



European Economic and Social Committee

SOC/317
Protecting children from
travelling sex offenders

Brussels, 25 June 2009

OPINION

of the
Section for Section for Employment, Social Affairs and Citizenship
on the
Protection of children at risk from travelling sex offenders
(own-initiative opinion)

Rapporteur: **Ms Sharma**

Administrator: Maria Judite Berkemeier

On 10 July 2008 the European Economic and Social Committee, under Rule 29(2) of its Rules of Procedure, decided to draw up an own-initiative opinion on

Protection of children at risk from travelling sex offenders
(own-initiative opinion).

The Section for Employment, Social Affairs and Citizenship, which was responsible for preparing the Committee's on the subject, adopted its opinion on 25 June 2009. The rapporteur was Ms Sharma.

At its ... plenary session, held on ... (meeting of ...), the European Economic and Social Committee adopted the following opinion by ... votes to ... with ... abstentions.

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1. **Recommendations – “Don’t Let Child Abuse Travel”¹**

1.1 **A European strategy for the protection of children at risk from travelling sex offenders needs to be adopted, enforced and recognised as a priority.**

Sex offenders MUST NOT remain the responsibility of foreign jurisdictions. Convictions outside the EU do not always result in custodial sentences. Repeat offenders often stay in the same country or travel to other countries to avoid detection. This means European authorities and national governments are unaware when an abuser comes into Europe. **This increases the risk to European children.**

A strengthened holistic, child focussed, approach must be adopted, covering:

- Prevention of abuse. Research needs to be conducted into the background of travelling sex offenders²
- Protection of those “at risk” and victims, including the identification of vulnerable children³ with the establishment of help lines and hotlines
- Prosecution of abusers, by enforcing the legal framework
- Partnership with NGOs, and those not yet involved
- Participation of young people and civil society to create awareness raising.

¹ World Tourism Organisation Campaign Slogan.

² Save the Children, Denmark. “Sex Offenders without Borders” Report, May 2009.

³ The Rio de Janeiro Declaration and Call for Action to Prevent and Stop the Sexual Exploitation of Children and Adolescence, Nov. 2008.

The EESC endorses the recommendations of the EC Communication “Towards an EU Strategy on the Rights of the Child”, the EP Recommendation⁴ and the CoE Convention⁵, all centred around the protection of children from exploitation. However, the EESC requests remaining Member States⁶ to urgently sign and ratify the UN CRC Protocol⁷ and CoE Convention in order for Europe to effectively review the management of Europeans who abuse children while working overseas or as tourists,

1.2 Necessary measures to have an effective proactive strategy must include:

- effective international partnerships with better information sharing, including cooperation between police forces and IT tools for tracking travelling sex offenders;
- stronger bi-lateral cooperation agreements with relevant countries;
- joint investigation teams with other law enforcement agencies;
- agreements with foreign governments to deport and chaperone convicted offenders; consideration of the use of Foreign Travel Orders (FTO) to restrict travel for high risk sex offenders;
- use of vetting and barring of sex offenders to work overseas⁸;
- implementation of a European, and if possible, global public awareness campaign on the reporting of sex offenders. This should be supported by a free international telephone hotline with a "real-time" online reporting mechanism⁹;
- involvement of civil society actors and social partners in raising awareness;
- provide mechanisms for education, counselling and therapy/medical services for victims and training for those specialising in the field.

1.3 The key challenge is to raise public awareness of the scope of the problem. This could be done by putting into place a European project: "*Europe Against the Sexual Exploitation of Children*"¹⁰. The EU institutions could lead the way by highlighting their ethical and anti child sexual abuse travel policy on all travel reimbursement forms.

⁴ EP recommendation of 3.2.09 to Council on combating the sexual exploitation of children and child pornography" (2008/2144(INI)).

⁵ "Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse", 25.10.07, In: <http://conventions.coe.int/Treaty/EN/treaties/Html/201.htm>.

⁶ <http://conventions.coe.int/Treaty/Commun/ChercheSig.asp?NT=201&CM=&DF=&CL=ENG> Member States not having yet ratified the UN CRC Optional Protocol: Germany, Hungary, Ireland, Luxembourg, Malta, UK. Member States not having yet signed the CoE Convention: Czech Republic, Hungary, Latvia, Luxembourg, Malta, Slovakia. Only Greece has ratified it.

⁷ "Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child prostitution and Child Pornography". Adoption: May 2000. Entry into force: Jan 2002. In: <http://www.unhcr.ch/html/menu2/6/crc/treaties/opsc.htm>.

⁸ "The End of the Line for Child Exploitation". See ECPAT 2006 report.

⁹ See Childwise ECPAT Australia.

¹⁰ See Appendix 1.

1.4 This opinion does not cover trafficking or abduction, which requires separate legislation and measures, and should be accommodated in a paper of its own.

2. Background

2.1 This opinion covers travel and the sexual abuse of children within and outside of Europe.

2.2 **The majority of people who sexually abuse or exploit children for sexual purposes are local people.** This is the case everywhere in the world. Nonetheless, today the sexual abuse of children through travel is part of a well established lucrative global sex industry.

2.3 Cheaper travel, visa free travel and new technologies allow offenders to target the world's, including Europe's, most vulnerable children, especially where poverty, deprivation, emotional deficiency and social conditions are at their worst. The abusive acts are often captured digitally and transmitted globally. Many NGOs, ECPAT¹¹ being the most well known, work with police and the travel and tourism industry to safeguard these children.

2.4 The First World Congress Against the Commercial Sexual Exploitation of Children was held in Stockholm in 1996. 122 countries committed themselves to a "*global partnership against the commercial sexual exploitation of children*". Today local¹² and International conferences¹³ cite and reiterate the existence of the same barriers to effective prevention.

2.5 Within the EU many additional reports and commitments have been made¹⁴. However, as noted in the recent European Parliament report¹⁵, many Member States have still not signed or ratified these conventions.

2.6 This means that sadly, whilst there is some excellent work being undertaken¹⁶ with many practical steps at the EU level¹⁷, Europe has failed to protect the most vulnerable children,

11 ECPAT – End Child Prostitution, Child Pornography and the Trafficking of Children for Sexual Purposes - has special consultative status with the Economic and Social Council of the UN (ECOSOC)

12 “When Travelling, Put a Stop to Indifference”; Stopchildprostitution.be, “Travelling abusers in Europe”, May 2007.

13 World Congress III Against Sexual Exploitation of Children and Adolescents, Nov 2008.

14 See footnotes 4 and 5. See also:

http://www.nspcc.org.uk/Inform/policyandpublicaffairs/Europe/Briefings/councilofeurope_wdf51232.pdf
and <http://www.unhcr.ch/html/menu2/6/crc/treaties/opsc.htm>.

15 See footnote 4.

16 PE 410.671 Jan 2009.

17 COM(1996) 547 final; COM(1999) 262 final; Council Framework Decision 2000/375/JHA (OJ L 138 of 9.6.2000); Council Framework Decision 2004/68/JHA (OJ L 13 of 20.1.2004)) plus COM(2009) 135 final.

prevent abuse by European citizens or honour its commitments made in Stockholm. **It is only through practical implementation that children will be protected at home and abroad.**

2.7 It is impossible to estimate how many children have been affected by travelling sex offenders. The covert and criminal nature of child sex crimes and the vulnerability of children, especially those living in poverty, make data collection a difficult task. Child sex abuse is part of the global phenomenon of commercial sexual exploitation of children. It includes:

- Buying and selling children for prostitution
- Paedophilia-related child sexual abuse
- The production of child abuse images and other forms of pornography involving children.

2.8 Typically, the abusers go to places where they think they will not get caught, often locations of low levels of education, poverty, ignorance, corruption, apathy, lack of law enforcement or government policy. Abuse of children is committed by people who have deliberately established orphanages¹⁸, children's projects and schools in vulnerable communities for the sole purpose of feeding their abuse behaviour, and that of their associates. Repeat offenders travel from country to country and avoid detection by sex offenders' management mechanisms. Further research into the mindset of sexual abuse of children needs to be conducted. Finkelhors identifies four pre-conditions, depending on which sex offences against children may or may not occur¹⁹:

- Motivation to abuse
- Internal inhibitors relating to personal ethics
- External inhibitors
- Victim's resistance.

2.9 Knowledge about overseas offending is low amongst child protection professionals and the general public. The media only cover the most sensational stories. Little is spoken about the risk to European children when the offenders finally return.

2.10 CEOP²⁰ uses the apt term "travelling sex offenders" to describe those who travel abroad and abuse children. There is an assumption amongst the public that if someone commits a crime abroad that person is automatically put on a sex offenders register. However this is rarely the case as due to a series of complex issues, registers may not exist, information is not transferred or data protection regulations do not permit monitoring.

¹⁸ Perpetrators use the official term "orphanages" to hide their activities. These are children's homes set up for the purpose of abusing children.

¹⁹ "Sex Offenders Without Borders" – Save the Children Denmark May 2009.

²⁰ UK CEOP - Child Exploitation and Online Centre.

- 2.11 **Sexual tourism must be considered beyond the relation of tourism in the context of "holidays"**. Today many businesses relocate or have offices and negotiations around the world. Clear terms must be set by employers, employee unions and organisations, that the sexual abuse of children will not be tolerated under any conditions.

3. Global Responsibility

- 3.1 Governments globally have a responsibility to their citizens for the protection of vulnerable children wherever they may be. The expansion of tourism over the past half-century has more recently been accompanied by an increase in child travelling sex offenders. The main perpetrators are often people who take advantage of being in another country to ignore the social taboos which would normally govern their behaviour.
- 3.2 The Global Code of Ethics for Tourism²¹ sets a frame of reference for the responsible and sustainable development of world tourism. For Europe, it should be a Community shame that Europeans are amongst those who sexually exploit children within the EU and around the world. European citizens are Europe's responsibility and the fact that offenders can be prosecuted at home and then be allowed to travel freely to other countries without monitoring, is wholly unacceptable. Europe has to address the legal dichotomy which allows the free movement of its citizens but which also allows abusers to travel without restriction.
- 3.3 A principle of justice exists on an international basis preventing a person from being sentenced twice for the same offence. Where an offender is coming back to his host country, the same sentence must be continued in the host country, or, on the identification of new evidence, a new judgment can be ruled. International cooperation is therefore paramount. The Committee praises the new Framework Decision of the Commission for addressing this issue²².
- 3.4 There is a need to set up a coordination framework for activities, and to monitor and evaluate statistics and make practical and timely recommendations. However, within the European Union, since this is a field where any decisions taken could lead to deprivation of liberty and therefore affect fundamental human rights, only Member States have decision-making authority, in compliance with the laws that frame their police and judicial practices. European and international NGOs perform excellent work in the field of child protection but they cannot replace the police or justice systems.

Development cooperation and aid, in terms of poverty elevation²³, education, health and social development, must greater support the protection of children from sexual abuse.

²¹ Adopted by resolution A/RES/406(XIII) at the 13th General Assembly of the UN World Tourism Organisation (UNWTO) (27 Sept. - 1 Oct. 1999).

²² COM(2009)135 final.

²³ Thematic study on policy measures on child poverty.

Consideration and support must be given to NGOs and social partners in terms of training and emotional/psychological support. It is essential to enhance education and training for those working in the field and in the wider service provision (i.e. the media, hospitality industry, teachers, carers and police), so that barriers to reporting can be understood and removed. As highlighted in the Danish Save the Children report²⁴, guidance must be offered to children, especially those most at risk, so they are aware of the situation and know how to deal with it. In developed and developing countries, children have to be taught how to use the internet safely, in order to ensure that they are warned against the practices of offenders, who are very adept at using this tool to find their victims.

- 3.5 Provision must be made for therapy and counselling services for abusers to support their rehabilitation²⁵.

4. Civil Society Responsibility

- 4.1 European civil society has a responsibility to speak out against crimes and to act when there is a potential threat to others - whether that is at home or abroad, especially in cases of child abuse. It is estimated that between 10% and 20% of children are sexually assaulted during their childhood in Europe today, with increasing activity and geographical expansion. Some European citizens are travelling sex offenders inside and outside Europe.

- 4.2 Hence, there is a need to develop joint-strategies and further actions focussing on prevention and penalties to fight this scourge. For European employers, fighting against child prostitution and child pornography should now be perceived as a corporate society responsibility matter.

- 4.3 **4.5% of 842 Million** (2006) travellers are sex offenders and **10%** of them are paedophiles²⁶. **Since 2003, travel** companies can subscribe to the "Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism"²⁷. Today, more than 600 companies in over 30 countries have signed this code of conduct. However, the sexual abuse of children through travel is not the sole responsibility of the travel industry. All sectors of business must prevent such activities.

- 4.4 ITUC encourages its members to establish structures of officers, committees and working groups to endorse strategies. To gain access to the grassroots, ITUC has adopted a sectoral

²⁴ Idem.

²⁵ Sarah Macgregor: "Sex offenders treatment programs: effectiveness of prison and community based programs in Australia and New Zealand" in: <http://www.indigenousjustice.gov.au/briefs/brief003.pdf> ; Dario Dosio, Friedemann Pfaefflin, Reinhard Eher (Eds.): "Preventing Sexual Violence Through Effective Sexual Offender Treatment and Public Policy", 10th Conference of the International Association for the Treatment of Sexual Offenders (IATSO) in: www.iatso.org.

²⁶ Source: ACPE - Association against child prostitution.

²⁷ This code was initiated in 1998 by ECPAT Sweden. It is acknowledged by UNICEF and the WTO. Also see: www.thecode.org.

approach and formed valuable partnerships to implement International Framework Agreements. As the sexual exploitation of children constitutes a severe violation of core labour and human rights, it is an integral part of their work to combat the worst forms of child labour²⁸. Trade unions therefore continue to take up their role in promotion of ratification of relevant international standards and in monitoring effective implementation of policies and regulations both by governments and employers²⁹, in awareness raising of their members and the general public³⁰, and in addressing the issue through collective bargaining³¹.

- 4.5 In its Convention adopted by the Committee of Ministers on 12 July 2007, the CoE states "*each party shall encourage **the private sector as well as civil society**, to participate in the elaboration and implementation of policies to prevent sexual exploitation and sexual abuse of children and to implement internal norms through self-regulation or co-regulation*". **Therefore a common European project is feasible.**

5. Specific measures

- 5.1 The sole objective of any activity must be to STOP the abuse of children and protect the vulnerable. If child abuse can be stopped there would be no victims. This must be a priority and a primary objective with all policies being child focussed.
- 5.2 EU institutions can lead the way by introducing their condemnation of the sexual abuse of children as part of their ethical travel policy and include this on all travel expense reimbursement forms.
- 5.3 The measures and examples below can only be related in summary form here, and have been produced in consultation with ECPAT³² a leading global children's rights organisation campaigning to protect children from commercial sexual exploitation. ECPAT works in over 70 countries at the highest levels of government whilst also reaching out to practitioners and those working directly with children through research, training and capacity building.
- 5.3.1 **Vetting & Barring:** Currently schools abroad have no mechanism for checking the backgrounds of applicants or their suitability to work with children. This is a major gap in the protection of vulnerable children. Mechanisms must be put in place to allow registered international organisations or police forces access to this information.

²⁸ ILO Convention 182.

²⁹ http://www.ituc-csi.org/IMG/pdf/FINAL_EU_CLS_2009_report_2_.pdf.

³⁰ <http://www.itfglobal.org/campaigns/traffickingstate.cfm>.

³¹ http://www.iiicongressomundial.net/congresso/arquivos/thematic_paper_csr_eng.pdf.

³² ECPAT - End Child Prostitution, Child Pornography and Trafficking of Children for Sexual Purposes.

- 5.3.2 **Bi-lateral Cooperation Agreements:** NGOs around the globe are increasingly sharing vital information on the concerns about ex-offenders. This results in quick and timely action. Ironically governments bogged down in bureaucracy and data protection rules cannot act swiftly and are relying on NGOs to do the work where international policing fails. **Child protection should take precedence above data protection rules at all times.** The building of trust and knowledge between countries with a cooperation framework develops a proactive response to combating sexual abuse. This must go over and above training or capacity building to be effective.
- 5.3.3 **Provision must be made for international reporting hotlines and help lines** to avoid the scenario of a culture of silence or turning a blind eye. The mechanisms must support “real-time” activity. There must be an integrated child protection system of professional bodies and service providers which could work with NGOs to support the protection and identification of victims or those at risk.
- 5.3.4 **Joint investigation teams and national law enforcement agencies:** Europe needs dedicated agencies with child protection priorities which extend overseas, with adequate resources to investigate known sex offenders travelling abroad or collect evidence for those carrying out activities overseas
- 5.3.5 **Agreements to deport and chaperone convicted offenders:** The systems of reporting prosecutions or convictions between countries is not mandatory. Hence sex offenders can be convicted abroad and it is not know at home. It falls to the responsibilities of embassies or missions to inform the home country if they become aware of the conviction. Once convicted and having paid sentence abroad, many offenders stay in the same country or move countries but do not return home, avoiding being put on a sex offenders' register. In the case of those who are convicted and sent back to their home country, as this implies long haul flights with a stop over, there is the risk of them absconding. Hence the need for bilateral cooperation agreements and law enforcement chaperones.
- 5.3.6 **The Multi-Agency Public Protection Arrangements (MAPPA) Model:** This is a model used in the UK for the assessment and management of sexual offenders in the community. It involves multiple agencies (criminal justice, social care, housing, health) to minimise serious harm to the public and assist in the detection of repeat offenders. The framework comprises four core functions, but does not currently cover UK citizens travelling abroad:
- Identification of offenders
 - Sharing of relevant information involved in the assessment of risk
 - Assessment of risk and serious harm
 - Management of risk.
- 5.3.7 **The use and effectiveness of Foreign Travel Orders (FTO):** These can be used by the courts to prohibit persons from travelling abroad either to a named country or anywhere in the

world. This can be made in respect of protection of a certain child, or to protect children in general. These orders are for a fixed period of time. In 2005, the Australian Government amended the "Australian Passport Act" to allow police to request the cancellation of the passport of high risk sex offenders.

5.4 A very specific measure: The European project "Europe Against the Sexual Exploitation of Children – SAY NO!"

A European project can be built which pulls together all the work and charters already produced and raises awareness by engaging organisations to commit to the fight against the sexual exploitation of children by just highlighting the basic facts. A "code" or "charter" already adopted globally could accompany the "value statement" proposed in Appendix I. Endorsed or new legislation, if effectively implemented, would also support this cause.

Brussels, 25 June 2009.

The President
of the
Section for Employment, Social Affairs and
Citizenship

Leila Kurki

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N.B.: Appendix I overleaf.

Europe Against the Sexual Exploitation of Children

*The sexual abuse of a person under 18
is a CRIME anywhere in the world*

European Institutions and Social Partners will not accept it!

Everywhere in the world, children have the right to grow in peace and be protected from any form of sexual exploitation, physical or on the Internet.

Value statement of "*Organisation Name*":

- ✓ We contribute to the development of ethical and responsible economic growth.
- ✓ We respect and protect the Rights of Children.
- ✓ We condemn the sexual exploitation of children in any form, physical or on the Internet.
- ✓ We reserve the right to report any persons suspected of pursuing any activities leading to the loss of dignity or sexual abuse of a person below the age of 18.

"*Organisation Name*" employees are committed:

- To adhere to the company principles listed above and respect the fundamental rights of child protection.
- To contribute to ethical and responsible business growth.
- To respect and protect the Rights of Children.
- To not supply information or material leading to the potential sexual exploitation of children.
- To inform those in authority, including the Police, of suspected activity which could lead to the endangering or sexual exploitation of a child.

Expectations of "*Organisation name*" customers and suppliers:

- ✓ We appreciate and respect the laws globally in place to protect children from sexual exploitation. Our commitment is not to engage in such practices either physically or via the Internet, at home, away on business or whilst on holiday.
