Through the Eyes of the Child: Barriers to Justice and Remedies for Child Victims of Sexual Exploitation

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Presentation Outline

- What is Access to Justice and its importance
- ECPAT’s Access to Justice and Effective Remedies Study
- Key Findings: Access to Justice
- Child Friendly Justice: Moving Forward
Access to justice is the child’s “ability to obtain a just and timely remedy for violations of rights” under international law.

- The right to access justice applies to “civil, administrative and criminal spheres of national jurisdiction”
- It covers “all relevant judicial proceedings...without limitation”
- It applies to child victims and witnesses


According to Article 8 of the OPSC, States must adopt child-sensitive justice procedures tailored to the special needs of sexually exploited children and ensure that their best interests are a primary consideration in SEC cases.
Why is Access Justice Important?

- For a child victim to become a child survivor – they need to the tools to rebuild their lives and recover from their trauma;

- For rights to have meaning, effective remedies must be available to redress violations – UN Committee on Rights of the Child, General Comment 5, para 24
Access to Justice:
Examining the barriers in accessing justice for child victims and their experiences through the justice system

Right to Recovery and Reintegration:
Examining child victims right to recovery and reintegration for sexual exploitation, documenting measures undertaken in each country and identifying gaps

Right to Compensation:
Examine different avenues available (or lack of) to child victims to seek and obtain compensation
Structure of the research study

- Barriers to Access to Justice and Remedies
- Access to Recovery and Reintegration
- Access to Compensation

Tripartite research report

- Through the eyes of the Child: Barriers to Access to Justice and Remedies for Child Victims of Sexual Exploitation
- Casting Light on the Care, Recovery and (Re)integration Needs of Commercially Sexually Exploited Children.
- Barriers to Compensation for Child Victims of Sexual Exploitation
Access to Justice Study - Method

- **Question:** What are the barriers to accessing justice?
- **Key Priority:** Listen to & learn from SEC survivors
- **Study Countries:** Nepal, Philippines, Thailand
- **Desk & Field Research:**
  - 41 interviews with survivors (aged 13-26)
  - 26 interviews with professionals
- **Challenges**
ECPAT’s Access to Justice Study: Key Findings

Good News
- Countries around the world have enacted a wide range of child-friendly justice procedures

Bad News
- Child Victims of sexual exploitation still struggle to access justice through the criminal justice system
Access-to-Justice Barriers for Sexually Exploited Children

At every stage of proceedings, sexually exploited children face unique barriers that hinder access to justice:

1. **Entering the Justice System:** Reporting, Rescue, Criminalisation
2. **Participating in the System:** Support, Protection, Care, Assistance
3. **Securing Remedies**
Unique Barriers to Reporting

- Don’t see themselves as victims
- Fear of arrest & distrust of police
- Heightened risk of retaliation and stigma
- Don’t want to be committed to shelters
Police inaction was common theme

Rely on NGOs to search for, find & rescue children

When raids do occur, exploited children are often misidentified or mistreated
Family support vital to child’s successful participation, however:

Family support was rare especially in cases of trafficked children

Pressure for families to settle out of court
Unique Barriers: Care and Protection

- Children are often placed in protective shelters pre-trial
- SEC Offenders are released pre-trial
Participating in Justice Systems: Assistance

Good Practices in child friendly procedures:

- Limits of # of interviews
- In camera or closed-door hearings
- Live-link testimony from a private room
- Child specialists to conduct questioning
- Support persons and comfort items
Barriers to Compensation:

- Only 5 out of 42 reported knowing about compensation
- Biased against children exploited in sex trade
- Children almost never receive restitution from offenders
- State compensation programmes can be an option but...
Access to Justice—Child-Friendly Justice: Moving Forward

**Entering the Justice System**
- Outreach
- Develop police capacity
- Safe harbours against arrest

**Participating in the Justice System**
- Appointed advocate
- Presumption of pretrial detention
- Witness protection, esp. around courthouse
- Flexible child-friendly procedures

**Legal Remedies**
- Victim assistance
- Restitution enforcement mechanisms
- State-managed funds with safe harbours
Thank you for your attention!
Research reports can be downloaded from: www.ecpat.net