



Excerpt from the book:

Fondation Scelles, Charpenel Y. (under the direction of), *Sexual Exploitation: New Challenges, New Answers (5th Global Report)*, Paris, 2019.

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EXPLOITATION AND SEXUAL VIOLENCE IN ARMED CONFLICTS

In parallel with the expansion of zones of armed conflict, the accompanying sexual violence seems to know no limit. Torture and sexual exploitation, forced marriages, prostitution, using rape as a weapon: all the warning lights are red. International law is being trampled by belligerents, and does not completely protect civilians, humanitarians and prisoners. It is as if international justice is overwhelmed by numbers.

Prostitution and human trafficking indiscriminately mark times of war and times of peace. However, the violence that accompanies conflict is exacerbated regardless of location, duration or intensity. While the connection between soldiers, civilians and prostituted persons has always existed, it perpetuates and evolves. Confrontations have changed in nature. Wars between two distinct armies from respective States known as powerful, on a given territory, are less and less frequent (Badie, Vidal, 2016). These interstate conflicts rarify and give way to intra-state wars with multiple objectives: economic, security, territorial, political, ethnic, cultural or religious. These objectives are diverse and the conflicts, between or within failed States, are multifaceted. This change blurs the boundaries between places of fighting and places of truce. The absence of a clear definition of the limits of war zones places civilians at the heart of these conflicts. The proliferation of internal tensions, the expansion of urban combat zones and population growth also accentuate the civilians' risk of being taken as a target. Conflicts and the migration that

accompanies it are all grounds for exploitation, trafficking and sexual violence. Despite the international humanitarian law treaties laying down the rules of conduct to be adopted during armed conflicts, in particular as it relates to the protection of civilians, humanitarian workers or prisoners of war, the abuses committed in recent years have been exponential: torture and sexual exploitation, forced marriage and prostitution, use of rape as weapons of war. So many abuses are committed with impunity while international justice faces the challenge of punishing them. Acts of sexual violence during armed conflicts are extremely frequent and widespread, and have been for a long time. However, it is these crimes that are the least punished on an international scale.

Leisure, escape or comfort of soldiers: prostitution as dressing of war wounds

The close relation between prostituted persons and soldiers does not need to be proven. Since the very first wars up until current conflicts, one is not seen without the other. Some speak of an "inseparable

couple” or an “indivisible couple” to describe this association which has persisted since the Great War, up until current wars (Benoit, 2013). Military occupation fosters the birth of prostitution and, in return, prostitution stimulates the installation of troops.

Cases of “comfort” women being used by the Japanese army

“Comfort” women, as described by the Japanese army, are one of the most distinctive representations of sexual exploitation used by soldiers to tend to their war wounds. Speaking of “comfort” women is an intelligent semantic form, but it does not reflect the reality of the observed phenomenon. During the 1930s, Japan’s colonial domination over China took root. The year 1937 marks the beginning of the Second Sino-Japanese war. It was during this period that the Japanese army made available to their soldiers on the frontline women within “houses of comfort,” also called “relaxation centers.” The justifications were the well-being of the soldiers, the management of sexually transmitted diseases and the willingness to end rapes committed by soldiers from their own ranks. These centers housed, with horrible living conditions, mostly Korean women, but also Chinese, Taiwanese, Filipino and Indonesian women. They were forcibly enlisted in villages or recruited with false promises of being hired to work in textile factories. The alleged racial inferiority of Korean women, according to the colonizing Japanese authorities of the time, made these women the main victims of this system of exploitation. Sources of information, used to defend conflicting opinions, are divergent and the extent of abuse is difficult to quantify. However, historians estimate their number to be 200,000 victims. Sexual exploitation in wartime is the soil of trafficking networks and of the development of sex tourism

during peacetimes. The armies’ responsibility in the sustainability, standardization and systematization of the prostitutional practice in peacetime is also to be taken into account.

Peace-keeping soldiers implicated in the sexual exploitation of their beneficiaries

The institutionalization of prostitution by military occupations has been carried out by armies in multiple countries, including United Nations Peacekeeping Soldiers. More than 70 years after its creation, the *United Nations* (UN) finds itself in a paradoxical situation. While conflicts continue, multiply, and become more complex, the organization is just as necessary as it is criticized. A preoccupying accusation questions the legitimacy and the authority of the organization’s work. *UN* personnel as well as *UN Peacekeepers* have been implicated in affairs of violence and sexual exploitation. During missions in the Central African Republic, Cambodia and Timor, peacekeepers reportedly used the services of prostituted persons. In Bosnia, according to Kathryn Bolkovac, former member of the *International Police Task Force* (IPTF) as a human rights investigator, UN officers were involved in sexual exploitation networks in 1999 (Bolkovac, Lynn, 2011). Similarly, the Democratic Republic of Congo has been described as the “rape capital of the world” by Margot Wallström, then UN Special Envoy for violence against women and children during conflicts (*The Globe and Mail*, March 26, 2017). This announcement was audacious, as the numbers demonstrate that the accusations made towards UN personnel are the most significant in the country (45% of cases of violence reported between 2008 and 2013) (*Mediapart, Zero Impunity*, February 21, 2017). Yet, the recommendations and texts given to the personnel are clear: zero tolerance concerning exploitation and sexual

infringements. Since the 2000s, primarily in 2004, the year during which the cases of sexual abuse committed by members of the UN in the Democratic Republic of Congo were made public, numerous resolutions and pieces of internal legislation state the so-called “strict” policy of the UN authorities. UN personnel must not have relations with their beneficiaries, with “anyone receiving aid,” or have “sexual relations with a prostituted person or a person under the age of 18.” Composed of 70 people, an ethics committee has been created to manage the more than 120,000 employees of the UN. Similarly, the Internal Services Control Office has been tasked with controlling the abuses of personnel. Finally, the Trust Fund, created in March of 2016, is a first-response assistance designated for people who are survivors of sexual aggressions committed by UN personnel. The number of documents and measures implemented is revelatory of the scale of the phenomenon. However, the number of cases reported has not stopped increasing. The implemented measures are without a doubt as much for calming the critics as for condemning criminals. While the number of complains reported to the Internal Services Control Office is known, the number concerning discarded reports or non-reported accusations are impossible to know. The real number of allegations thus remains unknown. Lack of evidence, nepotism, or individuals fired before an investigation is even initiated are factors that limit victims' ability to obtain justice. Peacekeepers are responsible for protecting each individual. The UN was quick to point this out, particularly in order to discharge its guilt. However, their work must be supervised by the organization. Thus, responsibility is shared. Reflections are to be made on the recruitment of peacekeepers. Troops are made up of soldiers with a singularly varied past, from

extremely different countries, with cultures that do not give equal place to women's rights, some refusing the idea of a right to sexual consent. Similarly, proposed trainings remain marginal, and the issue of respecting the sexual integrity of beneficiaries of peace missions is not brought up. The insufficiency of training is at the origin of these abuses. The respect of this “zero tolerance policy” refers to deeper issues than just the conduct of these peacekeeping missions.

French or American armies, initiators and consumers of prostitution networks

During the Sangaris operation, a French intervention carried out in Central Africa between 2013 and 2016, several soldiers were accused of having sexual relations with women and with children, paid or not, or in exchange for food (*Mediapart, Zero Impunity, January 3, 2017*). The material ease of armed forces, during or after conflicts, gives them significant power over populations who lost everything during the conflict, and who live in misery that allows for the growth of all forms of sexual exploitation. Other testimonies report that sexual aggressions or rapes have been committed towards adults and children. Even now, none of these accused soldiers has been investigated, and the few procedures that have been started ended without any further action. Thus, not only are civilians experiencing conflicts, they also suffer from crimes committed by military personnel from interventionist countries or by UN soldiers. This double punishment and double hatred have disastrous consequences that call into question the legitimacy of the interventions, the reputation of the armed forces and of the countries on which they depend, the confidence that civilian populations can have in them and the validity of international and western aid. Post-traumatic shock and psychological

disorders are evidence of the dramatic situations experienced by soldiers returning from the front. Soldiers returning from Iraq or Afghanistan suffer, and the American government decided to act. One of the measures decided as early as 1967, the date of signing of an accord with Thailand, was the creation of rest and recreation centers made available to soldiers. The country was already affected by prostitution, which developed from the beginning of the Vietnam War, and it only worsened afterwards.

A destructive trilogy: Sexual exploitation, terrorism and violence

Within current or past conflicts, sexual exploitation and prostitution ensure the recruitment and well-being of terrorist combatants (Malik, 2017). The female body galvanizes soldiers, and serves marital or sexual purposes. However, in the framework of territories marked by the presence of terrorists (Iraq, Syria, Yemen, Sudan, Nigeria, Mali or Somalia...), the promises of women as a reward or for marriage are all the more motivating because they manifest themselves in societies where sex is taboo. The female body is seen as sacred; the value of this offer is ever the more esteemed. In addition, sexual exploitation, prostitution and sexual violence are also used as war tactics. Economic, sociopolitical and religious factors justify the activities of trafficking and sexual exploitation. The objectives are varied: punishing the enemy, ethnic cleansing in the occupied territories, genocide, indoctrination, securing future generations of combatants or supplementary finances in order to perpetuate the organization.

The case of Syria: double penalty for its civilians

In Syria, some civilians have been subjected to aggressions from the Bachar Al-Assad regime, while others have been

subjected to those of the self-proclaimed Islamic State group in Iraq and in the East, and some have been subjected to violence from both. The beginning of the Syrian revolution was already heralding the abuses that will be committed throughout the conflict. In 2011, the discourse of the regime was clear in the eyes of its opponents: "Forget your children, go make new ones, and if you don't, we'll do it for you" (France 2, December 12, 2017). The conflict erupted and the search for opponents of the regime commenced. When the opponents were not present at home, soldiers were ordered to forcibly enter their houses, rape their wives and sometimes even their children. For some, videos of these crimes were recorded with the intention of sending them to their husbands. Another method employed by the regime when the opponent could not be found at their home is as follows: the militants were charged with abducting their wives or children and putting them in prison. Some women were detained to put pressure on their relatives opposing the regime, others were raped by other people imprisoned, or chosen to become sexual slaves of soldiers. They underwent medical follow-up to control births (birth control pills, forced abortion). The bodies of enslaved women were made available to exploiters and were subjected to certain rules. For example, a woman cannot be pregnant when she is sold to another man (France 2, December 12, 2017). Another form of more insidious sexual exploitation mixes a false love story and a forced pregnancy. The woman is destined to ensure future generations of Caliphate. While many children born in the territories held by the IS are from married couples, there is a need to express reservations about the consent of women to give birth. These steps are led not only by men but also by many women involved in recruitment and sexual

slavery. For example, the Al Khansaa brigade, charged with applying a rigorous application of Sharia law, is composed of women who ensure that everyone follows the customs. The IS notably persecutes Yazidi people, which is a minority community with Zoroastrian beliefs (a monotheistic religion of ancient Iran). Although all international organizations are in agreement that the phenomenon is difficult to quantify, around 5,000 women may have been reduced to slaves. The utilization of sexual violence as a weapon of war is intended to break men. Whether the crimes are committed by Bachar Al-Assad forces or IS, the objective is the same: to exploit the female body and to destroy the woman, while also destroying her community and the men to whom she is connected. In a society with extremely strong traditional values and a Muslim majority, the connection between men and women is very powerful. Rape is therefore a quick, free and extremely devastating way to reach those who, in Syria, are considered the center of their familial cells. Communities agree on the important value of the body, in particular that of women, which symbolizes purity. Infringing on this symbol through forced sexual intercourse, whatever it may be, undermines all the fundamental values and beliefs of these peoples. The importance of women's virginity is totally disrupted. Worse still, already shaken by the violence suffered, they are subjected to shame and silence. Stigmatization translates to post-traumatic stress, which sometimes leads to death as many women commit suicide following sexual violence. They also can become the target of reprisals, be rejected by their communities or forced to leave the children who were born as the result of rape or prostitution, and thus deemed illegitimate. These crimes are often not denounced. Evaluations remain rare and incomplete. A

reflection must be made on the reconstruction of Syrian society, which is traumatized by these crimes, symbolic of barbarianism, even during times of peace. Captive and sexually exploited populations by terrorist organizations exist in other regions of the world (Boko Haram in Nigeria, Aqmi in Mali, etc.).

Migratory crises: soil for development and expansion of sexual exploitation

The world is currently seeing the largest migratory crisis since the Second World War: whether political, climate or economic migrants, their paths are varied. In 2015, a threshold of 65.3 million migrants and refugees has been reached. This number is equivalent to the entirety of the French population. According to the UN Refugee agency, there were around 70 million migrants in 2017. Historian Michelle Perrot states that, since the 19th century, issues of mobility are inevitably tied to sexual exploitation. During the 20th century, geopolitical events reconfigured the map of prostitution networks. Migratory routes and modalities of entry change. Now, terrestrial and maritime routes are used more frequently than air travel, which is heavily watched. The lack of shelters, the instability of reception centers and the continual closing of borders results in the need to resort to smugglers to enter Europe. These phenomena exalt violence and insecurity. Investigations carried out by Europol and Interpol reveal the connections between the routes of migrants and the routes of trafficking identified in Africa, Europe, the Middle East and in Asia. Migratory crises constitute fertile soil for the polymorphic development of sexual exploitation.

Migratory routes, but also the camps in which migrants pass through or live in, are places of extreme vulnerability. These artificial microcosms, created for a

temporary purpose, sometimes shelter generations of populations and are the place of all abuse. 80% of people living in migrant camps in Kenya or Bangladesh are women and children. Their husbands stayed in their countries, on the front or died in fights. The sociocultural context in which these conflicts emerge increases the vulnerability of these women and children who live in the camps. Current conflicts destabilize patriarchal societies, who find themselves without fathers or husbands. Brought up with the idea that the man is the “bridge of the family” and the “guardian of the family’s autonomy,” women and their children become a generation of “orphans” (*Le Monde*, November 16, 2017). While some women are lucky enough to have a family to rely on, others only have international organizations to help them. Although women are the most affected, men also suffer from sexual exploitation.

Libya: an anchoring point for the horrors of exploited migrant

During the revolution, soldiers of dictator Mouammar Kaddafi received an order to punish dissenters and to commit sex crimes on a large scale. “Punish” meant “rape every house in every rebel city” (*Le Monde*, November 10, 2017). In the Libyan conflict, men were the primary target, which is a singularity of this conflict. To reinforce the power of this weapon that is rape, sexual stimulants (Viagra...) were distributed to soldiers. Furthermore, videos were recorded during these rapes with the intention of terrorizing insurrectionists. Threats to diffuse these videos were used to keep their victims quiet. Accusations of using rape as a weapon of war became rapidly widespread. However, since 2011, neither the International Criminal Court (ICC) nor any other international organization has succeeded in judging these crimes. The raped insurrectionists then became rapists. Thus, Qaddafi loyalists became victims. There are

testimonies of serious sexual violence. However, in a country wherein victims are distrusting of medical and judiciary structures, to take care of oneself or to obtain justice is unimaginable, even more so if the victim is a man in a traditional society, mostly Muslim. The Libyan case illustrates the exacerbation of violence. It also represents the height of difficulty that comes with judging crimes committed by rapists, who have also been raped. To the internal problems is added the massive arrival of migrants coming from numerous African countries. Libya, unable to have an authority over its borders and control of its coastline, does not have the means to take charge of these migratory flows. Migrant people are condemned to stay on the land. Every day, migrant boats arrive in Libya. They find themselves stuck in centers, prisons or other informal structures for months. Women and men are beaten, raped, sold or used as sexual and domestic slaves. Libya is a point of passage as well as anchorage for trafficking networks on a large scale, leading to a senseless monetization of human life. Sophie Beau, co-founder of *SOS Méditerranée*, speaks of “generalized humiliation, extortion of money, slavery and rape” to describe the situation (*France Culture*, November 15, 2017). The weight of the debt and of successful migration is another factor that accentuates the vulnerability of migrants. Migration involves the settlement of a large sum, sometimes paid in advance, which in most cases will have to be repaid once the migration has been completed. As a result, many migrant people are forced into prostitution to pay off their debts in a timely manner.

The Rohingya people: sexual exploitation present at every step of migration

Since August, 25th 2017, generalized fires and crimes, notably sexual, committed by the Burmese army on the Rohingya ethnic group (Muslims from Myanmar) have

pushed over 600,000 people to flee the country, primarily to Bangladesh (HRW, November 7, 2017). These crimes, including repeated rapes, most likely constitute ethnic cleansing (Slate, November 16, 2017). Reports from *Human Rights Watch* (HRW) and *Amnesty International* (AI) are unanimous: the majority of reported rapes have been perpetrated by soldiers (HRW, November 16, 2017; *Amnesty International*, October 18, 2017). After having long denied their role in the massacre, the army recognized the rapes and tortures committed by some individuals. For their part, NGOs and international organizations have stated that rapes were primarily committed in groups. The consequences are numerous: post-traumatic stress disorder, loss of appetite, sleeping disorders and depression. Investigations must continue to help victims express themselves (HRW, November 16, 2017). Finding ways to better report rape without hindering the will of the victims who would rather be silent often is one of the primary objectives of international organizations. Reporting crimes helps to relieve victims of their silence, and also aids national and international judges in accumulating evidence in order to sentence guilty parties. As the first members of this Muslim community are returning to their country, it is essential to ensure that the acts committed will be tried and punished in order to prevent victims from being forced to live next to their executioners. Bangladesh, Myanmar's neighboring country, has hosted many members of the Rohingya community. Camps have, little by little, become hotspots for traffickers (UN Info, November 14, 2017). Young women and girls are the ideal targets, as they can supply sex trafficking businesses in Asia and Europe. In refugee camps, 6 out of 10 people are children (Reuters, November 8, 2017). Children without parents become

victims of forced labor or prostitution, and are essential in the eyes of traffickers. Sometimes, families worry about their child's future, and orchestrate forced or arranged marriages. These marriages appear to be reassuring for the families, but it often happens that the husband sells his young wife to a brothel.

The role of justice in the protection of victims of sexual exploitation during armed conflict

Impunity, which is the failure to be punished for criminally reprehensible acts, is a standard when it comes to sexual exploitation. The first tool to understand the impunity of these crimes: silence. Stigmatization often weighs more heavily than the desire for justice. Testimonies are rare, their word is often censored and evidence is partial. Affecting sexuality not only breaks the individual, but also a community, a society and even a country. Male or female victims of this form of violence often choose silence over exclusion, shame, stigmatization, or further physical or psychological violence. This is thus why these crimes are rarely reported. Evidence and investigations are almost impossible to carry out in destroyed countries, without a police or judicial structure, without stable and competent authorities. Similarly, refugee camps are places where the use of justice and the preparation of cases are eminently complex. The status of being a migrant presents an additional difficulty. Indeed, illegal status takes away all possibility of being able to report a crime. And even if the evidence is gathered, judges and lawyers in charge of these cases are threatened with reprisals in some countries. In Libya, for example, some doctors or legal professionals were imprisoned or killed because they wanted to report these crimes (Le Monde, November 10, 2017).

Another major difficulty is that national legislation is an obstacle to the recognition of sexual exploitation. A person who is a victim of prostitution and sexual violence cannot be dealt with if no national law considers sexual exploitation to be an offence or a crime. In Nigeria, for example, a husband cannot be accused of rape. A rapist could also marry his victim to annul the condemnation. In Syria, domestic violence still doesn't exist in the legislation. Thus, even before thinking about adapting national laws to the international model, the will of civil societies wishing to participate in the reforms of national legislation needs to be supported.

At the international level, the 1949 Geneva Convention and the additional protocols I and II of 1977 state that "States Parties must engage in protecting women against rape, sexual slavery and forced prostitution. Violation is a serious offence that each contracting party must refer to its own courts." The UN Security Council issued several resolutions on the subject, such as resolution 1325 (2000), resolution 1820 (2008) and resolution 1889 (2009). Resolution 1889 went further than its predecessors, specifying it does not suffice to impose on States the protection of women against sexual violence and the punishment of guilty parties, as it is also essential to incorporate these goals in precise governmental projects. These governmental projects should address the ensemble of civil society, the army, the police, the justice system, health and education. Resolutions are in place, but the urgency is to enforce them in accordance with the prism of national and international law. The institution in charge of judging war crimes and crimes against humanity is the International Criminal Court, but the ICC only has a subsidiary role. Primary jurisdiction to judge these crimes therefore

belongs to the States, as the principle of sovereignty commands.

Like the majority of justice proceedings in the framework of international law, handling sexual exploitation and the associated violence within conflicts takes a long time. These periods are partly explained by the lack of time and resources of the various courts such as the International Criminal Tribunal for the former Yugoslavia (ICTY) or the International Criminal Tribunal for Rwanda (ICTR).

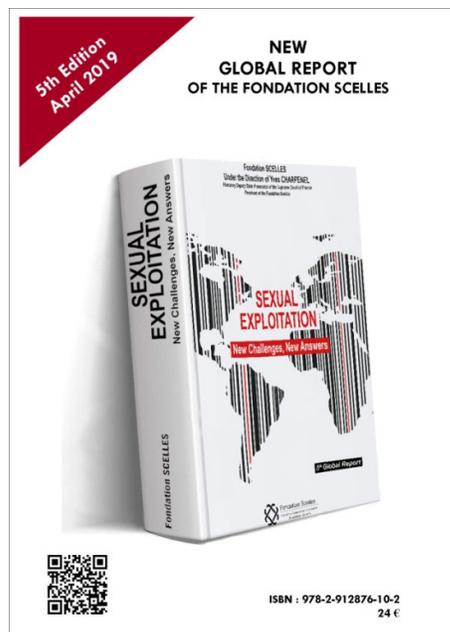
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The Global Report is produced by the International Observatory on Sexual Exploitation, in collaboration with internal and external experts (magistrates, lawyers, social workers, NGO leaders...), and the support of local NGO correspondents or international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