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PREVENTION AT THE CORE OF THE FIGHT AGAINST SEXUAL EXPLOITATION

The prevention measures against sexual exploitation are supported by the normative and institutional international framework (1949 UN Convention, Palermo Protocol, Warsaw Convention...). Through training and awareness raising, prevention aims to tackle the very causes of sexual exploitation, encourage victim assistance, and deter demand. It targets varied audiences: professionals in contact with the victims, diplomacy and army staff, tourists and tourism professionals, children, sex buyers of prostitution, the general public, etc. However, these measures have mixed results. Today, the challenge is to endow these initiatives with the human and material means to serve their ambitions.

The fight against trafficking in human beings consists of not only a repressive component and a protection and assistance component for victims, but also a prevention component. Thus, initiatives concerning training, information giving, awareness raising, and identification of vulnerable persons have been created. These prevention actions tackle the causes of sexual exploitation: they strive after deterring the demand for sexual acts from trafficking victims and to bringing assistance to those at risk of being sex trafficked.

Although they are encouraged and even enforced by the normative and institutional international framework, global prevention measures against sexual exploitation have mixed results due to insufficient numbers of measures and limited evaluations on their effectiveness.

Nevertheless, the fight against sexual exploitation cannot be effective without them. Indeed, the suppression of procurers and human traffickers as well as the protection of victims are hindered by, in

particular, the lack of training of judicial professionals, difficulties identifying vulnerable persons or victims, and a form of trivialization, by society, of the causes and consequences of sexual exploitation.

In this sense, certain national and international initiatives can serve as models and reinforce, in the long term, States' capacity to fight efficiently against sexual exploitation.

An Elaborated Normative and Institutional International Framework

According to Article 16 of the 1949 UN Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others: "The Parties to the present Convention agree to take or to encourage, through their public and private educational, health, social, economic and other related services, measures for the prevention of prostitution and for the rehabilitation and social adjustment of the victims of prostitution and of the offences referred to in the present Convention."

The Palermo Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (2000), also provides prevention-related provisions in Article 9. In compliance with this international commitment, the States parties must establish trafficking prevention policies and programs, take research measures, launch awareness campaigns, cooperate with civil society and other States as well as pass or reinforce their legislative measures related to prevention.

At the European level, the Council of Europe Convention on Action against Trafficking in Human Beings entered into force on February 1st, 2008. Article 5 deals with the prevention aspects of parties' commitments. A distinctive characteristic of this convention is that, in Article 36, it equipped itself with the *Group of Experts on Action against Trafficking (GRETA)*, a body in charge of the Convention's enforcement. 47 countries have signed this Convention, including non-member countries of the Council of Europe such as Belarus, Canada, the United States, Japan, Mexico, the Holy See, and Tunisia.

In addition, the European directive 2011/36/EU of the European Parliament and the Council establishes the goal for Member States to “establish and/or strengthen policies to prevent trafficking in human beings, including measures to discourage and reduce the demand that fosters all forms of exploitation, and measures to reduce the risk of people becoming victims of trafficking in human beings, by means of research, including research into new forms of trafficking in human beings, information, awareness-raising, and education.” Article 18 obliges them to do this and all but one Member State (Denmark) notified the Commission of

the transposition of this directive into their national law.

The EU Strategy 2012-2016 implemented by the EU Anti-Trafficking Coordinator defines 5 priorities in the fight against human trafficking. Prevention, the second EU priority, was to be developed through 3 actions: Action 1: understanding and reducing demand; Action 2: promote the establishment of a Private Sector Platform; Action 3: EU-wide Awareness Raising Activities and Prevention Programs (*European Commission*, June 19, 2012).

Prevention is also one of the priorities of the European agenda on migration, which intends to fight against criminal networks and smugglers. The general framework for the EU external migration policy highlights the importance of cooperation with third countries of origin, transit, and destination and identifies prevention and reduction of irregular migration and trafficking in human beings as one of its four pillars (*European Commission*, June 19, 2012).

In addition, the fight against sexual exploitation is one of the priorities of the EU fight against organized crime (2014-2017) and should be maintained during the following cycle (2018-2022).

Prevention measures, still under-invested

In 2016, *GRETA* delivered a report which made an inventory of national prevention initiatives. However, sexual exploitation, as it is considered a component of the offence of human trafficking or procuring, is not analyzed separately from other forms of trafficking, so it is difficult to identify the specific prevention measures against sex trafficking.

However, 67% of the identified human trafficking victims are victims of sexual exploitation at both European and global levels. It is therefore surprising that sex

trafficking, the main and singular stake of the fight against human trafficking, is not treated with specific attention in proportion with its scale.

In terms of human trafficking in general, GRETA's 2013 and 2016 assessments showed that many awareness-raising efforts were launched by parties to the 2008 Convention. However, few countries have evaluated the efficiency of these measures and it is very difficult to draw conclusions concerning their real impact (GRETA, 2016).

In terms of research, the same report promotes the creation, in each country, of an independent mechanism—for example, a national rapporteur—which would be responsible for monitoring anti-trafficking measures made by national institutions, collect data, and promote research (GRETA, 2016). Indeed, such an independent mechanism would allow greater attention from governments and set sexual exploitation apart so as to better prevent its causes and consequences.

In terms of deterring demand, this goal set by the international normative framework shows mixed results.

In May 12th, 2016 resolution on the enforcement of the directive 2011/36/EU of April 5th, 2011, the Members of the European Parliament (MEP) declare that the forms of prostitution which exploit the most human trafficking victims, like street prostitution, have decreased in the countries where the purchase of sexual acts and the activities making profits out of the prostitution of others have been established as offences. Similarly, the 2016 Europol report shows that, in the countries where prostitution is legal and regulated, “sex work” is affected by the search for the lowest priced services; it also shows that the laws are much more lenient in these countries than anywhere else toward procurers and sex trafficking perpetrators

who can thus utilize the legal framework to exploit their victims (*European Commission*, May 19, 2016).

Even though the criminalization of the demand for paid sexual acts constitutes a prevention tool against sexual exploitation, it does not exist everywhere and is not always implemented in the countries that have passed the related laws. Likewise, buying sexual acts from trafficking victims is only a criminal offence in half of the Member States, and it remains difficult to prove the awareness of the existence of a trafficking situation, whenever it is punishable (*European Commission*, May 19, 2016).

Thus the European Parliament concludes its 2016 resolution by saying that “national law fails to effectively contribute to discourage demand for services which are the objects of exploitation of trafficking in human being.” MEP effectively highlight that the differences between the Member States’ legislations facilitate organized crime, that the risks of prosecution are still too low, and that penalties applied to deter this crime are not adapted to the potentially significant benefits. So, further efforts are needed in order to diminish the appeal of criminal organized sexual exploitation, by making the risk/profit ratio unfavorable in all countries.

Moreover, any legal measure intended to efficiently fight against human trafficking must be accompanied by a clear cultural shift from a culture of impunity to one of zero tolerance in regard to trafficking.

In terms of training professionals, it appears that most surveyed countries provide training to their army and diplomacy staff before they are sent abroad (*US Department of State*, June 2017). However, in 2016, few countries organized training for judges and investigators. In addition, sex trafficking, a

specific and extensive activity, is rarely the topic of the training programs provided to legal professionals by governments. The number of identified victims and of prosecuted and punished procurers and traffickers attests to insufficient knowledge of the phenomenon.

Although prevention measures are still not invested in enough, their utility cannot be denied; a global inventory of current legislations can be used to make certain initiatives models to use to effectively combat sexual exploitation.

Research: understanding the causes and consequences of sexual exploitation

Researchers work at understanding the causes, forms, and consequences of sexual exploitation.

Australia, Central African Republic, Colombia, Finland, France, Hungary, India, the United Kingdom, Malta, and Romania, notably, conducted or financed research projects on human trafficking in 2016 (*US Department of State*, June 2017).

In 2017, a prevention program named “We are still children!” was launched in Canada by the sexology department of the *Quebec University in Montreal* (UQAM). It seeks to provide tools to parents and childhood experts faced with hyper-sexualization. It includes a research component, an educational component for children, and a lecture component for parents. Understanding the hyper-sexualization phenomenon can help understand the ideas underlying the purchase of sexual acts (see in this sense the theme of youth in prostitution). Then, such understanding can help identify the most effective means of deterring the demand for the purchase of sexual acts.

At a minimum, research allows for the collection of data on the extent of the phenomenon. In that sense and as an

example, in July 2016, a Nigerian research organization surveyed 400 displaced people in Adamawa, Borno, and Yobe, and 66% of them reported sexual abuse (including cases of sex trafficking) committed by camp authorities (*US Department of State*, June 2017).

Thus, scientific research serves the three international objectives set by international law: discourage demand, repress exploitation, and protect victims and vulnerable people.

Training in the service of repression

Training professionals and civil servants is crucial for the early identification of potential victims and crime prevention. According to the aforementioned European Parliament resolution, it was agreed that these training programs should raise awareness of gender-based violence and exploitation, victim detection, official identification process, and appropriate victim (particularly in terms of gender) assistance so that the 2011 directive is applied.

In that sense, those who are in contact with victims of sex trafficking, representatives of public authority, have been specifically trained in many countries worldwide, and include: the police and other security forces, border police, judges, prosecutors, lawyers and other members of the judiciary, medical staff working in the field, and social workers. Some States have even included these programs in the curricula for entry-level trainings for judges and police workers, therefore making the fight against human trafficking basic knowledge required for practicing these professions. This is the case, notably, in Antigua-and-Barbuda, Austria, Norway, Tajikistan, and Tanzania. Similarly, other countries have developed online training sessions so as to make them available

remotely to active professionals (Canada, the United States, the Philippines, Sweden) (*US Department of State*, June 2017).

Furthermore, training programs for diplomacy and consular staff as well as military personnel going on deployment have been organized in most countries (*US Department of State*, June 2017). A manual for the diplomacy and consular staff was even developed in 2011 by the Council of the Baltic Sea States in order to improve the knowledge of professionals in these specific trades (*CBSS Secretariat, IOM Mission to Moldova*, 2011).

Focus on innovating training programs

In Canada, about sixty members of the hotel managers association in Quebec region (AHRQ) received training from police to detect prostitution in their establishments in early 2017. These hotel owners had been requesting this kind of training since Bill C-36 was passed (see the chapter on Canada) (*Le Soleil*, February 7, 2017).

In Belgium, the government developed a new training program in 2016 specifically dedicated to financial institutions in order to strengthen their ability to identify financial transactions that suggested the involvement of human trafficking (*US Department of State*, June 2017).

Raising Awareness: a weapon against normalization

Some countries are in favor of awareness campaigns for the general public while others prefer more specifically targeted ones (*US Department of State*, June 2017). Among the audiences who are the most frequently targeted by awareness campaigns in 2016 are:

- children (Argentina, Armenia, Aruba, the Bahamas, Egypt, Estonia, Guinea, Haiti, Honduras, Hungary, Fiji, Iraq, Kazakhstan,

- Latvia, Liberia, Macedonia, New-Zealand, El Salvador, Slovenia, Sri Lanka, Suriname, Tanzania, Tunisia);

- tourists and tourism professionals (Australia, Belize, Myanmar, Cuba, France, Gambia, Guinea-Bissau, Honduras, Israel, Jamaica, Macedonia, Malawi, Mexico, Thailand);

- sex buyers of prostituted persons (Azerbaijan, Belize, Brunei, Cambodia, Chile, Croatia).

Focus on “Awareness Courses” or “Educational” Penalties in France

In France, the December 12th, 2016 decree established the modes of implementation for a new penalty, which was introduced by April 13th, 2016 law punishing the purchase of sexual acts. This penalty is called “awareness course on the fight against the purchase of sexual acts.” The content of the course is set in the Penal code, article R. 131-51-3, which provides that “the content of the awareness course on the fight against the purchase of sexual acts reminds the condemned of the realities of prostitution, and the consequences of commoditization of the human body. It also aims to make the condemned party conscious of his penal and civil responsibility for the crimes he has committed.” Therefore, this course intends to inform the sex buyer on the realities of prostitution and the consequences of the commodification of the human body; make him aware of his responsibility in the system of prostitution of which he is a full-fledged stakeholder; explain the law and the penalty and hold the sex buyer liable for his acts (criminal and civil responsibility); prevent a repeat offence; change behaviors. The average duration of the awareness course is 1 to 2 days and cannot exceed 1 month. The maximum cost is EUR 450 (USD 506) (*Legifrance*).

Similar awareness-raising methods were observed in many countries in 2016 (US Department of State, June 2017). Some of them have decided to encourage and educate religious leaders to become spokespeople in the fight against the trivialization of human trafficking. This is the case in Afghanistan, Bhutan, Brazil, Ethiopia, Guinea-Bissau, and Namibia. In a more traditional way, many countries disseminate their awareness campaigns through:

- Radio (Antigua-and-Barbuda, Argentina, the Bahamas, Belarus, Cuba, Ethiopia, Georgia, Honduras, Iraq, Jordan, Kazakhstan, Liberia, Macedonia, Malawi, Mali, Panama, Rwanda, Serbia, South Africa);
- TV (Afghanistan, Argentina, the Bahamas, Belize, Belarus, Myanmar, Cuba, Ethiopia, Georgia, Honduras, Iraq, Jordan, Kazakhstan, Kuwait, Luxemburg, Macedonia, Mali, Montenegro, Rwanda, Serbia, Spain, South Africa, Ukraine, Venezuela);
- Print (Afghanistan, Belize, Belarus, Myanmar, Brazil, Brunei, Costa Rica, Ethiopia, Honduras, Italy, Japan, Liberia, Malaysia, Mexico, Turkmenistan);
- The Internet (Armenia, the United States, Kosovo, Macao, New Zealand, Serbia, Spain).

Events are also organized by countries to convey messages: marches (Argentina, Liberia, Panama), races (Bolivia), exhibitions in museums (the Bahamas), flash mobs (Bolivia, Haiti, Kazakhstan), street performances (Brunei), plays (Mexico), concerts (Panama); these events are other means of raising awareness among the general population.

Sports events are also good moments for announcements, distribution of flyers, flash mobs, and other mass media. France with UEFA European Football Championship, as well as Kazakhstan and

Canada, have notably invested in this field during the studied period.

Similarly, the creation of a national day dedicated to raising awareness of human trafficking in Greece, the Democratic Republic of the Congo, and Albania has made it possible to focus the attention of a wide audience to the issues of this topic.

Focus on innovating awareness-raising initiatives

In Sweden and Switzerland, awareness campaigns targeting taxi-drivers, hotel, and restaurant staff were funded by authorities so as to enable these actors to identify trafficking cases in their workplace. In Guatemala, the Anti-Trafficking Awareness Festival was organized for the second consecutive year in 2016, and received 6,000 attendees. After the festival, the anti-trafficking hotline and the police staff received an increased number of calls reporting trafficking offences, some of which came from sex buyers.

In Bolivia, in July 2016, the State collaborated with an NGO to prepare a film festival intended to highlight the realities of trafficking. 3,000 people participated in this event, during which there were organized flash mobs (US Department of State, June 2017).

In Canada, the series "Runaway," which was filmed in 2017 but shown in 2018, tells how a girl from a good family finds herself in the world of stripclubs and prostitution due to love. This film series aims to understand the phenomenon of loverboys and the trap they set, as well as break clichés.

On the same topic, the UK embassies in Bulgaria, Croatia, Lithuania, and Ukraine supported the launching of the film "Two little girls" which was produced by the charity Comic Relief in partnership with the NGO *Save the Children*.

Networks dismantling in order to prevent new victims

Special inquiry methods

Hotlines are available in many countries to collect reports and assist victims. Some of them are handled by NGOs and associations and others by police staff or social assistance institutions. In many countries callers can communicate in several languages (*US Department of State*, June 2017). However, when this kind of initiative is not accompanied by solid training for operators and public awareness-raising campaigns, not only is the number of calls received insufficient or

nonexistent, but the few calls that are made do not lead to the identification of cases of human trafficking. Such an assessment can be made for 2016 in Cape Verde, Cyprus, Guyana, Iraq, and Senegal. In addition, insufficient funding leads, in some cases, to hotlines being unavailable at night and on weekends (Croatia, Liberia), which obviously reduces their efficiency. Lastly, some countries drastically cut funding for these hotlines in 2016 (notably Tadjikistan and Turkey) or relied solely on international funding (Moldova), thus threatening the longevity of the hotlines (*US Department of State*, June 2017).

Focus on innovating inquiries strategies

Since 2013, in Canada, a Toronto police unit has been using undercover agents to trap men attempting to pay for sexual acts from underage girls. In 2017, about a hundred arrests in a prostituted youth case took place thanks to this unit (*La Presse*, April 21, 2017).

In Albania, the authorities launched, in collaboration with the Vodafone Foundation, a free smart phone application called “Raporto! Shpëto!” (“Report and save”) which allows users to send pre-written SMS (for example: “I think I know someone who is a victim,” “I think I am a victim,” “I am a victim”) which are transmitted to the competent Authority and a free national phone line (*GRETA*, 2016).

The infiltration method is interesting as a special investigation technique, so it is unfortunate that it is not more frequently utilized. Indeed, it could consist of the use of bait intended to identify sex buyers of online prostitution rings and thus contribute effectively to discouraging demand. Nevertheless, these offences are not part of criminal policy priorities for governments; these time-consuming methods are developed only when the situation involves a large ring or a ring involving children.

International cooperation: the right scale

In its resolution of May 12th, 2016 on the implementation of the directive 2011/36/EU of April 5th, 2011, the European Parliament states that trafficking

in human beings “is a complex transnational phenomenon that can be tackled effectively only if the EU institutions and Member States work together in a coordinated manner in order to prevent ‘forum shopping’ by criminal groups and individuals, but with the focus being placed on identifying and protecting potential and actual victims with an integrated intersectional perspective”. Indeed, prostitution networks (trafficking and procuring) are often international, while States operate individually, which encourages perpetrators’ impunity as they can go across borders to flee repression. In that sense, the international criminal cooperation of governments enables the identification of active procuring and sex

trafficking networks in order to act in concert and consequently prevent the appearance of new victims. Organizations are precisely in charge of encouraging this international criminal cooperation among countries. One of them is Interpol, an intergovernmental organization with 190 member countries. Its main mission is to provide member countries with a world communication network to share information in real time, support operational police cooperation, and assist member countries in identifying perpetrators. The fight against human trafficking is one of its main missions. There are also varied regional networks such as the Judicial Platform of the Indian Ocean Commission, the Organization of American States, the Commonwealth Network of Contact Persons for Commonwealth countries, the *Ibero-American Legal Assistance network* (Iber-Red), Europol, the *European Judicial Network* (EJN). However, these are difficult to access for countries that do not belong to the relevant region. Lastly, bilateral or multilateral cooperation, whether occasional or structural, enable States to target their international partners and their work thematic in common. These partnerships are operated by government agencies or financed by international organizations or NGOs. For instance, in Hungary, an international organization received 14 million Hungarian Forints (HUF) (USD 49,140) in 2016 to establish a common victim referencing mechanism in Hungary and Switzerland (*US Department of State*, June 2017).

Support to victims in order to avoid and permanently end sexual exploitation

In order to tackle the root causes of trafficking, countries adopt social, economic, and other measures in favor of groups vulnerable to trafficking, combat

gender-based violence, and support specific policies that aim to reinforce sexual trade victims' autonomy.

Support for vulnerable victims

The above-mentioned May 19th, 2016 European resolution states that “in order to prevent trafficking in human beings and people smuggling, it is important to create safe legal migration channels for women and children (such as humanitarian visas) (...) [and] it is also important for destination countries to ensure that women migrants who have been granted legal residency in the destination countries have access to language teaching and other means of social integration, education and training in particular, with the aim of enabling them to exercise their rights as citizens.” Indeed, migrants and refugees are particularly vulnerable to sex trafficking, both during their journey to the host country and once they arrive. The establishment of social assistance (housing, training, employment), financial and health assistance helps these people integrate into the host country, prevents their exploitation, including sexual exploitation, by providing them with the necessary tools for refusing and for protection in cases of attempted trafficking or procuring. Moreover, more and more countries think the fight against sexual exploitation is part of the fight against violence against women. Not only does this allow for the pooling of resources (emergency shelters, legal and psychological assistance and so on), but also raises awareness of the often gendered nature of this kind of offence. By considering sexual exploitation a gendered abuse, States establish the victims' vulnerability and consider them as such. They also make the fight against sexual exploitation one of their criminal and social priorities. This new societal concept is leading to a change in mentalities.

Support to victims of sexual exploitation

Victim support plays an important role in the prevention of sex trafficking, as properly cared for victims are better equipped to cope with the trauma they have suffered, to help prosecute criminals and elaborate prevention and policy programs based on concrete events, and not to become trafficking victims again. Most countries provide this support through housing subsidies (hostels and shelters) and other social benefits (job search, vocational training), psychological support, medical support, and legal aid (free legal advice, assistance during criminal proceedings, financial compensation), or even assistance in returning foreign victims to their home country (*US Department of State*, June 2017). However, the identification of victims remains difficult and suffers from lots of gaps. Indeed, not only the means the

States resort to are insufficient, but, in prohibitionist countries, the coercive and deceptive nature of the crimes of prostitution and soliciting prevents victims from admitting their own vulnerability, and sometimes ends up undermining the trust between the victims and the authorities. Besides this difficult identification, the financial means provided by the States are very often rather low. As a consequence, accommodation capacities may not meet the needs of the population and access to vocational training and jobs often remains theoretical. Certain assistance mechanisms are dependent on the denunciation of prostitution ring operators, which deters victims from participating in assistance programs and makes their identification difficult for social workers and investigators.

Focus on “the exit paths” in France

Since April 13th, 2016 law and its October 30th, 2016 enforcement decree, any prostitution, procuring, and sexual exploitation victim may benefit from comprehensive care and support meant to provide alternatives to prostitution. Admittance to this ‘path’ must be authorized by the *Préfet du département*, and allows a minimum six-month residence permit for foreign persons. The ‘path’ also enables those who do not benefit from the minimum social allowances to get a financial help. It facilitates access to social accommodation or a shelter, physical and psychological care, and social reintegration actions. Associations which have been agreed by the *Préfet du département* are in charge of these support actions. The “path” is ten renewable months long, with a maximum of two years (*Legifrance*). Although some of these “paths” have been implemented and shown their efficiency as far as the beneficiary persons were concerned, the relevant funds were cut down by 25% (EUR 1.5 million/USD 1.69 million) in the 2018 draft budget (*La Croix*, June 15, 2017).

Support for victims’ relatives

Support for victims’ relatives is of paramount importance so as to support families and thus allow them to keep in touch with the prostituted person and then help their relative, particularly through offering a potential “return” as an alternative to prostitution. For example, in Canada, a

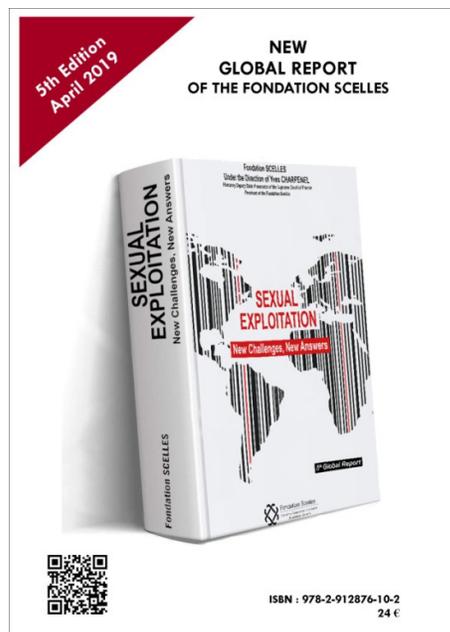
booklet entitled “Information guide for sexually exploited victims’ families- tools for better understanding” was produced thanks to a grant from the Department of Justice in December 2017 (*Le Devoir*, December 5, 2017). All of these assistance measures for vulnerable persons, prostituted people, and their families, must allow action against the

root causes of sex trafficking in order to intervene as early as possible and to fight effectively against sexual exploitation.

In conclusion, even if the evaluation of these prevention measures shows mixed results, their necessity in the fight against sexual exploitation is affirmed by the international normative framework which is implemented all over the world. The challenge, however, is to endow these initiatives with real material and human means that enable them to achieve their ambitions.

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The Global Report is produced by the International Observatory on Sexual Exploitation, in collaboration with internal and external experts (magistrates, lawyers, social workers, NGO leaders...), and the support of local NGO correspondents or international researchers.



The **Fondation Jean et Jeanne Scelles**, recognized as a public utility since 1994 and as a consultative status with ECOSOC, is an independent, non-profit organization based in Paris (France) dedicated to fight the system of prostitution and the exploitation of prostituted persons, through information, analysis, advocacy, trainings, awareness initiatives and legal actions. The **Fondation Jean et Jeanne Scelles** is a co-founding member of the Coalition for the Abolition of Prostitution (CAP International) which was launched in 2013 and today brings together 28 abolitionist NGOs from 22 countries.

The **International Observatory on Sexual Exploitation** is a worldwide hub which allows for information exchange on the system of prostitution. The hub is regularly consulted by French and foreign experts including NGOs, institutions, journalists, lawyers, researchers and those involved in the defense of human rights. The goals of the **International Observatory on Sexual Exploitation** are:

- to analyze all the aspects of the phenomenon: prostitution, sex tourism, procurement, child pornography, sex buyers, human trafficking for the purpose of commercial sexual exploitation...
- to encourage reflection and to take a stand
- to inform the public who are interested in these issues

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