

From Aspirations to Intervention: Trends, Issues, Priorities and Lessons Learned

Presented by *Liz Kelly* as Keynote to the COE Conference *Protection of Children Against Sexual Exploitation*, (European Preparatory Conference for Yokohama), Budapest, November 2001.

The 52 countries comprising Western Europe, Central and Eastern Europe (CEE), the Commonwealth of Independent States (CIS) and Baltic States - 'Europe and Central Asia' for this conference - encompass a rich and wide-ranging diversity of languages, cultures, political and legal systems and economic realities. Attempting an overview - in 20 minutes - is an impossible task. In preparing my presentation today I have drawn on:

- *Rhetorics and Realities* (Kelly and Regan, 2000) funded by EU STOP;
- Preparatory papers for Yokohama;
- Research for background paper on European responses post-Stockholm;
- Preparatory papers for Budapest.

I am also concerned not to repeat points made by other speakers, or which are clear in the preparatory material. What I intend to do therefore is swiftly note some of the emerging trends and spend the majority of my time on more contentious and difficult challenges to our thinking, which I think need to be addressed if we are truly to move on from Stockholm - so my main focus will be on what I see as priorities, lessons learnt and lessons still to be learnt.

Emerging trends

The most obvious progress has been at the International level with successive declarations, recommendations and protocols from the COE, EU and UN, each more specific and comprehensive than the last. There is no doubt that there are now enough calls to action – what we lack are mechanisms that promote action, and effective systems of accountability that not only monitor but also measure progress.

Our knowledge and awareness about sexual exploitation has also increased, revealing similarities and differences across Europe. Western Europe is a source of sex tourists, has high levels of consumption of child pornography and expanding sex industries increasingly populated by foreign nationals. The growth of trafficking, however, should not detract from recognition of sexual exploitation of children born and living in the west. In the last decade many central and eastern European states have become source and transit countries for trafficking. Sex industries are burgeoning in much of the region meaning that several are also now destination countries, including for sex tourism. The role of conflict, post-conflict, economic and political transition in limiting possibilities for children and women was not sufficiently understood or anticipated when these processes began. It would be the most bitter irony if a similar fate befalls women and children in Afghanistan, after suffering patriarchal religious suppression and oppression. If European institutions have not developed preventative strategies drawing on what was learnt in the Balkans, this should be an urgent priority.

Awareness of the role of the Internet has also expanded: as a source for the distribution - and in terms of live video streaming the production - of child pornography; as a location where child abusers can network; and as a route through which children can be targeted. At the same time as

providing pornographers and customers with much easier access, the very public nature of the Internet has also allowed law enforcement to track and trace child pornography; and it is this which has enabled some of the large cross-border investigations we have seen in recent years.

The preferred locations for sex tourism have shifted and expanded, including some cities within Europe, and major highways between countries. Although less publicised the extent of child prostitution within countries involving child citizens also appears to have increased. At the very least it has become more visible, with minors clearly evident in street work in many major European cities.

Other trends post-Stockholm involve legal reform, especially with respect to possession of child pornography, trafficking, extra-territorial jurisdiction. With respect to the latter, it is nonetheless extremely complex and expensive to use. Harmonization continues to elude us, however, with the ages - and hence protections - varying significantly, alongside the penalties. Higher penalties are important not just as a symbolic statement about the seriousness with which these crimes are viewed, but also because the allocation of resources and status to crimes by police, prosecutors and judges tends to follow how the law defines 'seriousness'.

The private sector has also been invited into the arena, and the tourism industry and ISPs are the most involved. We should, however, not be too sanguine, since all we have are voluntary codes of conduct, little if any monitoring and independent accountability, let alone evaluation of the effectiveness of these measures. With respect to the ISPs in particular, they have received considerable funding and much good faith, for the delivery of not very much. There is still no agreed rating system, and responsibility for both detection and controlling access has primarily been passed onto the consumer. Would it be acceptable with respect to protection of the environment for the public to have responsibility for detecting and reporting pollution? And for there to be no sanctions for breaking agreed protocols?

A minority - fourteen - of European and central Asian countries have fulfilled to the requirement for a Plan of Action - almost half produced in 2000/2001 - but few have established a specific government focal point. Very few of the Plans use the Stockholm Agenda for Action as their framework, and almost half remain at the level of either reporting on what has been done, or make vague aspirational statements. The most likely to have effect are those that set out principles and future actions with short- and long-term time frames and allocate resources to the work. It is also no longer acceptable for governments to cite the absence of reliable data as a reason for limited action when a) it is they who have responsibility for adapting official statistics and b) they have invested little if anything in independent research.

There is limited evidence of involvement of children in developing responses.

Governments need to be required to be more specific, to set themselves targets against which they can monitor progress, and to which they can be held accountable nationally and internationally. If it is possible to set targets about global warming, why can this not also be the case with respect to protecting children?

One arena where progress can be claimed is in networking and capacity building. Through a wide range of sources considerable connections have emerged, the driving force and commitment continues to be NGOs and IGOs.

So what have we learnt?

The work of Julia O'Connell Davidson's and others has challenged a number of pre-conceptions about CSEC:

- it is not always 'commercial' in the clear sense of the word - pornography may be produced and children prostituted in familial and ongoing organised abuse, and children may trade sex for survival needs such as shelter and food;
- only a minority of offenders can be termed 'paedophiles' - many of them are ordinary heterosexual males who consume pornography and use prostitutes;
- exploiters - such as traffickers and pimps - may simply use children (and women) as commodities to make profit from;
- many sex tourists (and presumably prostitute users who stay closer to home) have sex with minors because they are integrated into the mainstream sex industry, and they are not that discriminating about age;
- many aspects of sexual exploitation are simply extensions of normative interactions between men and women, men and children, rather than being signs of 'deviance' or different sexualities.

There are implications in this knowledge for interventions with offenders. Many are not sick, but taking to a logical conclusion a dominant sexual culture. Any programmes designed for offenders should be mindful of the extent to which sexual exploiters reflect current constructions of masculinity and race.

Understanding trafficking has also exposed the underbelly of the sex industry: the brutality and viciousness of many pimps and brothel owners; the interest amongst customers for unsafe sex; and the demand across Europe for sex with women and children who are 'otherised'. The extent to which exploiters disregard children's rights was graphically illustrated in a UK newspaper report based on an interview with a pimp who trafficked girls from South Africa¹. He states that the girls are worn out after three months, using the term 'disintegrate' and implies that the lack of condom use is due to the girl's ignorance; ignorance no doubt that neither he nor his customers choose to correct.

In the calls to pay more attention to demand we must take these factors into account, and be prepared to take a more critical look at the sex industry. The simple fact is that sexual exploitation of children grows as sex industries expand - we see this most clearly in Europe where sex industries have mushroomed in contexts of economic transition and dislocation, including the post-conflict presence of peace keeping troops and other internationals. In each case minors have rapidly been recruited into sexual exploitation. But if we look beyond the surface and obvious, the increased involvement of minors can be seen - albeit in more disguised forms - in Western Europe.

The two most critical elements that make children vulnerable to CSEC are their status and position as children, and having the misfortune to meet someone who facilitates their entry into prostitution or pornography. This may be another child, but most often is a pimp, trafficker or customer. In a proportion of cases this occurs through someone who is already sexual abusing the child, including members of their families. Certain other factors seem common to many sexually exploited children: having lived in a children's home; being homeless/living on the street; running away because of sexual abuse and/or domestic violence at home. These elements apply across

European countries and offer potential intervention points - and they alert us to the importance of the connections with wider concerns about children's lives. The proportion of children who are abandoned, who choose to live on the streets or are homeless and suffer other disadvantages are obviously greater in countries where transition has increased poverty and decreased employment opportunities, especially with respect to women.

What protects children

In terms of priorities, the most crucial is to have greater clarity about what protects children. Too much policy places faith in prevention, prevention which is primarily targeted at children themselves. This sits in sharp contrast to analysis of the causes of CSEC, which emphasise children's structural position, and the contexts of their lives. To put it rather crudely what we need to protect children are:

- effective child protection systems;
- enforcement of law;
- sustainable economic and social life for children and their families;
- widespread respect for children's human rights.

Capacity building work in central and Eastern Europe has made clear that the first requirement is a workable child protection system, one that extends across all forms of child abuse and neglect. It remains the case that not all western European countries have such infrastructures, that the systems still rely on specialist police and social service provisions and NGOs, and that these provisions are only available in certain geographic areas.

Whilst specialism is clearly an important source of expertise, it should not be to the exclusion of upskilling and training throughout state agencies that have responsibilities for children.

In such a context it is not surprising that throughout Europe there are very few projects and specialist agencies that work specifically with sexually exploited children. The absence of such basic provision tells us something about the extent to which international agreements remain to be implemented. In particular we lack projects that begin from a clear goal of enabling children (and adults) to leave sex industry.

Half-hearted health and empowerment programmes do not protect children from damage; there is no 'safe' way to be sexually exploited. Nor will legalisation change involvement in the sex industry from being the most dangerous occupation with its risks of violence, infection, physical and emotional harm. The fact that in many places on the globe, and some in Europe, the options for survival and employment are so limited, must not be used as a kind of spurious justification for continued exploitation. We have to learn to hold on to complicated multi-layered truths, and in doing so realise that if interventions are to be effective they have to engage with these complexities.

The stigma that we know children (and adults) who have been sexually exploited suffer is not the outcome of illegality - although this contributes to it if you are deemed to be the criminal - but from being used by others - being disposable, otherised and objectified. Some adults and children display a remarkable ability to draw boundaries, to protect a core sense of self. But many who are sexually exploited had no boundaries to begin with - they had already been violated by family and

community members. And we see the costs in our prisons and mental hospitals, not to mention the many women and children who lose their lives within the sex industry.

Knowing this we have a duty to look much more deeply than we have at the trauma of sexual exploitation, at how we might enable those who have sustained the most damage to build a life in which dignity and integrity have real meaning. There are some examples of projects - a few across the globe - which manage to do this, but it takes staff with extraordinary abilities to connect, and resources. It is time to assert that children deserve the best, and for international bodies to persuade funders to sustain provision when the issue is no longer fashionable.

One of the things I have noticed in reviewing all the material on CSEC two years ago and more recently is how much money in comparison has been spent on databases. Databases do not protect or support children, and it is an open question as to how effective a tool they are. Some evidence of their effectiveness is needed given the dearth of support services and limited investigation and enforcement.

I am especially concerned about the development of databases which include all the images found of children in child pornography. These began as an attempt to avoid duplication of effort in law enforcement and as a way of tracing children. Their proliferation, however, raises questions of ethics and efficacy, and hard questions need to be asked and answered. How many are there? What are the implications for the children whose images are held there without their consent? Are they useful and effective - how many people use them, what for? Does it make a difference to investigations and prosecutions? And how many, if any, children have been traced through them? It seems bizarre to me that in the COE resolution the media and legal systems are enjoined to take the human rights principles of privacy, dignity and personal integrity into account in how they deal with sexual exploitation, but that we have not applied these basic fundamentals to these databases.

I am not suggesting these databases are a 'bad' thing - I am raising concerns about the fact that there are at least ten being developed in various locations in Europe. Given children's concerns about the duplication of pictures of their abuse, this proliferation is not just wasteful duplication but also potentially damaging. I am also aware of how much time, energy and resources go into developing and maintaining such databases, and I am asking is it worth it? Does it make enough difference to justify the expenditure of human and financial resources? Might conventional methods of investigation be more effective?

As responses to trafficking develop we have seen the emergence of, and call for more, return and reintegration programmes. Again we need to ask what happens to children (and women) who are part of these programmes? Where are they returned to, what makes reintegration possible and impossible? How many of them are re-trafficked?

I also have questions about the many proposals for information exchange, focal points and national rapporteurs. If there is one already on child abuse and/or trafficking should not sexual exploitation also be part of their remit, if there is not does it make sense to have one only on sexual exploitation of children? We need to be making more connections, links, rather than separating out.

It is also time for international bodies to shift focus and look to the local - examine the reasons why so many recommendations made in good faith are never translated into action. Sometimes this is because we presume that mechanisms are in place and that they work. One example will illustrate

this - police officers I know seldom use Europol when they are mounting a cross-border investigation for two reasons. Firstly because it simply takes too long. Secondly, Europol was established without an operational function, so it acts primarily as collection point for information - collecting it in, but not disseminating it out or using it in any pro-active way. A recent study by University of Ghent looking at the possibility of various European databases concluded that the current limits on Europol meant they were not able to fulfil various functions that one might presume, from the outside, that they should and could.

Making connections

Within Europe we have primarily been reactive - picking up whichever issue the NGOs and media have brought to the fore. At the time of Stockholm it was sex tourism, then child pornography especially on the Internet dominated concern, currently it is trafficking. I have at times wondered if this has been a way, especially for western European countries, to avoid looking 'close to home', of locating the problems 'elsewhere'.

Many briefing documents make the mistake of not making the most obvious connections - with child sexual assault more broadly and violence against women. When we think about prevention, for example, why are there so few attempts to link - 'join up' as we say now in the UK - existing programmes and interventions?

We also need to stop thinking in terms of either/ors. A lot of discussion, for example, with respect to offenders sets up a debate between either registers or treatment. One does not preclude the other, but more importantly, this debate fails to ask the more important question - the usefulness, contribution and effectiveness of both these interventions. Neither registers nor treatment are likely to have major impacts since they focus on the tip of the iceberg - the abusers and exploiters who are prosecuted. The challenge we face is how to reach the thousands upon thousands of exploiters and abusers who are never detected, never prosecuted.

The key message in my presentation today is that we must move to implementation, serious monitoring and action, action that provides sanctuary for children and sanctions perpetrators.

I want to conclude with a few questions to hold in your mind for the rest of our meeting:

- Has attention and resources focused on the right things?
- Why have so few resources been devoted to direct services to children?
- Are we willing to tackle the 'commercial' element - demand from both the sex industry and its customers?
- Are international bodies willing to develop monitoring mechanisms which hold governments to account for the commitments they have made?

I want to conclude with the words and experience of a young woman from the Philippines, who was prostituted by the time she was 11. Three years later she was fortunate to be part of programme run by nuns, and was preparing for the first international conference of sexually exploited children. She comments on the section of the UN Convention on the Rights of the Child which deals with sexual exploitation:

It is good, it is nice.... But I am wondering if this a global issue, why is it that so many people appear not to know?.... [We need] action, with the involvement of all those in power, they can do something, use their power.

We owe it to children like Anni to use the power and resources we have as adults, that governments have to really make a difference.

Notes

1. *The Observer*, December 24, 2000.

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