



Presentation EU parliament Hearing on Draft Directive on combating the Sexual Abuse,  
Sexual Exploitation of Children and Child Pornography

Brussels, 29 September 2010

**The link between combating child sex tourism, child prostitution, child pornography and trafficking in children for sexual purposes and the role of the EU directive**

*Ladies and gentlemen,*

ECPAT is a global network of organisations and individuals working together for the elimination of child prostitution, child sex tourism, child pornography and trafficking of children for sexual purposes. ECPAT seeks to encourage the world community to ensure that children everywhere enjoy their fundamental rights free from all forms of commercial sexual exploitation. The ECPAT network consists of organisations and networks in over 75 countries around the world. In the EU there are ECPAT members in 15 countries.

Child sex tourism is the commercial sexual exploitation of children by people who travel from one place to another, where they engage in sexual acts with minors. The movement of offenders is basically what differentiates child sex tourism from prostitution of children. This movement can be from one country to another or within one country.

In many cases of child sex tourism there is a linkage with trafficking. Children are trafficked to tourism destinations because tourists pay more than local perpetrators for the same kind of sexual services. In these cases the trafficking flow has a tourism hotspot, a holiday resort or a busy commercial area as its destination. However, it is not necessary for child sex tourists to travel to child sex tourism destinations to find children. Foreign perpetrators can also meet children by means of internet forums and webcams or exploit children in each other's private houses.

Child sex abuse images are increasingly produced in combination with child sex tourism. This makes minor victims more vulnerable to become a victim of trafficking for the purpose to produce more pornography. Therefore child pornography also has an influence on the linkage between child sex tourism and trafficking.

The starting point to fight child sex tourism is promising because many countries have laws to protect children against sexual exploitation. However, police can only take action when they get noticed by reports. The problem is that the general public is not aware of child sex tourism and not familiar with local reporting mechanisms. Campaigns on child protection against sexual exploitation are needed to raise awareness and stimulate reporting. Cooperation between different stakeholders on national and international level is necessary to get child sex offenders arrested and convicted. Constraints that international law enforcements experience in the combat of sexual exploitation of children, is for instance the lack of intelligence, the lack of cooperation with some countries, the lack of harmonization of age of consent.

*Cooperation between law enforcement and NGOs and between NGOs has proven to be essential in getting child sex tourists convicted. NGOs can use their contacts with other NGOs and law enforcement agents to speed up the process. An example of crucial NGO involvement is the case of an UK resident T. who witnessed an Austrian man in Calcutta (India) sexually abusing children in his hotel room in 2006. T. reported it to the local police and to the Austrian consulate, but no action was taken. After months of frustration T. contacted ECPAT. ECPAT UK and ECPAT Austria worked together and were able to get the reporting process started. In 2007 the offender was convicted in Austria to two years of prison without probation.*

**The EU directive can help improve the situation, so we welcome the proposed directive, but we would like to see it more in line with or even go beyond the CoE Lanzarote Convention, therefore our recommendations below.**

#### **ECPAT Recommendations**

**Article 2 – Definitions** : *define child sex tourism as the sexual exploitation of children by a person or persons who travel from their usual environment to a destination where they have sexual contact with children*

**Article 3 – Offenses concerning child sexual abuse**: *reference to the age of sexual consent under national law is to be removed*

**Article 4 – Offenses concerning child sexual exploitation**: *address the demand for sexual services from children and to criminalize the ‘client’ of prostituted children and the purchase of and intent to purchase sexual services from children*

**Article 6 – Solicitation of children for sexual purposes**: *reference to the age of sexual consent under national law is removed. Protection against solicitation for sexual purposes should apply to all children*

**Article 7 - Instigation, aiding and abetting, attempt and preparatory offenses** : *the organization of travel and/or other arrangements with the purpose of committing any of the offences referred to in Articles 3 to 6*

**Article 12 – Sanctions on legal persons**: *temporary or permanent closure of establishments or service providers which have been used for committing the offense*

**Article 14 – Investigation and prosecution**: *Member States shall establish specialized child and gender sensitive units within police forces and provide specialized training to judicial and law enforcement personnel*

**Article 15 – Reporting suspicion of sexual exploitation or sexual abuse**: *the range of professionals that should have stipulated mandatory reporting requirements should be identified for uniformity across the EU.*

**Article 16 – Jurisdiction and coordination of prosecution**: *the withdrawal of Article 16 (3) which contains an opt-out option that may hamper the protection provided by other provisions of Article 16.*

Abusers are very inventive in finding weakest links within children and countries. Because of the depended relation of the victims to their exploiters, very few reports are made by the victims themselves. A disproportionate amount of reports for example CEOP receives involve teachers suspected of targeting children overseas. Child sex offenders become teachers at international schools in destination countries to have access to children. Many schools fail to check whether foreign teachers have been convicted for child sex offences or do not have the ability to do so.

**Article 10 – Disqualifications arising from convictions**: *Such measures should apply to all activities whose exercise implies regular contact with children. Where appropriate, persons convicted for offenses referred to Articles 3 to 7 should be registered in sex offenders registers*

Reports on sexual exploitation of children come from very diverse sources, such as taxi drivers, parents, tourists, victims when they are arrested for other crimes, NGOs and other police forces. Evidence is very difficult to gather and investigation is time consuming and expensive when several countries are involved. NGO involvement, media attention and public pressure are essential to bring cases before courts. Most important to arrest and convict offenders is collaboration between all stakeholders at national and international level. When suspects are arrested, some manage to flee the country and avoid detention or bribe the victims in order to withdraw their complaint. And if the accused is released on bail, he or she may find a way to disappear. Close monitoring of accused child sex tourists released on bail is therefore necessary. For victims there should be more attention to offer them a long term solution and support them to turn back to a normal life.

The EU directive helps to improve the situation of minors and the European Parliament has an important role in the process of making the best of it. We thank you for this opportunity to comment and help you in this.

ECPAT International contact: Theo Noten, [t.noten@ecpat.nl](mailto:t.noten@ecpat.nl), Katlijn Declercq, [katlijndeclercq@ecpat.be](mailto:katlijndeclercq@ecpat.be) [www.ecpat.net](http://www.ecpat.net)