhanced in the future?
- Where are the major gaps in advocacy and awareness?

APG23 recognizes two main shortcomings in the defense of children who are victims of sexual exploitation. First of all, there is little activation by States and at international level of a system to counter the demand for this exploitation. For this reason, it is important to recall the UN Convention of New York 317/1951 that is too often overlooked. This Convention literally declares in the first paragraph of the preamble: “Whereas prostitution and the accompanying evil of the traffic in persons for the purpose of prostitution are incompatible with the dignity and worth of the human person and endanger the welfare of the individual, the family and the community”. Furthermore, it says clearly in art. 1, 2nd paragraph that it’s necessary to punish also who “exploits the prostitution of another person, even with the consent of that person.” This idea is also reiterated in the EU Honneyball Directive that says: “demand reduction should form part of an integrated strategy against trafficking in the Member States; (believes) that demand reduction can be achieved through legislation that shifts the criminal burden onto those who purchase sexual services rather than onto those who sell it, and through the imposition of fines to make prostitution financially less lucrative for criminal organizations/organized crime”.

We are convinced that it is impossible to end human trafficking for sexual exploitation without addressing prostitution. We consider prostitution to be always an abuse and an offence to the human dignity of women.

This idea to contrast human traffickers for sexual exploitation combating the demand is already put in practice in some European States. In Sweden, Finland, Norway, Island, Northern Ireland and France the prostitution is regulated under the so-called “Nordic model”. This model criminalizes buying sex and it punishes the clients. Instead, the person who is selling her body for sexual purposes is not to be punished and he/she is offered help to leave prostitution.

The results certify that this model is efficient. The criminalization of buying sex is extremely incisive also against the human trafficking for sexual exploitation.

In Sweden the number of persons engaged with prostitution decreased by 65% after the implementation of the law.

The new law has also modified the public opinion in a very short time: before the new law only 30% were in favour of the punishment of the clients; now it’s 70% of the public opinion that it is in favour of the so called “Nordic model”.

APG23 suggests inserting the contrast to the demand as the best way in order to eradicate the human trafficking for sexual exploitation.
Furthermore, as the evident link between human trafficking and sexual exploitation even more among minors, APG23 would like to underline the importance to carry out specific trainings on human trafficking for those working with victims of human trafficking and the managers of reception centres and family-homes for unaccompanied minor migrants in order to ensure adequate defense and protection to minors identified as victims or potential victims of human trafficking for sexual exploitation, as established by UNHCR Guidelines on asylum seekers. Another important act is to ensure and monitor the participation of mediators and specialized professionals in human trafficking cases in order to help the communication between the minor and the guardian as well as to support them in the asylum procedure and in the integration process.

The second shortcoming is the lack of coordination between the authorities of different States in identifying and condemning those who promote the exploitation of children for sexual purposes. As previously stated, investigations often stop within State borders without allowing the responsible person to be identified and blocked as he/she is in another State. In an interconnected world favoured by the free movement of persons within regional organizations (in particular the EU), this boundary limit does not allow an effective fight against the exploitation of child prostitution. In conclusion, APG23 deems appropriate a study and a focus of the Special Rapporteur that seeks to standardize the different ways of working of the national police regarding the identification and condemnation of the crime and a coordination also among all the other national bodies that deal with identification, support and integration of the victim of sexual exploitation.

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