

# Protecting Children from Sexual Violence

Children living in close proximity to mining operations can face a range of increased risks, including being subjected to sexual violence. The Convention on the Rights of the Child, article 34, states that children must be protected from “all forms of sexual exploitation and sexual abuse.” While government holds the primary responsibility, companies are an essential stakeholder in achieving this goal.

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# Tool 9

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Where does your company stand on respecting and advancing every child's right to protection from sexual violence? The figure below presents a continuum from the lowest level of compliance to the fullest measures of corporate responsibility and proactive leadership.



Tool 9 offers support for mining companies that seek to enhance their understanding of sexual violence against children, more effectively assess the risks, and implement policies and mechanisms to protect children and lower the likelihood that child rights abuses will take place in the context of mining operations. Companies that have not developed and formally integrated a comprehensive approach to assess and manage their impacts on human rights should address this gap as a priority.

Before implementing new policies, mechanisms and practices aimed to protect children from sexual violence, companies can map the issues at stake by referring to appropriate guidance for including a child rights lens in their social or human rights impact assessment processes (see *Tool 1. Impact Assessment*).

### 9.1 Overview of the issues and related standards

Sexual abuse and exploitation of children is defined by the Committee on the Rights of the Child as:

- The inducement or coercion of a child to engage in any unlawful or psychologically harmful sexual activity; the use of children in commercial sexual exploitation; and the use of children in audio or visual images of child sexual abuse.
- Child prostitution, sexual slavery, sexual exploitation in travel and tourism, trafficking within and between countries, sale of children for sexual purposes, and forced marriage.

These violations of children's rights do not necessarily involve physical force, but are nevertheless "psychologically intrusive, exploitive and traumatic."<sup>45</sup>

'Sexual violence' against children refers to both abuse and exploitation, including "acts of commission and omission and associated to physical and psychological violence. ... From a child rights perspective, what matters is that the protection granted or sought through both legislation and policies be as broad and effective as possible, leaving no room for loopholes and securing all children's protection and freedom from harm."<sup>46</sup>

In some circumstances, risk factors for sexual violence against children can be linked to the contexts in which mining operations take place. Potential issues include those associated with difficult socio-economic contexts and changing environments, such as:<sup>47</sup>

- *Poverty and deprivation*, leading to child prostitution.
- *Changes in living conditions and the community landscape*, including the loss of familiar landmarks, leading to isolation and exclusion among mine workers and community members, including children.
- *High population density due to in-migration*, allowing workers to feel anonymous and community members to see commercial sexual exploitation of children as an economic 'opportunity'.
- *Children living or working on the streets, near slums and night entertainment venues*, bringing them in contact with environments where sexual violence is more likely to occur.
- *Child labour*, placing children at risk in situations that are in violation of international standards.
- *Lack of knowledge about sexual violence against children*, leaving workers and communities with a poor understanding of the full aspects of sexual violence and the consequences for perpetrators, and children with little understanding of their rights.
- *Numerous workers and contractors present at the mining site and surrounding areas, particularly during construction*, potentially leading to gaps in company supervision and management, for example, failing to identify personnel who have a history of child sexual abuse.
- *Low level of basic child protection and undermined rule of law in the country or area of operations*, allowing violators to feel that they will be immune to prosecution and survivors to have little access to the legal system.

<sup>45</sup> Committee on the Rights of the Child, 'General Comment No. 13 (2011): The right of the child to freedom from all forms of violence', CRC/C/GC/13, United Nations, 18 April 2011, article 25 (a–d).

<sup>46</sup> Interagency Working Group on Sexual Exploitation of Children, *Terminology Guidelines for the Protection of Children from Sexual Exploitation and Sexual Abuse*, ECPAT International, Bangkok, June 2016, p. 16; available at <[www.ilo.org/ipecc/Informationresources/WCMS\\_490167/lang-en/index.htm](http://www.ilo.org/ipecc/Informationresources/WCMS_490167/lang-en/index.htm)>.

<sup>47</sup> Office of the Special Representative of the Secretary-General on Violence against Children, *Toward a world free from violence, Global Survey on violence against children*, available at [http://srgv.violenceagainstchildren.org/sites/default/files/publications\\_final/toward\\_a\\_world\\_free\\_from\\_violence.pdf](http://srgv.violenceagainstchildren.org/sites/default/files/publications_final/toward_a_world_free_from_violence.pdf)

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As stated in the United Nations Guiding Principles, companies have a responsibility to “avoid causing or contributing to adverse human rights impacts through their own activities, and address such impacts when they occur” – and to prevent or mitigate human rights impacts that are linked to their operations through their business relationships, even if they did not contribute to those impacts.<sup>48</sup>

To protect children from sexual violence, mining companies can take action at different levels – including internal policies and plans, responsibilities over contractors, and engagement with the local communities – as outlined in the next sections.

### Resources for protecting children against sexual violence

Committee on the Rights of the Child, ‘General Comment No. 13 (2011): The right of the child to freedom from all forms of violence’, available at <[http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/TBSearch.aspx?Lang=en&TreatyID=5&DocTypeID=11](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/TBSearch.aspx?Lang=en&TreatyID=5&DocTypeID=11)>

Guidelines for Medico-Legal Care for Victims of Sexual Violence, World Health Organization, Chapter 7, ‘Child Sexual Abuse’, available at <[www.who.int/violence\\_injury\\_prevention/publications/violence/med\\_leg\\_guidelines/en](http://www.who.int/violence_injury_prevention/publications/violence/med_leg_guidelines/en)>

Terminology Guidelines for the Protection of Children from Sexual Exploitation and Sexual Abuse (Luxembourg Guidelines), Interagency Working Group on Sexual Exploitation of Children, available at <[www.ilo.org/ipecc/informationresources/WCMS\\_490167/lang-en/index.htm](http://www.ilo.org/ipecc/informationresources/WCMS_490167/lang-en/index.htm)>

### 9.2 Internal policies and management systems

A first step companies can take to protect children from sexual violence is to build internal policies and strong management systems that aim to prevent sexual violence against children and respond effectively if there are allegations or incidence of occurrence. Table 22 shows a series of actions that companies can integrate in their management systems in this regard.

<sup>48</sup> Office of the High Commissioner for Human Rights, *Guiding Principles on Business and Human Rights: Implementing the United Nations ‘Protect, Respect and Remedy’ Framework*, United Nations, New York and Geneva, 2011, p. 14; available at <[www.ohchr.org/EN/Issues/Business/Pages/Tools.aspx](http://www.ohchr.org/EN/Issues/Business/Pages/Tools.aspx)>.

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Table 22. Protecting children from sexual violence through policies and systems

<p><b>Risks:</b> If the company's internal policies and management systems do not consider and target child sexual violence, the company might be unable to prevent sexual violence in and around its operations and therefore endanger its business stability because of potential reputational risks, legal proceedings and thus financial threats as well as a potential deterioration of the social environment around mining activities.</p>	
Questions	Strategies and action
<p><i>Does the company commit to respect children's rights?</i></p>	<ul style="list-style-type: none"> <li>• Ensure that the company commits to fight sexual violence against children by, for example, mapping existing policies and identifying the gaps.</li> <li>• Develop a zero-tolerance policy on child sexual exploitation and a code of conduct to address employees' and contractors' behaviour.</li> <li>• Obtain senior-level commitment and allocate responsibilities and resources to address identified issues.</li> <li>• Ensure that this commitment is publicly available and communicated internally and externally to all relevant parties.</li> </ul>
<p><i>Does the company engage in raising awareness on sexual abuses against children among the workforce? Does it ensure, for example, that workers know that child prostitution is sexual violence against children?</i></p>	<ul style="list-style-type: none"> <li>• Provide training for the workforce to raise awareness on sexual abuse.</li> <li>• Specifically raise awareness among security providers and provide them with methods to detect and monitor this risk among the workforce.</li> </ul>
<p><i>Does the company mention and explain the illegality of sexual abuse against children in the contracts signed with its employees?</i></p>	<ul style="list-style-type: none"> <li>• Human resources departments should include a clause in workers' and contractors' contracts on the specific prosecutions related to sexual abuses against children, including child prostitution, and mention that the company would bring the case to relevant authorities.</li> </ul>
<p><i>Does the company assess and monitor employees' health to avoid the aggravation of potential diseases, and possible effects on children?</i></p>	<ul style="list-style-type: none"> <li>• Assess and monitor employees' health with doctors, who should take into account the workers' family environment and the potential impacts of employees' health on this environment.</li> </ul>
<p><i>Does the company ensure that its employees did not previously engage in sexual abuses?</i></p>	<ul style="list-style-type: none"> <li>• Access criminal records if compliant with local and national laws.</li> </ul>
<p><i>Does the company set up an influx management strategy as well as an integration plan aiming at controlling workers' flows and improving their integration? Does this plan entail awareness raising about child sexual abuses?</i></p>	<ul style="list-style-type: none"> <li>• Set up an influx management strategy to regulate the flows of workers on site (see Tool 4. In-Migration).</li> <li>• Create an integration plan for workers coming from other parts of the country, or from other countries, possibly with a training module that raises awareness about child sexual abuses.</li> <li>• Create a psychological support unit for workers in need.</li> </ul>
<p><i>Does the company provide for mechanisms to report abuses?</i></p>	<ul style="list-style-type: none"> <li>• Ensure that the company's grievance mechanism enables children to report such abuses.</li> <li>• Communicate the existence of this grievance mechanism to workers and raise awareness about potential legal implications.</li> </ul>

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### Box 14. Sherritt International Corporation's initiative to address child exploitation

After receiving allegations that some subcontractors had been sexually exploiting young girls, Sherritt International, which was constructing the Ambatovy nickel operation in Madagascar at the time, decided to reach out to UNICEF for help in dealing with this issue. UNICEF provided Sherritt with guidance on establishing and implementing a zero-tolerance policy for its entire workforce, carrying out sensitization campaigns for workers, and increasing awareness about this important issue in local communities.

Source: Sitter, Mark, 'Working to Address Child Exploitation in Mining', Sherritt International Corporation, 14 May 2015, <[www.sherritt.com/English/Investor-Relations/News-Releases/News-Release-Details/2015/Working-to-Address-Child-Exploitation-in-Mining/default.aspx](http://www.sherritt.com/English/Investor-Relations/News-Releases/News-Release-Details/2015/Working-to-Address-Child-Exploitation-in-Mining/default.aspx)>.

### 9.3 Responsibilities over contractors

Companies can contribute to protecting children from sexual violence by exerting leverage on suppliers or contractors. Table 23 presents a series of strategies and actions that companies can apply in their business relationships to better protect children from sexual violence.

Table 23. Addressing sexual violence related to business relationships

<p><b>Risks:</b> If the company does not ensure that its contractors are aware of and implement the company's zero-tolerance policy, it might be held responsible if a contractor commits a crime, and as a result its reputation would be tarnished, and the company could face legal proceedings and thus financial threats, as well as deterioration of its social environment.</p>	
Questions	Strategies and action
Does the company ensure that contractors are not implicated in previous abuses of children?	<ul style="list-style-type: none"> <li>Review the due diligence applied to contractors to ensure they are properly screened for child abuse, including sexual abuse.</li> <li>If there are numerous contractors, consider performing a mapping of all contractors and a risk assessment based on numbers and origin of workers, location on site, roles (including the role of security) and duration of the contract.</li> </ul>
Do the various contractors also commit to respect children's rights?	<ul style="list-style-type: none"> <li>Ensure that the contractors also refer to respecting children's rights in their policies/code of conduct.</li> <li>These policies should be publicly available.</li> </ul>
Are the contractors' employees also bound by a contract that mentions the illegality of sexual abuse against children?	<ul style="list-style-type: none"> <li>The procurement department should ensure that the contractors' contracts signed with their workers mention the illegality of sexual abuse against children, and refer to relevant penalties.</li> </ul>
Does the company ensure that the contractors' employees were not previously engaged in sexual violence?	<ul style="list-style-type: none"> <li>Require its contractors at risk to access its employees' criminal records, if compliant with local and national laws.</li> </ul>
Do contractors engage in raising awareness on sexual abuse against children among the workforce?	<ul style="list-style-type: none"> <li>Consider requesting that contractors conduct training to raise awareness on children sexual abuse among the contractors' workforce.</li> </ul>

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### Box 15. Protecting children and adolescents on Colombian roadways

UNICEF Colombia and the national company Ecopetrol signed the pact ‘Conveyors against the sexual exploitation of children on the roads of Colombia’ to protect children and adolescents. A total of 24 transport contractors for Ecopetrol heeded the call of this programme to protect children and adolescents from any action that facilitates sexual exploitation and undermines the integrity of the pact. The initiative entailed the facilitation of awareness-raising training for transporters’ employees, the identification of high-risk areas and the creation of a specific grievance mechanism for these areas.

Source: Minuto30.com, ‘Transportadores contra la explotación sexual de la niñez en las carreteras de Colombia’, 26 April 2016, <[www.minuto30.com/transportadores-contra-la-explotacion-sexual-de-la-ninez-en-las-carreteras-de-colombia/466140](http://www.minuto30.com/transportadores-contra-la-explotacion-sexual-de-la-ninez-en-las-carreteras-de-colombia/466140)>.

### 9.4 Engagement with communities

Corporate engagement with a wide range of stakeholders in local communities can be a way for the company to contribute to child protection, for example, through awareness-raising activities – and for local stakeholders to contribute their knowledge of the context to the company’s child-protection efforts. Table 24 outlines key strategies and actions that companies can take in this regard.

Table 24. Addressing risks of sexual violence in surrounding communities

<b>Risks:</b> Engaging with communities on child protection and sexual violence can enable companies to limit the risk of sexual violence against children in the area, and generally contribute to the community’s well-being.	
Questions	Strategies and action
<i>Is the company involved in raising communities’ awareness about sexual abuse and its consequences? Directly with children?</i>	<ul style="list-style-type: none"> <li>• Build partnerships with civil society and local authorities in order to ensure that people know what sexual abuse entails and their consequences by engaging with workers and communities through workshops, educational activities and training (see Tool 10. Social Investment).</li> </ul>
<i>Is the company involved with local businesses, including entertainment businesses, in fighting against sexual abuse?</i>	<ul style="list-style-type: none"> <li>• Meet the businesses’ managers in the area and ensure they know about sexual abuse risks.</li> <li>• Ensure that businesses know about the mechanism for reporting abuse.</li> </ul>
<i>Is the company involved in longer-term development projects that will benefit the local population and improve their livelihoods?</i>	<ul style="list-style-type: none"> <li>• Implement development projects aiming to improve households’ and children’s livelihoods around the mine sites (see Tool 10. Social Investment).</li> <li>• Consider increasing the level and type of engagement with children, including community and/or school workshops, site tours and education campaigns (see Tool 2. Stakeholder Engagement).</li> </ul>

Box 16. Anglo American's work to reduce adolescent pregnancy in Barro Alto, Brazil

In the city of Barro Alto, Anglo American partnered with the local municipality and Reprolatina, an NGO dedicated to addressing gender inequality, empowering women, and providing technical support to improve sexual and reproductive health among disadvantaged populations.

Through this partnership, Anglo American implemented a programme to promote a culture of prevention and the adoption of healthy lifestyles. By combining research, action and education, the project sought to decrease vulnerabilities to unwanted pregnancy, sexually transmitted infections, including HIV, drug use, violence, sexual exploitation, and other aspects of sexual and reproductive health. Success has depended on empowering women and building local capacities among health service providers, educators and young people. Between 2010 and 2012, the company invested \$700,000 in the programme, with significant results: The percentage of adolescent pregnancies registered in prenatal care dropped from 40 per cent in 2010 to 16 per cent in 2012. By year-end 2012, more than 17,500 people had benefited from the programme's education activities.

Source: Anglo American, 'Partnering with Reprolatina', Sustainable Development Report 2012, p. 51; open PDF from <[www.angloamerican.com/~media/Files/A/Anglo-American-Plc/arsdr2013/SDR\\_p44-51.pdf](http://www.angloamerican.com/~media/Files/A/Anglo-American-Plc/arsdr2013/SDR_p44-51.pdf)>.