

Commercial sexual exploitation of children: The situation in the Middle East/North Africa region¹

Region covered and legal frameworks

The region covered here includes Morocco, Algeria, Tunisia, Egypt, Jordan, Lebanon, Syria, Palestine, Sudan, Yemen, Iran, Saudi Arabia, Kuwait, Bahrain, Qatar, the United Arab Emirates, Djibouti, Iran, Iraq, Libya and Oman. These countries are very different in terms of political structures, economic welfare, and social development. But they have in common ratification of the United Nations *Convention on the Rights of the Child* (CRC) with no reservations on Articles 34 and 35, which cover the right of children not to be exploited for sexual purposes.²

All of the countries except Djibouti have adopted ILO *Worst Forms of Child Labour* Convention 182, and are thus committed to eliminating the exploitation of children in prostitution and pornography, and trafficking of children into hazardous labour. Most of the countries, too, adopted the 1996 *Stockholm Declaration and Agenda for Action*, which calls for national plans of action against commercial sexual exploitation of children (CSEC).

These countries also have in common, however, a number of constraints that have hindered preparation of national plans of action. In all the countries of the region, there is cultural resistance to addressing the problem because the subject is largely taboo. Often the issue is dealt with more generally under headings such as 'violence' and 'trauma'. This means that there has been no regional consensus on defining CSEC in law; in some countries, for example, it is looked upon as an indecent act, in others as rape, although in all 20 countries there is some section of the penal code that can be invoked against sexual abuse and exploitation. This variously includes legal concepts as diverse as 'rape with deflowering' and 'encouragement to solicit'. Laws covering homosexuality, sexual harassment, paedophilia and 'acts against nature' are all part of the legal battery invoked in debate on CSEC in the region, and this lack of harmonization of approaches is at best confusing and at worst a hindrance to concerted action. Extraterritoriality does not appear to feature in laws in place in the region.

Even when laws are invoked, moreover, sentences vary widely from a few months to 30 years imprisonment and in some cases only fines. Law enforcement is also patchy, and legal assistance is not always available to the victim. In some countries non-governmental organizations (NGOs) provide the only reliable source of legal advice. Similarly, although there have been moves to lift professional confidentiality in cases of sexual abuse identified by medical professionals in the region, there is very limited reporting by doctors as a result of ignorance of the law and poor coordination between medical and judicial sectors.

Nevertheless, there have been national actions to bring protection mechanisms into line with international legal instruments:

- **Djibouti's** Family Code is being finalized; Article 33 severely condemns Female Genital Mutilation (FGM);
- The National Mother and Child Council of **Egypt** has reviewed and revised the Children's Code in line with the CRC;
- The Government of **Iran** is studying possibilities for bringing national laws into line with the CRC, and tribunals for children and young people have been restored;
- The **Jordanian** Decree on the Rights of the Child is under consideration; a draft law against abuse and violence against children is in progress; the 1995 National Task Force for Children remains an important monitoring mechanism;
- In **Lebanon**, there have been some important amendments to laws relating to education, identity, child labour, and in favour of handicapped children; a parliamentary committee on children was formed in 1992 and in 1994 a High Council for Children was established;

- **Morocco** ratified ILO Conventions 182 and 183, and set the legal age for labour at 15 years. A new labour code was developed and is being reviewed; a national Observatory on Children's Rights was created in 1994, and reform of the juvenile justice system is currently before parliament;
- **Oman** is also undergoing reform in the juvenile justice sector; an inter-ministerial committee on children's rights has been formed;
- In **Syria**, legal texts are being revised; the legal age for labour has been fixed at 16 years; a High Committee on Children was established in 1999;
- **Yemen** is reviewing laws relating to children and young people; the High Council for Mother and Child is being reorganized;
- In **Tunisia**, the Code for Protection of Children (1995) includes protection against all forms of mistreatment and abuse, with a focus on prevention; establishment of an Observatory on Children's Rights has been announced;
- The **Palestine** National Council has established a multi-disciplinary commission to work on a Charter of Children's Rights.

Form and prevalence of CSEC in the region

Although statistics on CSEC inevitably understate the extent of the problem, which is largely hidden and therefore impossible to measure, there are some reliable figures on cases of CSEC that have been reported to law enforcement entities. In 1999:

- **Algeria** recorded 1,180 cases of sexual mistreatment;
- **Jordan** recorded 17 cases of rape, 3 of attempted rape and 202 indecent assaults;
- **Lebanon** recorded 40 cases of sexual abuse, 65 of homosexuality (illegal in Lebanese law); 56 cases of rape and prostitution;
- **Morocco** recorded 17 cases of rape, 63 indecent assaults, 19 cases of prostitution, and 3 unspecified related crimes.

Two-thirds of these recorded cases involved girls. Since the loss of virginity of a girl victim of sexual abuse or exploitation is considered to dishonour the family, there are often serious repercussions for the child. She may be rejected, sent away, locked up, forced to marry the aggressor or imprisoned. In some countries she may be subject to 'crimes of honour' (considered as the worst form of domestic violence) and, for her own protection, might be taken into preventive custody. **Jordan** is one of the few countries in the region where the concept of 'crimes of honour' is a subject of public debate: 25 girls and women are victims of such crimes each year in that country.

If the girl should become pregnant, then family and society rejection is even more serious: both girl and baby might be rejected, abandoned, stigmatized or victimized. Of 38 sexually abused girls who were the subject of a study in the Palestinian Autonomous Areas of **Gaza and the West Bank**, only three girls were accepted back into their communities.

Sexual violence and abuse within the family is rarely reported and children themselves are largely silent on this issue. Laws in some of the countries also make reporting by children unlikely. For example, under the **Jordanian** penal code, complaints from a child can only be accepted if they are supported by the parents or guardian. Complaints from third parties – teachers, social workers, child rights workers – are not accepted. Some laws also tolerate violence in the family: for example, Article 220 of the **Iranian** penal code recognizes only a light sentence and fine for a father who kills his child in the course of administering 'educational' punishment.

Female Genital Mutilation (FGM) is still practised in some countries in the region. A report by the Population Council of **Egypt** in 1997 showed that 86 per cent of adolescent girls had undergone FGM. The fact that it is increasingly dealt with as a medical issue points to its becoming legitimized. In **Sudan**, in contrast, FGM has been illegal since 1991, but is still commonly practised by elderly women in the community at the request of parents. FGM is also still prevalent in **Djibouti**.

Early marriage is common in some of the countries of the region. This practice is considered to increase children's vulnerability to CSEC because it legitimizes early sexual activity. Between 1995 and 2000, a United Nations Population Fund report on young married women between the ages of 15 and 19 showed that, of this age group:

- in Tunisia, 3 per cent of girls are married although the legal age for marriage is 20;
- in Syria 25 per cent are married;
- in Morocco, 13 per cent are married – the legal marriageable age of 15 is in the process of being raised to 18;
- in Jordan 9 per cent of girls aged 15-19 are married (legal age of marriage is 17);
- in Egypt, 14 per cent of 15-19 year-olds are married and the legal age is 16;
- in Algeria 10 per cent of under-19 year-olds are married while the legal age is 18.

Early marriage, of course, often also leads to early pregnancy with attendant risks to reproductive health and increased chances of death for both mother and child.

There are other factors that increase the risk of children to sexual abuse and exploitation, or to other hazards of early sexual activity. One is the **poor level of sex education** in most countries of the region, and low knowledge/understanding of reproductive health and STDs. In Egypt, for example, a national survey of 16-19 year-olds showed that 25 per cent of boys and more than 30 per cent of girls had no knowledge about HIV/AIDS. In Tunisia, 45 per cent of 17-20 year-olds said that they thought HIV/AIDS could be contracted in a swimming pool. Most of the children interviewed for these studies said they wanted more information on puberty, STDs, pregnancy and childbirth. This was also true of children in Gaza and the West Bank.

Some responses and examples of action against CSEC

A national programme to protect children's rights was begun in 1997 in **Jordan**, and includes awareness-raising campaigns against child abuse, as well as training for social workers. The programme also covers psychotherapeutic care for abused children and a shelter for victims.

In 1995, **Tunisia** introduced a Code for the Protection of Children, including a rapid reaction task force to intervene in emergencies, under the direction of the Family Judge, to ensure that the provisions of the Code are used.

Morocco and **Yemen** recently established telephone hotlines for children at risk of or suffering abuse. Between January 2000 and September 2001, the Moroccan hotline received more than 200,000 calls, 40,000 of which came from children. As a result, 728 case files were opened, of which 48 involved cases of sexual abuse.

Also in **Morocco**, the NGO Bayti (Children on the streets) has developed targeted, participatory psychosocial approaches to the needs of children, socio-economic reinsertion alternatives, parenting programmes and case management of children. ADFM (the Association of Women's Rights in Morocco) has established resource centres for women suffering violence; and the NGO Ennakhil helps women and children victims of sexual violence or in prostitution.

In **Lebanon**, Dar Al Amal, an NGO set up in 1970, takes care of women and children who have suffered sexual abuse; the Lebanese Society of Paediatrics created a club for the prevention of accidents and sexual harm to children.

In general, however, CSEC remains an issue that has not been sufficiently tackled in the region. Awareness-raising campaigns and activities are rare, probably because of the taboo nature of the subject. Mobilization of the private sector is not undertaken in a structured way. In Morocco, the tourism sector is beginning to promote 'clean tourism' and is looking into how it can combat sex tourism.

In relation to undertakings made through ratification and adoption of international instruments, there has been some action but not enough. Application of the CRC remains weak in most countries of the region. Prevention, protection, rehabilitation and reintegration programmes are rudimentary; child participation is rare. This is to some extent a result of a lack of basic tools for action, especially good coordination among sectors dealing with children's issues. There is also a shortage of professionals with field-level experience of CSEC (social workers, judges, doctors, teachers, law enforcement), and a lack of national strategies based on consultation and cooperation across sectors. Monitoring mechanisms are not in place, nor are the basic tools they need: indicators, surveys, disaggregated data.

The way forward

A number of important and immediate needs must be addressed within the region:

- Political commitments must be translated into operational strategies to combat CSEC;
- Clear and agreed working definitions on issues relating to CSEC should be adopted;
- National and regional studies should be undertaken; these need to use precise, rigorous methodologies that take into account national and regional realities;
- National legislations should be harmonized with international instruments;
- Laws, conventions and agreements made should be implemented strictly;
- A national training system should be put in place for professionals working with children, encompassing both governmental and non-governmental sectors;
- Mechanisms for consultation and coordination should be put in place, perhaps with a national coordinator, to bring disparate initiatives under a collaborative umbrella;
- Steps must be taken to ensure that all children have access to basic services (education, health, food, housing) and children at risk or abused should enjoy extra protection;
- The participation of children in areas of concern to them should be promoted;
- There should be efforts to mobilize the private sector;
- The potential of independent mechanisms devoted to listening to children whose rights have been denied and for following up on this should be explored -- ombudsmen, for example, working in cooperation with UN special rapporteurs;
- A regional focal centre/observatory for coordination, observation, analysis, action and evaluation might be considered.

¹ This summary is based on the situation analysis written by Dr Najat M'jid for the Arab-African Forum against Commercial Sexual Exploitation, Rabat, Morocco, 24-26 October 2001. This regional consultation in preparation for the 2nd World Congress against Commercial Sexual Exploitation of Children brought together

representatives of 65 countries in the Middle East and Africa. Bibliographical references are available in the source document (in French): *Rapport sur la situation de l'exploitation sexuelle des enfants dans la région MENA*, 10 septembre 2001, available on the regional consultation website: http://perso.respublica.fr/forum_e.se. Papers prepared for regional consultations in preparation for the 2nd World Congress are not endorsed by the Congress co-organizers but remain working documents feeding into regional discussions.

² “Article 34: States Parties undertake to protect the child from all forms of sexual exploitation and sexual abuse. For these purposes, States Parties shall in particular take all appropriate national, bilateral and multilateral measures to prevent: (a) the inducement or coercion of a child to engage in any unlawful sexual activity; (b) the exploitative use of children in prostitution or other unlawful sexual practices; (c) the exploitative use of children in pornographic performances and materials.

Article 35: States Parties shall take all appropriate national, bilateral and multilateral measures to prevent the abduction of, the sale of or traffic in children for any purpose or in any form.”