

**Submission on behalf of ECPAT International to the Public Consultation of the
European Commission Directorate General for Home Affairs**

Contribution to the European Commission's New Agenda for Home Affairs



ECPAT INTERNATIONAL

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ECPAT International

ECPAT international is a global network of civil society organisations, represented by 81 member groups in 74 countries. ECPAT International was the primary impetus behind the three World Congresses against the commercial sexual exploitation of children (Stockholm, Sweden – 1996; Yokohama, Japan – 2001; Rio de Janeiro, Brazil – 2008), encouraging the world community to ensure that children everywhere enjoy their fundamental rights, free from all forms of commercial sexual exploitation.

Through collaborative efforts, ECPAT encourages governments to adopt measures to strengthen their child protection policies in compliance with international child-rights standards and their international obligations. This includes advocating for policy changes to address gaps in legislation; formulation of national plans of action; creation of effective bilateral and multi-lateral agreements; and advocating for States to commit to the ratification of international treaties to protect children, such as the Optional Protocol on the sale of children, child prostitution and child pornography.

ECPAT International has special consultative status with the Economic and Social Council of the UN (ECOSOC) and has received international recognition for its achievements, including the 2013 Conrad N. Hilton Humanitarian Prize. Collaboration with the private sector, as highlighted by the *Stop Sex Trafficking of Children and Young People* campaign, in partnership with The Body Shop, has drawn considerable recognition for ECPAT, including the praise of former US President Bill Clinton. The Campaign also led to one of the largest human rights petitions ever presented to the UN Human Rights Council in September 2011 (more than 7.2 million signatures), cementing ECPAT International's reputation as a global leader in influencing social change. Petitions collected in EU Member States (2.3 million signatures) were presented to the Commissioner for Home Affairs, Cecilia Malmström, who committed to prioritising the implementation of the Directive by EU Member States.

ECPAT International and ECPAT member organisations based in EU Member States have actively lobbied EU institutions towards the development of EU Directives and policies addressing child trafficking and the commercial sexual exploitation of children in all its manifestations, within the EU and at global level.

ECPAT International welcomes the opportunity provided by this Consultation on the New Agenda for Home Affairs to provide the Directorate General for Home Affairs with inputs on achievements and also gaps and challenges regarding the protection of children against trafficking and commercial sexual exploitation. ECPAT International will also suggest to the Directorate General for Home Affairs priorities for the new Agenda.

1. Background information and new trends in the commercial sexual exploitation of children in EU Member States

Research and evidence¹ suggest that the commercial sexual exploitation of children (child prostitution, child pornography and sexual exploitation of children in travel and tourism) and child trafficking have become increasingly interconnected. New trends have emerged over the last few years as a result of an increased use of information and communication technologies both by children and young people and by child sexual offenders in order to groom and facilitate the abuse of children.

Emerging trends and areas of concern regarding CSEC require specific attention from the European Commission and EU Member States. Areas of concern include, the increasing use of the Internet for the trafficking of children; the phenomenon of adolescents providing sexual services in the online environment in exchange for consumption of goods; and the interconnected risk of abuse and self-victimization, stemming from activities like “sexting” and online “grooming.”

Prostitution of children - emerging trends

While one of the main drivers of commercial sexual exploitation of children is poverty, ECPAT research in a number of countries, including Western Europe (e.g. Austria, Sweden, Norway, Italy, Netherlands), has revealed that a growing number of teenagers are exchanging sexual services for access to consumer goods or extra-pocket money.² These teens often use the Internet or mobile phones to make contact with “customers” for online and offline sexual encounters. This form of “independent prostitution” can be occasional and needs to be understood in the context of a complex set of push factors, which include consumerism, sexualisation of children in the media and inequality in power relations. Public opinion, based on the wrong assumption that children can ‘choose’ to prostitute themselves, tends to blame the child involved. This misunderstanding is reinforced by the fact that, very often, the adolescents involved do not see themselves as victims but rather as ‘voluntarily’ providing sexual services in exchange for remuneration. As a result, the role of the perpetrator, who takes advantage of their psychological vulnerabilities during an important life development stage, is usually minimised. This incorrect perception is further aggravated by the fact that existing legislation, in some European countries, fails to adequately protect children in prostitution after the age of sexual consent.

Though prostitution of children mostly involves teenage girls between the ages of 14 and 17 years old, the involvement of boys has been reported in several countries in the region.³ For example, a 2007 study on adolescent sexuality in the Baltic Sea States found that in Norway, Sweden, Lithuania and Poland, the experience of selling sex was more prevalent among boys than girls.⁴ The prostitution of boys may involve both migrant children and nationals and may occur independently or be controlled by exploiters. Despite being recognised as a major concern, the prostitution of boys has not been thoroughly investigated and continues to go unaddressed, due *inter alia* to a lack of gender perspective in research and programmes, stigmatization of male homosexuality and a tendency to not see males as victims of prostitution, which often leads to male victims failing to seek professional help when it is needed.

¹ ECPAT International, *Global monitoring reports on status of action against commercial sexual exploitation of children*. available at: http://www.ecpat.net/EI/index_A4A.asp; Eurostat, *Trafficking in human beings*. 2013 Available at: http://ec.europa.eu/dgs/home-affairs/what-is-new/news/news/2013/docs/20130415_thb_stats_report_en.pdf

² ECPAT International, *Global monitoring reports on status of action against commercial sexual exploitation of children*. Available at: http://www.ecpat.net/EI/index_A4A.asp

³ Ibid.

⁴ Mossige, S., Ainsaar, M., Svedin, C. G. *The Baltic Sea Regional Study on Adolescents’ sexuality*. 2007.

Trafficking of children for sexual exploitation - emerging trends

Europol has noted a move from traditional red light districts in urban areas to exploitation occurring in semi-urban and rural areas. The use of private accommodation for purchased sex activities makes it more difficult for law enforcement to detect trafficking related offences. Another trend that requires attention is the increasing use of the Internet both for the recruitment of victims and for advertising services. Meetings with “sex buyers” are now organised through websites and victims are rapidly rotated, remaining in the same city for no more than one or two days. The perceived anonymity and mass market for online services increase both the discretion and profits of these services and it is anticipated that the number of women and children sexually exploited through less visible, online environments will increase.⁵

The sexual exploitation of children in travel and tourism - emerging trends

The opening of new routes between Eastern and Western European countries and the general growth of the travel and tourism industry has resulted in an increase of child sex tourism within Europe. The emergence of low-cost airlines in particular has meant that Western tourists can now easily travel to Eastern European destinations for sexual contact with children.

As in other regions of the world, sexual abuse and exploitation of children in tourism has been deeply impacted by the Internet and new technologies. According to ECPAT research, there is a growing trend for child sex abusers to make contact and groom children from their home countries via the Internet, prior to travelling overseas to meet the child.⁶ In many destinations, tourists can now purchase mobile telephones in airports upon arrival, allowing them greater freedom in organising their excursions, where they stay, where they travel and who they interact with. Tourism development and information technologies are causing remote areas to become more accessible to tourists and in turn make rural children more vulnerable to tourists seeking sexual contact with them. The involvement of travelling sex offenders in the production and distribution of sexual abuse materials depicting children also continues to be an area of concern, as reflected in the various investigations and convictions of child sex tourists for child pornography related offences⁷.

Child pornography and child sexual exploitation online - emerging trends

In conjunction with the increased use of the Internet and information and communication technologies, the EU is facing an increasing problem with the production, distribution and viewing and possession of child abuse materials. On a positive note, knowledge and awareness of the risks faced by children in their online interactions seem to have improved in recent years, likely as a result of a proliferation of studies on this specific topic.

Over the last 10 years, several European and worldwide operations have identified thousands of suspects for sexual offences committed against children. The numbers of offenders identified has also grown each year and suggests the rise of this criminal phenomenon, as well as improved counteraction efforts. As verified by international law enforcement agencies, perpetrators committing child pornography offences globally are mainly from Western European countries. According to data collected by Interpol between 2001 and 2009 (through the ICAID database), after USA and Canada, the major

⁵ Mossige, S., Ainsaar, M., Svedin, C. G. *The Baltic Sea Regional Study on Adolescents' sexuality*. 2007.

⁶ ECPAT International, *The use of information and communication technologies in connection with cases of child sex tourism in East and Southeast Asia*, 2010, Accessible at:

http://resources.ecpat.net/EI/Publications/Journals/ECPAT%20Journal_Mar2010_FINAL.pdf

⁷ ECPAT International, *Global monitoring report on the status of action against commercial sexual exploitation of children – Republic of Moldova*. Accessible at: http://resources.ecpat.net/EI/Pdf/A4A_II/A4A_V2_CIS_MOLDOVA.pdf

countries of origin for perpetrators identified in child abuse materials were Germany, Sweden, Norway, United Kingdom and France.⁸

The growing incidence of online sexual exploitation of children has been reported by several agencies across Europe. For example, the British leading child protection agency, the Child Exploitation and Online Protection (CEOP) Centre revealed that a record number of children were safeguarded from sexual abusers in the past year. In 2012/2013, the CEOP protected a total of 790 children, an increase of 85 percent from the previous year and the highest yearly figure since the Centre's launch in 2006.⁹ CEOP has also identified new trends and developments in online child sexual exploitation that require urgent action, including an increase in the number of female offenders appearing in images. Furthermore, CEOP has noted a shift from the distribution of images on the open Internet to the so-called "hidden" Internet. The "hidden" Internet is not accessible by search engines and includes Skype applications, password-protected sites and black markets masked by routing software.¹⁰

Among the greatest risks exposed by CEOP's report is the upward trend toward live streaming of sexual abuse, particularly from the developing world and vulnerable children are becoming more at risk to exploitation through these means.¹¹ In a recent publication, Terre des Hommes Netherlands raised awareness about the gravity of this phenomenon in the Philippines, where tens of thousands of children are reported to be victims of live streamed sexual exploitation.¹²

Since 2010, another disturbing trend exposed by Europol and other law enforcement agencies is the increase in the commercial distribution of child sexual abuse materials through global criminal networks offering pay-per-view websites. These websites are profitable through the use of several, in some cases less conventional, payment systems such as money remitters and electronic money.¹³

2. Some key initiatives undertaken at European Union level to prevent and combat CSEC

Over the last ten years, the EU has taken positive steps to strengthen legislative and policy frameworks to address trafficking within EU Member States through the adoption of the specific Directive on trafficking in human beings (Directive 2011/36EU) and the "EU Strategy towards the Eradication of Trafficking in Human Beings (2012-2016)." The European Parliament and the European Council's adoption of the Directive on sexual exploitation and sexual abuse of children and child pornography (Directive 2011/93/EU) is also a major step towards stronger protection of children from CSEC. In 2011, an EU Anti-Trafficking Coordinator was appointed to improve coordination among EU institutions, EU agencies, Member States and international actors, and to develop existing and new EU policies to address trafficking in human beings.

In an effort to ensure and support civil society participation in anti-trafficking efforts, the EU Civil Society Platform against trafficking in human beings was launched at the end of May 2013. Made up of over 100 European civil society organisations with diverse mandates, the Platform serves as a forum for civil society to engage at the EU level and exchange experiences in order to enhance coordination and

⁸ National Rapporteur on Trafficking in Human Beings. *Child Pornography. First report of the Dutch National Rapporteur*. 2011. Accessible at: www.bnrm.nl

⁹ CEOP. "Record number of children safeguarded by CEOP". 14 May 2013. Accessible at: <http://www.ceop.police.uk/Media-Centre/Press-releases/2013/Record-number-of-children-safeguarded-by-CEOP/>

¹⁰ Ibid.

¹¹ Ibid.

¹² Terre des Hommes Netherlands, *Webcam Child Sex Tourism* (2013). Accessible at: <http://www.terredeshommes.org/wp-content/uploads/2013/11/Webcam-child-sex-tourism-terre-des-hommes-NL-nov-2013.pdf>

¹³ Europol. *Child Sexual Exploitation. Factsheet 2012*.

cooperation amongst key actors. ECPAT International is represented in the Platform, as well as ECPAT Member organisations in Albania, Bulgaria, Poland and the UK.

ECPAT International in partnership with The Body Shop carried out a three year (2009-2012) global campaign against the sex trafficking of children and adolescents. The campaign, implemented in 20 EU Member States, substantially contributed to the development of research on child trafficking for sexual purposes at the regional level. Research conducted by ECPAT member organisations within the framework of the campaign led to greater understanding of the issue of child trafficking for sexual purposes within the context of Europe and emerging trends and challenges. ECPAT member organisations also developed country score-cards which show progress made by concerned EU Member States between 2009 and 2012 with regard to the prevention and repression of trafficking as well as the provision of adequate referral mechanisms and support services for child victims.

In addition to the production of research on the issue, ECPAT and The Body Shop have conducted high level advocacy events to hold EU governments accountable for protecting children from trafficking. Signed petitions on the issue of child sex trafficking were handed over to representatives of governments in the following EU Member States: Austria, Belgium, Denmark, France, Germany, Italy, Luxembourg, Netherlands, Romania, Spain, Sweden and the UK. In June 2011, ECPAT International and The Body Shop presented the largest human rights petition in EU history to the European Commissioner for Home Affairs, Cecilia Malmström. During the press conference Commissioner Cecilia Malmström stated that “in response to the 2.3 million people who have signed this petition, I commit that we will do our utmost to ensure that Member States give priority to the implementation of the Directive”. This campaign helped put the issue of child trafficking on the agenda of the European Commission Directorate General for Home Affairs.

ECPAT has also recently developed Second Editions of its monitoring reports on the status of action against commercial sexual exploitation of children¹⁴ in fifteen EU Member States¹⁵ with the goal to lobby relevant governments for legal and policy reforms.

Understanding of the risks that children and adolescents encounter in cyberspace has improved in the region, in part, due to new studies conducted as part of the framework of the Safer Internet Programme. Among the most important studies were those produced by the EU Kids Online network, involving thousands of children and adolescents from all across Europe. The 2011 report on “Risks and safety on the Internet” investigated key online risks, including those of a sexual nature¹⁶.

The EU has supported, since 1999, the *Safer Internet Programme* (SIP), which aims to promote safer use of the Internet and new online technologies, particularly by children, and to fight against illegal content and unwanted content by the end-user.¹⁷ In May 2012, the Commission adopted the *Communication for a Strategy for a Better Internet for Children* which re-defines the priorities and the objectives of the Union for child online safety, as stated in the Safer Internet Programme. In the European Union’s new Multi Financial Framework 2014 – 2020, the new Connecting Europe Facility - CEF should provide the funds needed to implement the above mentioned Strategy. Additionally, the European Commission is

¹⁴ ECPAT International, *Second Edition Global Monitoring Reports on status of action against commercial sexual exploitation of children*. Accessible at: http://resources.ecpat.net/EI/index_A4A.asp

¹⁵ Austria, Belgium, Bulgaria, Czech Republic, Denmark, Estonia, France, Germany, Luxembourg, Italy, Netherlands, Poland, Romania, Spain, Sweden and the UK.

¹⁶ Livingstone, S., Haddon, L., Görzig, A., Ólafsson, K. (2010). *Risks and safety on the internet. The perspective of European children. Initial findings from the EU Kids Online survey of 9-16 year olds and their parents*. EU Kids Online II report, The London School of Economics and Political Science.

¹⁷ European Union, *Safe-regulation for a Better Internet for Kids*. Accessible at: http://ec.europa.eu/information_society/activities/sip/index_en.htm

funding the “MAKE-IT-SAFE peer-experts” project, implemented by several ECPAT member organisations based in EU Member States. This project aims to enhance the capacity of 90 child and youth participants in five countries¹⁸ to use Internet safely and to assist their peers in dealing with risks and problems online.

The European Commission has also supported several ECPAT led-projects and initiatives including the current “*Don't look away - be aware and report the sexual exploitation of children in travel and tourism*” project. This project is led by ECPAT member organisations based both in EU countries¹⁹ and in developing countries,²⁰ in order to prevent the sexual exploitation of children during mega sporting events like the upcoming FIFA World Football Cup in Brazil.

A number of actions at the EU level have fostered increasing involvement of the private sector in the fight against CSEC, especially to prevent and counteract the online sexual exploitation of children. Besides implementing the aforementioned Safer Internet Programme and promoting the “Better Internet for kids” Coalition, which involves leading digital, media and technology companies,²¹ the European Financial Coalition against Commercial Sexual Exploitation of Children Online was established in March 2009. The Coalition brings together major financial, Internet and technology corporations, law enforcement agencies and child protection NGOs from EU countries to prevent commercial profits being made from child abuse material online.

However, despite the development and implementation of the above mentioned initiatives, the European Commission has not yet adopted a comprehensive strategy to guide EU Member States in implementing the provisions of the Directive. The European Commission has also failed to establish monitoring mechanisms to assess progress made by concerned governments in transposing the Directive into domestic legal frameworks and implementing its provisions.

Within the EU legal standards and policies a stronger role should be given to civil society organisations, with regards to monitoring the implementation of Directive 2011/93/EU. For instance, civil society organisations should be able to report progress made by EU Member States to an EU monitoring mechanism that is in charge of monitoring the implementation of Directive 2011/93/EU.

3. Key Challenges

- Even though the EU played a key role in the development of a *Communication for a Strategy for a Better Internet for Children* and a *Declaration on the Launch of the Global Alliance against child sexual abuse online and Guiding principles on the Global Alliance against child sexual abuse online*, the European Commission has not yet developed a comprehensive strategy to guide EU Member States in implementing Directive 2011/93/EU.
- The findings from a legal study carried out in 2012 by Missing Children Europe, in collaboration with ECPAT International and law firm Allen & Overy²², highlighted the fact that the transposition of the EU Directive 2011/93/EU in domestic legal frameworks was a slow process.

¹⁸ Austria, Germany, The Netherlands, France, Luxembourg, Poland

¹⁹ Estonia, Belgium, Italy, Spain, Bulgaria, Romania, Czech Republic, Sweden, UK, Latvia, Lithuania and Austria, Germany, The Netherlands, France, Luxembourg, Poland

²⁰ Senegal, Kenya, Gambia, Madagascar, Brazil and South Africa.

²¹ European Union, press release “Europe's top tech executives and Commission affirm commitment to collaborate, not compete to improve the internet for kids”. Accessible at: <http://ec.europa.eu/digital-agenda/en/news/europes-top-tech-executives-and-commission-affirm-commitment-collaborate-not-compete-improve>

²² Missing Children Europe, eNACSO, NSPCC, ECPAT International & Save the Children (2012) *Survey & Workshop reviewing the Transposition of Directive 2011/93/EU in 11 Member States*.

This is because the legal framework in many EU Member States was not compliant with the provisions of the Directive, especially with regard to the recovery and reintegration of child victims.

- The lack of specific EU mechanisms, dedicated to monitoring the transposition process of the Directive 2011/93/EU and holding Member States accountable for delays and gaps in transposing and implementing the Directive.
- Limited and ad hoc roles and responsibilities provided to civil society organisations with regards to monitoring the transposition and implementation process of Directive 2011/93/EU in the domestic legal frameworks of all 28 EU Member States. There is also a lack of reporting mechanisms enabling civil society organisations to provide the Commission with reports on the implementation of the EU Directive 2011/93/EU (child sexual exploitation and child pornography) and the EU Directive 2011/36/EU (trafficking in human beings) by EU Member States.
- Limitations with regard to access to specialised support services for child victims of sexual exploitation.
- Limited coordination, especially between local administrations and central government agencies, between state agencies and other actors, including the referral and assistance of child victims.
- There is a lack of CSEC data collection systems, which is an impediment to the development of tailored and well-designed measures and severely hampers the evaluation of programmes and projects.
- There is a need for increased government support for initiatives involving children and youth. Although the peer-to-peer approach has been recognised as a tool to empower children to protect themselves from sexual exploitation, funding to organisations involved in youth empowerment and CSEC prevention remains limited. The few initiatives involving the direct and meaningful participation of children and young people were carried out by NGOs, particularly the youth sections of ECPAT groups (e.g. ECPAT Germany, ECPAT Austria and ECPAT UK). Across all countries reviewed, there was insufficient participation of children and youth in the design, implementation and monitoring of policies affecting them.

4. Recommendations

ECPAT International recommends that the European Commission Directorate General for Home Affairs incorporate the following priorities in its New Agenda:

- **Address the need for improved data and research on sexual exploitation of children:** With regard to the scarcity of reliable and updated data on the different manifestations of the sexual exploitation of children in EU Member States, the European Commission Directorate General for Home Affairs should collaborate with Eurostat to develop an EU statistical report on the issue of sexual exploitation of children in all 28 EU Member States. The European Commission Directorate General for Home Affairs should conduct research on emerging trends of CSEC in EU

Member States, in partnership with civil society organisations including ECPAT member organisations and youth groups. Baseline information on the magnitude of CSEC and emerging trends is necessary for the development of comprehensive EU policies.

- **Aid the implementation and monitoring mechanisms of the Directive through the development of strategic guidelines:** The European Commission should develop and implement an EU Strategy in order to guide EU Member States in implementing Directive 2011/93/EU (on the same model as the existing EU Strategy towards the Eradication of Trafficking in Human Beings 2012–2016). The strategy should address all emerging CSEC trends (e.g. live streamed child pornography) and should contain specific sections addressing the provision of adequate support services for child victims and access to justice for child victims. Civil society organisations, including child youth groups, should play a significant role in the development of the strategy.
- **Establish systematic channels for civil society participation at the national and regional levels:** Child rights civil society organisations, including child youth groups, should be provided with systematic channels and mechanisms for their participation at the national and regional level towards the development and the implementation of an EU strategy on the implementation of Directive 2011/93/EU. Child rights organisations should be given a clear role by the European Commission with regards to monitoring the transposition process of the Directive into domestic laws and the implementation of the Directive by EU Members States. The European Commission should establish an *EU civil society platform on the protection of children against sexual exploitation and sexual abuse* (in the same model as the existing EU Civil Society Platform on Trafficking) in order to increase dialogue and establish a clear collaborative relationship between child rights civil society organisations and the European Commission.
- **The European Commission should establish an EU Group of Experts on sexual exploitation and sexual abuse of children (the same model as the existing EU Group of Experts on trafficking in human beings):** The Experts will provide support and guidance with regard to the development of policies and programmes addressing the sexual exploitation of children. The Group of Experts should include representatives from child rights civil society organisations.
- **The European Commission should appoint a special EU monitoring mechanism or coordinator (similar to the EU Anti-Trafficking Coordinator):** The coordinator will be in charge of assessing the implementation process of the Directive 2011/93/EU and the EU strategy and will hold governments accountable for failing to transpose and implement the Directive. The monitoring coordinator should develop a set of indicators to effectively measure progress made by the Member States in transposing and implementing the Directive.
- **This monitoring coordinator should also be mandated to receive reports from civil society organisations on the implementation of the Directive by governments of EU Member States.** Based on its assessment and reports received from civil society organisations, the EU monitoring

coordinator should provide recommendations and guidance to governments in order to improve their legal and policy frameworks on the sexual exploitation of children.

- **The mandate and resources of the EU Anti-Trafficking Coordinator should be expanded to enable the Coordinator to receive monitoring reports from civil society organisations:** Similar to the Convention on the Rights of the Child, children and civil society organisations should have a voice on the implementation of the Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims by EU Member States.
- **Guiding principles and standards for EU Member States on the development of adequate support services for child victims of CSEC, especially online.**
- **Ensure that the *Ouagadougou Action Plan to Combat Trafficking in Human Beings, Especially Women and Children*, jointly adopted by the European Union and the African Union, is effectively implemented and monitored.** Similar agreements should also be established with other high risk regions and countries.