



ACCESS TO JUSTICE AND LEGAL REMEDIES FOR CHILDREN SUBJECTED TO ONLINE SEXUAL EXPLOITATION AND ABUSE



About the *Data Insights* series from *Disrupting Harm*

Disrupting Harm is a research project conceived and funded by the End Violence Fund through its Safe Online Initiative. The project is implemented by ECPAT, INTERPOL and UNICEF and generates national evidence on online child sexual exploitation and abuse. This publication is part of a series of thematic briefs that explores pressing issues emerging from the research and recommends ways for key entities and individuals to improve prevention and response.

So far, new evidence about online child sexual exploitation and abuse has been collected through *Disrupting Harm* in thirteen countries: seven in Eastern and Southern Africa (Ethiopia, Kenya, Mozambique, Namibia, South Africa, Tanzania, Uganda), and six in Southeast Asia (Cambodia, Indonesia, Malaysia, Thailand, the Philippines, Viet Nam). Up to nine primary research activities were undertaken in each country including surveys and interviews with more than 13,000 children, as well as caregivers, and other professionals with child protection mandates. Thirteen country reports were published in 2022, presenting the consolidated findings of all activities conducted within each country, along with targeted recommendations developed together with national stakeholders. Country reports can be found [here](#).

Data collected by ECPAT, INTERPOL and UNICEF are used as the basis for the *Disrupting Harm* Data Insights series. Authorship is attributed to the organisation(s) that produced each brief. While the *Disrupting Harm* project is a close collaboration between ECPAT, INTERPOL and UNICEF, the findings, interpretations and conclusions expressed in this publication are those of the authors and do not necessarily reflect the views of the three organisations ECPAT, INTERPOL and UNICEF, individually or as a collaborative group.

- While legal frameworks may exist, children and caregivers described encountering barriers to safe and obtainable formal justice that ranged from the financial, to discrimination, or feeling blamed for the abuse they were subjected to.
- Despite some clear moves to make justice more child-friendly, children provided accounts of complex, unfamiliar processes, and intimidating situations, including having to face offenders in-person in the courtroom.
- There is a pressing need to go beyond legislative responses regarding compensation and other legal remedies to ensure these rights are known and accessible to children subjected to online sexual exploitation and abuse.

Insights are presented predominantly from 61 interviews with children and their caregivers who accessed the formal national justice systems in six of the 13 *Disrupting Harm* countries,¹ and interviews with 101 justice professionals who worked on cases related to online child sexual exploitation and abuse in nine countries.² Data from the household survey is also used.³ All data collection took place in 2020 and early 2021. This analysis describes children's experiences of accessing justice and legal remedies after they had been subjected to online sexual exploitation and abuse. Gaps for States to address are pinpointed.

States have a moral and legal responsibility to ensure that children who are subjected to sexual exploitation and abuse can access justice and legal remedies. *Disrupting Harm* research identified some promising practices, however in all 13 *Disrupting Harm* countries more action is needed to consistently guarantee that

Defining online child sexual exploitation and abuse

Situations involving *digital, internet and communication technologies* at some point during the continuum of abuse or exploitation. It can occur fully online or through a mix of online and in-person interactions between offenders and children.

children can safely, fairly and easily obtain justice and access to services when they are subjected to online sexual exploitation and abuse. According to the children spoken to, fear of discrimination, financial barriers and emotional challenges were commonly encountered.

Disrupting Harm research demonstrates that governments need to act in order to pave the way to justice for all children.

Justice cannot rely on children having to muster courage, determination and financial resources to navigate obstacles. Governments need to make children feel sufficiently safe and confident to report, empowered to seek justice through the formal justice system, supported in their recovery and that they receive compensation for damages suffered.

Most online child sexual exploitation and abuse is not reported to police

The first step to pro-actively accessing any State’s justice system is for the crime to be reported.

Caregivers surveyed for Disrupting Harm were asked to predict what they would do if their child was abused or harassed, but only 49% said that they would report it to the police.⁴

However, predicted intentions are not always a good indication of actions taken and this becomes evident when looking at the responses from the 1,059 children across twelve countries who indicated in the survey that they had been subjected to one of four clear instances



of online sexual exploitation or abuse.⁵ Figure 2 shows the proportion of these children who reported to the police. The frequency of formal reporting was remarkably low, and consistent across countries. More than half of children did disclose informally to someone, but generally they preferred to speak to those in their interpersonal networks. One third of children subjected to online sexual exploitation and abuse told nobody at all.

Children who did not disclose at all (to police or anyone else) were asked why they did not tell anyone about the abuse they were subjected to. Most frequently, children said that they did not know where to go or whom to tell. The second most common reason was that children were afraid that they would be judged or blamed.⁶ Frontline workers surveyed as part of *Disrupting Harm* identified that poor public awareness of the formal reporting channels was commonly a barrier.

In countries where homosexuality and pornography are criminalised,⁷ fears of self-incrimination might stop children from reporting. For instance, when a child has been abused by an offender of the same sex they may be prosecuted for homosexuality.⁸ If a child has been groomed to self-generate sexual photos or videos, they may be prosecuted for creating child sexual abuse material, and offenders can even use this as a threat to discourage reporting.

Such legal circumstances need urgent attention to make reporting safe for children that experienced online sexual exploitation and abuse and shift public perceptions away from potential victim-blaming that these circumstances can encourage.

Figure 1: Caregivers’ stated intention to report to police if their child was abuse or harassed.

Ethiopia	Kenya	Mozambique	Namibia	Tanzania	Uganda
64%	63%	62%	33%	45%	48%
Cambodia	Indonesia	Malaysia	Philippines	Thailand	Viet Nam
67%	54%	50%	49%	17%	33%

Figure 2: Proportion of online child sexual exploitation and abuse identified in the Disrupting Harm survey that were reported to police.

Ethiopia	Kenya	Mozambique	Namibia	Tanzania	Uganda
8%	3%	5%	0%	0%	3%
Cambodia	Indonesia	Malaysia	Philippines	Thailand	Viet Nam
2%	0%	0%	4%	1%	0%

To address disclosure barriers, communities need to learn what online child sexual exploitation and abuse actually is, how children are targeted and how various roles in the community like teachers, social workers and other trusted adults can help children report to law enforcement as the first point of access to the formal justice system.

A good practice example identified by *Disrupting Harm* were community information sessions organised by the Uganda Child Helpline where the role technology can play in facilitating child sexual abuse had been discussed. Children interviewed for *Disrupting Harm* in Uganda explained that such sessions led directly to them raising their concerns. In Namibia, it was identified that children came forward as a result of the #BeFree campaign that was initiated by the Office of the First Lady. The campaign encouraged a range of conversations with youth about sex and substance abuse and other youth-related issues.

As a result of these supported and safe conversations in schools, children felt safe to disclose and report abuse they had previously kept hidden.

A central message that needs to be conveyed to the community is that it is never the child's fault if an adult sexually abuses them – even if exchanges of gifts or money took place.

In Uganda, interviews with six children subjected to online sexual exploitation and abuse indicated that the children reported to the police only after they had received support from a trusted person to do so.

This was confirmed by professionals working in the courts in South Africa who told *Disrupting Harm* that most formal reports are made by, or together with, family and friends of the child who was abused.

A good working relationship between law enforcement and frontline social workers also facilitates formal reporting. *Disrupting Harm* interviews with children and their caregivers identified that they frequently disclosed first to non-governmental organisations which supported and assisted with reporting via formal mechanisms such as the police.

Analysis also indicated that mandatory reporting requirements (such as for medical practitioners, social workers, teachers, local councillors and internet service providers) may enhance formal reporting to law enforcement.

For example, in Namibia and Malaysia all citizens are mandated by law to report when they become aware that children are involved in the creation of child sexual abuse material.

Once reported, the pathway to conviction of offenders has many obstacles

Children and caregivers who participated in interviews about their engagement with justice processes frequently described feelings of confusion and helplessness throughout police investigations and court procedures. They spoke of receiving little information about what processes to expect, how long procedures would take, or even who would be involved. They regularly had to actively follow up themselves to ensure cases progressed – particularly at the investigation stages.

Many respondents also noted that they felt the crimes were not taken seriously or that they felt they were being blamed for what occurred.

Blame was particularly prevalent in instances where a child had been groomed by offenders, had accepted money or gifts, or had created the images or videos of themselves (usually through coercion or manipulation) that they are now extorted with, or that had been shared without their permission.

“.....
The police did not do their duties. I was really hurt when I went and reported my case to them, and they did not help me. They did not take action. I felt bad. [...]
When I told them my problem, they were blaming me, asking me why I would do such a thing and why I behaved like that.

Girl Survivor Uganda

”.....

Suspicions of corruption were mentioned by some respondents when police officers had requested ‘informal fees’ to proceed with investigations. In one instance a girl described that a police officer made a sexual advance while she was reporting. Many respondents described the length of the investigation processes as being excessive.

Some respondents reported feeling that the individual police officers that they encountered engaged with them carefully and respectfully, but even in these instances, information or clarity on the expected processes was still unavailable. However, at least knowing someone cared about them and would respond helped attenuate these challenges. In a few exemplary cases, both respectful engagements and full information were provided, empowering children and their caregivers. These examples must be held up proudly and become the norm for all:

“.....
Someone explained the process to me at the station, I was told of my right to testify, and I felt good about knowing my rights. I got full information on how I could find justice for my child and as a result, I was able to support my child.

Caregiver of a Girl Survivor Kenya

”.....
 Where possible, children should be interviewed in child-friendly settings. ‘Child Interview Centres’ established in Malaysia are a good example of a way to make children feel comfortable when discussing sensitive and difficult experiences. Other relatively simple ways to empower children is allowing them to choose who is in the room when they make their statements, to limit the number of people present to the bare minimum, and to give them the opportunity to select the gender of the police officer. Although not conducted consistently, this approach was noted and appreciated by victims from several of the *Disrupting Harm* countries.

“.....
I selected a female officer because I felt she would understand me better compared to a male officer.

Girl Survivor Namibia

”.....

Many of the children and caregivers interviewed for *Disrupting Harm* never saw their cases proceed to court.

When cases did proceed to court, the disempowerment of many children through these processes was striking. Children and caregivers gave accounts of the court processes that reflected they had little agency and were rarely consulted on whether they understood proceedings or their legal options.

Children and caregivers spoke of complex, unfamiliar, technical language, witnessing discussions not appropriate for the age of the child and proceedings conducted in languages other than their mother tongue.

Children spoke also of being asked to recount their experience numerous times and to many different people. They noted a real lack of privacy and confidentiality about these private, personal and traumatic experiences.

Disrupting Harm evidence indicates the need for more structured and protective processes when children enter the court system regarding online sexual exploitation and abuse. For example, when there is already sufficient evidence – such as images or videos, or when the accused has confessed – it is good practice to avoid requiring children to directly give evidence themselves in court. When there is a need to hear children in court, these sessions should be closed, limiting the number of people present.⁹ Particularly difficult experiences were shared by some children who were forced to face their offenders in-person when in the courtroom. These circumstances should be avoided through the use of live video links, or at the very least protect the child from seeing the offender by hiding the offender from view (not by hiding the child from view).

“.....
I felt so worried because the offenders were sitting behind me, and I was in the middle of the courtroom... They could hear what I was saying. I was afraid that they would hate it. I was afraid they would hate me, and one day... they would take revenge because I had ruined their futures.

Girl Survivor Thailand

”.....

A good practice was identified in South Africa where the Criminal Procedure Act allows child witnesses to submit evidence through intermediaries who speak on behalf of the child.¹⁰ Another good practice identified, for instance in Kenya, Malaysia, Thailand and Uganda, was that of judges who requested a victim impact assessment to help guide them regarding sentencing. In a victim impact assessment, children have the opportunity to describe the impact that the crime has had on their lives. In the case of children, a social worker can speak on their behalf unless the child prefers to speak for themselves.

Comprehensive ongoing support is key to recovery

Justice processes represent both a stage of the recovery process that can facilitate ‘moving on’ as well as sometimes being a formality that provides access to trauma support.

Recovery refers to a process whereby those who have exited the exploitative situation attempt to overcome difficulties associated with their exploitation, address physical, emotional and psychological health concerns, develop a sense of safety, develop protective attributes for resiliency, and (re)build relationships and skills to enable them to ‘move on’ with their lives.¹¹

At the very minimum, free medical testing and emergency medical and psychological care has to be available.

However, the *Disrupting Harm* data identified that these free services are not provided in all the 13 countries and in the countries where they are, they are frequently not available outside of urban areas.

Access to psychosocial support was perceived by many of the interviewed children and their caregivers as another crucial element of recovery. However, *Disrupting Harm* evidence suggests that psychosocial services are not always provided by government, though they are sometimes provided by civil society organisations, if they are made available at all.

“ I told her everything and she told me that I wasn’t the first person and that it was almost normal nowadays and most of the youth have encountered the same. She encouraged me to talk face-to-face... The more I attended the more I heard others and I started feeling like I am healing inside and outside. I listened to other survivor stories and felt like I was healing.

Girl Survivor Kenya

” Legal aid services were frequently identified as under-resourced and available in limited geographic (urban) areas only. Notably, the children who were assisted by a lawyer did often have more positive experiences of the justice process evidencing the value of such vital services:

“ The lawyer did make it easier and encouraged me to speak. I was worried and scared about what was happening, but she said, ‘Don’t worry, I will sort it out’.

Girl Survivor Cambodia

” Multidisciplinary ‘One-Stop Crisis Centres’ based in hospitals across in Thailand were noted as a promising practice in the research. These centres coordinate medical, legal and counselling services for victims of all kinds of violence. The centres were developed through cooperation between the Royal Thai Police, the Ministry of Social Development and Human Security, the Ministry of Health, and the Ministry of Labour. In Tanzania¹² and Malaysia¹³ there are similar initiatives.

Compensation was rarely obtained

Legal analysis for *Disrupting Harm* indicated that compensation may be sought and awarded to victims of online child sexual exploitation and abuse crimes in all *Disrupting Harm* countries. In most countries compensation may even be awarded within the criminal procedure – not requiring a separate civil proceeding.

Nevertheless, no instances of children receiving compensation via the formal justice system were identified through the *Disrupting Harm* interviews.

Seeking and obtaining compensation is not a well-established practice in the *Disrupting Harm* countries and many children and caregivers were not informed about their right to compensation or about the process as to how to obtain it.

Negotiating informal payments between children and the offender is undesirable as the offender is not held accountable before the law and may go on to abuse other children. *Disrupting Harm* evidence indicates that such informal settlements appear to be more common in cases where the offender is someone within the family or community. Informal settlements are sometimes even brokered by formal justice system professionals, for example by the police or judges. Sometimes compensatory settlements are part of the formal justice system, such as



“
 I do not want to ask about money. It would be shameful to do that. I do not want anything to do with money – people may think I only want to profit money. I just want help, especially to find a psychiatrist for my younger child.
”

Caregiver of Girl Survivor Philippines

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 the plea-bargaining system used in the Philippines.¹⁴ This is seen as a way to spare the child from going through the formal court process.

The worst-case practice of an informal settlement is to force the victim to marry their offender, which according to interviews with justice professionals is still possible in some countries, albeit rarely occurs.

A best-case practice is an accessible fund managed by the government from which victims can claim compensation. Although such funds are established in Kenya¹⁵ and Ethiopia,¹⁶ no cases of children accessing them for online sexual exploitation or abuse were identified in the *Disrupting Harm* research.

Conclusions

Disrupting Harm research identified a number of promising legislative approaches and targeted actions that can enable children to feel safe and confident to report, seek justice through the formal processes, and even to seek compensation. However, it is clear that work which enables legislation, and ensures implementation of best practice actions are essential for success.

Disrupting Harm also provides a unique insight into the status of this agenda through the voices of child survivors, and has identified a set of actionable solutions tailored to each country to inform policy makers and enable the required change.

Countries that take children’s access to justice seriously need to prioritise:

- Creating, sustaining and promoting accessible pathways for children (and the trusted adults around them) to feel sufficiently safe and confident to formally report online child sexual exploitation and abuse;
- Supporting children and caregivers throughout the process of reporting, investigating and prosecuting offenders with child-sensitive justice practices. Good examples exist, but require ongoing maintenance through training, resourcing and advocacy;
- Ensure that victim compensation schemes and other legal remedies are not only part of the legislative response, but that these services are known, accessible and used by children subjected to online sexual exploitation and abuse.

It is expected that many of the challenges identified through the first set of Disrupting Harm national assessments in 12 countries are present in other parts of the world, but with important differences both in children's experiences, and in each country's capacity and readiness to prevent and respond effectively.

This reinforces the need for high-quality, comprehensive, national evidence-generation efforts to determine the extent to which children are exposed to online sexual exploitation and abuse in any given country, and how prevention and response capabilities can be improved.

Suggested citation:

ECPAT International (2022). **Access to Justice and Legal Remedies for Children Subjected to Online Sexual Exploitation and Abuse**. *Disrupting Harm Data Insight 3*. Global Partnership to End Violence Against Children.

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Funding: Funding from the Global Partnership to End Violence against Children, through its Safe Online initiative does not constitute endorsement.

1. Qualitative interviews were conducted with the following participants in each country. Kenya: 10 girls and 10 caregivers, Uganda: 6 girls and 3 caregivers, Namibia: 6 girls and 5 caregivers, Cambodia: 3 girls, 3 boys, and 3 caregivers, Philippines: 3 girls and Thailand: 6 girls and 3 caregivers. [Methodology for the access to justice interviews with OCSEA victims and their caregivers.](#)
2. Qualitative interviews were conducted with professionals working in the justice system in: Kenya: 11, Uganda: 11, Tanzania: 10, Namibia: 10, South Africa: 10, Cambodia: 10, Indonesia: 10, Malaysia: 10, Philippines: 8, Thailand: 11. [Methodology of the access to justice interviews with justice professionals.](#)
3. This represents 11,912 of the total children across 12 countries (South Africa was excluded from the analysis due to methodological differences with the tool used which prohibited collective analysis). [Method: Nationally representative household survey with internet-using children and their caregivers.](#)
4. South Africa is excluded from this analysis due to a lack of comparability with the survey items used.
5. This represents 1,059 children from 11,912 children in 12 countries (South Africa was excluded from the analysis). The four clear examples were: offered money or gifts in return for sexual images or videos; were offered money or gifts online to meet someone in person to do something sexual; someone shared sexual images of them without their consent or someone threatened or blackmailed them online to engage in sexual activities.
6. Children felt ashamed, were worried to get into trouble, did not think anyone would understand their situation, felt they had done something wrong or thought no one would understand them or their situation.
7. Ethiopia, Indonesia (Aceh province), Kenya, Malaysia, Namibia, Tanzania, Uganda.
8. Josenhans, V., Kavenagh, M., Smith, S., & Wekerle, C. (2020). [Gender, rights and responsibilities: The need for a global analysis of the sexual exploitation of boys](#). *Child Abuse & Neglect*, 110 (1), 6.
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13. One-Stop Crisis Centres. ECPAT, INTERPOL, and UNICEF. (forthcoming) [Disrupting Harm in Malaysia: Evidence on online child sexual exploitation and abuse](#). Global Partnership to End Violence against Children.
14. Manila Standard. (May 21, 2021) [Plea bargaining demystified](#). Ensuring that the child's best interests are reflected in this process is also described in the law directly - Republic of the Philippines. (2003). [Anti-Trafficking in Persons Act of 2003 \(RA 9208\), Section 11\(c\)](#).
15. Republic of Kenya. (2014). [Victim Protection Act No. 17 of 2014](#). Part V.
16. Republic of Ethiopia. (2015). [Proclamation No. 909/2015 on the Prevention and Suppression of Trafficking in Person and Smuggling of Migrants](#). Article 32.