

# Gender Dissertation

*by* HANNAH MARY BRISTOW

---

**Submission date:** 12-Oct-2018 07:45PM (UTC+0100)

**Submission ID:** 92901037

**File name:** 2062989\_HANNAH\_MARY\_BRISTOW\_Gender\_Dissertation\_419162\_931647782.pdf

**Word count:** 14810

**Character count:** 85512



# Perceptions of gender and sexuality in discourse on child sexual exploitation

Name: Hannah Bristow

Candidate N°: 656611

Programme: MA Gender and Sexuality

Date of submission: 12.10.2018 (approved extended deadline)

Word count: 11,741

<sup>1</sup>

*'This dissertation is submitted in partial fulfilment of the requirements for the  
degree of MA Gender and Sexuality of SOAS, University of London'*

**DECLARATION**

By submitting this dissertation for marking, I give permission for a copy of this dissertation to be held for reference, at the School's discretion. I have read and understood the School Regulations concerning plagiarism and I undertake:

- That all material presented for examination is my own work and has not been written for me, in whole or in part by any other person(s).
- That any quotation or paraphrase from the published or unpublished work of another person has been duly acknowledged in the dissertation.
- That I have not incorporated in this dissertation without acknowledgement any work previously submitted by me for any other module forming part of my degree.'

## ABSTRACT

Since gaining global attention in the 1980s, child sexual exploitation has been incorporated into a growing body of both soft and hard law <sup>100</sup> at national, regional and international levels. This research analyses how <sup>the</sup> concepts of childhood, gender and sexuality are constructed and articulated within international discourse. It then applies Flat Law Theory to the case of Morocco in order to examine the interactions between international norms and the national context, including domestic law and cultural beliefs and practices, as well as the impact on policy and programmes addressing child sexual exploitation. It finds that although international discourse has a strong influence, Foucauldian sites of resistance can nevertheless be identified <sup>76</sup> at the level of the state and society, which challenge international perceptions of gender and sexuality within the context of child sexual exploitation.

## ACKNOWLEDGMENTS

<sup>20</sup> I would like to thank Dr Awino Okech for her academic support and guidance as well as my dear friend Elizabeth Robson for taking the time to read through a preliminary draft and providing me with insightful and incisive feedback.

<sup>75</sup> I would also like to extend my sincere gratitude to ECPAT Luxembourg, ECPAT France and ECPAT International for allowing access to documentation on their work, especially Audrey Rochette, Mark Kavanagh and Thomas Kauffmann.

This Master's degree would not have been possible without Thomas Kauffmann, Susanna Greijer and René Schlechter who kindly supported my application to study at SOAS. Special thanks go to Thomas Kauffmann to whom I am extremely grateful for both his personal and professional support during this undertaking.

## TABLE OF CONTENTS

1. Introduction .....	5
1.1 Positioning child sexual exploitation .....	5
1.2 Research purpose and outline.....	8
2. Methodology .....	9
2.1 A Feminist perspective.....	9
2.2 A Foucauldian approach.....	10
2.3 Flat Law as a theoretical framework.....	12
2.4 Research methods .....	14
2.4.1 Discourse analysis .....	14
2.4.2 Case study analysis.....	14
2.5 Limitations and scope .....	15
3. International discourse .....	17
3.1 The construction of gender and sexuality in international discourse .....	17
3.2 The subjectification of children in international law .....	19
3.2.1 Children as bearers of rights.....	19
3.2.2 Children as vulnerable persons requiring special protection .....	20
3.2.3 Children as agents.....	21
3.2.4 Children as gendered beings .....	22
3.2.5 Children as sexual beings .....	22
3.3 Summary .....	24
4. Flattening international law: Spotlight on Morocco.....	25
4.1 Ideologies and norms: The competing “truths” of international and Moroccan law.....	26
4.2 Subjects and spaces: The discourses competing with law .....	28
4.2.1 The perception of gender within Moroccan society .....	28
4.2.2 The perception of sexuality in Moroccan society .....	29
4.2.3 The construction of children in Moroccan society.....	30
4.3 Practices: The impact of power play on practice.....	30
4.3.1 Mapping the main players.....	30
4.3.2 The deployment of discourse and its impact .....	33
4.3.2.1 The impact of societal discourse on children’s vulnerability to sexual exploitation....	33
4.3.2.2 The impact of discourse on policy and programming .....	34
4.4 Summary .....	37
5. Conclusion and recommendations .....	38
Bibliography .....	41

## LIST OF ABBREVIATIONS

ACRWC	<sup>32</sup> African Charter on the Rights and Welfare of the Child
ACHPR	<sup>99</sup> African Commission on Human and People's Rights
AFD	Agence Française de Développement (French Development Agency)
AU	African Union
CE	Council of Europe
CEDAW	<sup>13</sup> Convention on the Elimination of All Forms of Discrimination against Women
CETS	Council of Europe Treaty Series
CRC	Convention on the Rights of the Child
ECPAT	<sup>4</sup> End Child Prostitution, Child Pornography and Trafficking of children for sexual purposes
EU	European Union
ICRW	International Center for Research on Women
ILO	International Labor Organization
LGBT+	An inclusive way to represent different sexual and gender identities or experiences embracing lesbian, gay, bisexual, transgender, queer, questioning, intersex, asexual, pansexual (My LGBT Plus, 2018)
MAEL	Ministère des Affaires étrangères luxembourgeois (Ministry of Foreign Affairs, Luxembourg)
MENA	<sup>7</sup> Middle East and North Africa
MSFFDSM	Ministère de la Solidarité, de la Femme, de la Famille et du Développement Social du Maroc (Ministry for Solidarity, Women, the Family and Social Development, Morocco)
NGO	<sup>9</sup> Non-Governmental Organisation
OHCHR	Office of the United Nations High Commissioner for Human Rights
OPSC	<sup>7</sup> Optional Protocol to the Convention on the Rights of the Child, on the sale of children, child prostitution and child pornography
PPIPEM	Politique Publique Intégrée de la Protection de l'Enfance du Maroc (Integrated Public Policy for Child Protection, Morocco)
SDG	Sustainable Development Goal
UN	<sup>81</sup> United Nations
UNCRC	United Nations Committee on the Rights of the Child
UNGA	United National General Assembly
UNICEF	United Nations Children's Fund
UNTS	United Nations Treaty Series
WHO	World Health Organization

# 1. Introduction

## 1.1 Positioning child sexual exploitation

Since gaining global attention in the 1980s, child sexual exploitation has been incorporated into a growing body of both soft and hard law<sup>1</sup> at national, regional and international levels in which it is constructed as both a human rights issue and a crime (ECPAT International, 2015; Ennew, 2008, p.41; Montgomery, 2015, p.154).

The United Nations Convention on the Rights of the Child (CRC), adopted in 1989, remains the central piece of international legislation with respect to child rights and the first to address child sexual exploitation explicitly through its Article 34 which commits State Parties to protecting children from all forms of sexual exploitation and sexual abuse, making specific reference to prostitution and pornography (Dushi, 2018, pp.81–2). It also provides the now internationally recognised definition of a child in its first article (OHCHR, 1989):

“...a child means every human being below the age of 18 years unless under the law applicable to the child, majority is attained earlier.”

The organisation of the First World Congress against Commercial Sexual Exploitation of Children, in Sweden in 1996, resulted in the Stockholm Declaration and Agenda for Action being adopted by 122 governments, which declared that the commercial sexual exploitation of children was a “fundamental violation of children’s rights” (ECPAT International, 1996). It is also the first instrument to provide a definition of this type of exploitation which:

---

<sup>1</sup> *Hard law* refers to legally binding obligations that are precise and that delegate authority for interpretation and implementation in contrast to *soft law* which is weaker in terms of obligation, precision, and delegation (W. Abbott and Snidal, 2000, pp.421–2)

“...comprises sexual abuse by the adult and remuneration in cash or kind to the child or a third person or persons. The child is treated as a sexual object and as a commercial object. The commercial sexual exploitation of children constitutes a form of coercion and violence against children, and amounts to forced labour and a contemporary form of slavery.”

From the year 2000 onwards, a body of international and regional legislation specifically targeting child sexual exploitation was developed (Dushi, 2018, pp.81–5). <sup>4</sup> The Optional Protocol to the Convention on the Rights of the Child, on the sale of children, child prostitution and child pornography (OPSC) was created in response to “the significant and increasing international traffic of children for the purpose of the sale of children, child prostitution and child pornography” as well as “the widespread and continuing practice of sex tourism, to which children are especially vulnerable” (OHCHR, 2000a, p. 247). <sup>5</sup> Article 2 of the OPSC provides the following definitions for child prostitution and child pornography:

“(b) Child prostitution means the use of a child in sexual activities for remuneration or any other form of consideration;

(c) Child pornography means any representation, by whatever means, of a child engaged in real or simulated explicit sexual activities or any representation of the sexual parts of a child for primarily sexual purposes.”

The OPSC urges its signatories to ensure that specific acts are criminalised and penalised by national legislation (Art. 3) and insists on provisions for extradition (Art. 5) as well as the seizure and confiscation of material in relation to these crimes (Art. 7) (OHCHR, 2000a). Similarly, the <sup>8</sup> Protocol to Prevent, Suppress, and Punish Trafficking in Persons, especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (hereafter referred to as the “Trafficking Protocol”) addresses the prevention, investigation and prosecution of trafficking offences,

including for the purposes of prostitution or other forms of sexual exploitation (Art. 3) (OHCHR, 2000b).

Legislation addressing child sexual exploitation has also been developed at various regional levels. For example, the European Union Directive on combating the sexual abuse and sexual exploitation of children and child pornography states that they “constitute serious violations of fundamental rights” (EU, 2011). Further, one of the primary aims of the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (hereafter referred to as the “Lanzarote Convention”) is to “protect the rights of child victims of sexual exploitation and sexual abuse” (Art. 1b) (CE, 2007) and the African Charter on the Rights and the Welfare of the Child commits its signatories to protecting children from all forms of sexual exploitation (Art. 27) (ACHPR, 1990).

International and regional instruments such as the CRC, the OPSC, the Trafficking Protocol and EU Directives are considered legally binding and mechanisms such as the UN Committee on the Rights of the Child and the Group of Experts on Action against Trafficking in Human Beings (GRETA) as well as reporting procedures have been established in order to facilitate monitoring the implementation of these instruments (Cohen, Hart and Kosloske, 1996; Slomanson, 2011, p.4).

Child sexual exploitation is also addressed within the 2030 Agenda for Sustainable Development which seeks to build upon the work of the Millennium Development Goals and is “grounded in the Universal Declaration of Human Rights [and] international human rights treaties” (UNGA, 2015). Child sexual exploitation is covered by Sustainable Development Goals 5, 8 and 16, and explicitly addressed in the associated Targets. SDG 5 frames sexual exploitation primarily as a form of gender-based violence and a “harmful practice” in the case of child marriage, whereas Target 8.7 aspires to “end modern slavery and human trafficking” and to eliminate “the worst forms of child labour”, which includes child prostitution (ILO, 1999; UNGA, 2015). Finally, Target 16.2 aims to “end abuse, exploitation, trafficking and all forms of violence against and torture of children” (UNGA, 2015).

The sexual exploitation of children is, therefore, firmly located within the closely entwined international frameworks of human rights, law and sustainable development.

## 1.2 Research purpose and outline

This study examines how the <sup>28</sup> concepts of gender and sexuality are understood and articulated within the context of child sexual exploitation, and to what effect. Following an introduction to the research topic in Chapter 1 and an outline of the methodology applied in Chapter 2, Chapter 3 analyses how the concepts of gender and sexuality are formulated within international discourse as well as how children are constructed as subjects by international legal frameworks. Chapter 4 takes Morocco as a <sup>20</sup> case study in order to examine the contextual influences that impact the development and implementation of law at its different levels (its ideological or institutional source as well as its norms, subjects, spaces and practices). It explores how gender and sexuality are perceived within Moroccan society as well as by stakeholders addressing child sexual exploitation (NGOs, international agencies and the state). It also considers the impact of these perceptions on <sup>25</sup> children who are victims of or vulnerable to sexual exploitation as well as how they influence policy and programmes developed to address the issue.

## 2. Methodology

### 2.1 A Feminist perspective

This research rejects a positivist approach which holds that there is a “truth” which can be discovered by an “objective knower” (Hesse-Biber, 2004, p.6). Positivism generally results in a reflection of the dominant androcentric as well as US/Eurocentric worldview and can therefore be deployed to perpetuate unequal power relations and hierarchies (Hesse-Biber, 2004, pp.9, 11). It also places the researcher in a hierarchically superior position and assumes that they are in possession of special knowledge (Hesse-Biber, 2004, p.12). Given these power dynamics, it is a risk for researchers to assume that they can speak for vulnerable groups or from a subaltern perspective (see Spivak, 1988). Consequently, this research assumes an interpretist approach, drawing on feminist and Foucauldian methods, both of which are sceptical of “universal truths” and challenge “hierarchical modes of creating and distributing knowledge” (Hesse-Biber, 2004, p.3; Foucault, 1978, 1980). These approaches recognise the (co)existence and validity of different knowledges and “truths” which are always “partial, situated, subjective, power imbued, and relational” (Hesse-Biber, 2004, pp.13–14).

From a feminist perspective, “objectivity means quite simply situated knowledges”(Haraway, 1988, p.581) as well as the acknowledgement that they may be “rooted in different and often mutually irreconcilable epistemological positions” (Larner, 1995, p. 187; Nagar, 2002, p.183). These perspectives can be deeply influenced by a person’s location or “combination of locations within the social structure (i.e. race, class, gender, sexuality, geography, etc.)” demanding an intersectional approach to analysis (Crenshaw, 1991; Hesse-Biber, 2004, p.19).

## 2.2 A Foucauldian approach

A Foucauldian approach allows us to question where “knowledge” and “truth” are situated but also to explore how discourse constructs childhood, gender and sexuality, as well as to make the connection with questions of power (Foucault, 1980, p.97; Graham, 2011, pp.671–2).

### - *Subjectification*

Discourse transforms individuals into ‘recognisable’ subjects “upon whom and through which particular relations of power are realised” (Graham, 2011, pp.670–1). Foucauldian analysis will be used to understand how children, and particularly sexually exploited children, are constituted within discourse through examining the “discursive practices that both objectify and subjugate the individual” (Graham, 2011, pp.671–2; Foucault, 1980, p.97).

### - *Knowledge/truth*

Certain forms of knowledge such as law have come to represent “truth” through “self-reinforcing discursive processes” (Foucault, 1978, 1982, p.781; Graham, 2011, p.671; Rubin, 2011, p.143). A Foucauldian analysis allows us to identify which knowledges are accepted as legitimate and which are marginalised as well as to “question the intelligibility of truth/s we have come to take for granted” (Graham, 2011, p.666; Doezeema, 2010, pp.9–12).

### - *Power*

Knowledge is not only *produced* discursively but also *deployed* discursively as a means of exercising power (Foucault, 1978, pp.11, 32–3, 102–3). Power is not only exerted from “above” by the state or institutions, but also from numerous other sites within society such as professional, personal, social or cultural spheres in which concepts such as gender and sexuality are constructed through discourse and processes of “normalisation” (Foucault, 1978, pp.89, 92–4, 1982, pp.791–3). Consequently, any

analysis of power should include sites of resistance as well as dominance (Foucault, 1982, pp.788–9, 794).

- *Gender and sexuality*

Foucault has rightly been criticised for his “gender-blindness” but this does not prevent us from applying his conceptual framework to gender (King, 2004, pp.29–30). Indeed, Butler has demonstrated how gender is constructed, as well as perpetually reinforced, through discursive processes (Butler, 1996, pp.111–2, 118, 1997, p.381). She has also argued that there is a close connection <sup>61</sup> between the construction of gender and the construction of sexuality, in that “intelligible genders” are central to the construction of heterosexuality as the norm (Butler, 1990, pp.23, 30). Paradoxically, the construction of heterosexuality as the norm makes other forms of sexuality possible through non-compliance (Butler, 1990, pp.23–4; Foucault, 1978, p.94). Determining what is “unnatural” (i.e. “deviant” sexualities) establishes what is “natural” (i.e. heterosexuality) (Alexander, 1994, pp.9–10) and so, in this sense, heterosexuality is obliged to position itself constantly and consistently <sup>1</sup> as “the original and the norm” in perpetual <sup>1</sup> fear of the shadow of homosexuality (Butler, 1996, p.115, 1997, pp.384–5). From this perspective, <sup>1</sup> heterosexuality and homosexuality are co-dependent because they are always constructed in opposition to each other (Butler, 1996, p.115; Alexander, 1994, p.6).

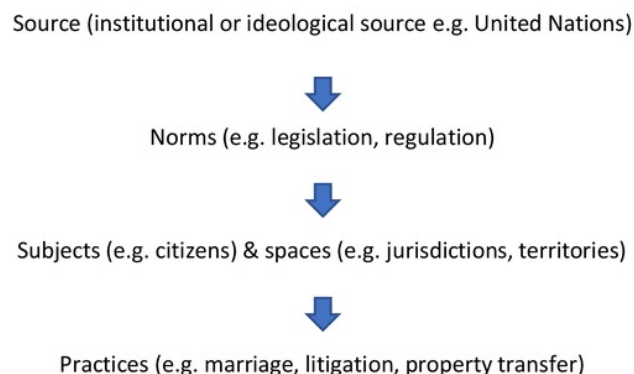
<sup>104</sup> It is important to emphasise that “gender” should not be conflated with “women” or “femininity”. Connell’s theoretical work on masculinity will therefore prove helpful in identifying and examining constructions of masculinity, especially “hegemonic masculinity”, a dominant form of <sup>1</sup> masculinity which might not necessarily be performed by the majority of men, but which serves as a reference to which men should aspire, or in relation to which they should position themselves. Connell also makes a connection between masculinity and sexuality as hegemonic masculinity is considered to be heteronormative (Connell and Messerschmidt, 2005, p.832).

Gender has also been deployed as a Foucauldian “disciplinary technique” to produce “bodies and identities and operates as an effective form of social control” (King, 2004, p.30). Consequently, Butler’s and Connell’s conceptual frameworks will complement Foucault’s work on sexuality and power to facilitate my analysis of how notions of gender and sexuality are understood and deployed through discourse relating to child sexual exploitation; the aim being to expose the origin, nature and manifestation of power within these discourses (Foucault, 1982, p.785), as well as the impact on policy and programme development (Doezema, 2010, p.11).

### 2.3 Flat Law as a theoretical framework

Feminism has historically been addressed through a rights-based approach and through legislative means (Fineman, Jackson and Romero, 2009, p.3; Kapur, 2002, p.3). Feminist legal theory has developed various critiques of international law and the human rights framework that will also prove useful for examining the concepts of gender and sexuality and how they relate to child sexual exploitation within current frameworks (Charlesworth, Chinkin and Wright, 1991; Fineman, 2005). For instance, Feminist legal theory challenges “the modernist, legal positivist and essentially vertical view of law as a system of imperatives emanating from a hierarchically superior source” and as being “superstructural”, illustrated in Figure 1 below (Davies, 2008, pp.282, 290–1):

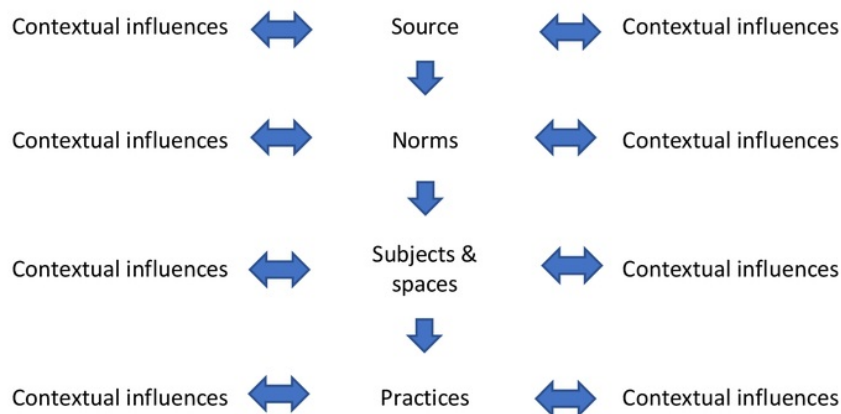
**Figure 1: Vertical Law**



This perspective illustrates how law, and particularly international law, considers itself to be superior to other institutions such as religion, family, community, economy etc., particularly in non-Western contexts, as well as how it creates norms, constitutes subjects and shapes practices (Griffiths, 1986; Manji, 1999, pp.437, 439). However, the law is both influenced by and intrinsic to its environment (Davies, 2008, pp.282, 289). As such, law cannot be divorced from its “political, economic, historical and cultural context” and in some cases may even serve to make “social, political and economic inequalities appear natural” (Charlesworth, Chinkin and Wright, 1991, p.613; Davies, 2008, p.289).

Flat Law theory, therefore, provides a useful framework for analysing the influences of social, cultural, economic and political contexts at each of the different levels of vertical law illustrated in Figure 1. This is understood as a two-way process, as illustrated in Figure 2 (Davies, 2008, pp.290–1):

**Figure 2: Flat Law Theory**



Flat law theory facilitates a Foucauldian understanding of the power of law in that it does not “flow from a single centre but is located in multiple sites” and allows us to think of “alternative practices of law, alternative knowledges about law, alternative localities in which law exists, and alternative legal subjectivities” (Davies, 2008, p.286). This framework is applied in Chapter 4 when analysing the influences at each of these levels in the Moroccan context.

## 2.4 Research methods

This dissertation uses two main research tools to achieve its objectives: discourse analysis and case study analysis.

### 2.4.1 Discourse analysis

Discourse analysis is concerned with the “relationship between language (text, discourse) and power (political struggle, inequality, dominance)” (Breeze, 2011, p.495). Consequently, it focuses on context and the “social processes and structures” that produced the language (Wodak and Meyer, 2001, p.3). This association between “real language phenomena and the workings of power in society” is its real strength (Breeze, 2011, p.520).

Hence, this research applies the Foucauldian framework set forth in Section 2.2 to analyse the discourse employed in international legal and child rights frameworks, as well as by international agencies, the state, NGOs and society, in order to examine how concepts such as the childhood, gender and sexuality are constructed and deployed, taking the specific case of Morocco to explore the relationship between discourse and “the workings of power in society” (Breeze, 2011, p.520).

Discourse analysis has been criticised for its overreliance on the personal and political interpretation of the researcher, for drawing conclusions too rapidly without adequately testing the data as well as for its emphasis on the negative aspects of discourse (Breeze, 2011, pp.520–1). I am aware of these limitations which are addressed in Section 2.5.

### 2.4.2 Case study analysis

Case studies have on occasions been criticised for lacking scientific rigour and encouraging generalisation but they can also help gain a more holistic view of a situation through facilitating in-depth analysis of a situation that takes into account contextual realities (Noor, 2008, pp.1602–3).

Consequently, I decided to select a specific country to use as a case study in order to ‘flatten’ the international legal and child rights frameworks related to child sexual exploitation by examining the influences at each of the vertical levels of law (sources, norms, subjects, spaces and practices) within its particular context (see also Section 2.3). I chose Morocco because it has a complicated and sometimes contradictory relationship with issues such as sexuality and prostitution (Venema and Bakker, 2004).

## 2.5 Limitations and scope

In keeping with the feminist and non-positivist approach of the research methodology, I recognise that I am not an “objective knower” (Hesse-Biber, 2004, p.6) and that my sociocultural location and experience has shaped this study and therefore to some extent its results (Harding, 1987, p.9). For the last ten years I have been working for ECPAT Luxembourg, a member of the global network ECPAT International, which played a pivotal role in bringing the issue of child sexual exploitation to global attention during the 1990s (O’Connell Davidson, 2005, p.31). The combination of my professional experience and my studies in Gender and Sexuality at the School of Oriental and African Studies (SOAS) has clearly influenced my choice of research questions and aroused the desire to analyse the issue of child sexual exploitation through the dual lenses of “gender” and “sexuality”.

ECPAT International places great emphasis on advocacy aligned to international legal instruments and human rights frameworks and so I have also come to place great importance on these within my work (ECPAT International, 2018). This research is an opportunity for me to analyse and question some of these instruments and frameworks in more depth. I have therefore consciously sought critiques of international legal and child rights frameworks to balance my views and experience.

Much of the current documentation on child sexual exploitation has been produced by ECPAT which privileges the voice of a network in which a Western and anglophone perspective dominates despite its international nature. As such, I have attempted to bring in voices from sources outside of the

network and from the local or national level to balance the dominating international discourse. In reality, this has been a challenge and more comprehensive research targeting boys, LGBT+ children and grassroots organisations is required in order to integrate alternative voices more meaningfully. It should be emphasised, however, that all members of the ECPAT network are independent organisations, and many are national or grassroots organisations, providing different perspectives to discourse deployed at the international or even national level. Nevertheless, further research would throw additional light on contextual influences and resistance to internationally accepted versions of child rights, gender and sexuality that was not possible within the timeframe and parameters of this research project.

I have become familiar with the Moroccan context and the organisations working on child protection through my work with ECPAT Luxembourg, which has also facilitated access to certain information and documentation. Nevertheless, I have always been based in Europe spending only short periods of time there, and so I recognise that my knowledge of the context remains limited. Furthermore, research and literature focusing on gender and sexuality in relation to child sexual exploitation are scarce in general but even more so in countries such as Morocco where such topics remain taboo. I have tried to offset these limitations by drawing on literature by Moroccan scholars and NGOs as well as the results of research commissioned by international organisations, some of which address these concepts separately rather than in direct association with each other.

My ability to read French has enabled me to analyse legal documentation, such as Morocco's Penal Code, as well as literature produced in French by international agencies or Moroccan NGOs. However, I am unable to read Arabic, so my sources are limited to those drafted in French or English. It is therefore important to bear in mind that all these knowledges are "situated" (Haraway, 1988, p.592) and that their analysis as well as my own is always an interpretation influenced by a certain "theoretical, epistemological or ethical standpoint" (Wetherall, 2001, p. 384).

### 3. International discourse

#### 3.1 The construction of gender and sexuality in international discourse

The UN takes two approaches towards <sup>72</sup>defining gender. The first is the “minimalist approach” employed at the multilateral level of state negotiations which deliberately leaves definitions ambiguous in order to please all parties (Oosterveld, 2005, pp.57–8, 66). In contrast, the second approach involves UN agencies elaborating relatively detailed definitions (Oosterveld, 2005, p.67).

Consequently, the term “gender” has been incorporated into non-binding international documents concerning women since the early 1990s without ever being clearly defined (Adolphe and Fastiggi, 2013, p.612; Oosterveld, 2005, p.66). <sup>46</sup>Attempts to “radically” redefine gender as a social construct in line with Judith Butler’s theory (see Butler, 1990) have been systematically resisted (Adolphe and Fastiggi, 2013, p.613; Oosterveld, 2005, pp.66–7). Nevertheless, UN agency definitions, although diverse in style and focus, highlight that gender is a socially constructed concept that is not static but influenced by society and cultural factors over time (Oosterveld, 2005, p.67).

Following strong lobbying by non-governmental organisations, gender was finally defined within <sup>52</sup>international law in 1998 by the Rome Statute of the International Criminal Court, which describes it as “the two sexes, male and female, within the context of society” (Art. 7.3) and has been widely criticised for lacking clarity and conflating the concepts of gender and biological sex (Oosterveld, 2005, pp.55–8).

The UN appears to apply the same two approaches to sexuality. On the one hand, <sup>27</sup>there is a lack of clarity regarding sexuality within international law (Fellmeth, 2008, p.801). <sup>92</sup>On the other hand, the <sup>111</sup>World Health Organization provides a comprehensive definition of sexuality as encompassing “sex, gender identities and roles, sexual orientation, eroticism, pleasure, intimacy and reproduction”, which are expressed through “thoughts, fantasies, desires, beliefs, attitudes, values, behaviours, practices,

roles and relationships” and <sup>71</sup>influenced by diverse biological, psychological, socio-economic, legal, political, <sup>12</sup>historical and cultural factors (World Health Organization, 2015, p.5).

The persistent use of the phrase “men and women” and lack of reference to alternative gender or sexual identities in international instruments such as the United Nations <sup>45</sup>Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) illustrate that sex and gender are understood in purely binary terms (OHCHR, 1979). Nevertheless, the UN <sup>70</sup>Committee on the Elimination of Discrimination against Women has since drawn attention to the increased vulnerability of lesbian, bisexual, transgender and intersex girls and women to discrimination and violence (2017, para.12). Furthermore, it recommends that State Parties repeal laws that criminalise the expression of non-heteronormative gender identities and sexual practices and integrate “comprehensive sexuality education” for both girls and boys into school curricula (2017, paras. 29-30).

The UN CEDAW Committee also urges State Parties to prioritise the Sustainable Development Goals related to gender equality, non-discrimination and <sup>69</sup>ending violence against children including abuse, exploitation and trafficking (2017, para. 35). However, the SDGs replicate the same binary understanding of gender and target only <sup>91</sup>women and girls within the context of sexual exploitation. No reference is made to men, boys or persons with non-heteronormative gender or sexual identities within this context. SDG 10 draws attention to (in)equality and calls for “the social, economic and political inclusion of all irrespective of age, sex, disability, race, ethnicity, origin, religion or economic or other status”. The term “other status” may be interpreted to embrace non-heteronormative gender identities and sexual orientations but their omission is nevertheless noteworthy.

With respect to regional frameworks, the African Union’s approach to gender has largely been informed by UN frameworks and shares the same binary understanding of gender as two biological sexes to which stereotypical roles are attributed (ACHPR, 2003, paras. 2.2, 4.2; Banda and MacKinnon, 2006, pp.244–6; AU, 2009). Non-heteronormative gender identities and sexualities remain absent

within AU legislation which also resorts to the use of the aforementioned catch-all “other status” (ACHPR, 2003).

European legislation is more progressive in terms of recognising multiple sexual orientations yet replicates the binary model of gender (Verloo, 2006, p.217). The European Charter of Fundamental Rights and Freedoms of the European Union and the Lanzarote Convention are the only legal instruments that explicitly express the right to protection from discrimination based on sexual orientation or sexual minority status (Fellmeth, 2008, p.804).

Despite the ambiguity of international human rights frameworks, they are nevertheless increasingly applied to gender and sexuality through associating them to rights such as the right to freedom of expression, privacy and protection from discrimination and violence (Fellmeth, 2008, pp.801–4; World Health Organization, 2015, p.4).

### 3.2 The subjectification of children in international law

Law has typically been concerned with defining and codifying what is deemed legitimate or illicit, and international law is no different in this respect (Foucault, 1978, pp.82–3). International legal and child rights frameworks transform children into “recognisable” subjects in the following distinct ways in relation to sexual exploitation, gender and sexuality (Foucault, 1982, p.777; Graham, 2011, p.670): as rights holders, as vulnerable persons, as agents, as gendered beings, and as sexual beings.

#### 3.2.1 Children as bearers of rights

During the years between the two world wars, the modern concept of the child in the Western world evolved from an “object of care and concern” to include the conception of the child as a “subject whose interests and rights should be respected” (OHCHR, 2007, p. xxxvii). This is reflected within current international legal and human rights frameworks, such as the United Nations Convention on the Rights of the Child (CRC), in which children are constructed first and foremost as holders of specific

<sup>90</sup> civil, cultural, economic, political and social rights (International Save the Children Alliance, 2005, p.15). <sup>41</sup> Articles 34 and 35 of the CRC specifically address the right of children to be protected from sexual abuse, exploitation and trafficking, which is also further elaborated upon in the <sup>11</sup> Optional Protocol to the United Nations Convention on the Rights of the Child, on the sale of children, child prostitution and child pornography (OPSC) (OHCHR, 1989; 2000).

The African Charter on the Rights and Welfare of the Child (ACRWC) takes inspiration from the CRC and enumerates many of the same rights (ACHPR, 1990, Art. 46). However, there are also some significant differences. Children are also perceived to have responsibilities, such as respecting their “parents, superiors and elders”, maintaining and strengthening “African cultural values” as well as contributing to “the moral well-being of society” (ACHPR, 1990, Art. 31).

### 3.2.2 Children as vulnerable persons requiring special protection

<sup>17</sup> The CRC defines a child as “every human being below the age of 18 years unless under the law applicable to the child, majority is attained earlier” (OHCHR, 1989, Art. 1). Age is used as a basis for defining the vulnerability of children. Both the CRC and the ACRWC assert that the child requires “special safeguards and care” due to her/his “physical and mental immaturity” in their respective introductions (OHCHR, 1989; ACHPR, 1990).

<sup>108</sup> The OPSC suggests that children are especially vulnerable to sexual exploitation through expressing alarm “at the significant and increasing international traffic of children for the purpose of the sale of children, child prostitution and child pornography” and the “widespread and continuing practice of sex tourism, to which children are especially vulnerable” (OHCHR, 2000, p. 247). It also recognises <sup>2</sup> that certain groups of children “are at greater risk of sexual exploitation” although it does not specify these groups aside from “girl children” (OHCHR, 2000, pp. 247, 252).

<sup>4</sup> Furthermore, the United Nations Committee on the Rights of the Child, the organ responsible for monitoring the implementation of the CRC by State Parties, associates specific risks with adolescence

such as “pressure from society, including peers, to adopt risky health behaviour” as well as “developing an individual identity and dealing with one’s sexuality” (UNCRC, 2003b). However, LGBT+ children are rarely explicitly included in lists of vulnerable groups (Sandberg, 2015, p.340).

### 3.2.3 Children as agents

Whilst international legal and child rights frameworks class children as a vulnerable group requiring special protection, the CRC also makes efforts to emphasise <sup>5</sup> children’s agency through their right to freedom of thought, expression <sup>23</sup> and association (OHCHR, 1989, Art. 12-15). However, there are two main caveats to these rights. The views expressed by the child are (a) “weight[ed] in accordance with the age and maturity of the child” and (b) subject to legal restrictions related to “public order (*ordre public*), or of public health or morals” (OHCHR, 1989, Art. 12, 13).

The ACRWC recognises the same <sup>89</sup> right to freedom of thought, expression and association, but <sup>103</sup> also states that the parents or legal guardians of the child “shall have the duty to provide guidance and direction in the exercise of these rights” and that they should be “subject to the national laws and policies” (ACHPR, 1990, Art. 9).

<sup>51</sup> The UN Committee on the Rights of the Child <sup>107</sup> urges State Parties to ensure children have access to sexual education and information “as they begin to express their sexuality” (2003a, para. 16). In reality <sup>102</sup> however, access to information and the ability of children to express an alternative gender or sexual identity are subject to national laws which might criminalise homosexuality, as well as cultural or religious beliefs held by their family or society. It is, therefore, unclear how effective the CRC is in terms of ensuring children can exercise agency to the extent of choosing their gender or sex, which concerns trans and intersex children in particular (Sandberg, 2015, p.344).

### 3.2.4 Children as gendered beings

<sup>17</sup> It is interesting to note that the CRC does not make any specific reference to gender and never uses the terms “boy” or “girl”, only “child” and “children”. This appears to represent inclusivity, but it could also be interpreted as considering children as neutral rather than gendered beings. Biological sex is referenced within the context of discrimination, namely that all children are <sup>60</sup> entitled to the rights and freedoms set forth in legal frameworks regardless of their biological sex (CE, 2007, Art. 2; OHCHR, 1989, Art. 2). Biological sex is also linked to vulnerability. Girls are <sup>67</sup> identified as being particularly vulnerable to sexual exploitation and disproportionately represented in the number of victims by all legal instruments pertaining to child sexual exploitation (OHCHR, 2000a; 2000b, Art. 2; EU, 2011, Art. <sup>2</sup> 3).

The UN Committee on the Rights of the Child has since gone beyond the concept of gender as biological sex through underlining the dangers of “gender-stereotyping”, which it regards as impacting the health, vulnerability and development of both boys and girls, as well as contributing to the proliferation of harmful cultural practices such as child marriage (2003a, para. 8; 2003b, para. 24; 2013b, para. 8). However, discrimination against girls remains the primary focus (Sandberg, 2015, p.339).

Finally, whilst no specific reference is made to boys or gender identity within these legal instruments, <sup>59</sup> the Committee on the Rights of the Child has subsequently identified transsexual and transgender <sup>12</sup> children as being especially vulnerable to sexual exploitation and violence and exhorts State Parties to be proactive in ensuring their right to protection (UNCRC, 2011).

### 3.2.5 Children as sexual beings

There is no explicit mention of children’s sexuality or sexual identity within the CRC itself. Article 8 addresses identity within the context of national or cultural identity (OHCHR, 1989). <sup>10</sup> The Committee on the Rights of the Child has not explicitly linked gender identity to this article but has linked sexual

orientation to children's identity (2013a, para. 55). Nevertheless, there is a strong case to be made for this article to cover both gender and sexual identity (Sandberg, 2015, p.343). The issue of sexual orientation has, however, been explicitly <sup>23</sup> linked to the principle of non-discrimination (UNCRC, 2003b, para. 6; 2013b, para. 8; CE 2007, Art. 2).

With respect to sexuality, the UN Committee <sup>50</sup> on the Rights of the Child has recognised that adolescence is a period characterised by "sexual and reproductive maturation" and urges State Parties to address "cultural and other taboos around adolescent sexuality" (2003b, para. 2, 30). The Committee also warns against "judgemental attitudes" towards the sexual activity of girls" (2003a, para. 8) and children whose sexual behaviour <sup>34</sup> does not conform to prevailing societal or cultural norms (2003a, para. 11). It encourages an acknowledgement of the reality of adolescents' lives and access to appropriate information (UNCRC, 2003a, para. 11; 2003b, para. 16(b)).

Both the Lanzarote Convention and <sup>19</sup> the European Union's Directive 2011/92/EU on combating the sexual abuse and sexual exploitation of children and child pornography recognise children as sexual beings emphasising that these instruments <sup>88</sup> do not intend to regulate sexual activities between consenting minors which should be considered a normal part of human development (Van Bueren, 1994, p.53). The Lanzarote Convention urges that children be educated <sup>5</sup> on the risks of sexual exploitation and abuse within the context of sexuality (CE, 2007, Art. 6). In addition, the Convention reserves its Parties the <sup>5</sup> right not to apply, in whole or in part, the article criminalising the production and possession of pornographic material <sup>4</sup> to children who have reached the legal age of consent and produced images themselves by mutual consent and "solely for their own private use" (CE, 2007, Art. 20). This intends to prevent minors from being prosecuted <sup>4</sup> for the production or possession of pornographic material involving children as a result of sharing sexual, naked or semi-naked images or films of themselves within the context of a consensual sexual relationship not involving abuse. <sup>66</sup> However, it is ultimately left to the discretion of Member States (CE, 2007, Art. 8).

### 3.3 Summary

Numerous contradictions can be observed within international discourse regarding the construction of gender, sexuality and childhood. For example, a <sup>43</sup>child is defined within international law as being a person under the age of 18 years, but only if majority has not yet been reached at an earlier age under domestic law (OHCHR, 1989, Art. 1). Further, international law provides no single, precise definition for gender or sexuality. This ambiguity within international law is the result of State Party resistance, which has subsequently been countered by the definitions, declarations and recommendations of different UN agencies and initiatives (Farrior, 2009; Oosterveld, 2005, p.67).

It is also evident that there is tension between certain concepts developed within international discourse such as children's vulnerability and agency, which creates the potential for "special safeguards" or the risk to "public health/morals" being used as arguments to curtail children's expression of gender or sexual identity (OHCHR, 1989; ACHPR, 1990). <sup>22</sup>This is particularly relevant to child sexual exploitation as the development of sexual identity is considered a risk factor (UNCRC, 2003b).

Considering the sensitivity of gender and sexuality, the ambiguity within international law may discourage a backlash against a perceived imposition of Western liberal values. On the other hand, however, one might ask how effective international law is in protecting the rights of children, particularly those with non-heteronormative gender and sexual identities (Sandberg, 2015, p.344). The publication of definitions, declarations and recommendations by UN agencies may raise awareness and advance the debate but UN monitoring mechanisms fail to raise these issues systematically with State Parties (Sandberg, 2015, p.341).

## 4. Flattening international law: Spotlight on Morocco

International legal frameworks have been described as “a product of the consent of sovereign states” negotiated through supranational institutions and founded upon a set of shared principles and values (Binder, 1999, p.211). However, this perspective masks the impact of differences in ideologies and the power dynamics at play between State Parties as well as the considerable role and influence of non-state players in shaping these frameworks, such as civil society groups, NGOs and lobbyists, each representing a range of diverse interests and priorities (OHCHR, 2007, pp. xxxviii–xxxix, 936–7).

As described in the introduction, a body of international and regional legislation specifically targeting child sexual exploitation has evolved since 2000. This body of law, which could be described as “vertical” in nature (see Section 2.3, Figure 1), derives from supranational institutions such as the United Nations, the European Union and the African Union and has come to represent a certain form of Foucauldian “truth” (Graham, 2011, p.671). Legal instruments such as the UN Convention on the Rights of the Child (CRC) and its Optional Protocol on the sale of children, child prostitution and child pornography (OPSC) or the European Directive combatting the sexual abuse and sexual exploitation of children represent the norms relating to child sexual exploitation at the international level. Children are the primary subjects of these norms although they may also, in some cases, subjectify perpetrators or child protection professionals. The spaces concern the territories of the State Parties to the conventions or in the case of the European Union, its Member States. Finally, the practices concern the legal statutes that derive from these conventions and are transposed into domestic law (see Davies, 2008). This chapter aims to analyse the contextual influences at each of these echelons of international law within the Moroccan context in order to illuminate the dynamics of power but also of resistance at play.

#### 4.1 Ideologies and norms: The competing “truths” of international and Moroccan law

Morocco’s initial reservations to the CRC and the CEDAW reveal the tensions present between ideologies and values promoted by international institutions and those upheld at the state level. Upon ratification of both instruments Morocco expressed reservations to several articles with the potential to conflict with Islamic Law (OHCHR, 1979; 1989). Indeed, Morocco defines itself as a “sovereign Muslim state” in its Constitution and the vast majority of the population are Sunni Muslim (UNICEF, 2011, p.1). Islam therefore has a strong influence on its social, cultural and legal traditions. The CEDAW Committee described Morocco’s reservations as “incompatible with the Convention and therefore impermissible...” (UNICEF, 2011, p.1). Morocco finally withdrew its reservations to the CRC and to CEDAW in 2006 and 2011 respectively, and has since ratified the OPSC without reservations (World Bank, 2015, p.xiii; UNICEF, 2011, p.2).

Morocco withdrew from the African Union in 1984 and was only recently readmitted in 2017 (The Guardian, 2017). It has nevertheless positioned itself as a leader on combating child sexual exploitation within the Middle East and North Africa (MENA) region through aligning itself to various international and European norms. It became the focal point for the topic in the region after hosting two Arab-African forums in 2001 and 2004 respectively (UNCRC, 2005, paras. 13-15). Furthermore, Morocco is the first non-member of the Council of Europe to request accession to the Lanzarote Convention and became the first Arab-Muslim country to host a visit of the Special Rapporteur on the sale of children, child prostitution and child pornography (Ayoubi Idrissi, 2014, p.14; Boillat, 2012). Finally, Morocco has ratified almost all international legislation relevant for combating child sexual exploitation (OHCHR).

Consequently, Morocco has introduced various changes to its domestic legal framework over the last fifteen years in order to strengthen its compliance with international legal obligations. For example, Morocco’s Family Code (*Moudawana*) was reformed in 2004 to raise the legal age of marriage for both

men and women from 15 to 18 years and Morocco amended its constitution in 2011 to enshrine equal rights for men and women (UN Women and Promundo, 2017, p.104). Morocco's child protection legislation is relatively comprehensive as a result of such efforts, and several articles of Morocco's Penal Code criminalise the sexual exploitation of children (Government of Morocco, 2011b). However, it is still not fully compliant with international standards (MSFFDSM<sup>2</sup>, 2015, p.18) and inconsistencies exist between international and Moroccan law and discourse with respect to gender and sexuality, which impact the <sup>65</sup> protection of children from sexual exploitation:

<sup>18</sup> Article 448 of the Moroccan Penal Code criminalises human trafficking for the purpose of sexual exploitation, especially prostitution and pornography, and provides for more severe penalties when the victims are minors. Furthermore, Article 497 criminalises the incitement to or facilitation of underage prostitution, Article 503-2 criminalises the exploitation of children in pornography and Article 503-2-1 criminalises both forced and child marriage. However, despite the minimum marriage age being fixed at <sup>25</sup> 18 years for both girls and boys, it is possible for children younger than 18 years old to be married through derogations provided by family judges (UNCRC, 2014, para. 42).

Both pre-marital and extra-marital sex are forbidden within Islam and illegal in Morocco (Art. 490, 491) which is inconsistent with the intention of international legislation to avoid regulating "the sexual life of children" (OHCHR, 2007, pp. 720-1).

Articles 484 and 485 criminalise indecent assault on minors and Article 486 ensures that the sentence for rape is more severe if the victim is a minor. However, it should be noted that Article 486 <sup>49</sup> defines rape as a man having sexual relations with a woman against her will thus providing no protection for men or boys who are victims of rape (Ayoubi Idrissi, 2014, p.71). Finally, the criminalisation of homosexuality by Article 489 of the Penal Code is clearly inconsistent with the principle of non-

---

<sup>2</sup> Ministère de la Solidarité, de la Femme, de la Famille et du Développement Social du Maroc (Ministry for Solidarity, Women, the Family and Social Development, Morocco)

discrimination on the grounds of sexual orientation mentioned in Article 2 of the Lanzarote Convention to which Morocco has requested accession (Boillat, 2012). <sup>101</sup> *analysis here / drawing in flat law theory explicitly?*

#### 4.2 Subjects and spaces: The discourses competing with law

Law transforms individuals into “recognisable” subjects through constructing them as citizens, rights bearers, etc. (Foucault, 1982, p.777; Graham, 2011, p.670; Davies, 2008, pp.290–1). It also creates “spaces” such as legal jurisdictions and territories which may include different layers such as federal, state or customary law (Davies, 2008, pp.290–1). However, Foucault shows us that there are also social, religious and cultural spheres outside of law that resist and construct their own subjects through their own discourse and processes of “normalisation” (Foucault, 1978, pp.89, 92–4, 1982, pp.791–3). The following sections examine how gender, sexuality and children are constructed within such spheres within Morocco.

##### 4.2.1 The perception of gender within Moroccan society

Morocco has been described as being caught between tradition and modernity and undergoing a period of social transition in which there is increasing support for gender equality amongst both men and women, but also uncertainty as to what form this should take (Ennaji, 2016). There is a striking discrepancy between public support for government policy that promotes gender equality and private attitudes and practice, which tend to reflect more conservative viewpoints (UN Women and Promundo, 2017, pp.95, 141–2).

Hegemonic masculinity (see Connell and Messerschmidt, 2005) is defined by both Moroccan men and women as “moral, physical, and domestic authority” according to research undertaken by UN Women and Promundo (2017, p.98). Men are expected to be heterosexual, strong and stoic – crying is “not an option” (p.99). By contrast, women tend to be defined by their emotions (p. 100). Most Moroccan

men believe it is their duty to protect female honour, which is closely linked to virginity (p. 138), and male honour is associated with the dress and behaviour of their female relatives (p. 137).

#### 4.2.2 The perception of sexuality in Moroccan society

Islam may in some respects be considered to have a generally positive attitude towards sexuality, in that it regards sex as a “divine gift”. It is, however, only to be enjoyed within the confines of marriage (Obermeyer, 2000, p.241). Pre-marital and extra-marital sex are forbidden within Islam and are both illegal in Morocco (Government of Morocco, 2011a). Both men and women in Morocco believe this standard should be applied more strictly to women than to men and there is general support for the criminalisation of consensual sex between unmarried people (UN Women and Promundo, 2017, pp.105, 129).

The research undertaken by UN Women and Promundo also shows that sexual diversity is not tolerated within Moroccan society where homosexuality is illegal for both men and women and generally viewed as a Western import, immoral, and a danger to the family. The failure of homosexual men to adhere to conventional masculine standards is seen by many to justify violence although there may be slightly more tolerance of male sex work, as it involves “having sex with men for a living, rather than for pleasure” and not necessarily identifying as homosexual (UN Women and Promundo, 2017, pp.131–2).

Nevertheless, some have observed that traditional attitudes towards sexuality are being challenged due to <sup>85</sup>changing relations between the sexes, socio-economic transformations, health concerns (HIV/AIDS, STDs) and the influence of mass media (Obermeyer, 2000, pp.240–5). Nevertheless, questions of sex and sexuality remain huge social taboos (Obermeyer, 2000, p.246).

### 4.2.3 The construction of children in Moroccan society

The traditional perception of children within Moroccan society is that they should be submissive (ECPAT International, 2014, p.40). The authority of parents and other adults is considered absolute, and children who express an opinion are considered impolite or lacking respect (MSFFDSM, 2015, p.17). This is clearly in tension with the right of the child to freedom of thought, expression and association defined in Articles 12-15 of the CRC (OHCHR, 1989).

The perception of the child in Morocco is also highly gendered. Boys are generally considered (especially by men) to be responsible for the behaviour of their sisters and most boys also have far greater freedom than their sisters, partly because they do not have to perform household chores and partly because they are allowed more autonomy, although they may be expected to contribute to household income in return (UN Women and Promundo, 2017, p.108). These perceptions are clearly conflict with the principle of gender equality promoted within international discourse.

Sexuality remains taboo with parents refusing to broach the topic with their children due to ignorance, unease or shame and for fear of arousing their curiosity and encouraging immorality. With respect to prostitution, adolescents (particularly girls) are often stigmatised by society and perceived as delinquents rather than victims (MSFFDSM, 2015, p.17).

## 4.3 Practices: The impact of power play on practice

### 4.3.1 Mapping the main players

In order to locate sources of power and resistance as well as to examine their effects, it is necessary to identify the main players involved in combating child sexual exploitation in Morocco. The state plays a primary role in this field, through setting child protection policy and legal frameworks. However, it is important to recognise that the state is not one monolithic entity but rather a system, comprising different officials, departments and ministries with varying degrees of influence and resources (Brown,

1992, pp.13–14). In Morocco, the following ministries contribute directly to both the development and implementation of public policy on child protection and welfare: Solidarity, Women, the Family and Social Development; Justice and Liberties; Home Affairs; Youth and Sport (MSFFDSM, 2015, pp. 42-4).

Dynamics of power and resistance between these state bodies manifest themselves in various ways. For example, Morocco's national child protection policy, the PPIPEM<sup>3</sup>, identifies the Ministries of Tourism and Communication, as having a key role in protecting children from sexual exploitation in tourism and online (internet, social media, etc.) (MSFFDSM, 2015, pp. 42-4). However, the authorities and even the Minister of Tourism have regularly denied the existence of sex tourism in Morocco (Le Monde, 2016). Furthermore, the PPIPEM commits to introducing sexual education into school curricula, but this remains to be implemented and does not feature in its implementation plan suggesting potential resistance from the Ministry of Education (MSFFDSM, 2015, p. 35; MSFFDSM, 2016).

The influence of international agencies on national policy should not be underestimated and is exercised through international legal and sustainable development frameworks and their respective monitoring mechanisms, as well as through technical support and funding. For example, the UN Committee on the Rights of the Child is responsible for monitoring the implementation of the CRC through receiving and analysing reports from State Parties as well as international agencies such as UNICEF and civil society (Cohen, Hart and Kosloske, 1996). UNICEF also collaborates closely with State Parties to provide technical support and funding in addition to being in a strong position to facilitate partnerships with other international players, such as other UN agencies, governments and development banks (UNICEF, 2017, pp.3, 6, 11).

---

<sup>3</sup> Politique Publique Intégrée de la Protection de l'Enfance du Maroc (Integrated Public Policy for Child Protection, Morocco)

NGOs working on child sexual exploitation in Morocco include Moroccan NGOs, such as AMANE<sup>4</sup> and Bayti, as well as European NGOs such as ECPAT France and ECPAT Luxembourg, all members of the ECPAT International network whose specific mission is to end child sexual exploitation (ECPAT International, 2018). ECPAT France and ECPAT Luxembourg have both received funding from their respective governments to develop projects to combat child sexual exploitation in partnership with AMANE and Bayti as well as other Moroccan organisations not affiliated to the ECPAT network (ECPAT France, 2018; ECPAT Luxembourg, 2018).

As seen in Section 4.2, Islam has significant influence on discourse and attitudes around gender and sexuality in Morocco and so, therefore, do its religious leaders (AMANE, 2012, p.27; UNICEF, 2011, p.1). As a result, the PPIPEM's implementation plan intends to collaborate with religious leaders on raising awareness on child rights (MSFFDSM, 2016).

The private sector is also increasingly being identified as a key player in combating child sexual exploitation, especially internet providers and the tourism industry (MSFFDSM, 2015, p. 23) due to the perceived growth of sexual exploitation online and in the travel and tourism industry (Hawke and Raphael, 2016; OHCHR, 2007, p. 247). This has resulted in these sectors being targeted by the PPIPEM and Morocco's collaboration with the Council of Europe to strengthen the protection of children against online exploitation (MSFFDSM, 2018).

Finally, since children are considered agents in their own protection and development within child rights frameworks, some measures have been introduced in Morocco to promote their participation. These include Human Rights and Citizenship Clubs in secondary schools, as well as institutions such as the Children's Parliament and National and Regional Councils. However, these structures do not normally include the most vulnerable children and are not specifically involved in combating child sexual exploitation (ECPAT International, 2014, pp.40–1).

---

<sup>4</sup> Association Meilleur Avenir pour Nos Enfants

#### 4.3.2 The deployment of discourse and its impact

##### 4.3.2.1 The impact of societal discourse on <sup>4</sup>children's vulnerability to sexual exploitation

Despite **child sexual exploitation** being regarded as a social plague inconsistent with Moroccan culture, a certain level of tolerance and even complicity has been observed amongst law enforcement, families and society in general (UNICEF, 2003, p.17).

The perception of the girl child within Moroccan society clearly impacts her vulnerability to sexual exploitation. A girl's worth is closely associated to her honour (i.e. virginity) (UN Women and Promundo, 2017, p.138). If an unmarried girl loses her virginity or falls pregnant, she is considered a prostitute, even if it was the result of rape, which increases her risk of further abuse and exploitation (AMANE, 2012, pp.18–19; UNICEF, 2003, p.18). The stigmatisation frequently leads to such girls leaving home of their own accord or being rejected by their families (or workplace in the case of domestic workers) and falling into prostitution as a result (UNICEF, 2003, p.14; UNCRC, 2014, paras. 23, 46). In this context, marriage is often considered a form of protection for girls by family or society (Ayoubi Idrissi, 2014, p.36).

However, it should also be noted that the perception of boys can also increase their vulnerability to certain types of sexual exploitation. Preconceptions in Moroccan society maintain that boys are more resilient and better able to protect themselves in comparison to girls. They are therefore typically granted more freedom than girls (UN Women and Promundo, 2017, p.108). They <sup>57</sup>are also more likely to run away from home due to family conflict (UNICEF, 2003, p.14). Consequently, boys spend more time unaccompanied on the streets increasing their risk of being exploited in street prostitution and from a younger age than girls in this context (UNICEF, 2003, pp.7, 14). Indeed, research commissioned by UNICEF revealed that boys were <sup>35</sup>at a higher risk than girls of being exploited in prostitution in Marrakech (UNICEF, 2003, p.7).

The religious discourse that premarital sexual relations and homosexuality are sinful as well as their criminalisation leads to <sup>27</sup> children involved in prostitution frequently being treated as criminals rather than as victims requiring protection, discourages them from seeking assistance and leaves them vulnerable to harassment and exploitation by corrupt police (UNICEF, 2003, pp.15, 29; UNCRC, 2014, paras. 23, 40b). <sup>56</sup> The fact that the vast majority of children involved in prostitution are adolescents between 14 and 18 years old also means that they are more likely to be considered responsible for their actions and therefore a delinquent rather than a victim (AMANE, 2012, p.8; Ayoubi Idrissi, 2014, p.36).

Silences or absences within discourse also impact the vulnerability of children. The fact that sexuality remains a taboo and is not broached within the family, school or society (MSFFDSM, 2015, p. 17) <sup>2</sup> is believed to contribute to children's vulnerability to sexual exploitation as they do not know how to protect themselves and are unlikely to seek help if they fall victim due to the associated shame (UNICEF, 2003, pp.17–18, 29).

#### *4.3.2.2 The impact of discourse on policy and programming*

The close connection between international discourse and funding opportunities reveals formidable power dynamics in play. International agencies and donor governments align their strategic priorities and funding criteria to international legal and child rights frameworks and so states and NGOs seeking funding for their programmes are encouraged to replicate the discourse deployed <sup>84</sup> at the international level in order to increase their chances of success (AFD, 2014, pp. 6, 12; MAEL, 2012, pp. 7-8, 11). International discourse thus also influences policy and programming at both the level of the state and civil society. For example, UNICEF <sup>53</sup> played a central role in the development of the PPIPEM, which reiterates the fundamental principles of the CRC including the principles of equity and non-discrimination, gender equality and child participation (MSFFDSM, 2015; UNICEF, 2016, p.27). Interventions developed by NGOs working on child sexual exploitation in Morocco also promote a

child rights approach, child participation and gender equality (ECPAT France, 2017; ECPAT Luxembourg, 2017).

The French Agency for Development commits 50% of its funding to interventions for which gender equality is the primary or significant aim (AFD, 2018, p. 13). Programme funding proposals emphasise, therefore, the promotion of gender equality and girls as primary beneficiaries (ECPAT France, 2017; ECPAT Luxembourg, 2017). Although they acknowledge that boys may represent a significant proportion of victims in certain contexts, they are not identified as a specific target group despite research showing that boys appear to be more vulnerable to street prostitution (ECPAT France, 2017; ECPAT Luxembourg, 2017). As a result, the emphasis on girls as victims runs the risk of boys being overlooked as potential victims or at particular risk in certain situations.

In spite of the overwhelming emphasis on the vulnerability of girls, the PPIPEM does, nevertheless, take a slightly more nuanced approach with respect to sexual exploitation. Whilst it underlines the specific vulnerability of girls engaged in domestic work, it does not make any distinction between the <sup>63</sup> level of vulnerability of boys and girls and highlights the need to consider the different *types* of risks and consequences for boys and girls respectively (MSFFDSM, 2015, p. 17, 29). However, it does not specify these differences, which would facilitate the development of more targeted responses, neither does it mention LGBT+ children.

The emphasis on gender equality has led to the inclusion of gender training within ECPAT's project to combat child sexual exploitation in Morocco (Consulting and Development, 2017; ECPAT France, 2017; ECPAT Luxembourg, 2017). The training replicates the binary notion of sex (male/female) and gender (masculinity/femininity) and asserts that prostitution reproduces gender inequality, in that a woman's body should always be available for a man to satisfy his sexual desire, thereby reinforcing the assumption that it is only women and girls who are sexually exploited (Consulting and Development, 2017). It mentions sexual orientation in passing with relation to discrimination but otherwise boys and LGBT+ children are not identified as specifically vulnerable (Consulting and Development, 2017). The

social taboo and stigma surrounding non-heteronormative sexuality in Morocco is sure to play a part in this omission but the focus on women and girls within international discourse may also contribute to this blind spot.

The growing attention at the international level afforded to the sexual exploitation of children online as well as in travel and tourism in addition to the funding made available has also influenced programme and policy direction (Hawke and Raphael, 2016; Montgomery, 2015, p.154; WePROTECT Global Alliance, 2016). For example, the PPIPEM targets the information, communication and technology (ICT) industry together with the travel and tourism industry, and the Moroccan government is also collaborating with the Council of Europe on strengthening the protection of children online (MSFFDSM, 2018). The ICT and tourism industries are also targeted within NGO interventions to combat child sexual exploitation (ECPAT France, 2017; ECPAT Luxembourg, 2017). However, these actions have also been met with resistance due to the taboo surrounding prostitution. Tourism authorities have regularly denied the existence of sex tourism in Morocco (Le Monde, 2016), and whilst managers in the travel and tourism industry have been ready to discuss the issue with NGOs on an individual basis, they have retreated when it comes to taking more specific action (ECPAT France, 2017; ECPAT Luxembourg, 2017).

Although the issues of sexual orientation and gender identity have received attention in some of the General Comments issued by the UN Committee on the Rights of the Child, they are not specifically mentioned within the legislation itself (Sandberg, 2015), and it is clear that this is a particularly sensitive topic in Morocco due to current societal attitudes and legislation outlawing homosexuality. As a result, LGBT+ children are not addressed explicitly in state or non-state discourse with respect to child sexual exploitation. For example, a guide on sexual violence against children published by the Moroccan NGO AMANE does not identify sexual orientation or gender identity as risk factors with respect to child sexual exploitation (AMANE, 2012, pp.18–20). The guide does, nevertheless, partially

address misconceptions regarding homosexuality in its FAQ<sup>5</sup> section by affirming that it is not a form of sexual abuse and that a boy will not automatically become homosexual if a victim of such abuse (AMANE, 2012, pp.11, 21). This may serve to protect the victim from further stigmatisation or rejection by the family but may also prevent open dialogue with victims who may indeed be struggling with their sexuality.

#### 4.4 Summary

The case study of Morocco demonstrates that despite an overall political will to subscribe to international human rights frameworks, resistance to elements of this ideology persists at various levels of the state and society. This resistance has been expressed explicitly at state level through reservations to articles of international conventions, for instance, but it is also felt in more subtle ways. Morocco may have raised the legal age for marriage to 18 years old in line with international law, for example, but derogations are regularly granted by judges permitting marriage at a lower age (UNCRC, 2014, para. 42). This reveals tensions within the state system as well as the strength of cultural norms and their power to influence even the judicial process. Legal reform alone cannot bring about change at the level of “practice” within Davies’ hierarchy of vertical law (Davies, 2008, pp.290–1; see also Section 2.3, Figure 1).

International discourse has certainly shaped policy and programming relating to child sexual exploitation in Morocco. However, it should also be noted that State Parties and, to a certain degree, NGOs and other civil society movements also contribute to international frameworks in various ways through advocacy, UN monitoring mechanisms and consultations (Cohen, Hart and Kosloske, 1996, pp.443–6; OHCHR, 2007).

---

<sup>5</sup> Frequently asked questions

Societal attitudes often prove resistant to international norms regarding children, gender and sexuality. However, counter-resistance is deployed through actions developed by both the government and NGOs to raise awareness, albeit it with a certain level of tact and discretion.

Furthermore, traditional attitudes towards sexuality (especially pre-marital relations) are being challenged by young people as a result of media influence but also socio-economic pressure (individuals are marrying later due to a lack of financial resources) (Obermeyer, 2000, pp.240–5). Young LGBT+ people are also increasingly showing resistance through subversion and establishing LGBT+ organisations despite the risk of discrimination and persecution (Akaliyat, 2018; Collectif Aswat, 2018; Dehghan, 2017; Rachidi, 2016).

To conclude, although I would agree with Davies that international law is largely vertical in nature (Davies, 2008, pp.290–1), norms are not only imposed from ‘above’ (i.e. the institutional level). In addition to the “horizontal” contextual influences that Davies alludes to at each level, influences can also ascend the hierarchy from ‘below’. Nevertheless, it certainly remains a challenge for grassroots groups to exert influence at the international and state levels. Despite the various forms of power, resistance and counter-resistance, the absence of boys and LGBT+ children as potential vulnerable groups within discourse on child sexual exploitation, both internationally and in the Moroccan context, remains stark.

## 5. Conclusion and recommendations

This study has revealed the contradictions within international discourse regarding the concepts of childhood, gender and sexuality, which are largely the result of compromise aiming to ensure that all State Parties remain committed to international child rights frameworks (Oosterveld, 2005, pp.57–8, 66–7).

Despite resistance, the understanding of gender at the international level has nevertheless evolved from biological sex to include social conditioning, although it continues to be constructed primarily in binary terms (male/female, masculine/feminine). Perceptions of sexuality have also broadened from reproduction to <sup>34</sup>include gender identity, sexual orientation, as well as sexual pleasure and intimacy (World Health Organization, 2015, p.5).

The replication of international discourse on childhood, gender and sexuality by state actors, NGOs and civil society at their respective levels demonstrates the strength of its influence. However, this study has also identified Foucauldian sites of resistance at all levels, especially that of society, which challenge international perceptions of gender and sexuality within the context of child sexual exploitation.

Although progress has been made in addressing issues of gender and sexuality through the application of international legal frameworks, some suggest the “traditional human rights law paradigm” may have become obsolete due to its focus on the state and its failure to address non-state actors and cultural relativism (Farrior, 2009, pp.94–5).

Indeed, the invisibility of boys and LGBT+ children in discourse is certainly linked to social taboos and cultural sensitivities. However, international discourse <sup>79</sup>also plays a role in silencing the perspectives <sup>4</sup>of boys and LGBT+ children due to its overwhelming focus on girls when it comes to sexual violence <sup>21</sup>and exploitation (Sandberg, 2015, pp.340–1). International discourse is deployed to construct women and girls as victims of sexual exploitation, whereas boys and men are typically regarded as offenders (Lillywhite and Skidmore, 2006, p.352). As a result, most interventions target girls, and those that target boys generally aim to disrupt stereotypes regarding masculinity that can lead to sexual violence against girls (Hoyaux and Chabbert, 2014).

<sup>8</sup>Whilst it is not disputed that girls and women represent the majority of victims of sexual exploitation at the global level (Capaldi, 2015, pp.8, 10; OHCHR, 2000a; 2000b), the emphasis on the protection of

78  
girls results in a failure to understand the specific vulnerabilities and needs of sexually exploited boys and LGBT+ children and prevents the development of targeted and appropriate support (Mitchell et al., 2017, pp.143, 148).

Although research has shown that a significant proportion of boys are also sexually exploited, the experiences of male and transgender victims remain invisible (Mitchell et al., 2017, pp.147–8; UNICEF, 2003). It is, therefore, vital that further research be undertaken, which avoids bias and ensures disaggregation by age, sex and gender identity (Mitchell et al., 2017, p.148). Qualitative research targeting boys and LGBT+ children as well as grassroots organisations is also required in order to integrate these perspectives more meaningfully. It should take an intersectional approach to understand the impact of different layers of discrimination on vulnerability to sexual exploitation. For example, a LGBT+ boy from a middle-class background may be more vulnerable to online sexual exploitation, and an underprivileged heterosexual boy may be more at risk of being exploited in street prostitution.

2  
NGOs addressing child sexual exploitation should reach out to organisations working with boys and LGBT+ children in order to improve their understanding of the specific vulnerabilities and needs of LGBT+ children, adapt their tools/approach accordingly and develop more appropriate and targeted responses. It is undeniably challenging to address sensitive issues such as sexuality within conservative contexts. Nevertheless, it is possible through developing a deep understanding of the context as well as strategic selection of themes, terminology and partners (see Chandra-Mouli et al., 2018).

Finally, despite the weaknesses outlined in this study, international child rights frameworks should not be abandoned as they continue to provide an important platform for applying pressure at the level of the state, especially when it may be challenging for civil society within that country (Farrior, 2009, p.93; Sandberg, 2015, pp.351–2). However, it is essential that perspectives on gender and sexuality from the grassroots level within the context in question inform these processes in order to ensure that contextual and cultural specificities are taken into consideration.

## Bibliography

Adolphe, J. and Fastiggi, R.L., 2013. Gender (in International Law). *New Catholic Encyclopedia Supplement 2012-2013: Ethics and Philosophy*, 2, pp.612–614.

African Commission on Human and People's Rights, 1990. *African Charter on the Rights and Welfare of the Child (adopted 1 July 1990, entered into force 29 November 1999)*. OAU Doc. CAB/LEG/24.9/49.

African Commission on Human and People's Rights, 2003. *Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (adopted 1 July 2003, entered into force 25 November 2005)*.

Agence Française de Développement, 2014. *Le genre et la réduction des inégalités femmes – hommes : Cadre d'intervention transversal 2014-2017 (Gender and the reduction of inequalities between women and men: Crosscutting framework of intervention 2014-2017)*.

Agence Française de Développement, 2017. *Maroc : Stratégie Pays 2017-2021 (Morocco: Country Strategy 2017-2021)*.

Agence Française de Développement, 2018. *Pour un monde en commun: Plan d'orientation stratégique 2018-2022 (For a shared world: Strategic plan 2018-2022)*.

Akaliyat, 2018. [online] Available at: <<http://www.alkaliyatmag.com/>> [Accessed 2 Oct. 2018].

Alexander, M.J., 1994. Not Just (Any) Body Can Be a Citizen: The Politics of Law, Sexuality and Postcoloniality in Trinidad and Tobago and the Bahamas. *Feminist Review*, (48), pp.5–23.

AMANE, 2012. *Les Violences Sexuelles à l'Encontre des Enfants: Un regard porté sur quatre pays de la région Afrique du Nord et Moyen-Orient (Maroc, Algérie, Tunisie, Liban). Manuel à l'intention des acteurs de la protection de l'enfance (Sexual Violence against Children: An examination of four countries in the North Africa and Middle East region (Morocco, Algeria, Tunisia, Lebanon). Manual for child protection professionals)*.

Ayoubi Idrissi, P.H., 2014. *Etude sur la violence sexuelle à l'encontre des enfants au Maroc (Study on sexual violence against children in Morocco)*. Rabat, Maroc: AMANE & UNICEF.

Banda, F. and MacKinnon, C.A., 2006. Sex, Gender and International Law. *Proceedings of the Annual Meeting (American Society of International Law)*, 100, pp.243–248.

Binder, G., 1999. Cultural Relativism and Cultural Imperialism in Human Rights Law Comment. *Buffalo Human Rights Law Review*, 5, pp.211–222.

Boillat, P., 2012. *International Conference on the Role of International Cooperation in combating Sexual Violence against Children. Opening speech by the Head of the Directorate General of Human Rights and the Rule of Law of the Council of Europe.*. Rome. Available at: <<https://rm.coe.int/1680470ef0>>.

Breeze, R., 2011. Critical discourse analysis and its critics. *Pragmatics*, 21(4), pp.493–525.

Brown, W., 1992. Finding the Man in the State. *Feminist Studies*, 18(1), pp.7–34.

Butler, J., 1990. *Gender Trouble: Feminism and the Subversion of Identity*.

Butler, J., 1996. Gender as Performance (Interview conducted by P. Osborne and L. Segal in London 1993). In: P. Osbourne, ed., *A Critical Sense: Interviews with Intellectuals*. pp.109–125.

Butler, J., 1997. Gender is Burning: Questions of Appropriation and Subversion. In: A. McClintock, A. Mufti and E. Shohat, eds., *Dangerous Liaisons: Gender, Nation, and Postcolonial Perspectives*. Minneapolis, MN: University of Minnesota Press, pp.381–395.

Capaldi, 2015. *Unfinished Business: Ending Child Prostitution, Child Pornography and Child Trafficking for Sexual Purposes*. ECPAT International.

Chandra-Mouli, V., Plesons, M., Hadi, S., Baig, Q. and Lang, I., 2018. Building Support for Adolescent Sexuality and Reproductive Health Education and Responding to Resistance in Conservative Contexts: Cases From Pakistan. *Global Health: Science and Practice*, 6(1), pp.128–136.

Charlesworth, H., Chinkin, C. and Wright, S., 1991. Feminist Approaches to International Law. *The American Journal of International Law*, 85(4), pp.613–645.

Cohen, C.P., Hart, S.N. and Kosloske, S.M., 1996. Monitoring the United Nations Convention on the Rights of the Child: The Challenge of Information Management. *Human Rights Quarterly*, 18(2), pp.439–471.

Collectif Aswat, 2018. [online] Available at: <<https://www.facebook.com/Collectif.Aswat/>> [Accessed 2 Oct. 2018].

Connell, R.W. and Messerschmidt, J.W., 2005. Hegemonic Masculinity: Rethinking the Concept. *Gender & Society*, 19(6), pp.829–859.

Consulting and Development, 2017. *L'approche genre dans le suivi et évaluation de projets (Integrating Gender into the Monitoring and Evaluation of Projects)*.

Council of Europe, 2007. *Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (adopted on 25 October 2007, entered into force 1 July 2010)*. CETS 201.

Crenshaw, K., 1991. Mapping the Margins: Intersectionality, Identity Politics, and Violence against Women of Color. *Stanford Law Review*, 43(6), p.1241.

Davies, M., 2008. Feminism and the Flat Law Theory. *Feminist Legal Studies*, 16(3), p.281.

Dehghan, S.K., 2017. UK may deport man facing persecution in Morocco for being gay. *The Guardian*. [online] 26 Oct. Available at: <<https://www.theguardian.com/world/2017/oct/26/man-may-be-deported-from-uk-despite-facing-persecution-in-morocco>> [Accessed 2 Oct. 2018].

Doezema, J., 2010. *Sex Slaves and Discourse Masters: The Construction of Trafficking*. London & New York: Zed Books.

Dushi, D., 2018. Challenges of protecting children from sexual abuse and exploitation on the internet: the case of Kosovo. *International Review of Law, Computers & Technology*, 32(1), pp.80–98.

ECPAT France, 2017. *Note d'Initiative: Projet d'Alliance contre l'exploitation sexuelle des enfants au Maroc (Concept Note: Project Unite against Child Sexual Exploitation in Morocco)*.

ECPAT France, 2018. *Fiche pays: Maroc (Country information sheet: Morocco)*. [online] Available at: <<https://ecpat-france.fr/fiches-pays/maroc/>> [Accessed 29 Sep. 2018].

ECPAT International, 1996. The Stockholm Declaration and Agenda for Action. [online] First World Congress against Commercial Sexual Exploitation of Children. Stockholm, Sweden. Available at: <[http://www.ecpat.org/wp-content/uploads/legacy/stockholm\\_declaration\\_1996.pdf](http://www.ecpat.org/wp-content/uploads/legacy/stockholm_declaration_1996.pdf)>.

ECPAT International, 2014. *Rapport Global de Suivi de la mise en œuvre des actions de lutte contre l'exploitation sexuelle des enfants à des fins sexuelles - Maroc (Global monitoring status of action against commercial sexual exploitation of children: Morocco)*.

- ECPAT International, 2015. *ECPAT 25 Years: Rallying the World to End Child Sexual Exploitation*.
- ECPAT International, 2018. *ECPAT International Strategic Framework June 2018 - July 2021: Roadmap towards ending the sexual exploitation of children*.
- ECPAT Luxembourg, 2017. *Projet d'Alliance contre l'exploitation sexuelle des enfants au Maroc (Project Unite against Child Sexual Exploitation in Morocco)*.
- ECPAT Luxembourg, 2018. *Nos actions: Maroc & Burkina Faso (Our projects: Morocco & Burkina Faso)*. [online] Available at: <<http://www.ecpat.lu/nos-actions/maroc-burkina-faso>> [Accessed 29 Sep. 2018].
- Ennaji, M., 2016. Women, Gender, and Politics in Morocco. *Social Sciences*, 5(4), p.75.
- Ennew, J., 2008. *Exploitation of children in prostitution. Thematic paper for the World Congress III Against the Sexual Exploitation of Children and Adolescents*. Rio de Janeiro, Brazil.
- European Union, 2011a. *Council Directive 2011/36/EU of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims*.
- European Union, 2011b. *Council Directive 2011/92/EU of 13 December 2011 on combating the sexual abuse and sexual exploitation of children and child pornography*.
- Farrior, S., 2009. Human Rights Advocacy on Gender Issues: Challenges and Opportunities. *Journal of Human Rights Practice*, 1(1), pp.83–100.
- Fellmeth, A.X., 2008. State Regulation of Sexuality in International Human Rights Law and Theory. *William and Mary Law Review*, 50, pp.797–936.
- Fineman, M.A., 2005. Feminist Legal Theory. *Social Science Research Network*.
- Fineman, M.A., Jackson, J.E. and Romero, A.P. eds., 2009. *Feminist and Queer Legal Theory: Intimate Encounters, Uncomfortable Conversations*. Ashgate.
- Foucault, 1978. The History of Sexuality, Volume 1: An Introduction. *Contemporary Sociology*, 8(4), p.589.
- Foucault, M., 1980. *Power/knowledge: selected interviews and other writings, 1972-1977*. 1st American ed. New York: Pantheon Books.
- Foucault, M., 1982. The Subject and Power. *Critical Inquiry*, 8(4), pp.777–795.
- Government of Morocco, 2011a. *Constitution of Morocco*.
- Government of Morocco, 2011b. *Penal Code of Morocco, consolidated version of 15 September 2011*.
- Graham, L.J., 2011. The Product of Text and 'Other' Statements: Discourse analysis and the critical use of Foucault. *Educational Philosophy and Theory*, 43(6), pp.663–674.
- Haraway, D., 1988. Situated Knowledges: The Science Question in Feminism and the Privilege of Partial Perspective. *Feminist Studies*, 14(3), p.575.
- Harding, S.G. ed., 1987. *Feminism and methodology: social science issues*. Bloomington: Milton Keynes [Buckinghamshire]: Indiana University Press; Open University Press.
- Hawke, A. and Raphael, A., 2016. *Offenders on the Move: Global Study on Sexual Exploitation of Children in Travel and Tourism*. ECPAT International and Defence for Children-ECPAT Netherlands.
- Hesse-Biber, S.N. ed., 2004. *Feminist perspectives on social research*. New York: Oxford Univ. Press.

Hoyaux, I. and Chabbert, P., 2014. *Involving men and boys in the combat against child sexual exploitation: A Review of Good Practice*. ECPAT France and ECPAT Luxembourg.

International Labor Organization, 1999. *Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (adopted 17 June 1999, entered into force 19 Nov 2000)*. 182.

International Save the Children Alliance, 2005. *Child Rights Programming: How to Apply Rights-Based Approaches to Programming*. Lima: Save the Children Sweden.

Kapur, R., 2002. The tragedy of victimization rhetoric: resurrecting the 'native' subject in international/post-colonial feminist legal politics. *Harvard Human Rights Journal*, 15, p.1.

King, A., 2004. The Prisoner of Gender: Foucault and the Disciplining of the Female Body. 5(2), p.12.

Le Monde, 2016. Prostitution à Marrakech : « Ici, c'est Vice City ». [online] 23 May. Available at: <[https://www.lemonde.fr/afrique/article/2016/05/23/prostitution-a-marrakech-ici-c-est-vice-city\\_4924929\\_3212.html](https://www.lemonde.fr/afrique/article/2016/05/23/prostitution-a-marrakech-ici-c-est-vice-city_4924929_3212.html)> [Accessed 1 Aug. 2018].

Lillywhite, R. and Skidmore, P., 2006. Boys are not sexually exploited? A challenge to practitioners. *Child Abuse Review*, 15(5), pp.351–361.

Manji, A., 1999. Imagining Women's 'Legal World': Towards a Feminist Theory of Legal Pluralism in Africa. *Social & Legal Studies*, 8, pp.435–455.

Ministère de la Solidarité, de la Femme, de la Famille et du Développement Social du Maroc (Ministry for Solidarity, Women, the Family and Social Development, Morocco), 2015. *La Politique Publique Intégrée de la Protection de l'Enfance (Integrated Public Policy for Child Protection, Morocco)*.

Ministère de la Solidarité, de la Femme, de la Famille et du Développement Social du Maroc (Ministry for Solidarity, Women, the Family and Social Development, Morocco), 2016. *Programme National de Mise en Œuvre de la Politique Publique Intégrée de Protection de l'Enfance au Maroc 2015- 2020 (National Programme for the Implementation of the Integrated Public Policy on Child Protection in Morocco 2015-2020)*.

Ministère des Affaires étrangères du Luxembourg, 2012. *Genre : Stratégies et orientations 2012 (Gender: Strategies and Directions 2012)*.

Mitchell, K., Moynihan, M., Pitcher, C., Francis, A., English, A. and Saewyc, E., 2017. Rethinking research on sexual exploitation of boys: Methodological challenges and recommendations to optimize future knowledge generation. *Child Abuse & Neglect*, 66, pp.142–151.

Montgomery, H., 2015. Understanding Child Prostitution in Thailand in the 1990s. *Child Development Perspectives*, 9(3), pp.154–157.

My LGBT Plus, 2018. *Why the Plus?* [online] Available at: <<http://www.mylgbtplus.org/why-the-plus/>> [Accessed 26 Sep. 2018].

Nagar, R., 2002. Footloose Researchers, 'Traveling' Theories, and the Politics of Transnational Feminist Praxis. *Gender, Place & Culture*, 9(2), pp.179–186.

Noor, K.B.M., 2008. Case Study: A Strategic Research Methodology. *American Journal of Applied Sciences*, 5(11), pp.1602–1604.

Obermeyer, C.M., 2000. Sexuality in Morocco: Changing Context and Contested Domain. *Culture, Health & Sexuality*, 2(3), pp.239–254.

O'Connell Davidson, 2005. *Children in the Global Sex Trade*. Cambridge: Polity Press.

Office of the United Nations High Commissioner for Human Rights, 1979. *Convention on the Elimination of All Forms of Discrimination against Women (adopted 18 December 1979, entered into force 3 September 1981)*. 1249 UNTS 13.

Office of the United Nations High Commissioner for Human Rights, 1989. *Convention on the Rights of the Child (adopted 20 November 1989, entered into force 2 September 1990)*. 1577 UNTS 3.

Office of the United Nations High Commissioner for Human Rights, 2000a. *Optional Protocol to the Convention on the Rights of the Child, on the sale of children, child prostitution and child pornography (adopted 25 May 2000, entered into force 18 January 2002)*. 2171 UNTS 227.

Office of the United Nations High Commissioner for Human Rights, 2000b. *Protocol to Prevent, Suppress, and Punish Trafficking in Persons, especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (adopted 15 November 2000, entered into force 25 December 2003)*. 2237 UNTS 319.

Office of the United Nations High Commissioner for Human Rights, 2007. *Legislative History of the Convention on the Rights of the Child*. UN Doc HR/PUB/07/1.

Oosterveld, V., 2005. The Definition of “Gender” in the Rome Statute of the International Criminal Court: A Step Forward or Back for International Criminal Justice? *Harvard Human Rights Journal*, 18, p.30.

Rachidi, I., 2016. Homosexuality in Morocco: Girls’ trial sparks debate on decriminalisation. *Middle East Eye*. [online] 11 Dec. Available at: <<https://www.middleeasteye.net/news/young-girls-trial-morocco-re-opens-debate-decriminalisation-homosexuality-1742436101>> [Accessed 2 Oct. 2018].

Rubin, G.S., 2011. *Deviations: A Gayle Rubin Reader*. Duke University Press.

Sandberg, K., 2015. The Rights of LGBTI Children under the Convention on the Rights of the Child. *Nordic Journal of Human Rights*, 33(4), pp.337–352.

Slomanson, W.R., 2011. *Fundamental perspectives on International law*. 6th ed. Boston, MA: Wadsworth.

Spivak, G.C., 1988. Can the subaltern speak? *Marxism and the Interpretation Culture*, pp.271–313.

The Guardian, 2017. Morocco rejoins African Union after more than 30 years. [online] Available at: <<https://www.theguardian.com/global-development/2017/jan/31/morocco-rejoins-african-union-after-more-than-30-years>>.

UN Women and Promundo, 2017. *Understanding masculinities: results for the International Men and Gender Equality Survey (IMAGES): Egypt, Lebanon, Morocco, and Palestine*. UN Women : Promundo.

UNICEF, 2003. *L’exploitation sexuelle des enfants - Cas de Marrakech (Child sexual exploitation - the case of Morocco)*. p.36.

UNICEF, 2011. *Morocco: MENA Gender Equality Profile, Status of Girls and Women in the Middle East and North Africa*.

UNICEF, 2016. *Annual Report 2016: Morocco*.

UNICEF, 2017. *Annual Report 2017: Morocco*.

United Nations Committee on the Elimination of Discrimination against Women, 2017. *General Recommendation N° 35 on gender-based violence against women, updating general recommendation No. 19 (26 July 2017)*. UN Doc CEDAW/G/GC/35.

United Nations Committee on the Rights of the Child, 2003a. *General Comment N° 3 on HIV/AIDS and the rights of the child*. UN Doc CRC/GC/2003/3.

United Nations Committee on the Rights of the Child, 2003b. *General Comment N° 4 on adolescent health and development in the context of the Convention on the Rights of the Child*. UN Doc CRC/GC/2003/4.

United Nations Committee on the Rights of the Child, 2005. *Initial Report submitted by Morocco under Article 12(1) of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography*. UN doc CRC/C/OPSA/MAR/1.

United Nations Committee on the Rights of the Child, 2011. *General Comment N° 13 on the right of the child to freedom from all forms of violence*. UN Doc CRC/GC/13.

United Nations Committee on the Rights of the Child, 2013a. *General Comment N° 14 on the right of the child to have his or her best interests taken as a primary consideration (art. 3 para. 1)*. UN Doc CRC/GC/14.

United Nations Committee on the Rights of the Child, 2013b. *General Comment N° 15 on the right of the child to the enjoyment of the highest attainable standard of health (art 24)*. UN Doc CRC/GC/15.

United Nations Committee on the Rights of the Child, 2014. *Concluding observations on the combined third and fourth periodic reports of Morocco*. UN Doc CRC/C/MAR/CO/3-4.

United Nations General Assembly, 2015. *Transforming our world: The 2030 Agenda for Sustainable Development (2015)* UN Doc A/RES/70/1.

Van Bueren, G., 1994. Child sexual abuse and exploitation: A suggested human rights approach. *The International Journal of Children's Rights*, 2, pp.45–59.

Venema, B. and Bakker, J., 2004. A Permissive Zone for Prostitution in the Middle Atlas of Morocco. *Ethnology*, 43(1), p.51.

Verloo, M., 2006. Multiple Inequalities, Intersectionality and the European Union. *European Journal of Women's Studies*, 13(3), pp.211–228.

W. Abbott, K. and Snidal, D., 2000. Hard and Soft Law in International Governance. *International Organization*, 54(3), pp.421–456.

WePROTECT Global Alliance, 2016. *Our Strategy to End the Sexual Exploitation of Children Online*. [online] Available at: <<https://www.weprotect.org/>>.

Wodak, R. and Meyer, M. eds., 2001. *Methods of critical discourse analysis*. Introducing qualitative methods. London; Thousand Oaks [Calif.]: SAGE.

World Bank, 2015. *Mind the Gap: Empowering Women for a More Open, Inclusive and Prosperous Society - Morocco*.

World Health Organization, 2015. *Sexual health, human rights and the law*.

# Gender Dissertation

## ORIGINALITY REPORT

16%

SIMILARITY INDEX

14%

INTERNET SOURCES

8%

PUBLICATIONS

8%

STUDENT PAPERS

## PRIMARY SOURCES

1

Submitted to School of Oriental & African Studies

Student Paper

2%

2

[www.unicef.org](http://www.unicef.org)

Internet Source

1%

3

Submitted to Pathfinder Enterprises

Student Paper

1%

4

[www.ecpat.net](http://www.ecpat.net)

Internet Source

1%

5

[www.unicef-irc.org](http://www.unicef-irc.org)

Internet Source

<1%

6

[www.abaadmena.org](http://www.abaadmena.org)

Internet Source

<1%

7

[www.justice.gov](http://www.justice.gov)

Internet Source

<1%

8

[www.combattrafficking.eu](http://www.combattrafficking.eu)

Internet Source

<1%

9

[resources.ecpat.net](http://resources.ecpat.net)

<1 %

10

[docplayer.net](http://docplayer.net)

Internet Source

<1 %

11

[www.childrightsnet.org](http://www.childrightsnet.org)

Internet Source

<1 %

12

"Women and Children as Victims and Offenders: Background, Prevention, Reintegration", Springer Nature, 2016

Publication

<1 %

13

Submitted to Southampton Solent University

Student Paper

<1 %

14

[www.no-trafficking.org](http://www.no-trafficking.org)

Internet Source

<1 %

15

[watchdog.org.pl](http://watchdog.org.pl)

Internet Source

<1 %

16

Submitted to Al Akhawayn University in Ifrane

Student Paper

<1 %

17

"The Rights of the Child in a Changing World", Springer Nature America, Inc, 2016

Publication

<1 %

18

[www.dol.gov](http://www.dol.gov)

Internet Source

<1 %

19

[citeseerx.ist.psu.edu](http://citeseerx.ist.psu.edu)

&lt;1 %

20

[eprints.soas.ac.uk](https://eprints.soas.ac.uk)

Internet Source

&lt;1 %

21

[acnudh.org](https://acnudh.org)

Internet Source

&lt;1 %

22

[www.europarl.europa.eu](https://www.europarl.europa.eu)

Internet Source

&lt;1 %

23

"The United Nations Convention on the Rights of Persons with Disabilities", Springer Nature, 2017

Publication

&lt;1 %

24

[ira.le.ac.uk](https://ira.le.ac.uk)

Internet Source

&lt;1 %

25

[ecpat.net](https://ecpat.net)

Internet Source

&lt;1 %

26

Submitted to Singapore Management University

Student Paper

&lt;1 %

27

[pelindunganak.org](https://pelindunganak.org)

Internet Source

&lt;1 %

28

[open.library.ubc.ca](https://open.library.ubc.ca)

Internet Source

&lt;1 %

29

[www.kekidatabank.be](https://www.kekidatabank.be)

<1 %

30

[strateji.cukurova.edu.tr](http://strateji.cukurova.edu.tr)

Internet Source

<1 %

31

Submitted to Kenyatta University

Student Paper

<1 %

32

[unesdoc.unesco.org](http://unesdoc.unesco.org)

Internet Source

<1 %

33

[www.ibcr.org](http://www.ibcr.org)

Internet Source

<1 %

34

[www.th.undp.org](http://www.th.undp.org)

Internet Source

<1 %

35

[www.freedom.firm.in](http://www.freedom.firm.in)

Internet Source

<1 %

36

Submitted to University of Ulster

Student Paper

<1 %

37

Cécile Aptel. "Chapter 17-2 The Protection of Children in Armed Conflicts", Springer Nature America, Inc, 2018

Publication

<1 %

38

[lic.law.ufl.edu](http://lic.law.ufl.edu)

Internet Source

<1 %

39

"COMMITTEE ON RIGHTS OF CHILD EXAMINES REPORT OF POLAND.", States

<1 %

# News Service, Sept 18 2015 Issue

Publication

---

40	<a href="http://prophecyupdate.blogspot.pt">prophecyupdate.blogspot.pt</a> Internet Source	<1 %
41	"Handbook of Child Well-Being", Springer Nature America, Inc, 2014 Publication	<1 %
42	Submitted to Oxford Brookes University Student Paper	<1 %
43	<a href="http://www.auscamfreedomproject.org">www.auscamfreedomproject.org</a> Internet Source	<1 %
44	<a href="http://parltrack.euwiki.org">parltrack.euwiki.org</a> Internet Source	<1 %
45	Submitted to National University of Ireland, Galway Student Paper	<1 %
46	<a href="http://icolf.org">icolf.org</a> Internet Source	<1 %
47	LexisNexis Publication	<1 %
48	<a href="http://epubs.scu.edu.au">epubs.scu.edu.au</a> Internet Source	<1 %
49	Submitted to HELP UNIVERSITY Student Paper	<1 %

---

50

Submitted to Symbiosis International University

Student Paper

&lt;1 %

51

[www.planfrance.org](http://www.planfrance.org)

Internet Source

&lt;1 %

52

[link.springer.com](http://link.springer.com)

Internet Source

&lt;1 %

53

Brian Milne. "The History and Theory of Children's Citizenship in Contemporary Societies", Springer Nature America, Inc, 2013

Publication

&lt;1 %

54

[cf.cdn.unwto.org](http://cf.cdn.unwto.org)

Internet Source

&lt;1 %

55

[www.amun.org](http://www.amun.org)

Internet Source

&lt;1 %

56

"Violence and Mental Health", Springer Nature America, Inc, 2015

Publication

&lt;1 %

57

"Encyclopedia of Adolescence", Springer Nature America, Inc, 2011

Publication

&lt;1 %

58

[dspace.eiuc.org](http://dspace.eiuc.org)

Internet Source

&lt;1 %

59

[www.terredeshommes.nl](http://www.terredeshommes.nl)

Internet Source

&lt;1 %

60	Rhonda Copelon, Christina Zampas, Elizabeth Brusie, Jacqueline deVore. "Human Rights Begin at Birth: International Law and the Claim of Fetal Rights", Reproductive Health Matters, 2005 Publication	<1 %
61	<a href="http://www.wsanz.org.nz">www.wsanz.org.nz</a> Internet Source	<1 %
62	<a href="http://prostitutionresearch.com">prostitutionresearch.com</a> Internet Source	<1 %
63	<a href="http://ssa.riselearningnetwork.org">ssa.riselearningnetwork.org</a> Internet Source	<1 %
64	<a href="http://ecpat.com">ecpat.com</a> Internet Source	<1 %
65	<a href="http://www.icmec.org">www.icmec.org</a> Internet Source	<1 %
66	<a href="http://fra.europa.eu">fra.europa.eu</a> Internet Source	<1 %
67	<a href="http://propertibazar.com">propertibazar.com</a> Internet Source	<1 %
68	<a href="http://www.lgbtnet.dk">www.lgbtnet.dk</a> Internet Source	<1 %
69	<a href="http://www.fhr.org.za">www.fhr.org.za</a> Internet Source	<1 %

70	<a href="http://globalinitiative-escr.org">globalinitiative-escr.org</a> Internet Source	<1 %
71	<a href="http://www.tandfonline.com">www.tandfonline.com</a> Internet Source	<1 %
72	<a href="http://www.law.harvard.edu">www.law.harvard.edu</a> Internet Source	<1 %
73	Derek Hodson. "Looking to the Future", Springer Nature America, Inc, 2011 Publication	<1 %
74	<a href="http://www.amherst.edu">www.amherst.edu</a> Internet Source	<1 %
75	<a href="http://lauda.ulapland.fi">lauda.ulapland.fi</a> Internet Source	<1 %
76	<a href="http://mason.gmu.edu">mason.gmu.edu</a> Internet Source	<1 %
77	<a href="http://www.ourwatch.org.au">www.ourwatch.org.au</a> Internet Source	<1 %
78	<a href="http://uobrep.openrepository.com">uobrep.openrepository.com</a> Internet Source	<1 %
79	<a href="http://cdn02.abakushost.com">cdn02.abakushost.com</a> Internet Source	<1 %
80	<a href="http://www.csd.gm">www.csd.gm</a> Internet Source	<1 %

81

[www.scribd.com](http://www.scribd.com)

Internet Source

&lt;1 %

82

Charles Hounmenou. "Issues of Sexually Transmitted Infections and Violence Among Children in Prostitution in West Africa", Child and Adolescent Social Work Journal, 2016

Publication

&lt;1 %

83

[www.unodc.org](http://www.unodc.org)

Internet Source

&lt;1 %

84

[lirias.kuleuven.be](http://lirias.kuleuven.be)

Internet Source

&lt;1 %

85

[www.fasopo.org](http://www.fasopo.org)

Internet Source

&lt;1 %

86

[pure.uva.nl](http://pure.uva.nl)

Internet Source

&lt;1 %

87

[bim.lbg.ac.at](http://bim.lbg.ac.at)

Internet Source

&lt;1 %

88

[search.coe.int](http://search.coe.int)

Internet Source

&lt;1 %

89

[www.equalrightstrust.org](http://www.equalrightstrust.org)

Internet Source

&lt;1 %

90

[www.institutesi.org](http://www.institutesi.org)

Internet Source

&lt;1 %

[womenwarpeace.org](http://womenwarpeace.org)

91

Internet Source

&lt;1 %

92

Submitted to University of San Francisco

Student Paper

&lt;1 %

93

[trade.ec.europa.eu](http://trade.ec.europa.eu)

Internet Source

&lt;1 %

94

"Justiciability of Human Rights Law in Domestic Jurisdictions", Springer Nature America, Inc, 2016

Publication

&lt;1 %

95

[stiba-malang.com](http://stiba-malang.com)

Internet Source

&lt;1 %

96

Submitted to University of Melbourne

Student Paper

&lt;1 %

97

Geoffrey P.R. Wallace. "Martial Law? Military Experience, International Law, and Support for Torture", International Studies Quarterly, 2014

Publication

&lt;1 %

98

[archive.org](http://archive.org)

Internet Source

&lt;1 %

99

[www.pwc.co.za](http://www.pwc.co.za)

Internet Source

&lt;1 %

100

[www.lac.org.na](http://www.lac.org.na)

Internet Source

&lt;1 %

101	Alex Conte. "Human Rights in the Prevention and Punishment of Terrorism", Springer Nature America, Inc, 2010 Publication	<1 %
102	"Child Safety, Welfare and Well-being", Springer Nature America, Inc, 2016 Publication	<1 %
103	65.39.174.116 Internet Source	<1 %
104	sedighedolatabadi.org Internet Source	<1 %
105	"International Disaster Response Law", Springer Nature America, Inc, 2012 Publication	<1 %
106	"'Children Out of Place' and Human Rights", Springer Nature, 2017 Publication	<1 %
107	Eszter Kismödi, Esther Corona, Eleanor Maticka-Tyndale, Eusebio Rubio-Aurioles, Eli Coleman. "Sexual Rights as Human Rights: A Guide for the WAS Declaration of Sexual Rights", International Journal of Sexual Health, 2017 Publication	<1 %
108	Murli Desai. "A Rights-Based Preventative Approach for Psychosocial Well-Being in	<1 %

---

109	Submitted to Cardiff University Student Paper	<1 %
-----	--	------

---

110	www.socwork.net Internet Source	<1 %
-----	------------------------------------	------

---

111	african-studies.uonbi.ac.ke Internet Source	<1 %
-----	--	------

---

112	www.plri.org Internet Source	<1 %
-----	---------------------------------	------

---

113	Margaret Davies. "Feminism and the Flat Law Theory", Feminist Legal Studies, 12/2008 Publication	<1 %
-----	---	------

---

114	Ben Mathews. "New International Frontiers in Child Sexual Abuse", Springer Nature America, Inc, 2019 Publication	<1 %
-----	---	------

---

115	ux641a12.unicef.org Internet Source	<1 %
-----	--	------

---

116	LINDA J. GRAHAM. "The Product of Text and 'Other' Statements: Discourse analysis and the critical use of Foucault", Educational Philosophy and Theory, 2013 Publication	<1 %
-----	--	------

---

117	"A Practical Guide to Social Interaction	
-----	--	--

Research in Autism Spectrum Disorders",  
Springer Nature, 2017

Publication

<1 %

118

[www.hrtribune.com](http://www.hrtribune.com)

Internet Source

<1 %

119

Submitted to Massey University

Student Paper

<1 %

120

[theweiser.com](http://theweiser.com)

Internet Source

<1 %

Exclude quotes On

Exclude matches Off

Exclude bibliography On

# Gender Dissertation

---

## GRADEMARK REPORT

---

### FINAL GRADE

76/100

### GENERAL COMMENTS

#### Instructor

Hannah this is well executed dissertation. It is well organised and clearly demarcates the boundaries of your work both methodologically and analytically. You are attentive to and therefor reflexive about the gaps in your data collection and analytical methods and attempt to work around and through them. I would have liked to see you return to the feminist legal theory scholarship that you refer to earlier in the dissertation given your privileging of flat law -- some indication of scholarship in that field if any that advances these debates usefully and/or how your mixed methods can expand existing scholarship interested in questions of trafficking.

Well done.

Second marker -

Good work - a well structured and really well researched submission. Your engagement across international legal materials, the case study and the various theoretical elements is impressive and a strength of the paper. You do a good job at analysing the role of heteronormativity throughout the paper and the imagined (non-) sexual life of children. Perhaps an analysis of the needs and representation of older children, in particular, would have been valuable, as well as the varying cultural perceptions of late childhood which can be contrasted with the stereotyping in international documents (for example theories around youth bulge as an indicator of insecurity) - this would have allowed you to draw in dialogues around race and postcolonialism within international law. An analysis of how affective language is used to invoke the the child within international legal institutions and initiatives might have added further sophistication.

Nevertheless a well researched and written

dissertation - well done ,

GH

---

PAGE 1

---

PAGE 2

---

PAGE 3

---

PAGE 4

---

PAGE 5

---

PAGE 6

---

PAGE 7

---

PAGE 8

---

PAGE 9

---

PAGE 10

---

PAGE 11

---

PAGE 12

---

PAGE 13

---

PAGE 14

---

PAGE 15

---

PAGE 16

---

PAGE 17

---

PAGE 18

---

PAGE 19

---

PAGE 20

---

PAGE 21

---

PAGE 22

---

PAGE 23

---

PAGE 24

---

PAGE 25

---

PAGE 26

---

PAGE 27

---

PAGE 28

---

PAGE 29

---

**Text Comment.** analysis here / drawing in flat law theory explicitly?



### Comment 1

avoid this - etc

PAGE 30

---



### Comment 2

citation

PAGE 31

---



### Comment 3

would be useful to situate the centrality of this study to your work. It is cited a lot

PAGE 32

---

PAGE 33

---

PAGE 34

---

PAGE 35

---

PAGE 36

---

PAGE 37

---

PAGE 38

---

PAGE 39

---

PAGE 40

---

PAGE 41

---

PAGE 42

---

PAGE 43

---

PAGE 44

---

PAGE 45

---

PAGE 46

---

PAGE 47

---