

# **RHETORICS AND REALITIES: SEXUAL EXPLOITATION OF CHILDREN IN EUROPE**

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**Child and Woman Abuse Studies Unit, 2000**

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Europe Liz Kelly & Linda Regan

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## Contents

Chapter One: In Their Own Words. . . . .	1-4
Child pornography. . . . .	1
Child prostitution. . . . .	2-3
Sex tourism. . . . .	4
Organised abuse. . . . .	4
Chapter Two: A Key International Issue. . . . .	5-9
The UN Convention. . . . .	5
Developments in the 1990s. . . . .	6
The key role of NGSs . . . . .	7
Sexual abuse and children's rights. . . . .	7
A decade of progress? . . . . .	8
Chapter Three: Aims and Methods. . . . .	10-13
Developing a project, working with partners. . . . .	10
Finding the data. . . . .	10
Trans-European research - challenges and possibilities. . . . .	11
Chapter Four: What's in a Name? Defining and Understanding Sexual Exploitation..	14-22
Sexual exploitation as a form of sexual abuse of children. . . . .	14
Setting (and re-setting) the boundaries. . . . .	15
The language question. . . . .	16
The age question. . . . .	17
The commercial question. . . . .	18
The context and form question. . . . .	20
The question for survivors. . . . .	20
The offender question. . . . .	21
Toward a definition. . . . .	22
Chapter Five: Desperately Seeking Data. . . . .	23-30
The survey findings. . . . .	23
Legislative responses. . . . .	26
High profile cases. . . . .	29
Still seeking data. . . . .	30
Chapter Six: Prostitution and Trafficking of Children . . . . .	31-49
The prostitution debate. . . . .	31
Not either/or. . . . .	32
Child prostitution in Europe. . . . .	33
What we now know. . . . .	33
A deepening understanding of the process of entrapment. . . . .	35
Exiting prostitution. . . . .	38
What makes a difference. . . . .	39
Trafficking in children. . . . .	43
A detailed report. . . . .	44
Information from other European countries. . . . .	45

Drawing the threads together. . . . .	48
Conclusions and reflections. . . . .	49
 Chapter Seven: Child Pornography. . . . .	 50-66
What we know about child pornography. . . . .	51
What abusers tell us . . . . .	54
Children's access to pornography. . . . .	55
The spectre and reality of the Internet. . . . .	56
Law enforcement . . . . .	57
Hotlines . . . . .	60
Regulation or censorship. . . . .	62
European policy. . . . .	63
International policy. . . . .	64
Alternative ideas and actions. . . . .	65
Concluding thoughts. . . . .	65
 Chapter Eight: Sexual Exploitation of Children in and from other Countries. . . . .	 67-77
Careful research. . . . .	68
Variations on a theme. . . . .	70
Extra territorial legislation. . . . .	71
European policy. . . . .	74
Prevention work with the tourist industry. . . . .	75
Intended and unintended consequences. . . . .	76
 Chapter Nine: Sexual Abuse Rings and Other Forms of Organised Networks. . . . .	 78-84
Naming and defining. . . . .	78
Institutional abuse. . . . .	80
The most recent discovery. . . . .	82
Ritual abuse. . . . .	83
Conclusion. . . . .	84
 Chapter Ten: From Rhetorical Policy to Informed Action. . . . .	 85-90
Plans of action. . . . .	86
Definitions and data. . . . .	86
Child protection as an organising principle. . . . .	87
Law and law enforcement. . . . .	87
Regulating the Internet. . . . .	88
Support for children. . . . .	88
European policy. . . . .	89
Towards informed and concerned action. . . . .	90
 Endnotes . . . . .	 91-95
 Bibliography. . . . .	 96-103

## Chapter One: In Their Own Words

By beginning with first person testimony we hope to ensure that this report is informed by the direct experiences of children and young people. All of the quotes are from individuals who were either sexually exploited in Europe, or whose abuse included being sexually exploited by European nationals in countries on other continents. These accounts also illustrate two of the main themes in this report: that there has been much rhetoric about sexual exploitation of children in the last decade, but limited progress and action in transforming the realities of those whose lives have been marked by it: and the necessity of making connections. The forms of child sexual abuse we explore here are connected to one another and form part of the continuum of sexual abuse in childhood (Kelly, Burton and Regan, 2000). They are also connected, in obvious and not so obvious ways, to the continuum of violence against women (Kelly, 1987). If these connections are ignored, the strategies that emerge to respond to sexual exploitation will have limited impact.

Our study has revealed that despite commitments made by most European governments at the World Conference in Stockholm in 1996, hardly any have produced the promised Action Plans, and both law enforcement and prevention efforts are still unco-ordinated and variable within and between States. The single area where progress could be said to have been made is legislation; most European states have reformed or developed new law with respect to sexual exploitation of children. However, as subsequent chapters will demonstrate there are minimal efforts at monitoring implementation.

The words of those who have been entrapped and abused demand we pay attention to other themes which thread through this report: the complexity of routes into and out of sexual exploitation; the impacts of it; the deliberate and ruthless actions of exploiters; the willingness of many to use children sexually; and the importance to children and young people of adult supporters and advocates. We also address continuing gaps in our understanding, the limits of current policy and practice in bringing exploiters and abusers to justice, creating meaningful alternatives for children and young people, and tackling the social conditions which create and maintain sexual exploitation.

### Child pornography

I couldn't believe that I was hurting so much and smiling. But they asked me, they told me to smile. I'd learnt from a very early age obedience was the name of the game.

An ongoing concern all my life is that the pornography that was taken is going to turn up somewhere, and if it doesn't, I'd like to know who has it, where has it gone to? When I was in my twenties I saw some of it... my response when I saw the photographs was total horror.

*Source, Itzin, 1996, p160-1, p181*

## Child prostitution

My name is Jane and I was 16 two weeks ago. My uncle and another man had sex with me when I was 9, I don't want to talk about that, but I was taken into care and that's when things really went wrong between me and my mum.... I have never lived at home since.

When I was 13 I lived with foster carers in my home town. I met 'S'. He was 19 and drove a really flash car. We used to go cruising and he seemed to really like me. We made love under a bridge and he took me to the pictures. He even brought me flowers and then he introduced me to his friends in the nearby city. I had a really good time with all of them. I felt quite special being the only girl.

'S' finished with me and I ran away to meet up with his other friends, and that's when I met 'R'. He was 24 and drove a taxi. He really spoiled me, it was brilliant. He bought me everything - clothes, jewellery, two really expensive rings - he told me he would be with me forever; he'd look after me, never leave me or hurt me. We used to drive out to all sorts of different places... He let me stay in a flat where his ex-girlfriend lived. She was 20 and really nice to me, she didn't seem jealous of me and 'R' at all.

For those three weeks I didn't see anyone else apart from 'R' and his ex-girlfriend, but 'R' had charmed me, I thought I was really in love with him. He got me on heroin, I got a real buzz. His ex-girlfriend smoked it too. Then suddenly it was pay back time. He told me I needed to work for him and he gave me a couple of slaps.

I was really scared that first time. He sat in his car and watched me so I couldn't run away when a punter stopped and when I got in his car 'R' followed so he looked out for me. The guy was OK - I told him it was my first time and he said he wouldn't hurt me, he said he was a doctor. I got the money first - 'R' had told me to, he told me everything I needed to know... I got £20. He dropped me back on the beat. Then 'R' drove up and as he was in a taxi it looked as though he was asking if I needed a taxi, but he took the money and then went back to watching. I cried then.

It continued every night. He always took the money after every punter and he decided when I had enough. Sometimes I used to tell him that business was too slow and let me go home, but he wouldn't take me home until he decided it was time. Twice I got picked up by the police and I was taken back to a children's home, but I ran back to 'R'. He stopped having sex with me and then I realised one day he was having sex with his ex-girlfriend. She wasn't his ex after all. I worked every night - it seemed to go on for ages, but I think it was only about three weeks.

I was 14 by then. The last two years I have been with some right bastards - the worst was 'T'. He gave me some real beatings and that's when I was locked in, but in some ways 'T' was the best times too.

When I look back I wish I had never met 'S' and then I'd never have met 'R' and life may have been different. All I have got out of my life is a drugs problem and a lot of beatings.

*Source: Barnardos, 1998, p9-10, from the UK*

I got involved by meeting a 37 year old man just before my 13<sup>th</sup> birthday. I was really flattered by him. He used to buy me presents, dresses, clothes, anything I wanted he'd get me. For my thirteenth birthday he took me out, romantic meal for two, bottle of wine. It carried on like that for a while, and I told my parents I was staying with a mate. We started to get serious and slept together. I thought it must be love and all that. Anything he wants I'll do it. One night he takes me out. I fell asleep quite late, woke up the next night 200 miles away in this house. All these people there smoking drugs, taking 'E's'. I didn't know **anyone**, I didn't know where I was. I told him I wanted to go home but he said I should stay there, that I could ring my mum in a couple of days, and that everything would be alright.

So I believed him. About a week later I still hadn't rung my mum, I had no money, no clean clothes and couldn't get back home. He then decided he wanted me to sleep with one of his friends and his friend gave him the money. I did that once but wouldn't do it again, because it didn't feel right. I felt dirty and used. It wasn't normal to do something like that. He agreed with me and then a couple of days later he told me that he wanted me to sleep with some men and he'd get £50. I begged him not to make me do it. I just wanted to go home to my parents, they'd be worried about me. He turned round and hit me. I ended up with a shiner and a fractured rib where he'd beaten me up. He told me that I would do what he said no matter what I wanted.

So I worked for about three months, giving him the money, working in a flat, coming in, doing what I had to do and then going. I ended up in hospital after he beat me unconscious, broke my nose, because he believed I was hiding money from him. One night after I'd been a year with him I ended up in hospital again, after he hit me on both knees with a bat - both my kneecaps were shattered. I had to have plates fitted so I could walk again. He discharged me after four months saying to them that he'd look after me. He let me not work for about five months, because I couldn't walk. Then back to work again, this time doing longer shifts - 12 hours a day, sometimes working nights all the way through.

Then he beat me up again, this time with a chain, with his fists, with his feet. I had to go to hospital and they told me I was three months pregnant and miscarrying slowly. After this he changed, he told me how sorry he was, that he loved me, that I didn't have to work anymore. He even said I could call my parents. So I listened to him, went back with him and he went back on his word. I couldn't get in touch with my parents. I decided I would keep some money so I could escape from him. He found the money I had hidden in a bag in the toilet and beat me up in front of his friends, laughing at me. Dragging me round the room by my hair, saying that he was going to kill me, teach me a lesson.

The police raided the flat, closed it down. So he put me on the streets at night. The police picked me up and as soon as I got in the car I said 'please take me anywhere away from here. I don't belong here. I've been missing for two years, I want to go home'. The child protection officer then sat with me for a week, going through everything, stuff that need to be collected for evidence. They said I would be protected if I pressed charges. I agreed, he got remanded into custody, pleaded not guilty to everything. I went back home to my parents and about three weeks later my mum and sister went out and didn't come back. In the early hours of the morning we got a phone call from his friends saying they had my mum and sister and that they wanted the charges dropped. My dad decided the only way we would get them back was to do what they said. I agreed but only if we moved away and changed our names [because he would come after me]. In the end we did move away but it took two years before I felt safe again.

*Source, Bradford Telegraph and Argus, 15 October 1999, UK*

## Sex tourism

If customers think they are using us, we can also say we are using them. We are living in society where life is a series of manipulations. What is sad to think about is that we - the poor, the hostesses - are the most manipulated and despised. What is sadder still is that you - the professionals, intellectuals, students - do not seem to realise that you are part of the game. And the saddest thing of all is that those who are the real manipulators are oftentimes the most respected people in society.

I am seventeen years of age. This is my story... I went to my aunt who sent me to work as a housemaid in her friend's place. I had my first sexual experience there. The brother-in-law of my master raped me. When I told my aunt what had happened, she said it was probably a figment of my imagination.

I left my master and went on my own. I found myself dancing at a club at the age of eleven. I had a better life as a dancer but the owner of the club abused me sexually. Again I left. I transferred from one place to another. I hopped from one club to another in the red-light district of Manilla. I was in one of the clubs when I experienced a police raid. We were brought to the city jail in our bikinis. One of the policemen had sex with me. This I did to bail myself out.

For many years now, my life has been a series of hits and misses. I have had different kinds of customers, foreigners and Filipinos. I tried suicide but it didn't work so I turned to drugs. I don't know about tomorrow. I want to die before my next birthday.

*Source: O'Grady, 1992, p40, p53-4, from the Philippines*

## Organised abuse

Other kids can learn from what happened to us. The children in Jari don't know what is good and bad, and they think that people are good just because they are white. Any white man to come here was seen as a good man. I have lost my trust in all of them. ....

They told us that they liked us and loved us, and we didn't know it was wrong... Christie was like our father. Everybody liked him and trusted him and loved him... We don't have a mother or a father and we are poor and they took advantage of us. We feel betrayed. We were very proud to be Tdh children and now we are ashamed. We don't want anyone to think we have been sexually abused.

*Source: Gillan, 1999, from an account of how abusers infiltrated a humanitarian project run by European children's charity, Terres des Hommes, in Ethiopia*

## Chapter Two: A Key International Issue

Since the creation of the UN Convention on the Rights of the Child in 1989 sexual exploitation of children has increasingly been placed on the agendas of international and national policy development, and Europe is no exception. Many resolutions, reports and conferences have addressed the issue as a whole or particular aspects of it. At the level of international work far more attention has been paid to the sexual exploitation of children, often limited to commercial sexual exploitation (see chapter 4), than to the more widespread, but local issues of sexual abuse in childhood. In this chapter we present a brief overview of the most important aspects of international law and policy.

### The UN Convention

The Convention on the Rights of the Child remains the touchstone in this area, and may commentators regard it as a major breakthrough in its recognition of children as a specific interest group with respect to human rights. The convention codified and linked many previous disparate documents, and whilst aspects of it (like all international conventions) are clearly compromises, it is uncompromising in its condemnation of sexual abuse and sexual exploitation. Signatories to the convention are obligated to fulfil its recommendations, and there were no reservations amongst the 186 signatories to the articles covering sexual exploitation. Children's rights experts and advocates argue that the convention needs to be taken as a whole: that the three pillars of provision, protection and participation should inform policy development on specific areas. With this caveat in mind the articles which refer explicitly to sexual exploitation are presented in box 2.1 below<sup>1</sup>.

### Box 2:1 Provisions of the UN Convention

#### *Article 34*

States Parties undertake to protect the child from all forms of sexual exploitation and sexual abuse. For these purposes States Parties shall in particular take appropriate national, bilateral and multilateral measures to prevent:

- a) the inducement or coercion of a child to engage in any unlawful sexual activity;
- b) the exploitative use of children in prostitution or other unlawful practices;
- c) the exploitative use of children in pornographic performances and materials.

#### *Article 35*

States parties shall take appropriate national, bilateral and multilateral measures to prevent the abduction, the sale of or traffic in children for any purpose or in any forms.

#### *Article 39*

States parties shall take all appropriate measures to promote physical and psychological recovery and social re-integration of a child victims of: any form of neglect, exploitation, or abuse; torture or any other form of cruel, inhuman or degrading treatment or punishment; or armed conflicts. Such recovery and re-integration shall take place in an environment which fosters the health, self-respect and dignity of the child.

Other relevant sections are Article 17a which refers to information which may be damaging to children, making children's contact with pornography an issue of concern, whilst also noting the importance for children of access to information about non-exploitative sexuality. The Articles covering children's access to justice are relevant to the provision of redress.

The convention locates sexual exploitation within clauses which refer more broadly to child abuse in general and child sexual abuse in particular. In the decade since its adoption, however, these connections have been less and less obvious, which has led to sexual exploitation becoming a separate area, perhaps best illustrated by the drafting of an optional protocol to the convention, entitled *Concerning the Elimination of Sexual Exploitation and Trafficking of Children*<sup>2</sup>. Here we find the statement that "crimes of sexual exploitation of, or trafficking in, children represent crimes against humanity". This is seen by some commentators (see, for example, Hodgson, 1995) as a breakthrough in children's rights, since it places the actions of exploiters in the same category as war crimes. It does so, however, through making a special case and category of sexual exploitation, which is explicitly and implicitly defined as worse than other contexts in which the same acts and behaviours are enacted on children's bodies and in children's lives. In the next chapter we demonstrate the instability of the boundaries on which such distinctions are based.

To return to the convention, articles 34, 35 and 39 are 'protective' - obliging states to act. At various events within Europe building up to the Stockholm World Congress in 1996 participants made the point that few states, or international bodies, had made sexual exploitation a priority, nor were responses informed by the three foundations of the Convention - protection, provision (in terms of material resources and services to children) and participation.

### **Developments in the 1990s**

The Vienna declaration from the UN World Conference on Human Rights in 1993 was a landmark in recognising gender violence as a violation of women's human rights and that "the human rights of women and the girl child are an inalienable, integral and indivisible part of the universal human rights". It also reiterated commitments with respect to sexual exploitation of children:

Exploitation and abuse of children should be actively combatted, including by addressing the root causes. Effective measures are required against... harmful child labour, sale of children.... child prostitution, child pornography as well as other forms of sexual abuse (Part 11 Para 48)

Again we find the explicit connection with child sexual abuse. But this necessary link diminishes as the decade progresses, with the World Congress and draft optional protocol firmly establishing sexual exploitation of children as a discrete arena of concern.

Child prostitution, pornography and trafficking are increasingly presented as 'new' areas of concern which have reached alarming levels at both nation state level and internationally. They are variously described in the optional protocol as contemporary forms of slavery and the most abusive, exploitative and hazardous form of child labour. Both serve as markers to distinguish sexual exploitation from other forms of child sexual abuse, and to disconnect children's involvements with the sex industry from those of adult women (and men). In subsequent chapters we outline the negative consequences of such distinctions.

At the European level Article K1 of the Amsterdam Treaty makes the protection of children a priority for joint action by European governments. In February 1997 the Council of the European Union adopted a joint action programme on measures to counter trafficking in human beings and sexual exploitation of children. Numerous reports and resolutions on sexual exploitation and trafficking have been brought forward in the EU and COE throughout the 1990s. Yet our research revealed that few European countries have an explicit Plan of Action with respect to either implementing the UN convention, or on sexual exploitation following the Stockholm World Congress<sup>3</sup>.

The EU did, following the Dutroux case<sup>4</sup> and international developments with respect to children's and women's human rights, establish the Daphne and STOP initiatives. Both include sexual exploitation of children in their terms of reference, and many research and networking projects (including this one) have been funded through

them. Both programmes include sexual exploitation in their remit, resulting in some duplication of effort; but considerable knowledge has been generated (especially through STOP which funds academic research) and extensive networking and exchange between NGOs throughout Europe has been facilitated.

### **The key role of NGOs**

NGOs have played a critical role in alerting governments and international bodies to sexual exploitation. For example, the issue of 'sex tourism' was first raised by Terre des Hommes in 1981 with respect to Sri Lanka, continued by the work of the Preda Centre in Phillipines and Radda Barnen in the 1990s and later by ECPAT (Black, 1998, p7). The role of political advocacy cannot be underestimated, and the extent to which extraterritorial legislation has been passed and enforced (see chapters 4 and 8) in the 1990s owes much to the determination and skill of these organisations. Nonetheless, there are questions which can be asked about the costs of such strategic and single minded interventions. Much of the progress can be attributed to a focus on children as an especially vulnerable group, one consequence of which has been a severing of the connections with sexual exploitation of adult women. The emphasis on the need for new forms of international cooperation created a space for consensus, whilst simultaneously deflecting attention from the prevalence of sexual abuse within each nation and the failures of most legal systems to deliver protection and justice for children. As later chapters in this report will demonstrate, some children's organisations and state authorities have developed innovative responses, but there continues to be a danger that the emphasis on the international serves as a veil to hide the existence of problems 'closer to home'.

The report on another STOP project which involved five European seminars (Save the Children Alliance, 1998) on sexual exploitation is revealing in this context: a close reading demonstrates that many of the presentations echo professional concerns which have been voiced since the issue of sexual abuse in childhood returned to policy agendas in the late 1970s (see Gordon, 1987 and Jeffreys 1984 for discussion of earlier periods of concern). It also makes clear that whilst there are enclaves of expertise and good practice in many European countries, there is still no coherent or coordinated response to either sexual abuse in childhood or sexual exploitation of children.

### **Sexual abuse and children's rights**

The explicit reference to sexual exploitation within the UN Convention on Children's Rights, makes it imperative to be clear about the many ways in which it constitutes a violation of those "inalienable" rights. The fundamental rights sexual exploitation violates include:

- ◆ to life, liberty and security of the person;
- ◆ the prohibition of slavery, servitude and forced labour;
- ◆ freedom from torture and cruel, inhuman or degrading treatment and punishment;
- ◆ a child's right to the enjoyment of the highest attainable standard of physical and mental health;
- ◆ a child's right to education;
- ◆ a child's right to be protected from economic exploitation and work which is harmful to their development.

All forms of sexual abuse in childhood violate a number of these rights directly and indirectly, although not all forms of sexual exploitation, as later chapters will demonstrate, can be subsumed within the categories of forced labour or economic exploitation.

These rights are compromised directly through sexual exploitation and indirectly through its impacts and consequences on children and young people. There is now extensive knowledge about the negative impacts of sexual abuse (see Kelly et al 1996 for a summary and Herman, 1984 for a psychological perspective). Most children entrapped in sexual exploitation are repeatedly sexually abused; one of the factors known to increase negative impacts. They are also frequently exposed to more stigma (and the internal response of shame) through their connections with the sex industry. Children and young people whose abuse is recorded in pornography face the additional problem of knowing that their pain is consumed by others as a form of erotic entertainment. One clear outcome of sexual exploitation are forms of social exclusion and marginalisation, which in turn diminish quality of life and the exercise of basic human rights.

Commentaries which outline the "root causes" of sexual exploitation - which governments are expected to address within the terms of the convention - list a number of factors, which are intended to encompass the varying contexts in which children live globally. Hodgson (1995), for example, cites the following:

- ◆ poverty which hinders the full enjoyment of human rights due to its connections with illiteracy, under-education and the lack of real and effective choices;
- ◆ gender discrimination;
- ◆ rapid socio-economic change resulting in the breakdown of traditional rural ways of life;
- ◆ the promotion of materialism;
- ◆ mass tourism;
- ◆ weak enforcement of law;
- ◆ organised networks of abusers.

A number of these factors are especially relevant to the abuse of children in developing countries. As later chapters will demonstrate to encompass the context of children living in Europe additional factors need to be included, some of which also apply to children in developing countries.

- ◆ the existence of local, national and international sex industries;
- ◆ the presence of exploiters at various levels within such industries (and other social institutions) willing to use and abuse children and young people;
- ◆ demand from sex industry customers;
- ◆ abuse and violence within families and other contexts in which children live;
- ◆ an increasing normalisation, and even glamourisation of the sex industry and the promotion of it as a legitimate 'career', especially for young women.

We are acutely aware that in both rich and poor countries many young people are reduced to selling sex to survive. That this tragically constitutes material reality for significant numbers of children and young people does not justify defending sexual exploitation as either an acceptable solution to poverty or the lack of equal opportunities globally for women and girls.

### **A decade of progress?**

The 1990s have undoubtedly been the decade in which the issue of sexual exploitation of children achieved international recognition and prioritisation. The decade was also one in which landmark or sea change cases marked shifts in awareness and climate in many European countries. The Dutroux case in Belgium<sup>5</sup>, and to a lesser extent the West case in the UK<sup>6</sup>, rocked Europe. The Dutroux case revealed that some of the practices which had been deemed 'incredible' - children being kept in cages, for example - had in fact taken place (Kelly, 1997/8); the West case challenged the distinctions made between incest, sexual exploitation and organised sexual abuse. There were also cases in many countries which shifted the balance in the opposite direction where the inability of the legal system to effectively investigate or prosecute resulted in climates of disbelief,

references to false accusations and over-zealous professionals. The cases include: a number in the UK (Cook and Kelly, 1997); the Bjugn nursery abuse case in Norway; and the 'Niko' case in Finland, and the Oude Pekela case in the Netherlands (Jonker and Jonker, 1991). On the other hand revelations of extensive sexual abuse in children's homes, systematic and serial abuse of many children by clergy and sports coaches in a number of European countries (see chapter 9), and the case of the Terre des Hommes orphanage in Ethiopia, (Gillan, 1999) stretched our understandings of the extent and contexts in which children are and have been sexually abused and exploited. Our research revealed complex connections in high profile cases, both in terms of the connections between sexual abuse in the family/community and sexual exploitation, and whether doubts as to the veracity or confirmations of grotesque abuses shifted the grounds of credibility away from or towards believing children's accounts.

There is therefore, no single coherent story that can be told about European responses to sexual exploitation of children. Whilst there has undoubtedly been progress in recognition and understanding internationally, at the level of nation states more complex and contradictory stories are evident. In the light of these uneven histories and contradictions it is clearly easier to focus on 'elsewhere', and abuse of 'other' children has become easier to contemplate and respond to.

Whilst a basis for action exists in international law and convention, the current situation is that most national and regional governments have failed to make children's rights and quality of life a priority. This failure sets the overall context for how children are regarded and treated. It is a failure that has provided a social legitimisation for violations of children's rights, including explicit forms of abuse and violence. The emerging discourses and responses to sexual exploitation during the 1990s are, therefore, something of a paradox, since they simultaneously represent both an extension and narrowing of our perspectives.

## Chapter Three: Aims and Methods

The report is based on a research project funded through the European Union STOP initiative. The project partners were Child and Woman Abuse Studies Unit, UK (lead partner) Dublin Women's Aid, Ireland and ROKS, Sweden.

The project had a number of connected aims:

- ◆ to collect existing data on the extent of sexual exploitation across Europe;
- ◆ to uncover existing European research and literature;
- ◆ to explore the legal context, both the letter of the law and its implementation;
- ◆ to document good practice and innovative responses;
- ◆ to analyse and present this information within an overall perspective linking child protection and children's rights;
- ◆ to produce a Plan of Action.

### Developing a project, working with partners

The original proposal was developed in partnership, and partners have played a central role at all stages of the work. In the initial phase a three day meeting was used to develop the proposal into a workable project. Both theoretical perspectives and the details of data collection were explored. At this meeting an outline of the questionnaires which were a core aspect of the study were developed, and partners later commented on the first drafts of the research instruments. Additional routes to targeting likely respondents were also explored, including using existing links to the European Women's Lobby (EWL) and Women Against Violence Europe (WAVE) and impending international conferences.

A second three day meeting was organised towards the end of the project funding. Originally intended as a feedback session, this transformed into a problem solving discussion since the response rate to all the questionnaires was disappointing at this stage. Various strategies were proposed to ensure that more and better information was gathered. Partners also commented on the final report and contributed ideas to how best to use the study findings.

### Finding the data

The basis for this report are three questionnaires - one for justice departments seeking national data on the extent of sexual exploitation, the extent of prosecuted cases, the current legal position and the other two for state agencies and NGOs. These also sought information on the extent of sexual exploitation and information on legal and other interventions, but also asked for case histories and examples of good practice. Many common questions were asked across the two questionnaires in the hope that comparisons could be made between official positions and the reality encountered in front line work.

Specific questions covered the following areas: definitions; what is known about the scale of the problem; existing research; the legal context - including legal reform and the implementation and the extent of prosecutions; successful and unsuccessful cases; 'high profile' cases; professional training; best practice; current debates and the barriers to effective responses.

#### *The respondents*

A decision was taken at an early point to not restrict the project to EU member states; since existing research and interventions point to complex connections across Europe with respect to this issue. Addresses for justice departments in each country were obtained from the Council of Europe, and state agencies via a number of

existing address lists.

The NGO sector was rather more difficult to survey since there are relatively few organisations within Europe which focus exclusively on sexual exploitation of children, and those that do exist - such as ECPAT - tend to concentrate on international rather than national aspects. A database was built comprising both children's organisations and women's groups working on gender violence. The list was developed through existing mailing lists and supplemented through fliers at international conferences and the existing networks of the partner organisations. Not all of these groups were sent questionnaires, rather an initial letter or e-mail was sent asking if they had expertise and knowledge in the area of sexual exploitation, and if not to tell us of any other organisations which did.

A total of 280 questionnaires were distributed: 35 to justice departments; 70 to state agencies and 175 to NGOs. Responses were minimal by the set deadline date, and several reminders by e-mail and post were sent stressing that *any* information would be welcome. This increased returns slightly, but the official response was still extremely limited. Following the second partner meeting a shortened version of the questionnaire was produced to ensure minimal information from each country. The majority of governmental responses come from this second round of contacts. An immense amount of effort was expended to encourage responses<sup>7</sup>, the countries from which questionnaire returns were received, and the number, are recorded in Table 3:1. This table shows that some information was received from 31 countries, and a total of 53 questionnaires returned. We have no information from a number of countries, minimal from others, and substantial returns from yet others. It is interesting to note here that the promptest responses, and countries most likely to be able to provide additional information in English, were from Central and Eastern Europe. Some of the most coherent and consistent European work is currently taking place in the Baltic region (CBSS Working Group 1998; Crossing Borders Project 1999; Karlen and Hagner, 1996).

### **Trans-European research - challenges and possibilities**

The total of 53 questionnaire returns (many of which also included other material, such as existing legislation, research and relevant publications) represents a low response rate both to the number sent out (response rate of 19% overall, 46% for justice departments, 21% for state agencies and 13% for NGOs), but more significantly to the time, energy and expense expended to ensure returns. Alongside our own efforts was extensive pressure from our partners in their own countries and by colleagues in a number of others. We should also, however, place this in context of the *Crossing Borders* project, also funded by STOP, which distributed 200 questionnaires including to key informants who were part of the project, and achieved 33 returns (a response rate of 16%). The low response rate from NGOs confirmed that there are, currently, few groups focusing on this issue exclusively in Europe, and responses from them and state agencies further highlighted the relative lack of specialist projects. Most of those identified were either in the UK and were interviewed for this project, or were groups either we or our partners already had contact with.

The increasing importance of, and funding made available for trans-European research means it is important to reflect upon the challenges and possibilities, especially how far research methods which work in a national context are transferable to an international one.

**Table 3:1 Responses by country and organisation**

Country	Justice Dept	State Agencies	NGO's	Other material
Albania	0	0	0	√
Austria	1	0	2	√
Belgium	0	1 (p)	0	
Bulgaria	0	0	2	√
Czech Republic	0	0	0	√
Denmark	0	1(h)	0	
Estonia	0	0	0	√
Finland	1	1 (r)	0	√
France	1	2	1	√
Germany	1	0	2	√
Greece	0	0	1	√
Hungary	1	0	0	
Iceland	1	0	0	
Ireland	1	1(p)	0	√
Italy	1	2 (h)	4	√
Latvia	1	0	0	√
Lithuania	0	0	0	√
Malta	1	2 (p& msp)	0	√
Netherlands	0	0	5	√
Norway	0	0	0	√
Poland	1	1 (p)	0	√
Portugal	1	1 (p)	0	√
Romania	0	0	1	√
Russia	0	0	0	√
Slovakia	0	0	0	√
Slovenia	1	0	0	
Spain	0	1	2	√
Sweden	1	1 (p)	0	√
Switzerland	1	0	1	√
Turkey	1	0	0	
UK	0	1 (p)	1	√
<b>Total</b>	<b>17</b>	<b>15</b>	<b>22</b>	<b>25</b>

(p)=police; (h)=health; (r)=research; (msp)=ministry for social policy

Language is always a complex issue for international research; a difficulty amplified in the European context by the sheer number of languages involved. The fact that two languages - English and French - are designated the working languages of both the EU and the COE does not ensure that at the level of individuals they are fluent in either. Thus the recognised crucial research task of finding the 'right' person to complete a questionnaire or conduct an interview with becomes virtually impossible if none of the research team speak the language in question. This factor also eliminates the possibility of using the telephone, either as a route for reminding people to complete survey instruments, or to conduct short interviews. In the absence of a multi-lingual research team, therefore, many of the recognised methods of increasing responses rates are unavailable.

Furthermore the spiralling costs of translation also present new challenges: the costs are often prohibitive for complex documents such as questionnaires, which require specific forms of layout and coding frames. Indeed inaccurate translation may even be counter-productive, since respondents are no longer answering the same questions. Most legislation, research and institutional protocols are only available in the language of the country, but cost prohibits literal translation of such documents. We compromised spending the limited translation budget on translating responses to questionnaires and getting a 'sense' of the content of accompanying materials.

The fact that we had a significantly higher response rate to the second, shorter questionnaire to justice departments, and a markedly higher response rate from NGOs to another cross-European project we are currently conducting on rape and sexual assault<sup>8</sup> suggests a complex trade off between response rates and the ease of completing the survey instrument. However, both this and the issue of translation mean that much of the complexities and nuances of meaning are difficult to access and reflect in trans-European studies.

Within the limited resources - both budgetary and linguistic - of this project we have endeavoured to ensure that we had at least one questionnaire response from every European country. We were not, however, completely successful in this respect, and there are gaps where there is no response from any of the three sectors, although in five cases some information was sent - these were usually in the form of reports for conferences which outlined aspects of the law. We are aware that only having the questionnaires available in English limited responses, especially from NGOs. This is not sufficient explanation though for the limited interest in the project evidenced (despite numerous follow ups) by many government departments, especially those belonging to the EU, it is especially noteworthy that we received no official responses from the UK. It is partly as a result of this lack of interest that the title of the report draws attention to presence of much rhetoric, but limited action against sexual exploitation of children in Europe. We also conclude that there is a clear need for some discussion between European institutions which fund research and researchers on the limits and possibilities of trans-national research.

## Chapter Four: What's in a Name? Defining and Understanding Sexual Exploitation

The majority of international policy documents, especially in the context of Europe, stress the ambition and necessity of 'harmonisation' of legislation and data collection; to enable successful extra-territorial prosecutions and facilitate cross national comparisons. Few, however, explore in any detail the fundamental barrier to such efforts: the lack of consensus on how sexual exploitation is to be defined and understood. The report of the second working session on the optional protocol referred to in Chapter 2 consists primarily of interventions related to definitions; with several contributors are alive to issues which have been highlighted as barriers to progress (see Kelly et al 1996): variations in the legal/social definition of 'child' and the age of sexual consent between societies, which in turn are frequently in tension with the age the UN Convention takes as the boundary between childhood and adulthood - 18<sup>9</sup>. In most European countries the age of heterosexual consent is 16 or less<sup>10</sup>. The legal and formal remit of 'child protection' can, therefore, be significantly more limited than that laid out in the UN Convention<sup>11</sup>. There are philosophical, political and practical consequences of these differential child/adult boundaries that are not resolved in the draft optional protocol.

In this chapter we explore the complexities and contradictions of definition, and their implications for how we understand sexual exploitation of children. Whilst recognising that definitions are always contested, and that valid arguments can be marshalled to defend narrower and wider conceptualisations, remaining 'stuck' at this level of debate means that little progress beyond the theoretical level is made, which in turn offers little if anything to children. If we understand definitions as social constructs, which are as a consequence dynamic and changing as knowledge and understanding expands, it ought to be possible to find an acceptable working definition, which recognises the complexities involved, but nonetheless marks a consensus to move on from at the European level.

### Sexual exploitation as a form of sexual abuse of children

Renewed awareness of the extent and damaging consequences sexual abuse in childhood of children emerged in the 1980s; the issue had previously been a central focus of first wave feminism and child welfare organisations in the late nineteenth century (Gordon, 1988; Jeffreys, 1984). Whilst evidence mounted, through research and practice, that sexual abuse was widespread, debate continued as to what precisely was to be included. One of the most frequent questions raised in research is whether 'non-contact' forms (such as flashing<sup>12</sup>, sexualised talk, showing children pornography) should be included. As it became clear that much sexual abuse was perpetrated by those known to the child, including family members, other contentious issues emerged: whether, when and what forms of intervention were appropriate; and on what grounds particular cases or forms of abuse are deemed 'credible' and/or proven. Whilst social acceptance of the prevalence of sexual abuse has undoubtedly increased, adults as individuals and as representatives of powerful institutions have not just retained, but reinforced, their power to decide in which contexts they will and will not believe children, will and will not act to protect them.

The heightened awareness towards the end of the twentieth century is attributed to three interlinked factors (see Finkelhor 1979 and Kelly 1987 for more detailed discussions); two were present during the previous period of public concern - a strong feminist movement, and the work of child welfare organisations - the third was the contribution of research and media reporting to increasing available knowledge. The 'knowledge explosion' of the last two decades reveals crucially important insights (see, for example, Droisen and Driver, 1989; Finkelhor, 1979, 1986; Kelly 1987; Liddle 1993):

- ◆ that the majority of sexual abusers of children (girls and boys) are male;
- ◆ that children are most likely to be abused by a male that they know;
- ◆ that abuse takes a range of forms, occurs in varying contexts, and within a diversity of relationships;
- ◆ that historically individuals and agencies have frequently failed to respond appropriately to sexual abuse;
- ◆ that a range of 'myths' or misunderstandings persist which serve to blame the victim and excuse the offender.

These findings have remarkable parallels with those that have been documented with respect to violence against women/gender violence (Kelly et al, 1996; Kelly, 1999). Both sets of knowledge have raised uncomfortable questions about the family, sexuality and gender relations, and in the case of sexual abuse in childhood, generation (relations between adults and children).

At the most obvious level both the production of child pornography and the practice of child prostitution (in ones own country and through 'sex tourism') cannot take place without an illegal act, or more likely acts taking place which constitute sexual abuse of the child. Moreover, these quintessential forms of sexual exploitation often involve the same exploiters and the same children (Kelly et al 1996; Sereny, 1986). There are, however, both similarities and differences between sexual exploitation and other forms of child sexual abuse. If we take the five key points above and apply them to sexual exploitation:

- ◆ whilst the majority of those who commit the acts of sexual abuse are male, globally women are implicated in larger numbers in facilitating sexual exploitation;
- ◆ whilst the organisers (pimps, traffickers) are most likely to be someone the child knows, customers include large numbers of strangers, and in the case of child pornography multiple strangers who the child never meets;
- ◆ sexual exploitation takes a range of forms, occurs in varying contexts, and within a diversity of relationships;
- ◆ individuals and agencies have frequently failed to respond appropriately to sexual exploitation;
- ◆ a further layer of 'myths' or misunderstandings, connected to perceptions of the sex industry, serve to blame the victim and excuse the offender.

Thus whilst sexual exploitation is clearly a form of sexual abuse in childhood, it also embodies additional dynamics and realities.

### **Setting (and re-setting) the boundaries**

For any social issue setting the boundaries of 'what counts', what is to be included and excluded, is invariably a matter of considerable debate, and opinions as to 'what counts' vary between discourses, for example, legal, research, policy, and individuals. Finding or creating a uniformly agreed definition is, therefore, likely to prove a fruitless task; but it is possible to illustrate what more and less inclusive definitions encompass. Sexual exploitation is not easily separable from other forms of sexual abuse in childhood, since it can be an aspect of ongoing abuse by family members/known adults as well as separate and independent of this; it can involve single and multiple offenders. Whilst we can not, therefore, construct mutually exclusive categories of 'sexual abuse' and 'sexual exploitation', it has, and continues to be, necessary to explore the parameters of sexual exploitation in order to facilitate increased recognition of, and appropriate responses to, it. In doing so, however, we must be mindful of the fact that analytic categories are social constructs, and that the boundaries we create are often unstable. Context is also important here, with certain aspects of sexual exploitation being more salient for some countries, and at particular points in time, than others. For example, in the early 1990s a key concern in many western countries was child pornography, whilst child prostitution and trafficking were emphasised in developing countries. Trafficking has become a renewed concern internationally in the late 1990s, especially in Europe as the economies and political systems in many Central and Eastern European states have undergone major transitions and upheavals. It remains an open question whether these shifting emphases represent a differential

distribution of forms of sexual exploitation across space and time, or whether they are simply social constructions - whereby the problem is narrowed or extended according to local political and ideological factors. In other words that we look for, and find what we expect/want to see.

In the sections which follow we explore the question of definition under a number of headings: the language question; the age question; the commercial question; the context and form question; questions for survivors; and the offender question. Where relevant we draw on material from our questionnaires.

### *The language question*

The number of languages in Europe, and difficulties in directly translating certain concepts, creates a context in which what appear as definitional disputes may be the outcome of misunderstanding or linguistics, rather than different conceptual positions. One clear example is the decision in German speaking countries to replace the term 'sexual abuse' with 'sexual exploitation'. Taking seriously the linguistic and theoretical point (see Kelly et al 1996) that the words 'abuse' and 'misuse' imply some form of acceptable 'sexual use', sexual exploitation has become the generic descriptive term for sexual crimes against children in the German language<sup>13</sup>. In this context the use of the qualifier 'commercial' (see later section) serves to make the distinction between the wider and narrower concepts discussed in the previous section. It was, however, only late in the project that this linguistic difference was fully understood, and the potential for misunderstanding and miscommunication became clear.

Other specific issues with respect to language which this study revealed include:

- ◆ UK children's charities now argue that the terms child and prostitution should not be linked at all, since where children are involved the issue is always one of exploitation and abuse (Barrett, 1997; Barnardo's, 1998). This argument is, however, based on a presumption that prostitution involving adults is free from exploitation, and an ideological position which seeks to separate children and women in discussions of the sex industry.
- ◆ Sheila Jeffreys (1998) raises the question of whether the term 'sex tourism' is appropriate, since it misnames the issue it seeks to highlight; she argues that the more correct term would be 'prostitution tourism'.

There will always be a tension between the desire to accurately name social reality and words and concepts which enable relatively easy communication and recognition. Whilst we recognise the validity of each of the arguments above about language we continue to use the terms 'sexual abuse', 'child prostitution' and 'sex tourism' in this report, and summarise our reasons for so doing here.

No terminology is perfectly accurate, but 'sexual abuse of children' is now widely recognised in English speaking contexts. Retaining it allows us to avoid the problems we outline below of using the term 'commercial' to differentiate certain forms and contexts of sexual crimes against children. In this respect we are following the majority position of our respondents, two thirds of whom agreed with our defining of sexual exploitation as: "sexual exploitation of children includes child pornography, child prostitution, sexual abuse rings and trafficking in children". The other third saw the concept as embracing all forms of sexual abuse in childhood. This lack of fit in the most basic aspect of definition, however, needs to be acknowledged and explored at the European level.

Whilst we accept that child prostitution always involves sexual abuse, to stop using the term prostitution altogether with respect to children would have a number of unhelpful consequences: it would disguise the particular contexts and forms of sexual abuse which a section of children experience, and which have particular meanings and consequences for them<sup>14</sup>; it removes from awareness the reality that they have been prostituted - a reality in which a number of adults as recruiters, pimps and customers will be implicated; it deprives us of the opportunity to make connections between child and adult involvement in the sex industry (see next section).

A problem with the term 'prostitution tourism' is that a number of children, women and foreign exploiters do not define their experiences through this framework (O'Connell Davidson and Sanchez Taylor, 1996, 2000).

### *The age question*

We have already noted the problem inherent in the disjunction between the UN Convention definition of 'child' and the legal age of consent in many countries. This has implications for legislation on sexual abuse and sexual exploitation (see also Chapter 5). The majority of countries responding to our questionnaires had the same age of consent for heterosexual and homosexual sex<sup>15</sup>, but the range across Europe is from 12 to 18; we should note, however, that for most countries where the age is below 15 this is invariably qualified as applying only to peer relationships and the acceptable age for marriage. Apart from the obvious lack of harmonisation across Europe, and the unlikely prospect of any country venturing into the contentious arena of increasing the age of consent, there are a number of other implications which warrant considered reflection.

Differences between legal ages of consent of two, three and four years have a significant impact on how the extent of child sexual abuse and sexual exploitation is estimated, and on responses to it. That an additional 2 years is involved for many countries to comply with the UN and Council of Europe definitions of childhood adds a further layer of confusion to the picture. If the ambitions to collect comparable data are ever to be realised, some agreement must be reached about how childhood is to be defined with respect to sexual exploitation. We would suggest taking the route the UK government is proposing of having an age of 18 with respect to involvement in either pornography or prostitution - it is appropriate to have a higher age threshold for activities which have additional meanings and consequences than the decision to have consensual sex with a chosen partner.

A further set of difficulties arise internationally with regard to cultural, and sub-cultural practices, which may be legal and/or local customs; in a number of regions<sup>16</sup> and countries systems of 'ritual' prostitution have long histories, (see, for example Basak, 1991) and invariably involve girls and young women being 'offered' or 'dedicated' to some religious purpose, which is, in turn, fulfilled by their providing sexual services to priests and/or local chiefs. There is already evidence that the distinction between these traditional forms and 'modern' sexual exploitation is increasingly murky (O'Grady, 1992). Such institutionalisation of prostitution has, however, many variants throughout world history and cultures (see, for example, Cox 1993); and they have been represented in histories of prostitution as evidence of contexts where it carried high status and less stigma (see, for example, Roberts, 1993). However, Dr Neelam Gorhe, a founder member of the Dalit Panther movement in the early 1970s which has highlighted the position of devadasis in India, argues:

*Many people say that the devadasis have the social prestige of being married to a God, but the Dalit movement sees this so called prestige as a reward for being oppressed. Feminists make the mistake of saying the devadasis are better off than the common woman because they are independent but they are worse off. They are exploited by high caste men, by religion and by families.* (cited in Aziz, 1995)

Exploitation of young and economically disadvantaged women by powerful men has many variants across time and place, but where this can be linked to tradition and defined as a 'cultural practice', two kinds of response are common in the west; either moral outrage and paternalism or a liberal refusal to comment. Neither enables recognition of the indigenous movements which seek re-define such practices as forms of gender violence and/or child sexual abuse (see Aziz, 1995).

One of the key issues with respect to age has been to mark the boundary between what can be clearly defined as abuse/exploitation - in that it involves children, who are legally (and many would argue developmentally) unable to consent to sexual contracts. Thus many policy documents and children's advocacy groups seek to draw clear distinctions between sexual exploitation of children and the sex industry more generally. Such line drawing, however, is only possible in the abstract, as Julia O'Connell Davidson notes:

*.... it makes no difference whether we draw the boundary of childhood at eighteen, fourteen or even ten, for the vast majority of child prostitutes of whatever age are actually integrated into the mainstream sex industry which serves all prostitute users. (O'Connell Davidson, 1998, p12)*

This attempt to underplay connections with the adult sex industry has been well intentioned, since it seeks to transcend disputes about choice and agency - the 'forced' and 'free' prostitution distinction - with respect to children. But it is a strategy which risks mis-representing the problem, and thus proposing remedies which as a consequence will prove ineffective. The simple fact is that where sex industries are tolerated, sexual exploitation of children is facilitated. We also know that many, and a majority in some locations and studies, of women involved in prostitution began before they were 16 (Hiogard and Finstad, 1992; Kelly et al 1996; Melrose 1999). By insisting on an absolute separation of children and adults the argument to extend protection to 18 is undermined, and an implicit - but deeply problematic - logic is re-enforced. How can it be that on one day when the young person is 15 or 17 their involvement in the sex industry is exploitation and illegal, but on the next day - their birthday - when they are 16 or 18, this becomes not just legal but legitimate, a matter of choice, a form of work? What process can occur in 24 hours that transforms something inherently exploitative into an issue of choice and consent?

Moreover, the effort to hermetically seal children and young people outside the 'sex work' debate has not been successful for two reasons. Firstly, those who promote a view of prostitution as a form of paid employment like any other make philosophical connections and linkages between children and adults in the sex industry, arguing that children have agency, and even a 'right' to choose to prostitute themselves (see, for example, Kempadoo and Doezema, 1998). Secondly, a number of the children's NGOs combine two contradictory discourses: on the one hand they argue that child prostitution should be understood and named as sexual abuse, and on the other hand refer to the children and young people as 'sex workers' (see, for example, Barratt, 1998).

We have argued elsewhere (Kelly and Regan, 2000), with respect to trafficking in women, that the 'forced/free' distinction cannot be maintained with respect to the form of adult sexual exploitation which is considered to exemplify the difference, since most definitions of trafficking recognise the role of deception, coercion and control. Thus the question must shift - for both adults and children - from focusing only on the routes into the sex industry to placing at the centre of our deliberations the contexts which hold them there<sup>17</sup>, the lack of viable alternative economic and social options, and the role of customers and providers/exploiters in maintaining the demand side of the equation.

### ***The Commercial Question***

Alongside the linguistic issue outlined above, a number of other arguments have been made for limiting sexual exploitation of children to what can be defined as 'commercial' contexts. This boundary marker facilitates locating sexual exploitation within the child labour provisions of the UN convention and enables a shift of attention from 'sex' to exploitation. This may make the issue more palatable, but it does so at the cost of understanding what is distinct about this form of child abuse. The motivations of ruthless employers are not the same as those of child abusers, and it is precisely the exploitative use of sexuality which underlies many of the impacts of sexual exploitation (Finkelhor, 1986; Kelly et al 1996). This is not to deny the undoubted fruitful discussions and alliances in exploring the links with efforts to limit child labour; but it is to argue against reducing sexual exploitation to a particular form of it.

The most compelling reason, however, for not taking this route is that much sexual exploitation is not 'commercial' in any clear sense of the word; as most definitions of child prostitution and child pornography make clear. The decision of many countries to criminalise simple possession of child pornography is but one illustration of the move away from a definition which focused on the use to which the pornography was put, to one which emphasised the harm involved in simply producing it. We know that much child pornography is not produced for commercial gain, but as valued possession of child abusers, which they may or may not share with others. It is also used a control mechanism with children in a variety of ways (see Chapter 7).

Donna Hughes (1999) divides her study of trafficking and sexual exploitation of women and children on the Internet into commercial and non-commercial sections; but the vast majority of material relating to children appears in the non-commercial category. Too often there is an elision between discussions about commercialisation and technology; whilst technological change has made it possible for anyone to be a commercial child pornographer, it is not clear that this will be the only outcome. The use of the Internet by child abusers, to create 'online communities' means that they may simply 'share' or exchange their material, as the case study of the Wonderland case demonstrates clearly in Chapter 7. It is the increased circulation of the record of their abuse which so distresses children and young people, not just the fact that some pays for access to it.

Similar arguments can be made with respect to child prostitution, including sex tourism, since many encounters do not involve obvious commercial gain for the child (or anyone else). Prostitution tends to be defined as a commercial enterprise, where sex is exchanged for money. It is also usually understood as involving 'third parties', individuals who in various ways act as the intermediaries between those requiring and those supplying the 'services'. Yet a significant proportion of children and young people initially, or consistently, act independently, 'exchanging' sex with adults for 'goods in kind', such as shelter, food and companionship. These definitions of child prostitution reflects this wider understanding.

*The exchange of sexual services, sometimes but by no means exclusively, sexual intercourse, for some kind of reward: money, drink, drugs, a meal or a bed for the night.* (Shaw and Butler, 1998, p181)

*Sexual abuse by an adult and remuneration in cash or kind to the child or a third person or persons.* (The World Congress definition, cited in Eastern health Board, 1997, p3)

There are also other mediums of exchange between adults, which sexual abuse of children can be used to facilitate. The 'profits' which can accrue to the procurer/facilitator, can include: access to other children themselves; access to child pornography (Tyler and Stone, 1985), economic, political or social alliances and advantages. Whilst the full details of what was involved in the Kincora case in Ireland<sup>19</sup> will probably never be known, what that case, and others before and after have highlighted, is that sexual access to children and young people is used as a power resource between men; to promote economic, political and social interests which either they already share in common, or which may be a direct outcome of the provision of children/young people to abuse. Some forms of sexual exploitation of children, therefore, involve the *sexual use of children as a medium of exchange between adults*. The children and young people involved may or may not be aware in these contexts of the multiple uses to which they are being put.

These are surely all forms of sexual exploitation, in which children have been prostituted, yet they would disappear from our gaze if the term 'commercial' qualifies definitions of sexual exploitation. There is also a legal problem here which has not been explored to date: if the EU uses 'commercial' and moves towards harmonisation, this will have to be one of the elements to be proved in any prosecution. It is our contention that this would severely restrict the number and kind of cases coming before the courts, which are already limited (see Chapter 5).

It should by now be apparent that we regard limiting sexual exploitation to only those cases where there is an obvious and explicit 'commercial' element is not only unhelpful, but also in direct contradiction with recent legal reforms on possession of child pornography. The very least we require from definitions is that they be coherent across the measures and policies at nation state level. This limitation is also only achieved at the expense of excluding large numbers of children who have indeed suffered sexual exploitation.

That does not, however, mean that there is no reason for investigating and reflecting on the commercial sector. Whilst there continues to be significant debate about the scale of commercially produced child pornography and

organised child prostitution (see, for example, Ennew, 1986, 1996), there is significant agreement that the children most likely to be victims of commercial sexual exploitation come from poor backgrounds and/or poor countries. What connects these children with children exploited in rich western countries is that they are all likely to be searching for ways to ensure their own survival. Children and young people in desperate circumstances, like many women, learn fairly quickly that if they have nothing else they can sell their bodies - and in more than one way.

The use of children from developing countries in commercial sexual exploitation demands further reflection. Is it only that children are easier to procure where physical survival is a daily struggle, where children have to earn income or contribute economically from an early age? Recognising the role of racism and western economic and cultural imperialism, not only in creating impoverishment, but also in the inter-actional dynamics between user and used is critically important. The process of 'otherising', which is part of the psychological process which permits rationalisation of the purchase and/or objectification of another's, and in this case a child's, body, is facilitated by dominant understandings of the differences of race, ethnicity and economic status (O'Connell Davidson and Sanchez Taylor 1996; 2000). Black children are thus constructed as not only 'non-persons' but also 'non-children'. In the process racist stereotypes of Black people, and Black women and girls in particular, are reproduced (see Forna 1993), as is the sense of white superiority in the exploiter<sup>19</sup>.

### *The context and form question*

The traditional definition of sexual exploitation of children has encompassed pornography, prostitution, trafficking and sex tourism - each of which is covered by later chapters. But this designation has more than a little to do with the 'commercial' qualification which we have already critiqued. There is, therefore, room for extending the remit to cover the sexual abuse rings and other forms of organised sexual abuse which often, but not always, are connected to the production of child pornography and prostituting of children (Kelly, 1993).

Whilst the term 'organised' has been criticised, since all sexual abuse of children is organised to a greater or lesser extent (Kelly, 1993) - requiring combinations of planning, entrapment, selection and efforts to prevent children telling - there are strong reasons for including these cases in our exploration of the contours of this issue. The dictionary definition of "ring" is a "combination or clique organised to control the market or other self-seeking purpose". In this context the purpose of the ring is sexual abuse which may be connected to additional motivations such as the production of pornography, or the provision of prostituted children/young people. We also wish to include the emerging evidence of widespread and systematic abuse of children in institutional contexts, and some of the most highly publicised cases in recent years in Europe.

The wording of some legislative and policy documents also refer to addressing anything which 'promotes' or 'encourages' sexual exploitation. This raises complex issues, since there are materials which clearly fall into this category, but which are not, in themselves, forms of sexual abuse/exploitation. For example, there are publications which comprise nothing less than 'manuals', providing 'how to' advice and information, such as locations where children can be targeted/ found/bought (see, for example, Cassirer, 1992), and how to abuse them, even including details of which acts leave least evidence, and positions for 'intercourse' with pre-pubescent girls. It is not impossible to imagine targeting such publications through existing legislation in some countries. More complex issues are involved with respect to writing which seeks to provide a social or philosophical justification for what is euphemistically called 'inter-generational' sex.

### *The questions for survivors*

Whilst it is possible that children are sexually exploited on only one occasion, the more common pattern is for repeated victimisation and often by more than one offender. Both of these factors are implicated in cumulative impacts (Finkelhor, 1986). For child and adult survivors there are a number of potential additional meanings and consequences of this form of sexual abuse. They include:

- ◆ knowledge that a record of one's abuse exists, and may in fact have been viewed by an unknown number

of others;

- ◆ an additional layer of stigma which attaches to those who have been part of the sex industry, which in turn undermines credibility when seeking support and/or redress via the legal system;
- ◆ the potential of being implicated in one's own abuse through acceptance of payment and/or gifts in kind and/or through being encouraged to recruit others.

### *The offender question*

How we define those who sexually abuse and exploit children has extensive implications for how we understand the problem, and hence proposed solutions. In the 1970s a medical model predominated, in which child abusers were considered sick and/or deviant. The increasing recognition of the extent of sexual abuse, and that much of it was committed by ordinary men - fathers, grandfathers, uncles, brothers - dented this perspective, and it was rapidly replaced by explanations which focused on power relations - especially those of gender and generation (Finkelhor, 1986; Kelly, 1987; Liddle, 1993).

As attention shifted to sexual exploitation a remarkable turnabout occurred, whereby the previously discredited clinical concept of 'the paedophile' returned to centre stage - the extent of its rehabilitation is now so assured that the concept has become ubiquitous amongst policy makers, practitioners and the media. This has also paralleled a shift of awareness from the dangers of the private sphere for children to the more comfortable terrain of the risks in the public sphere<sup>20</sup>. It is worth reflecting on why the term has been so enthusiastically reclaimed, what functions does it serve? This choice of language is revealing, since there is no equivalent category for men who abuse adult women. Clearly one of the functions the term paedophile serves is to reverse the 'normalisation' of child abusers; it places them outside the category of 'ordinary' men - our neighbours, friends, colleagues, kin - and into the category of 'other' - monsters, freaks. Yet this flies in the face of more recent understandings and descriptions of child abusers, where their abilities to 'groom' both children and environments (including other adults) relies upon social skills and an ability to present themselves as not only 'normal' but also trustworthy. It has also served to disconnect sexual exploitation from other forms of child sexual abuse, to the extent that the links between sexual abuse rings and family based abuse, that abusive family members may produce child pornography and/or prostitute their child have virtually disappeared.

A further function this transformation of language performs is to implicitly shift our explanatory framework away from issues of power and control to notions of sexual deviance, obsession and 'addiction'; child sexual abuse is both 're-medicalised' and individualised, removing the necessity of grappling with the difficult questions about the construction of masculinity and male sexuality which were recognised in the early 1990s (Liddle, 1993). It also serves a useful function for the minority of sex abusers, and their supporters, who have chosen to make public statements claiming the status of an 'oppressed sexual minority'; the literal meaning of 'paedophile' - lover of children - is almost always used in this context as both justification and explanation. These issues also concerned a number of our participants, the majority of NGOS (60%) disliked the term:

*I hate the term paedophile because it neglects the violence aspect. It means 'the one who loves children'. There is also violence from teens against younger children. (NGO, France)*

*I would use child abuser, a term more people understand. (NGO, Spain)*

Of those who said they did find the term useful four out of five saw it in terms of enabling the identification of 'deviants'. This position was more common amongst state agencies, but even here several noted that 'paedophile' served to distract from the involvement of family members and 'opportunistic' abusers.

These difficulties exist even before we explore how the term itself is defined. There are a number of definitions, the one common element seems to be not just a preference for, but the restriction of sexual arousal to, children. This 'fact' is however presumed, and the possibility that sexual contact with adults may co-exist is never explored. Julia O'Connell Davidsons' (1995, 1996) work documents the fact that the dividing line between the men who

exploit children and women in sex tourism is neither clear nor absolute, echoing findings from detailed studies of sex offenders<sup>21</sup>.

Each of these functions has consequences, and none of them appear to benefit either children or a deeper understanding of sexual exploitation. That this is the case was illustrated in the summer of 2000, where populist 'naming and shaming' campaigns against 'paedophiles' in the UK and Italy had a range of impacts and consequences on individuals who were wrongly targeted in vigilante actions (see also Kelly, Burton and Regan, 1998). It is for these reasons that we do not use the term 'paedophile' preferring the more accurate, and less ideologically laden, concepts of child abuser, exploiter, perpetrator or offender.

### **Towards a definition**

In 1991 the Council of Europe defined sexual exploitation as: "the sexual use for economic purposes of a child or a young person, which violates, directly or indirectly human dignity and sexual freedom and endangers his/her psycho-sexual development" (Council of Europe, 1991 p15). The document then proceeds to specify that this includes pornography, prostitution and trafficking, that a child is anyone under the age of 16, and a young person someone aged between 16 and 21. Trafficking is further defined as: "Any act or activity aimed at bringing a child or a young person into prostitution or pornography or maintaining him/her there, possibly by transporting him/her at national or international level, even with his/her consent or by means of deception, threats, force or other influence" (p26).

If the issues raised in this section are taken seriously there are several difficulties with this definition, specifically:

- ◆ the limitation to 'economic purposes';
- ◆ the age based definitions of child and young person, which confuse, rather than clarify the inconsistencies between national law and the UN Convention.

We need a working analytic definition which connects with the UN convention and what we currently know about sexual exploitation. This will probably be wider and more inclusive than definitions encoded within national legal frameworks, but these are likely to address particular forms, rather than the issue as whole. It would thus be possible, to define the specific areas - child pornography, child prostitution, trafficking of children for sexual exploitation, sexual abuse rings, organised institutional abuse in order that comparable national data can be collected and compared. Whether each form was commercial or not can be one element of the data to be collected.

## Chapter Five: Desperately Seeking Data

One of the primary aims of this project was to establish some base line data - at least in terms of reported cases - for sexual exploitation in Europe. We have already documented in chapter 3 the efforts which had to be made in order to get returns at all to the questionnaire from justice departments. This chapter demonstrates that we have not moved much beyond the anecdotal, despite almost a decade of policy documents and five years of the STOP initiative urging the collection of official data. Few countries have taken heed of international policy from the UN or European levels urging them to improve data collection methods, and there continues to be a lack of research specifically addressing sexual exploitation. Only two countries - Slovenia and Switzerland - reported research on unreported sexual exploitation, but neither included any information as to the study findings. Furthermore none of the justice departments responding had any information on how children were recruited into sexual exploitation<sup>22</sup>.

### The survey findings

The justice department questionnaire asked for a range of data for the years 1997 and 1998, covering known and reported cases involving child pornography, child prostitution, trafficking of children and sexual abuse rings. Respondents were also asked to indicate what proportion of the known cases could be designated 'commercial', and how many of the children involved were female and male. The results are presented in Table 5:1 - the sex of the children is indicated by the symbol ♀ for girls and ♂ for boys.

Three additional sets of data were provided, but which cannot be recorded in the format of Table 5.1.

- ◆ The Finnish Justice Department reported that since their legislation does not distinguish between crimes involving adults and children, figures were not available. New laws came into force in 1999, but there are no statistics yet on cases.
- ◆ The Swiss figures were explicitly recorded as including all sexual cases, some of which may involve child pornography and/or sexual abuse rings - there were 449 cases in 1997, and in addition there were 13 child prostitution cases and 4 cases of trafficking in children for this year.
- ◆ The Portuguese police report that during 1998 there were 44 rapes, 154 sexual abuses and 89 other types of sexual crimes against victims under 16 years old, and during the first four months of 99 there were 33 rapes, 56 sexual abuse and 10 other sexual crimes against victims under 16 years old. Some of these may include child pornography and sexual abuse rings. However, these are only figures for one of the three national police forces, and do not include the criminal police.

Table 5:1 tells us far more about the limits of data collection than the extent of sexual exploitation of children, especially since the survey also revealed that only two countries said they had record keeping systems for sexual exploitation cases<sup>23</sup>. However, there are some observations which can be made.

- ◆ the majority of children known to have been sexually exploited in 1997 and 1998 are female;
- ◆ retaining the word 'commercial' in the definition would exclude 50% or more of current known cases (whilst the majority of our respondents could not give accurate estimates they were agreed that a minority of their cases were clearly commercial) ;
- ◆ organised sexual abuse rings appear to be more commonly detected than child pornography and child prostitution;
- ◆ detection(and/or recording) of child pornography and child prostitution is very low in most European countries.

The final point relies on assuming that Germany is not a 'special case' in having such high figures; but that rather this is the outcome of a combination of better recording and detection. The figures for trafficked children in Germany are alarmingly high, and deserve further investigation. It is also worth recalling that Germany is the one country which provided us with a national plan of action, suggesting an interesting correlation between government commitment, clear policy and not just data collection, but investigation and detection.

**Table 5:1 Known/Reported sexual exploitation cases**

Country	Year	Child Pornography	Child Prostitution	Trafficking of Children	Abuse Rings	Commercial
Germany	1998	1742	219 138♀ 95♂	- 1173♀ 16♂	-	
	1997	1628	228 168♀ 81♂	1402♀ 23♂		
Hungary	1997				10	
	1998	13			1	
Ireland(5)	1998	4 2♀ 2♂	1 1♀			
	1997		3 2♀			
Latvia	1998		7		152 148♀ 4♂	
	1997		4		134 129♀ 5♂	
Slovenia	1998				176	>50%
	1997		3		117 76%♀	
Sweden(1)	1998	0	-	-	20-30 95%♀	
	1997	0			20-30 95%♀	
Poland	1998		3	6	-1230	
	1997				-1301	

**Notes**

Figures in brackets indicate that we are uncertain whether these fit our definition, but have not been able to check this with the respondents. We suspect, however that these are the overall figure for sexual abuse cases, but cannot confirm this.

(1) Data from the police not the Justice Department

Justice departments, state agencies and NGOs were asked to estimate the scale of their sex industry and the extent to which children and young people were involved. No respondents were able to provide either set of information. This absence of basic data reflects a finding in a UK based study (Kelly and Regan, 2000), it means that most European states cannot monitor or track either sexual exploitation of children or trafficking in

women for sexual exploitation. It appears that the contentious nature of debates about public policy on prostitution and pornography has resulted in a 'hands off' approach by governments and state agencies, to the

extent that it is impossible to even estimate the scale of two areas repeatedly cited as priorities by the EU and COE. In this context debates about the sex industry have to be viewed as informed more by ideological positions than informed opinion. And the question must be asked whether, through omission or commission, European countries are creating 'zones of toleration', immune from regulation and monitoring, within which both trafficking of women (see also Kelly and Regan, 2000) and sexual exploitation of children continue and flourish. As later chapters will demonstrate, few cases of sexual exploitation are reported by children themselves, thus as with trafficking in women, a pro-active detection policy is necessary.

***Prosecution of cases***

Justice departments were asked to report on both prosecution and convictions for commercial sexual exploitation cases and all sexual exploitation cases. The data are presented below in tables 5:2 and 5:3. That only two countries were able to provide such information underlines the points already made about the dearth of data on this issue (Ireland also provided information, that there had been no prosecutions or convictions for any of the categories). We are also unable to assess whether there is cross-over (double counting) between the two tables, so the totals for successful convictions have not been calculated.

**Table 5.2: Prosecutions and convictions for commercial sexual exploitation cases**

Country		Year	Child Pornography	Child Prostitution	Trafficking of children	Abuse rings
Hungary	Prosecutions (Convictions)	1998	2 (2)		3 (3)	
		1997				
Poland	Prosecutions (Convictions)	1998	2 (1)	4 (2)		134 (99)
		1997	2 (1)	2		157 (101)

***Notes***

Figures in italics indicate that we are uncertain whether these fit our definition, but have not been able to check this with the respondent.

The inconsistency in country returns in this section, merely serves as a further demonstration of the dearth of accurate and consistent data between and within European countries. That some countries can provide data on prosecutions and convictions yet not know the number of reported cases, and the reverse is true for other countries is a paradox we are not able to explain. We can, however, conclude that prosecutions and convictions are rare: the German data is especially concerning in this respect since their detection rate is so high, yet this is not reflected through into prosecution figures.

This was further confirmed by data collected from 23 police areas in the UK (over 50% of the total). Responses ranged from that it was impossible to gather such figures, to there being no cases, to detailed figures across all four of our categories. There were 37 child pornography cases, 142 child prostitution cases, 1 trafficking case and 18 sexual abuse cases; 31 of the total (16%) involved family members. What was most revealing about these figures, however, was the differential distribution of cases across geographical areas. This was certainly not the outcome of variations in population, and the higher levels of detection correlated directly with the presence of specialist teams/officers or projects.

**Table 5.3: Prosecutions and convictions for sexual exploitation cases**

Country		Year	Child Pornography	Child Prostitution	Trafficking of children	Abuse rings
<b>Germany</b>	Prosecutions (Convictions)	1998				
		1997	3 (3)	28 (21)		
<b>Hungary</b>	Prosecutions (Convictions)	1998	2 (2)		3 (3)	
		1997				
<b>Poland</b>	Prosecutions (Convictions)	1998	1	8 (5)		<i>122 (113)</i>
		1997	2	3 (1)		<i>178 (108)</i>

**Notes**

Figures in italics indicate that we are uncertain whether these fit our definition, but have not been able to check this with the respondent.

**Legislative responses**

In contrast to data on actual cases, many more justice departments and state agencies were able to provide information on their legal framework; the following tables compile and summarise this data.

Table 5.4 details responses primarily from justice departments, but supplemented where there was a non-response. This Table tells us whether there is specific legislation, either on forms of child sexual exploitation explicitly, or within other law - that date the law was introduced appears first in each column followed in brackets by the ages of children covered by the statute.

This table shows that significant legal reform took place during the 1990s, undoubtedly prompted by the increase in knowledge and European policy. The fact that many European countries have specific, and relatively new laws, makes the absence of data on cases and prosecutions even more stark, since one would expect some monitoring of the implementation of new legislation. What the table also confirms is the extent of variation with differential ages of protection both across law in the same country and between countries in Europe. Our respondents also raised issues about problems within their legislation, the most common here were: that 'commercial' being included in the law meant that evidence of money transactions became an evidential requirement; that they were reliant on children making complaints; that procedures failed to take account of the length of time it takes children to tell about aspects of abuse that they feel ashamed about; that the legal framework presumed that offenders had a psychiatric problem.

**Table 5.4: Legislation on Sexual Exploitation**

Country	Child Pornography	Child Prostitution	Sexual Trafficking	Abuse Rings	Extra - Territorial
Austria	Yes	Yes	Yes	Yes	Yes S
Belgium (1)	1995 (<16)	1995 (<18)	1995 (<18)	1995 (<16)	1995 (<16)
Finland (2)	1998 (<16)	1998 (<18)	No	No (<16)	Yes
France	1998 (<18)	Yes? (<15)	No	No	Yes? S
Germany	1993 (<14)	1974 (<14)	1992 (<14)	No	1993 (<16) S*
Hungary***	1997 (<18)	1997 (<18)	1998 (<18)	No	1978
Ireland	1998 (<17)	No	1998 (<17)	No	1996 (<17) S
Italy**	1998 (<18)	1998 (<18)	1998 (<18)	1998 (<18)	1998 (<18)
Latvia***	No (<18)	No (<18)	No (<18)	No	S
Malta	No	1930 (<21)	1930 (<21)	No	No S
Poland**	1998 (<15)	1998 (<15)	1998 (<15)	1998 (<15)	1998 (<15) S
Portugal	1995 (<14/18)	1998 (<16)	1995 (<16)	1998	1998
Slovenia**	1951 (<18)	1951 (<18)	1951 (<18)	1951 (<15)	1951 (<18) S
Sweden***	1999 (<18)	1965 (<18)	1965 (<18)	No (<18)	1965 (<18)
Switzerland	1992 (<16)	1992 (<16)	1992 (<16)	1994 (<16)	1937 (<16) D
Turkey**	1927 (<18)	No (<15)	No (<15)	No (<15)	

**Notes on table**

(1) Data from the police

(2) Justice department reported no specific law, whereas a research unit reported a new law in 1998

S = penalties available are the same for offences committed within the country

D = penalties available are different for offences committed within the country

\*\* under penal code

\*\*\* under criminal law

We also investigated who the law targets and sentences, since these seem to be key with respect to child prostitution and child pornography respectively.

Table 5.5 summaries data on child prostitution, revealing that most European countries do not, in law criminalise children; this does not however mean that interventions are necessarily supportive (see Chapter 6). However, there is very little consistency with respect to sentencing regimes, and a fine seems an inappropriate starting point, especially with respect to those who responsible for introducing children to and or holding them in prostitution. An additional problem is that many countries vary the criminal sanctions (and therefore the protection afforded children) according to the age of the child, and provisions appear to be incoherent across disparate elements of penal/criminal codes. This suggests that whilst legal reform has taken place, it has not necessarily been a clear and integrated process.

**Table 5.5: Child prostitution - criminal sanctions**

Country	Client	Pimp/procurer	Child
Belgium	5 - 10 yrs	10-15 yrs	
Finland	Fine - 6 months	Fine - 3 yrs	Not criminalised
France	Not criminalised	Fine - 10 yrs	Not criminalised
Germany	Yes	Yes	Not criminalised
Hungary	1 - 8 yrs	1 - 3 yrs	Not criminalised
Ireland	(a)	(a)	
Italy	Fine - 3 yrs	Fine - 3 yrs	Not criminalised
Latvia	Not criminalised	Fine - 8 yrs	Yes 14-18 year olds
Malta	3 mo - 1 yr	18 mo - 4 yrs	Not criminalised
Poland	1 - 10 yrs	1 - 10 yrs	Not criminalised
Portugal	1 - 10 yrs	6 mo - 10 yrs	Not criminalised
Slovenia	6 mo - 5 yrs	1 - 10 yrs	Not criminalised
Sweden	Fine - 6 mo	up to 4 yrs	Not criminalised
Switzerland	up to 5 yrs	up to 10 yrs	Not criminalised

**Notes**

(a) There is no specific legislation, although prosecution is possible

Table 5.6 summarises provisions with respect to child pornography, although here the information is more complex since there are a range of offences. Again inconsistency is evident, with fines being possible even for the production and distribution offences and some countries making no distinctions between the offences at all. It is also worth noting that with a couple of noticeable exceptions the criminal sanctions available for child pornography offences tend to be lower than for child prostitution. Why this is the case is unclear, since child pornographers may have been involved in the sexual abuse of considerably more children than a pimp/procurer. There seems little basis in either what we know about the two forms of sexual exploitation or legal discourse to justify this distinction. Moreover, police and NGO responses to the survey suggest that low sentences act as a disincentive to police detection and investigation, and have limited deterrent impact.

Table 5.6 Child Pornography Criminal Sanctions

Country	Production	Distribution	Importation	Possession
Austria	Yes	Yes	Yes	Yes
Belgium	Fine - 10 yrs	Fine - 10yrs	Fine - 10 yrs	Fine - 10 yrs
Finland	Fine - 2yrs	Fine - 2yrs	Fine - 2yrs	Fine - 6 mo
France	Fine - 3 yrs	Fine - 3 yrs	Fine - 3 yrs	No
Germany	3 mo - 5 yrs	3 mo - 5 yrs	3 mo - 5 yrs	Yes
Hungary	2 - 8 yrs	2 - 8 yrs	2 - 8 yrs	No
Ireland	Fine - 14 yrs	Fine - 14 yrs	Fine - 14 yrs	Fine - 5 yrs
Italy	Fine - 12 yrs	Fine - 5 yrs	Fine - 5 yrs	Fine - 3 yrs
Latvia	Fine - 3 yrs			
Malta	Fine - 6 mo			
Poland	1 yr - 10 yrs	3 mo - 5 yrs	3 mo - 5 yrs	No
Portugal	6 mo - 5 yrs	6 mo - 5 yrs	No	No
Slovenia	3 yrs	-	-	-
Sweden	up to 2 yrs			
Switzerland	Fine - 3 yrs	Fine - 3 yrs	Fine - 3 yrs	No
Turkey	Fine	Fine	Fine	Fine

### High profile cases

Each of the detailed questionnaires asked for accounts of both high profile cases and those which were successful and unsuccessful (with respect to child protection and/or prosecution). A total of 12 cases were described in detail: two involving clergy; two child rape and murder cases; two child pornography; two child prostitution; and two sexual abuse rings. Our respondents had complex positions on these cases, since they were invariably shocking and sensational, but at the same time raised awareness about the 'extremes', and what had previously been seen as 'incredible'. For example, a recent Swiss case concerned a couple involved in the abuse of many children, and the woman filmed much of this. Children were then murdered and thrown into acid to dissolve not only evidence of the abuse, but of their entire existence. Our respondents noted that whilst it is important to show that such atrocities happen, at the same time the result is often to deflect attention from the more everyday abuse in families and communities.

We were given more evidence of lack of success, particularly with respect to lack of prosecution, than success. A key feature here, which is seldom addressed in European policy, is the absence in many European countries of a child protection culture, let alone an effective system which supports and enables children and their non-abusing carers. One revealing example came from the UK, which does have a highly developed child protection system. This was a young woman who was prepared to give evidence against the man who had pimped and physically abused her. She withdrew her statement, however, when she was threatened with having her face scarred and the only protection which was on offer was to place her in a secure unit<sup>24</sup>. The absence of a culture of belief amongst professionals and the judiciary was another frequently mentioned barrier to both protecting

children and prosecuting offenders.

### **Still seeking data**

Our search for data which would illuminate the scale of sexual exploitation of children and responses to it proved extremely frustrating and the outcomes shed less light on the issue than the continuing failure of governments and state agencies to heed recommendations from the UN and EU. It seems incomprehensible that any European state can have a well grounded plan of action (following commitments given at the Stockholm World Conference in 1996) in the absence of even the most basic information. It is also evident that few such plans currently exist. It is also concerning that many countries, having enacted new laws to address sexual exploitation appear to have done little if anything to monitor their implementation and effectiveness.

It is in this context that our ambitions to report on good practice and develop a Plan of Action at the European level must be seen. We do present case studies of good practice from the state and NGO sectors in the chapters which follow, but they are more limited than intended, and confined to a small number of countries<sup>25</sup>. Whilst we do make recommendations, there is little point in much further development, when the majority of previous ones have neither been heeded nor implemented. Rather what is needed at this point is some form of monitoring and reporting mechanism within Europe, which would act as a spur to states to fulfil the commitments they have already made - to translate some of the rhetoric into action.

In the chapters which follow we bring together information from a range of sources to illuminate our current limited knowledge about various forms of sexual exploitation of children.

## Chapter Six: Prostitution and Trafficking of Children

In this chapter we explore prostitution and trafficking of children, since the trafficking we are concerned with is into the sex industry, i.e. into prostitution. Whilst there is consensus across Europe that both constitute forms of sexual exploitation of children, these issues enter the contested space of debates on prostitution. Since this report has already noted the connections between child and adult prostitution, to ignore this debate would constitute an avoidance of questions we view as vital to effectively addressing sexual exploitation of children. We therefore explore this key question, before presenting material on what is known about child prostitution and trafficking in Europe, and examples of innovative responses.

### The prostitution debate

Prostitution is a lightning rod issue, dividing many groupings, and as a consequence it is often excluded from policies on gender violence and child abuse. Our concern here is with debates between those who are concerned to ensure that neither women nor children are exploited or abused in the sex industry, but who disagree about what counts as exploitation and the strategies which should be pursued. The fact that there is a level of shared interests, is frequently lost as differences in terms of strategy take centre stage. Within Europe policy positions span the poles of strong moves towards legalisation of prostitution, exemplified by, but not confined to, the Netherlands in contrast to the recent legal reform in Sweden (with proposals also under discussion in Norway) which criminalised the buying of sex. Most European countries sit between these positions, operating inconsistent policies which combine and/or oscillate between toleration and repression. Those who promote legalisation focus on the rights of individual women, and argue that prostitution be understood as a form of legitimate work. Those who question this approach, whilst not unsupportive of the rights of individual women, seek to bring both the prostitute user and the industry organisers and promoters into focus, and to view prostitution as an institution implicated in maintaining gender inequality. Those who support legalisation argue that this policy option would make a focus on the exploitative aspects - the involvement of children and trafficking - easier to target, whereas those who oppose legalisation see aspects of all prostitution as exploitative, and any further legitimisation as creating more space within which exploitation, of adults and children, can flourish<sup>26</sup>.

At the simplest level the point at issue is whether legalisation is an appropriate response. Underneath this apparently simple difference, however, sit a number of more complex matters. We lay some of them out here in the hope that a more informed debate can develop, replacing the ideologically charged exchanges which have dominated discussion at European and nation state levels for the last decade.

Prostitution is arena replete with rhetoric, much of which bears unpicking. For example, it is not the 'oldest profession' - if there is such a thing, since the very concept of a 'profession' is a late modern concept, it is agriculture (Post, 1999). Within this rhetoric, which seeks to establish the sex industry as a legitimate 'career', certain questions are seldom asked: what kind of 'profession' can this be, where there is no qualification requirement (apart from preferably being female and young), no mobility structure and where neither those who use prostitutes or those who are prostituted view it as an desirable aspiration for themselves or their children?

Another common defence of prostitution is that it prevents violence against women, by acting as a form of release or 'safety valve'. Aside from the essentialist representation of male sexuality implicit in this argument it is only sustainable by ignoring two facts: that many prostitute users deliberately seek out children/young women to abuse; and the mounting evidence that women and children in the sex industry are both differentially targeted for, and/or vulnerable to, physical and sexual assaults from clients, exploiters, organisers and strangers (Davies 1994a, 1994b; Hoigard and Finstad, 1992; O'Neill 1995a; Silbert and Pines 1984). The mortality rate of women involved in prostitution, including as a direct result of physical and lethal assault, should also be matter of deep concern. In the light of this evidence, which many prostitute rights organisations accept, this position

amounts to an acceptance that prostituted women and children are legitimate targets for men's rage and woman hatred and that the violence they experience as a consequence does not really count either as 'violence against women' or 'child abuse'.

### ***Not either/or***

One of the supposed differences between the two positions according to the pro-legalisation lobby is that they view women and children as social actors, whereas those who address exploitation and abuse locate women and children as victims. This is both a misrepresentation and an oversimplification on a number of levels. Firstly, whilst it is undoubtedly right to view children and young people as social actors, they do not occupy the same physical, social, emotional, intellectual or legal space as adults. Secondly to insist that victimisation and exploitation is recognised and named is not the same as defining and treating individuals as 'victims' (Kelly, Burton and Regan, 1996). The problem here is setting up the two positions as either/ors rather than exploring them as aspects and elements of a complex reality.

Julia O'Connell Davidson's (1998) thoughtful and challenging book, *Prostitution, Power and Freedom*, attempts to do this. Moving within current debates, she draws on almost a decade of research which involved talking with women and children within the sex industry, and prostitute users in the UK and overseas ('sex tourists'). She refuses the simplistic position of seeing prostitutes (women and children) as *either* victims *or* active agents in their own lives; acknowledging that both adults and children exercise aspects of agency within prostitution, but this does not alter the fact that the prostitution contract is an inherently exploitative one. It requires the individual who is prostituted to surrender, temporarily, powers of command over their bodies, and this only occurs within particular sets of unequal social relations - she notes wryly that whilst powerful people use prostitutes they do not choose to be one. The context for the woman or child therefore involves social, political and economic conditions within which their options are limited to ones not of their own choosing, and the space for action for children and the options available to them are even more narrow.

Prostitution is defined not as an exchange of sexual services for material benefit, but as "an institution which allows certain powers of command over one person's body to be exercised by another" (p9). The author takes great care to delineate the range of forms of adult prostitution, the variation in the contracts involved, and the different levels of coercion, control, compulsion and choice involved. Even within the most coercive of contexts - trafficking - 'choice' can still appear at certain levels, for example the 'choice' to attempt to repay the debt rather than approach the police; the critical question is the context in which choice is being exercised and what alternatives, if any, exist. And equally even in the most 'free' context, where an adult woman works for herself and has considerable control over the contracts she makes, the interaction between prostitute and client remains an exploitative one. Her argument that any involvement of third parties merely creates further unfreedom is compelling, since it is based not on an argument about force or coercion, but the simple material fact that it requires having to engage in more exploitative transactions than are necessary for the individual woman or child's own economic survival<sup>27</sup>.

When exploring policy options, O'Connell Davidson argues that anyone involved in prostitution is subjected to the five faces of oppression (as defined by Iris Marion Young, p41): exploitation; marginalisation; powerlessness; cultural imperialism and violence. Ending the legal discrimination against prostitutes would not address these fundamental structures, nor the deep seated ideological constructions which define prostitutes as 'legitimate' targets for men's violence. It is also these constructions of 'the whore'<sup>28</sup> which contribute to the stigma of prostitution, which in turn creates a barrier to leaving. The analysis also makes clear that part of the stigma arises directly out of the material processes which constitute prostitution - that it is an outcome of sexual objectification; the exchange of money turns one, in the eyes of the purchaser, from a sexual subject into sexual object, a social process which involves being reduced to nothing more than one's sex.

Within this analysis O'Connell-Davidson argues that children and young people are a staple component of

the sex industry:

*In Britain, as in other economically developed countries the prostitution 'labour market' relies heavily on the two groups for whom welfare provision is either wholly inadequate or completely absent - women who are single parent mothers and children of both sexes.... Of this latter group many enter prostitution when they are runaways or homeless or in local authority [local government] care, and many have also been victims of sexual or physical abuse in the home. (1998, p71)*

Prostitute users are clear that they can treat women and children in prostitution differently:

*... there is and can be no mutuality of consideration, pleasure or treatment in the prostitution contract, the whole purpose of which is to ensure that one party is the object to the other's subject, that one party does not use their personal desire as a criterion for determining the sexual acts which do and do not take place. (O'Connell Davidson, 1998, p208)*

She further argues that some prostitute users deliberately seek out the most vulnerable and powerless, as this increases their sense of 'power over' the individual, and within the interaction. Whilst this group of men are probably a minority of prostitute users, they are also the ones most likely to seek out children. This use of children is entirely consistent with the construction of the prostitution contract.

### **Child prostitution in Europe**

As chapter 5 has already demonstrated, accurate data on the extent of all forms of sexual exploitation was not provided by any of our participants. In fact, only four countries responded to detailed questions about child prostitution; three maintained there had been no increase in reported cases, and one that there had. Three countries stated that the majority of children involved could be found on the street, whereas the other argued children were found primarily in 'off street' contexts. At other points in the questionnaire participants from four other EU countries reported an increase in cases, but there was no data to support this claim. The data on prosecuted cases (see Chapter 5) suggests a low detection rate in all European countries, with the possible exception of parts of Germany and the UK. We also were sent other documentation which is used, where relevant, in this chapter.

This limited data means we are little further advanced than when Judith Ennew reviewed the available research for the 1996 World Conference in Stockholm (Ennew et al, 1996). The authors are extremely critical of the theoretical and methodological approaches to date. They point to regional variations of emphasis: SE Asia on the foreign exploiter, whilst saying little about the large scale indigenous use; South Asia focus on 'girl child' and ritual prostitution; Sri Lanka on boys; western countries on broken homes and runaways; Africa on child health; and Latin America on street children. The authors do not, however, make the obvious point that many of these aspects of child prostitution transcend particular locations, and that a shift towards making connections rather than contrasts might add to our understanding. For example, it is not only in Western countries that children run away from abuse and violence in the family, the child prostitute user may travel within their own country and/or region in order to find children to abuse, and being used in prostitution is damaging to all children's health. It is surely possible to draw on the literature we do have - whilst recognising its limitations - to aid and deepen our understanding.

#### ***What we now know***

In this section we draw on the available literature on child prostitution, focusing particularly on the routes into it, how children are maintained there, and routes out.

In Western and developing countries, families seem to play a significant role in the entry of children and young people into prostitution. For children (i.e. those under 12) it is invariably a family member who prostitutes the

child either through sexual abuse rings (see also Chapter 9) or through giving/selling them into situations in which they will be sexually exploited. For young people abuse within the family and/or community seem to be significant precursors for many who enter prostitution before the age of 18, and especially those who enter before 16. James and Myerling highlighted this association as early as 1977: 65% of their sample of adolescents working as prostitutes had been sexually abused. They note: "early, traumatic sexual objectification may be one factor influencing some women toward entrance into prostitution" (p40). Mimi Silbert and Ayala Pines' research (1984) with 200 current and former sex workers in San Francisco, confirms and extend these connections. Just under two thirds of the women working currently in prostitution were 16 or under. The study generated accounts of:

*... stunning amounts of sexual abuse of street prostitutes as part of their job, outside their work environment, and in their childhood prior to entering prostitution. Many of the open descriptions of these sexual assaults made reference to the role played by pornography (p863).*

These 200 women recounted 193 instances of rape and 178 experiences of sexual abuse in childhood. In the accounts of rape, almost a quarter (23%) told unprompted of references made to pornography by the rapist. Some tried to prevent rape by telling the man that they were a prostitute and that they would 'give it for free'; most of the rapists became more angry at this suggestion, the women sustained more injuries and more allusions were made to pornography. Over a quarter of this group of young prostitutes had also been used in child pornography.

Whilst currently small scale and anecdotal, research involving children from poor countries suggests that many of them are also running away from abuse at home, and here we find accounts not just of child abuse but also domestic violence, an under-researched factor in the west, although it does appear in the accounts in Melrose et al (1999).

*I was 14 years old the first time I started working and I wasn't very happy with my family because my dad left me when I were eight years old. I lived with my mum... but I kept running away from home because my mum's boyfriend beat me up and... there was always family arguments. (p21)*

Research in the UK (Kinnell, 1991) was the first modern study to begin exploring the link between child abuse, institutional care and child prostitution. Based on interviews with 22 young women who had been in institutional care and were now prostitutes the researcher discovered that over half had been involved before they left care, that is before they were 16, and four had had experience of prostitution before being taken into care. A small study was under taken in Ireland (Eastern Health Board, 1997) involving questionnaires to professionals resulted in information about 47 children and young people aged 10-18. The highest concentration was in Dublin, and a strong link with street homelessness was found.

Another factor which has contributed both to child prostitution and child trafficking in Europe in the last decade has been the collapse of many economies in Central and Eastern Europe and the military conflicts in various regions. The connections between poverty, especially its differential gendered distribution, and prostitution has long been noted, as has the role of the military in sustaining and extending sex industries<sup>29</sup>. These factors, have until recently, been more associated with developing countries, particularly in Asia. From the mid 1990s media reports (see, for example, Hollington, 1994) began documenting the increase in prostitution within Eastern Europe, including the involvement of significant numbers of girls and young women; girls as young as 10 were known to be involved in street work at the borders, especially between Czechoslovakia and Germany where prostitution is legal. Most of the girls were being pimped, often by relatives, and what had been road side shops were 'developed' into small hotels. Christina Hagner (1995) argued that the situation in many Eastern European countries illustrates the importance of a coherent legislative framework. In a number of the countries the issues were not even formally recognised in law. In Russia, for example, any case had to be initiated by a parent or care holder, limiting the redress available to

children and each case involves four separate hearings. The focus of intervention in much of Eastern Europe (as elsewhere) has been on children as criminals, rather than victims, with child prostitution being seen as a form of juvenile delinquency rather than a crime of child sexual abuse.

More recent data provided for this project confirm the growth of involvement of children in the growing sex industries in Central and Eastern Europe:

- ◆ data from Romania in 1995 records 129 convictions of under 18s for prostitution offences;
- ◆ a report from Poland in 1999 estimates several hundred children involved in prostitution;
- ◆ children are thought to constitute 25% of Moscow prostitutes, and a study of 750 girls in a reception centre found 85% had been sexually abused and more than half compelled into prostitution;
- ◆ there are an estimated 200 child prostitutes in Vilnius, and 20-50% of prostitutes in Lithuania are minors, with some as young as 10-12 working in hotels;
- ◆ it is estimated that 40-50% of prostitutes in Latvia are minors;
- ◆ in Estonia minors were thought to constitute 20-30% of prostitutes in 1995, in 1998 60% of those working in Tallinn were between 15-19;
- ◆ minors are involved in the roadside prostitution which has flourished along the whole of the border between Poland and Germany, under 18s live like prisoners in barracks at some of the border crossings;
- ◆ Moscow now boasts 'nympho' clubs where minors do strip-tease, and are tattooed with their owners mark, when they reach 14 their virginity is sold to the highest bidder, in 1998 there were 4909 teenage prostitutes registered in St Petersburg and many of their pimps were minors too (all data from Crossing Borders Project, 1998; CBSS Working Group, 1998).

Whilst there are undoubtedly some European countries where a significant number of trafficked children are involved in prostitution, the majority of children involved in prostitution are neither trafficked nor foreigners, they are young citizens of their respective countries. This fact is often hidden in the focus on trafficking, but some countries are beginning to address this problem in new and innovative ways (see later). In doing so they are often drawing on knowledge generated by specialist NGOs. We outline some of this in the next section.

### ***A deepening understanding of the processes of entrapment***

There are a variety of routes into the sex industry for children and young people, including:

- ◆ being forced as part of ongoing abuse by a member of the family or community;
- ◆ a 'survival' mechanism for young runaways, often escaping abuse at home or within an institution;
- ◆ being entrapped by exploiters;
- ◆ being attracted by the 'easy' money and 'street life';
- ◆ a solution to poverty.

These factors may be present in various combinations, depending on the individual circumstances of children's lives and/or the socio-economic conditions in their country or region. There is no doubt that some children and young people are brutally coerced, even kidnapped as a precursor to being prostituted. Kidnapping is relatively rare in Western countries; but it does however happen, as the Dutroux case demonstrated, and it is also known to be occurring in the context of trafficking (see later section) and where there are rivalries between local pimps. We currently lack detailed knowledge on the ways in which younger children are recruited and entrapped, but considerable new insights into the experience of young people has emerged.

The recent literature in the UK, from children's welfare organisations, contains within it a disagreement about the most common routes into the sex industry. Work by Barnardo's (1998), based on their innovative project *Streets and Lanes* finds seduction by pimps most common route into prostitution for young women, whereas The Children's Society emphasise the influence of poverty and peer culture (Melrose et al, 1999).

Care needs to be taken here, however, since the data are not directly comparable: the Barnardo's data is based on young women currently involved, whereas the Children's Society data draws on retrospective accounts by women and men, some of whom entered prostitution ten or more years previously<sup>30</sup>. The peer culture influence is also qualified by Sara Swann (Barnardo's, 1998), who notes that young women who recruit others are often under pressure to do so by pimps.

The argument about poverty being a stronger factor than coercion is rather confused, since what the young people themselves talk about is not the need to survive which is so evident in the descriptions of the lives of children and young people in Central and Eastern Europe, but wanting to buy things they could not afford, including drugs. This is neither absolute, nor relative poverty, but has more to do with a point made by previous commentators (Barratt, 1997) that between 10-15% of young people in prostitution are attracted by the 'excitement' of the street, living on the edge, being an 'outsider'. If this is the case, that in some European countries early involvement in prostitution represents some form of 'life-style' choice, this must in turn be located within an understanding of late twentieth century consumerism and the normalisation of the sex industry. Such decisions only make sense in a context where the ability to buy designer clothes and other consumer goods has increasingly become a marker for social inclusion and status amongst young people and where a popular discourse promoting the sex industry as a legitimate form of work has gained increasing recognition.

The young woman talking below illustrates this point, and the sense of power and being in control that she experienced.

*There's a big thing with the power and there's a buzz with it as well you know, people don't often tell you about that... A lot of it was about feeling quite powerful, feeling as though I was in control. It was like going from nothing to something. I was the one who could get the money. I was the one who said when to stop and when to go. I was the one who could go out and spend... They had to buy you. They couldn't just have you. (Barratt, 1997, p32)*

But if we look a little deeper at what she is saying, it is clear that 'having control' is being compared to a prior condition in which she had none/less: 'they couldn't just have you... they had to buy you'. This is not an example of a young person making autonomous decisions, but a decision made in a pre-existing context, whereby she decides rather than letting men abuse her 'for free' she ensured they paid her. In the context of her life both this fact and having the power of spending money were significant. Transforming abuse with no financial compensation into abuse with some was important to this young woman, but the option of no abuse/exploitation is not within her frame of possibilities.

Both UK data (Melrose et al, 1999) and work from the Netherlands (Terre des Hommes, 1999) suggests that the entry and exit of young men is more fluid, and that the locales where they operate vary and are not so directly connected to the existing sex industry; for example in the Netherlands many work through a pager on which they are called to clients. Indeed it has been suggested that a significant proportion of young men involved identify themselves as 'gay' (Melrose et al, 1999), and that they are using prostitution as a route to sexual experience. However, Jeffreys (1998) questions this simplistic equation, and the details of sexual exploitation of boys and young men in illegal gay brothels in the Netherlands, the use of pornography to coerce them into prostitution, and the involvement of gangs of young pimps (Terre des Hommes, 1999) supports the view that whilst the prostitution of boys may take somewhat different forms than that of girls, it nonetheless invariably involves sexual exploitation. The Terre des Hommes report (1999) includes reference to recent legal cases which documented the coercion of boys in gay brothels in many large Dutch cities, including evidence of two boys being locked in rooms.

Barnardo's in the UK have made an important contribution to understanding the processes through which young women are ensnared and entrapped within prostitution. In their ground-breaking publication *Whose*

*Daughter Next?* (1998) the process is outlined, and is echoed by work from Canada (MacInnes, 1998). Young and older men target vulnerable girls who are running to or from something. They use sophisticated methods of selection, at first befriending the young women, taking the roles of best friend, confidante and protector; the intention being to make her fall in love with them. At this point a process of eroding connections with parents and others begins, and the boyfriend pimp begins taking more and more decisions for the girl/young woman - what she wears, eats, thinks and does. In earlier literature (Barry, 1979) this process was called 'seasoning', and there was more emphasis on the coercive, rather than seductive aspects. Whichever form it takes it constitutes a deliberate process of dis-empowerment, which has many connections to the dynamics involved in both ongoing sexual abuse and domestic violence (see, for example, Herman, 1994). The four phase model of entrapment is outline in box 6.1 below.

### Box 6.1: The Four Phases of Entrapment in prostitution for young women

#### 1. Ensnaring

- impressing the young woman;
- winning her trust and confidence;
- making her think he is the only one who truly understands her;
- ensuring she falls in love with him;
- giving her presents, usually including a ring;
- claiming the status of her boyfriend.

#### 2. Creating dependence

- becoming more possessive;
- convincing her to destroy important objects and/or reject those she is close to;
- changing her name;
- destroying her connections to her previous life;
- isolating her.

#### 3. Taking control

- deciding where she goes, who she sees, what she wears, eats and thinks;
- using threats, and if necessary violence;
- enforcing petty rules
- being inconsistent and unreliable;
- demanding that she prove her love.

#### 4. Total dominance

- creating a willing victim;
- ensuring she is compliant to his wishes;
- convincing her to have sex with his friend
- convincing her to agree to be locked in the house;
- convincing her that he needs her to earn money, and that the best and easiest way is through selling sex.

Source: Barnardos, 1998

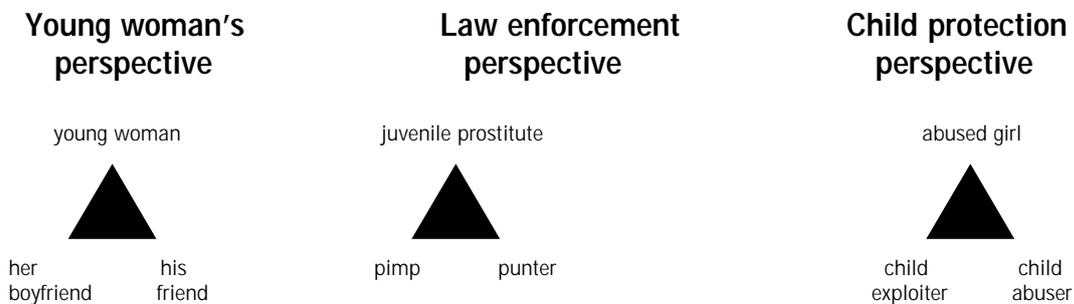
Each phase builds upon the next, carefully disguising the intended end point. Such exploiters invest time, energy and money in creating the appearance of a 'normal' relationship; note how many of the elements in the first two phases chime with the ideology of romantic love, which most young women are well versed in. This incremental and orchestrated strategy means that by the time phase four is reached the young woman is trapped both by her feelings for this man, and her own choices/agency which implicate her in everything which has happened and happens subsequently.

Drawing on, but slightly adapting, the analysis presented by Swann (Barnardo's, 1998) this process can be represented from three perspectives (see diagram below). From the young woman's perspective she has

simply done something which her boyfriend asked her to do. From a law enforcement perspective the boyfriend can be designated a 'pimp', the friend a 'punter' and the young woman as a child prostitute. Swann's analysis takes this one step further, arguing that viewing the triangle through the lens of child protection produces three different categories: abused girl; child exploiter and child abuser. Each perspective encompasses a different way of understanding the same relationships and actions, and suggests different forms of intervention. The critical point here is that at least two, if not all three, of these ways of understanding will be present in any context where a young woman comes to the attention of agencies as involved in prostitution(see later for how project workers use this model in their work).

The work of NGOs in the UK and elsewhere in Europe has resulted in a clarity of perspective about who constitutes the problem with respect to child prostitution - that it is not the children, but those who exploit them as either pimp or customer (Barnardos, 1998). The in-depth work with children who are being exploited has also revealed important new knowledge about pimps, who are expert manipulators, not just of young women, but also of police and the criminal justice system (MacInnes, 1998). The parallels with other child abusers do not end here, since they are also skilled at creating fantasies for themselves and others, seeing themselves as having a special status, whilst being ruthless in the pursuit of their goals.

### Three perspectives on young women's involvement in prostitution



### Exiting prostitution

Aside from the obvious point that from a child protection point of view the goal must be to limit and prevent further abuse of any child involved in prostitution, few research projects which ask children and adults involved in prostitution about their wishes find anything other than a desire to get out of it and a perception that its impacts on their lives had been mostly negative, as the quotes below from Melrose et al (1999) illustrate.

*I didn't like it but I knew it were the only way I could get money without going thieving [stealing] (p31)*

*I wanted to stop then [at 12] but I didn't know where to start. I never got any help from anyone because I didn't know how to ask for it. I've always bought myself up and never asked anyone for help. (p62)*

*Men take sex anyway. I was self-destructing and I thought it was all I was worth. (p16)*

Just as there no one route in, there are varied routes out for children - we should note here, however, that in the absence of dedicated and committed support, most do not leave until they have become adults. Some walk out, others run from the life they have been living and still others are cast out. Walking out occurs

when a child/young person/adult has managed to retain some semblance of self and awareness which they can draw on when they reach the point of thinking that 'enough is enough', they want a different kind of life, with other choices and options. A variety of trigger events often prompt this exit route including: the death of friend; contracting HIV; becoming less willing to manage the meaning of their involvement for partners and/or children.

Running from is often the result of an incident of violence with a client or pimp, success at a point of crisis like this is often the outcome of there being someone trust worthy to run to - as the young women in Chapter One made clear the result may be ending up with another exploiter. Being cast out happens when the person is too much trouble or sick; this is more frequently cited in relation to women and children who are trafficked. A few children and young people are rescued by parents, but this is rare, more have been enabled to exit by caring individuals or specialist agencies<sup>31</sup>. Several research projects now concur that it appears easier for boys/young men to exit, and that it is especially difficult for women if they have a drugs problem.

As with marriage it is clearly far easier to enter the institution of prostitution than to leave it, and one of the most important developments in practice in the last decade have been groups which have developed effective exit strategies crafted to the realities and perceptions of young people themselves.

### ***What makes a difference***

The young people and adults interviewed by Melrose et al (1999) were asked what would have made a difference for them, and what they thought should be done about child prostitution more broadly. Support that might have prevented their entry into prostitution, and enabled them to leave sooner, included: help resolving family conflicts; improved employment opportunities; improved welfare payments; help with respect to drugs dependency; and social support. The younger group stressed economic factors, the older social support. Preventative strategies which would limit entry of other children into prostitution was seen in terms of two elements: support to prevent family breakdown/intervention in abuse in family; education for young people on the dangers and seductions of prostitution<sup>32</sup>.

Interestingly very few of this group, some of whom were still involved in prostitution, supported decriminalization - the preferred policy option of the organisation conducting the research. Nor did they make any distinction between involvement as a child and an adult, one succinctly summed up a common theme: "it looks like easy money, but it isn't" (p53).

The lessons which children, young people and adults are providing us suggest a number of different routes in policy and provision with respect to child prostitution. The examples of good practice which follow encompass many of their suggestions. The four case studies which follow are drawn from three countries. Both Streets and Lanes and a different approach by police come from the UK; the integrated approach from Utrecht in the Netherlands, and examples of innovation from Canada, including the Street Teams project. All of these interventions begin from a principle of respect for the children and young people, alongside a recognition that they are being sexually abused and in a situation of considerable danger. All of them also rely on specialist staff, who understand the issues, and can make relationships with children and young people who are often disaffected, angry and distrustful.

## Box 6.2: The Streets and Lanes Project

Known as SALS, the project was established in 1995, by the children's NGO Barnardos, in a northern industrial town in England, and has now become an inter-agency partnership, working with girls and young women in prostitution. It has three aims:

- to provide long term access to practical services for girls vulnerable to sexual exploitation;
- to prevent sexual exploitation;
- to raise awareness of agencies and decision makers.

Between 1995 and 1998 SALS worked with over 100 12-17 year olds, and the most used resource was food. The project is based in a residential house, offering a confidential service through which young women are enabled to explore and change their own situation.

Most of young women were not known to state agencies, and almost half (49%) were under 16. Over a third (40%) had experienced child sexual abuse before becoming involved in prostitution, and the majority had been missing from home at some point. SALS believes that girls and young women are more vulnerable to sexual exploitation if they are already estranged from their family and/or have been disempowered through sexual/physical abuse.

SALS began from an understanding that neither didactic nor 'child saving' methods were effective, and their work uncovering the dynamics of child prostitution for young women (see above) merely confirmed this. Their work is slow and careful, building up trust and gently helping young women to unpick their entrapment, to face the fact that their relationship is not based on love but on exploitation, and exploring the complexity of choice and consent for these 'street wise' youngsters. They enable a significant proportion of their users to exit prostitution and end abusive relationships with boyfriend pimps.

At the policy level SALS have been in forefront of establishing that child prostitution is abuse, and in deepening understanding of the processes of entrapment, especially the significant role of pimps. They have also gathered some information on clients - the majority are married men aged 25-35, who have children of their own. The project has been key in shifting emphasis in policy from the child/young person onto those who, as pimp or customer, exploit her.

Another Barnardos project building on the work of SALS has taken prevention into schools, with children aged 9 upwards, using a play and a board game.  
(Source, Barnardos, 1998 and interview)

## Box 6.3: An integrated approach

Utrecht is the only Dutch city, and possibly one of the few cities in Europe to have an integrated response to child prostitution which combines prevention, an NGO and a mandatory inter-agency response. A training programme 'Beauty and the Beast' is used both for training professionals and in schools with 14-15 year olds. It focuses on the methods pimps use to recruit young women, and how easy it is to become entrapped. 'Pretty Woman' is an NGO established to work with girls who have been recruited by gangs of young men. 'Project 13' is the latest addition - an inter-agency intervention linking the police vice squad, child protection and NGOs. Their task is to locate and remove children from prostitution, and work with them to find a positive resolution to their situation.

## Box 6.4: Police pilot projects

As a consequence of lobbying work by children's NGOs in the UK, the police established two pilot projects in two cities in the centre of England which were known to have a child prostitution problem. These pilots worked to new guidelines issued by the police policy group (ACPO - Association of Chief Police Officers) in July 1997.

The basic principles underpinning the guidelines were to respond to children and young people (those under 18) as 'children in need' under the Children's Act, and to pursue prosecution of pimps and customers as perpetrators of crimes of child sexual abuse and exploitation. A local inter-agency forum is a key element in the strategy, comprising: police; social services; health; children's NGOs; other relevant parties. A meeting, within 48 hours of a child being identified, of this group develops a plan of intervention (where appropriate involving the child's parents) and is responsible for implementing and reviewing the plan. The plan must address ways to protect children (those under 16) from the 'significant harm' of continued involvement in sexual exploitation (avoiding wherever possible the use of institutional care) and explore the possibility of prosecuting whomever encouraged or coerced the prostitution. Investigating the offenders is the priority for police. One agency is identified as the 'lead' to coordinate interventions and especially to focus on developing an effective exit route for the child. The plans are individual, adapted to particular cases, but expected to include: mentoring to return to education or employment; positive leisure activities; and developing a protective network of friends and relatives who will continue support the child/young person over the longer term.

The report on the pilots (Gloucester Constabulary, 1998) notes that most of young people contacted welcomed the opportunity to exit prostitution; of 43 contacted in one city only 6 are known to have returned. However, no adults have been charged with offences. The difficulties with prosecutions were often linked to the children and young people being reluctant to make formal statements against their exploiters. On the other hand, a supportive rather than punitive approach by the police resulted in some children telling about unreported serious offences including rape, kidnap, unlawful imprisonment, assault and witness intimidation.

The pilots also extended understanding of the range and extent of child prostitution in the areas. Prior to the pilot the problem in one city was understood to be predominantly street based and involving about 20 girls over the course of a year. As confidence in the new police approach developed young women provided information of other locales, as did other agencies in the city. As a result more than 40 young women were identified in a period of seven months; some were based in massage parlours and saunas, others in 'off street locations' such as domestic and institutional residences. Evidence was also uncovered of organised movements of girls from the city to other cities. Eleven gave formal statements about the crimes against them, another 21 cooperated with police but were not prepared to make formal complaints.

In the other city 40 young women and 12 young men were identified, and 85% of this group have not come to police attention again. In this location four adult men received prison sentences for offences involving boys. This city recognised that children's homes were often a target for pimps; police worked with social workers to identify the men involved and all were sent a letter saying they not welcome at the home without prior agreement with the Social Services Department. They all stopped frequenting the area. There is now a nominated police officer who has regular contact with each children's home.

Both pilots resulted in significant shifts of attitude and awareness amongst all the professionals involved. There were, however, significant implications for police resources and skills, since this is a specialist area, and the crimes revealed are often serious and require significant investigator time. The guidelines were later adopted by other police areas in England, and in June 1999 became the basis for national guidelines issued by the government (Home Office, 1999).

Examples from outside Europe we discovered during the research come mainly from Canada, where considerable innovation has occurred. The state of Alberta has enacted a Protection of Children Involved in Prostitution Act which gives state agencies powers to place children in shelters for 72 hours, empowers the courts to issue restraining orders on exploiters and provides for increased sentences for pimps and clients. Currently safe houses exist in Calgary and Edmonton, but there are plans to extend provision to in smaller

towns. A national awareness campaign and training programme, 'Out of the Shadows and into the Light', was launched in 1999. It includes an empowerment element, whereby young people who have escape prostitution will be enabled to provide peer support. The intention is for each young person who becomes part of the project to provide support to a further 10 (Ottawa Citizen, May 21, 1999)

Vancouver police are using a data base - Deter and Identify Sex -trade Consumers (DISC) in order to track customers and pimps. This initiative has been supported by the Attorney General and has been adopted by other police areas in North America (The Province, 6 June 1999). Street Teams, our final good practice example, have played a similar role to Streets and Lanes in the UK; discovering the extent and organisation of child prostitution locally and acting as an advocate for children and young people in developing new responses at the level of practice and policy.

## Box 6.5: Street Teams

Based in Alberta, Canada this organisation works under the statement 'Taking back the streets - one child at a time'. Established in 1994 to support girls and young women in prostitution and pornography, the project was the outcome of increased police awareness. Key to this was the discovery of a 'trick pad' where young women were taken and used by large numbers of men; one talked of 42 abusing her over 16 hours. The police issued a press release which in turn stimulated local debate and resulted in even more information about child prostitution in city: more rings were discovered; more prosecutions undertaken; and there was an increase in children being taken into residential care. The staff found these children difficult to deal with, so a training programme on recruitment and entrapment, involving young women telling their stories was developed. One of the aims was to challenge perceptions of young women as promiscuous and choosing a life style.

Street Teams have three main areas of work: prevention, intervention and recovery.

**Prevention** This is mainly done through talks in schools (164 were done in 1996-7) and the outreach team who make contact with girls in 'high risk' locales, such as the fast food court in the town shopping mall (153 girls per month were talked with in 1997). The project have also produced extremely powerful posters.

**Intervention** Through an outreach team making contact with children and young people involved in prostitution, building trust, followed by a team intervention (in 1997 the project had an active case load of 243).

**Recovery** Addressing the damage of sexual exploitation through the provision of a shelter and ongoing support.

Police attribute 25% of the reduction in child prostitution in the city to Street Teams interventions.

The Team comprises: an outreach worker/exit counsellor; a police officer; a therapist; a doctor and in the background a lawyer. The project also attempts to involve the young woman's parents or someone from her kin/network that she is connected to (this often involves educating the supporter). For each young woman Street Teams plan an intervention adapted to her particular circumstances: this may involve working with her slowly to see if she will accept contact with a parent, and then slowly orchestrating a meeting in such a way that the young person themselves seeks, wants and pursues it. Alternatively the law may be used in order to secure a temporary separation from the pimp. Where intervention is early in the process it can be simply enough to invite the young woman back into something which she previously enjoyed and valued, since this exposes the extent to which she has become controlled by the pimp. On some occasions Street Teams also invite the pimp too, and use the occasion to try and expose his control. All the interventions of Street Teams are designed to decrease the power and control of pimp and increase the young woman's space for action.

Once a young woman has made a decision to try and exit prostitution a range of supports can be offered, including a shelter. Street Teams find that the first four to six weeks are both crucial and difficult, they have to be managed carefully. One of the key issues which undermines re-integration is that young women in prostitution change their appearance, personality and time frame; they become night-owls, and live in the moment. They all need time and space to recognise and understand the ways they have changed.

*(For more details see: [www.streetteams.com](http://www.streetteams.com); MacInnes, 1998 and Usry, 1995)*

## Trafficking in children

Whilst trafficking in children has been a strong focus in many European policy directives, we were unable to access any robust information about its scale, or who is involved. The situation is even worse than that pertaining to trafficking in women, about which IOM (1998) recently concluded there was no accurate estimate possible, whilst it is an area of intense concern it is at the same time the most difficult to access accurate information.

Recent press reporting of an unpublished CIA document estimates that 50000 women and girls are being trafficked into the USA each year, including girls as young as nine (Campbell, 2000). European women and girls are part of this traffick, as are women and girls from Asia, Central and South America. The most common European countries of origin are Russia and the Czech Republic, with increasing numbers from Latvia, Hungary and Poland.

*.... traffickers in the former Soviet Union have been particularly aggressive in taking advantage of young women who are desperate to enter western countries and unaware of what type of work awaits them. (Campbell, 2000, p6)*

The report states that immigration officials have found evidence of 250 brothels in 26 cities where trafficked women and girls are working. US policy currently focuses on deporting those detected, rather enabling them to give evidence against their exploiters.

Countries in Europe are combinations of origin, transit and destination with respect to trafficking of women and girls. Countries of origin are primarily in Central and Eastern Europe, and some, such as Poland are also transit countries into Western Europe. The destination for trafficked women and girls can be any location where there is a local sex industry; trafficking takes place between Central and Eastern European countries as well as to Western Europe. Indeed women and girls may be prostituted in a number of countries on route to a destination further west. Currently too little is known about these complex and changing patterns of movement; but one clear pattern appears to be emerging. Sex industries globally are increasingly populated by 'foreign' women and girls, sometimes from neighbouring countries and sometimes from distant ones (Kelly and Regan, 2000). This raises an interesting question. Why are sex industries across the globe increasingly populated by migrant and trafficked women and girls? One part of the answer has to be the scale of profits involved. But such profits are not possible without demand, demand from men to pay for sex with women who are 'other', who do not speak their language, who have who have less power and status in general than women who are nationals.

In the sections which follow we present the evidence we have been able to compile about current patterns of trafficking within and into Europe. Where it is known to involve children we have highlighted this, but it is widely recognised that much of the traffick within Europe involves young women.

### ***A detailed report***

Terre des Hommes (1999) provide documentation of extensive trafficking of children into the Netherlands. It stems from increased official recognition that many unaccompanied minors seeking asylum have disappeared from the centres and children's homes in which they were placed. A government report in 1996 noted the problem but maintained there was no evidence of a link to trafficking. Several successful police investigations, however, made the links clear, and the legal loophole that someone becomes a missing person only if it is possible to establish "withdrawal of parental authority" has been highlighted as a both a bureaucratic barrier to investigation and protection, and a justification for non-action by the authorities. As a consequence no-one knows how many children have disappeared, nor have investigations been thorough or speedy. In 1999 a special trafficking team in the police was established but they depend on local forces reporting suspicions and cases. This team is considering using pro-active monitoring of brothels and adapting their responses to identify trafficked children and women.

The unaccompanied children come mainly from West Africa (Nigeria, Liberia and Sierre Leone). It appears that most of the children come from Nigeria, but have been told to claim that they are from neighbouring countries where conflict and civil war would support an asylum claim<sup>33</sup>. What is known about the organisation of the trafficking is that a 'mama' tempts the girls' parents with stories of employment opportunities in Europe. The parents agree to pay the 'mama' a considerable fee, but are told the girl can

earn this back within six months. The arrangements are often sanctified by village 'voodoo' priests who are given part of the child's body (hair, nail clippings) as a form of security. This provides additional power over the child, since tribal custom decrees that they can be killed if the debt is not repaid.

False passports are used for the flight from Africa, these are destroyed during the journey and on arrival the children are instructed to apply for asylum. Other possible routes into the Netherlands include by car via Italy and on tourist visas. Those who apply for asylum have the telephone number of a 'mama' in the Netherlands and the power of the ritual combined with their sense of responsibility to their families means most make contact very speedily. They are then sold to Dutch pimps and placed in illegal brothels. The debt they have to repay can be as much as ten times the cost of their journey, thus they make little if any money for themselves or their families. The threat of the ritual power and fear of the police prevents most from protesting or trying to escape. The influence of this form of control is evident in the following case study, from the Netherlands.

### Box 12.6: A case study in terror

A Nigerian girl, arriving at the Valentine foundation's refugee centre, washed her clothes and forgot to take the madam's telephone number out of her pocket, and therefore could not contact her. For a couple of weeks the girl was happy and relaxed; however, the madam soon grew impatient, and the girl began receiving threatening phone calls and cassette tapes. The girl could not handle this emotional strain, and at any moment, day or night she would wildly recite prayers. The Valentine foundation eventually had to commit this girl to a psychiatric hospital, where she still resides today.  
(Source, *Terre des Hommes*, 1999, p5)

Another emerging route involves Chinese parents paying for the possibility of their children benefiting from Western affluence. These girls are trafficked via mafia controlled brothels in Russia, and move through the Czech Republic and Germany into the Netherlands. They are often sent to triad controlled brothels, if however they are sick or pregnant by this point they are often dumped at asylum centres.

STV, the Dutch advocacy group for trafficked women, note that the majority of their clients come from Eastern and Central Europe. They used to be aged between 19-24, but are now considerably younger with many under 18. Less than half know that they were being trafficked for prostitution, and many worked 9-12 hours a day, sometimes more. They were not involved in street prostitution, but located in escort services, hotel prostitution and massage parlours.

#### *Information from other European countries*

Whilst our data from the questionnaires revealed little with respect to trafficking, there were very low detection rates, except for Germany. Only 10 other cases were reported, involving Poland and Switzerland. Other material indicates problems of a significant nature with respect to a number of other European countries.

**Albania** There has been an established trafficking route to Greece for some time, and many Albanian women also 'choose' to migrate there. The recent conflict has resulted in areas of the country disintegrating into lawlessness, and the League of Albanian Women, in a recent training course organised by the Council of Europe, report increasing disappearances of girls and young women from the northern villages, and that the police investigations are cursory. Trafficking from Albania is a combination of abduction and deception, with traffickers openly recruiting outside local schools. The destination for women and girls are many and varied.

**Czech Republic** There are an estimated 800 prostitutes in the border town of Dubi, which has a total population of less than 9000. This is the main freight route north from Prague, and is known locally as a 'playground for Germans'. There are now 37 brothels, in the town and whilst the local police say most women working there are voluntary, some are known to have been trafficked by organised crime.

Whilst prostitution undoubtedly existed under communism, it has boomed since its collapse. One factor has been privatisation, which meant that people could buy their homes. Some were then sold on to gangsters, who transformed them into brothels. La Strada, an NGO supporting victims of trafficking, estimates that 60% of the border based prostitutes are foreign women: Ukrainian women on the border with Bavaria, Bulgarian women in the north. Many are virtually imprisoned and receive hardly any of the money they earn. In late 1997 the police smashed a Bulgarian based ring in north of the country, they found 45 women who were virtual prisoners. Many of the women La Strada supports want to go home but are scared to; they fear they will be picked up at airport and sent straight back.

Kate Connolly's report in *The Guardian* (Connolly, 1999) focuses on 'highway prostitution', reporting that the E55 highway between the Czech Republic and Germany has become a site for 'sex tourism'. Armed gangs of pimps and traffickers now dominate some of the small towns along the E55; and there appears to be no political will or interest in doing anything. She also notes that for women having a pimp is a way to avoid being trafficked, pimps having more power locally than the police.

**Denmark** There has been a ten-fold increase in Thai prostitutes in Denmark since 1990. Out of 422 brothels listed in newspapers, 100 were staffed by women from SE Asia, compared to 10 in 1992. Middlemen are routinely recruiting poverty stricken Thai women promising lucrative housemaid jobs. Prostitution was decriminalised in March 1999; the new law is intended to marginalise pimps and traffickers by allowing police to focus on them.

**Greece** Concern about trafficking increased recently when Irini Penkina, a twenty-year old Russian woman, committed suicide. Investigation into her death revealed a story of sexual slavery, corruption in the police and revelations that Greece has become a base for European prostitution rings based in former soviet republics. A series of raids and arrests followed; 33 people were charged in November 1998 with running 13 brothels involving hundreds of Russian women.

There are now an estimated 20,000 unregistered prostitutes in Greece, up from 2000 before the collapse of the Eastern European economies. Greece has become a processing centre where women's documentation is taken from them and they are then sold onto other prostitution rings operating in other countries. The scale of the problem led to accusations of widespread corruption; the former head of the national police and 15 other officers have been charged with accepting bribes for issuing residency permits. The new police chief has ordered the complete overhaul of Athens police vice unit.

**Italy** Is both a transit and a destination country. The most detailed study was undertaken by IOM in 1996. It argues that there have been successive waves of trafficking, with the fall of the Berlin wall marking an upswing in the inflow. The most significant increases in the 1990s have been from former Yugoslavia during 1991-2, from Peru and Columbia during 1993-4, and Albania during 1995-6. At the time the research was conducted Albania

and Nigeria were the largest countries of origin for trafficked women and girls. A proportion from both countries know they are migrating to work in the sex industry, but are not aware the aggressive exploitation they will experience when they arrive.

The study included interviews with 50 women involved in prostitution (Albania 26, Nigeria, 10, other central and Eastern Europe 9, Latin America 5). Extrapolations from the study were that there were between 19000-25000 foreign prostitutes in Italy in 1996, of whom 2000 had been trafficked. Some were as young as 14 when they were trafficked. Different patterns of recruitment and control were discovered. Albanian women tend to be older and have more education; they usually have a direct relationship with their trafficker, who, in the main, are young men organised in small scale groups. The Nigerian women are younger, some still children with little education, and they are increasingly recruited from rural areas. Three levels of exploitation are involved: the 'mama' in Nigeria; a second 'mama' in Italy; and she and the girls/women are surrounded by a group of males who keep low profile unless there is an external threat. A third level of organisation is the group that transfers money from Italy to Nigeria.

Many women enter with legal papers, on a tourist or entertainment visa, although some Albanians recruited by friends, family members may use the already well-known smuggling routes. The traffic from Nigeria is more organised, and recruitment usually involves deception. The girls and women are easily controlled once they are in Italy as they owe huge debts, threats are made to their family and some kind of ritual control is also involved (see earlier section). Most are still paying back the debt after 3-4 years. Unlike in other European countries, most trafficked women and girls end up in street prostitution, for example, 80% of street prostitution in Milan involves foreign women. The IOM report concludes that on the basis of women's testimony it is difficult to draw a clear boundary between those who know they will be exploited and those who are deceived.

Prosecutions for exploiting, aiding and abetting prostitution have increased from 285 to 737 between 1990 and 1994 (the origins of the exploiters was varied, with 30 countries represented, the highest numbers were from: Albania; Former Yugoslavia; Nigeria; Tunisia; Brazil; Columbia; and Uruguay).

A case broken in Milan revealed that children were trafficked via Italy to the USA from Asia, and there was evidence of strong links Japanese and Chinese organised crime. The case was detected because an alert airport official had concerns about the behaviour of a 12 year old child. Investigation revealed that she was travelling on false papers, and had been 'sold' by her parents for £24000. Three people were arrested in Japan and warrants issued for three based in Milan. The child told officials that whilst she had been in Bangkok there were another 15 girls, aged between 10-15 in the same situation. (Johnston, 1997).

## **Poland**

Poland has become both a transit and sending country with Polish women being trafficked especially to Germany, the Netherlands and Belgium, and women from the Czech Republic, Ukraine and Belarus being trafficked through Poland. The current best estimate is that the number of Polish women being trafficked has tripled in 4 years. The main explanations are the decline in job opportunities for women - they are more likely than men to be unemployed and over half the day care centres have closed - and those living near borders are the most vulnerable. Highway prostitution is also evident in Poland.

The rings, whilst organised, are usually small, comprising 4-5 individuals, and their origins

range through Poland, the Russian Federation, Turkey, Germany, Albania and former Yugoslavia. These groups, however, often have connections with organised crime in the destination countries. There is a culture of impunity for these groups, since sections of the police work in collusion with them. Young men are used as the first contract in recruitment, or advertisements in the press for employment or bogus marriage bureau. Other women are recruited through friends, acquaintances, and others from Polish massage parlours.

The transport across borders is mostly legal, so little action is possible at this point unless women request it. On arrival at the destination the woman's passport is removed and given to the brothel owner. At this point she enters "a culture of illegitimacy where lies and deceit prevail and debt, physical violence and lack of control over her documents make escape impossible" (p12). Women who manage to return home want to hide what has happened to them, and take threats made about reprisals seriously. They seldom seek support despite the mistreatment they have experienced. (Source: UN, 1998)

**UK** Our own research on trafficking on women (Kelly and Regan, 2000) revealed that the UK is used as a transit route for West African girls being trafficked to Italy. They either transfer flights in London, or make an asylum application, with a very similar outcome to that outlined above with respect to the Netherlands.

### **Drawing the threads together**

Whilst the knowledge we currently have about trafficking, especially of children, into and within Europe is sketchy and incomplete, there are nonetheless some common threads which are worth highlighting.

- ◆ Organised traffickers are primarily from the Russian Federation, Poland, Turkey, Germany, Albania, Former Yugoslavia, former Soviet Union states and China.
- ◆ Traffickers appear to have strong links with organised crime and the sex industry in many destination countries.
- ◆ A variety of forms of recruitment ranging from abduction, through a number of forms of deception are used. For children and young women it is usually either abduction or deceiving parents about possible employment opportunities further west.
- ◆ Young women are often recruited by young men, using strategies which have similarities to those outlined earlier with respect to teenage prostitution.
- ◆ Trafficking routes are many and varied, and can include legitimate and forged papers.
- ◆ Usually the debt incurred for the transportation is sufficient control, but many other forms will be used, adapted to the individual and their context, including rape and physical violence.

Whilst many European documents call for women and children who have been trafficked to be given leave to remain if they co-operate with legal cases, it appears that in the main they are deported on detection. This both ensures that traffickers will continue to operate with virtual impunity, and denies the responsibility of states to individuals whose human rights have been violated on their soil.

## Conclusions and reflections

The attempts to dis-connect child and adult prostitution, and to create an impermeable boundary between 'forced' and 'free' prostitution are doomed to failure since both are analytic, policy led formulations; the distinctions and boundaries collapse when looked at through the realities of the lives of children, young and adult women in European (and other) sex industries. There are no separate 'markets' for children or for trafficked women and girls, nor is there a form of prostitution which is not in some fundamental way exploitative of the dignity and integrity of human beings. Entry into prostitution and becoming entrapped within it, comprise complex mixtures of coercion, deception, dependence and choice. No woman or child who spends time in the sex industry is an entirely passive victim; each will endeavour to use whatever limited options and choices that are available to protect their physical and mental health. But their strategies are severely de-limited by the conditions and context of their lives, whether this includes being controlled by a pimp, trafficker, violent partner or family member, and/or an addiction to drugs, alcohol or both. In many of the commentaries which seek to emphasise children's (and women's) agency very little discussion takes place about the difference between 'free' choice/action and coping/survival strategies. Both involve individuals acting in relation to their own needs and circumstances - but the latter are actions taken in the context of already constraining circumstances. The entry of any child (and many adults) into prostitution is the outcome of a combination of coping/survival strategies alongside encounters with exploiters who facilitate and/or maintain them in prostitution, and of those who are prepared to pay to command temporary control over their bodies.

The perspectives of children and young people themselves suggest policy options which are currently only being provided in few European countries and then only by a handful of NGOs: they want flexible and accessible support in exiting prostitution and for the dangers and costs of involvement to be made clear to young people. Those who have been trafficked and/or severely mistreated would also like to see their abusers held to account. We ought to be paying more attention to what children and young people tell us holds them in prostitution, and what if we provided more of it would enable them to leave it.

## Chapter Seven: Child Pornography

Child pornography has been the form of sexual exploitation of children which has aroused the most outrage and commentary; re-kindled through debates about its presence and extent on the Internet. In this context - where there is much rhetoric and limited accurate information - it is useful to reflect on the fact that until the 1990s relatively little attention was paid to this issue - the notable exception being those feminists who drew attention to the problems with *all* pornography. It is little more than a decade ago that the predominant discourse viewed child pornography as a distasteful but minor issue, with some countries having laws which outlawed its production and distribution, and the majority tolerating its possession. A sea change in understanding and response has taken place during the 1990s, as the recognition that child pornography constitutes a visual record of the sexual abuse of a child (see, Kelly 1992) gained ground. Many countries have passed new laws including making possession illegal (see tables 5.4 and 5.6), although within the EU possession is still protected in law in Finland, France and Portugal and a number of non-EU countries, including Switzerland have yet to criminalise possession.

Despite the amount of attention child pornography has generated there remains very little robust information or research on its extent or content (Renold, forthcoming). Whilst there are probably some individuals who limit their activity to collecting child pornography, in the majority of the cases known to law enforcement, child protection agencies and NGOs, the production and use of child pornography is one practice within a repertoire of child sexual abuse. Much is produced by abusers as their own personal record and library of their 'conquests' and 'activities' - this is one of the many reasons why a focus only on 'commercial' sexual exploitation fails to address either its extent or the needs of children. It is not possible to produce child pornography without being implicated in the abuse of a child: individuals may not physically abuse the child themselves, but their involvement behind a camera, their orchestration of the abuse makes them as culpable as any other perpetrator.

Computer and digital technology has transformed the political economy of all pornography, making it possible for almost anyone to be producer, distributor and consumer simultaneously. The new challenge is undoubtedly the Internet, which many argue has become the new market place for child pornography - both commercial and through exchanges between collectors/abusers. In the absence of research which accurately documented production and consumption before the Internet 'revolution' the precise impact of new technology can only be speculation. It is, however, obvious that access through a computer removes some of the previous barriers to consumption - such as having to seek out a supplier of an illegal/stigmatised commodity. The only barriers now are access to a computer and the skill and resources of the user. The main producers and consumers of child pornography will undoubtedly continue to be child abusers. But the removal of the disinhibitor of needing to seek out a supplier, coupled with the available rationalisation that one is not a 'consumer' of child pornography but rather a net surfer who is merely seeing what exists, could influence demand. Even a small increase in demand is likely to have impacts on supply, thus meaning more children will be sexually abused, and more often.

We focus on these new challenges in this chapter, whilst not ignoring the more traditional forms of production and distribution - photographs, magazines and videos. Box 7.1 contains details of recent cases in European countries. All but one involve the use of computers to store and/or collect and/or distribute the pornography, and are representative of the many additional cases uncovered by this study. This provides some support for the view that the IT revolution has transformed access to, and storage of, child pornography. This technological revolution is also implicated in the other forms of sexual exploitation we

address in this report, in that computers are used for networking between abusers, including exchanging information about the availability of child prostitutes and favoured locations for 'sex tourism', as well as providing a new route for the targeting and grooming of children prior to abusing them (Hughes, 1999).

### Box 7.1 Child pornography - some cases example

#### France

In December 1999 Operation Laurer investigated a French sexual abuse ring involving at least 56 men. One of their activities was the production and distribution of child pornography. The men included an ex army officer, a Gaullist party official, two doctors, and gendarme and a film director.

#### Germany

The dedicated police squad in Munich tracked an international ring in 'Operation Bavaria'. They estimate it involved 1400 criminal incidents in 5 German states, and some abusers were traced through chat rooms. The network extended to seven other countries - Switzerland, France, Scotland, Norway, Sweden, USA and Canada.

#### Sweden

Two men were arrested on suspicion of abuse of an eight year old. The 63 year old had previous convictions, he had sold his daughter through advertisements in a pornography magazine and also sold pictures of her "if you contribute 300 crowns to our trip to England you can have my little daughter naked in your lap. You can do a lot to her except intercourse". His sentence was to be detained in psychiatric care.

#### Spain

July 1997 12 people were arrested and thousands of slides, videos and diskettes seized in Catalonia. The material was thought to have involved abuse of as many as 40 local children. The material had been distributed to France, Mexico and the USA and other European countries. This investigation began after police arrested a couple who were prostituting their 10 year old son.

#### Switzerland

A computer assistant at Basel university created a website on the University server for 1000 pornography images, some involving children. Although possession is not an offence in Switzerland transmission is, and he was arrested in October 1997.

#### UK 1

In December 1996 a member of the clergy was convicted of sexual assaults on boys and distribution of child porn, and sentenced to six years in prison. He had 9000 images on computer, Internet connections via four ISPs, and used encryption. He was found to be a member of a nine man international abuse ring.

#### UK 2

A University lecturer was fired for having 900 pornography pictures on his hard disc - 174 of children. Anthony Atkins, from the English Department at Bristol University claimed unsuccessfully that the collection was part of sociological study. A similar defence was used - also unsuccessfully - by a psychotherapist in Italy.

*(Sources: Hughes, 1999; Reynolds, forthcoming; questionnaires for the research)*

### What we know about child pornography

In attempting to estimate the scale of child pornography two aspects need to be disentangled: the number of children and adult survivors who have been abused in the production of child pornography; and the extent/availability of child pornography itself. The latter will be considerably greater than the former since multiple images/videos can be made of the same child/children, and multiple copies can be made of the same image/s.

We are currently unable to estimate the extent to which child pornography is implicated in child sexual abuse. This is for two reasons: few prevalence studies ask specific questions about involvement in pornography; and few police and child protection agencies either systematically search for child pornography in suspected cases of sexual abuse or record its presence in their data systems. There are some findings which are indicative, but they fall short of an accurate and overall picture. We present these disparate findings below.

- ◆ German police estimate that 130,000 children are forced by parents or other close acquaintances to participate in the production of pornography and that there are an estimated 100 private dealers in Germany alone (Groner, 1993).
- ◆ Some evidence of the production of child pornography emerged in a study of sexual abuse in day care settings (Finkelhor et al, 1988). In 14% of all the cases, production of pornography was suspected. No pictures or videos were recovered, and it is unclear if the cameras were used simply as a game to legitimise abuse, whether photographic and video recordings were actually made, and if so whether they were intended for personal or commercial use.
- ◆ Research on sexual abuse rings tends to find evidence of child pornography, although higher levels of production have been found in the USA (Burgess et al, 1984; Hunt and Baird, 1990) than the UK (Wild 1989, Creighton 1993).
- ◆ Studies on child prostitution also reveal a connection between these forms of sexual exploitation, with between 25-50% of participants also reporting being abused in the context of the production of child pornography (Incardi 1985; Silbert and Pines, 1989).

These data confirm that child pornography is linked to other forms of sexual exploitation, including 'sex tourism'. There is even less strong evidence here but many of the detected 'sex tourism' cases include seizures of child pornography, and some of children's accounts (O'Grady, 1994) confirm that this is one of the forms of abuse they are subjected to. The links between forms of sexual exploitation are further illustrated by the case study in Box 7.2. This boy was sexually abused within the family and then prostituted, trafficked and filmed. His case alone is testimony to the importance of making connections - between all sexual abuse and sexual exploitation, between abuse inside and outside the family.

### Box 7.2: Child pornography a case study

A well publicised case, known in Scandinavia as 'Kiki' involved a Danish boy who was fostered between the ages of 9-15. He was regularly abused by his foster-father and his friends. When he was 11 he was taken to an Amsterdam brothel 'Boy's Paradise' and also transported for prostitution within Denmark. Pornographic videos were made of his abuse. Kiki eventually identified a number of men who abused him and thirteen were convicted of offenses against him, including his foster-father. It is estimated that 150 men abused Kiki and there were at least 1000 incidents of assault.

*(Source, Karlen and Hagner, 1995)*

The limited evidence on the prevalence of sexual abuse through the production of pornography is a challenge to researchers - to both integrate explicit questions about sexual exploitation in prevalence studies, and to devise new methodologies to strengthen our knowledge base.

The second question - the extent of child pornography is even more difficult to estimate accurately, and partly as a consequence has become an arena for considerable debate and disagreement (see, for example, Akdeniz, 1996, 1999; ALG, 1998). For at least twenty years accusations of over- and under-estimation have been a constant feature in the field, now regenerated in the context of the Internet. In some respects the question is unanswerable for a number of reasons:

- ◆ there are commercial, semi- and non-commercial sectors, none of which are amenable to accurate measurement;
- ◆ the commercial sector makes multiple copies of its products, but illegality means there are no distribution data;
- ◆ once an image becomes public - in that a copy is made and given to another - further copies may be made;
- ◆ the industry has undergone constant change through both technological advances and efforts to avoid detection/prosecution.

One frequent area of dispute has been whether available material is 'new' or 'old' (see, for example, Akdeniz, 1999). This distinction matters, since 'new' material is a record of recent abuse of an additional child. But this is seldom the underlying concern in such comments; they are invariably made in the context of efforts to suggest that there is less child pornography than many suppose; to minimise the actual amount and detract attention from the current scale of production. But even if this were not the case, on what basis should the reproduction of an existing image not count as increasing the stock and circulation of child pornography? For child and adult survivors each additional reproduction extends the use of a visual record of their abuse as a form of erotic entertainment.

The two sources of data on the extent on child pornography in contemporary Europe come from seizures in police operations and two studies of Internet content. There is no doubt that seizures have increased in size and scope, as the case study of Operation Cathedral (see later) demonstrates<sup>34</sup>. Where a network can be broken which uses the Internet large numbers of child pornography users (and producers) may be identified, each of whom has their own collection, which often also includes videos and magazines as well as material stored on computer. Operation Cathedral also illustrates that members of networks possess collections which both duplicate those of others and contain original material.

The two studies of the Internet were conducted at different points, one in the mid- 1990s (Rimm, 1995) and one in the late 1990s (Taylor, cited in Department of Justice Equality and Law Reform, 1998). Neither can ever be replicated, since the content of the Internet changes almost daily.

- ◆ In the Rimm study pornography was downloaded over a four month period from 5 Usenet boards and 62 commercial bulletin board sites. A huge number of images were amassed which were then coded into types of pornography, with two of the four main categories being variants of child pornography. Almost 50% of the downloads from the commercial sites were of child pornography images. The authors conclude that the commercial bulletin board sites are driven by demand for child pornography and that demand exceeded supply.
- ◆ Research by Prof Max Taylor, University College Cork surveyed news groups, chat rooms and web pages in 1997-8, in a project focused specifically on child pornography. Whilst considerable amounts were uncovered, access was often hidden or protected. Contrary to some commentators, however, (see, for example, ALG, 1998) the researchers found it was possible to access child pornography by accident, largely because pornography sites deliberately index themselves (using invisible 'meta-tags) using words that will be picked up by search engines. For example, at the time of the study a number had variations of Princess Diana in either their actual titles or meta-tags. Text describing sexual activity with children was even more easy to access, and considerable dialogue between abusers was also witnessed, but this is much harder to track (Department of Justice, Equality and Law Reform, 1998, p30).

More detailed findings from this study are presented in Box 7.3 below

**Box 7.15: Findings from University of Cork Study**

<b>News groups:</b>	During the first week of January 1998, 40,000 were surveyed: 0.07% contained major elements of child porn, a total of 6058 images were recorded, two thirds of which would count as 'child erotica'.
<b>IRC</b>	On 8 Dec 1997 activity on 31 Dalnet chat channels was sampled, all of which had some explicit reference to child sex in their title; 281 participants took part in dialogue. 24 Undernet channels were also sampled with 237 participants. These chat channels had titles like 'babysex', 'kink preteensex' and 'toddler spanking'. The authors conclude that the majority of child pornography is distributed through IRC.
<b>Websites</b>	The number appears to be growing, and in 1998 the commercial centre was Japan. Between 18 June - 8 Nov 1997 238 sites were identified offering images of girls (origin of sites - 73% Japan, 14% USA, 3% UK, 2% Hong Kong, Russia, Australia, 1% France, Netherlands, Italy Thailand). A greater number of sites offered images of boys, but no details are provided. Some sites claim to change their images weekly, most required payment of subscription for access and 12 offered videos and magazines for sale.

*(Source, Department of Justice, Equality and Law Reform, 1998)*

There are other sources of data which offer indications of the extent of use of the Internet with respect to pornography and child pornography:

- ◆ In 1997 Pedowatch noted 1500 log ons in one day for a preteen erotica trading channel on IRC and some sites which are clearly aimed at child abusers/child pornography collectors average 170,000 visits per month (Hughes, 1999, p21).
- ◆ Sex Tracker is an Internet site which ranks the usage of sex sites on the Internet. When the authors visited this site in 1999 three of the five highest ranked paying sites were suggestive of child pornography content, as displayed in the table below.

Site Rating	Site name	Total visitors
2	Teen Steam	4151052
3	Webs Youngest Women	3262970
5	Live Teen	2909538

The number of hits is not an indication of paying customers, since out of every 1000 visitors as few as 3-4 may purchase anything. For sites to be profitable a huge traffic is required through them, and the sex industry online has developed a number of strategies to ensure this (Branwyn, 1999). These include: paying fees to search engines so that adverts and site names appear on certain searches; paying revenue to free sites which deliver visitors to paying sites; the creation of adverts, pop-up windows and other sales tools; and creating 'circle-jerks' which trap people into re-visiting a site.

***What abusers tell us***

There is very little systematic research on abusers' repertoire of abuse, and in particular the extent to which they use, produce and collect child pornography. There is, however, some material which suggests that one

of the most critical functions of child pornography is as a reinforcement and justification of the will to abuse (Wyre, 1992). It is used to construct and confirm a distorted version of reality - in which abusers are able to reinterpret the actions and responses of child victims of abuse. Child pornography 'normalises' abuse since much of it is based on the fiction that it is the children who want sexual contact with adults, and that they always get pleasure from it - hence the instruction from many pornographers that the children smile for the camera (see Chapter 1).

What emerges from examining the production and use of child pornography is a pattern of mutually reinforcing connections: child pornography is itself a document of abuse of a child or children; it is then used by abusers to reinforce their will to abuse; they may in turn show it to children they wish to abuse to secure their co-operation; some of these children may, in turn, be photographed or filmed whilst being abused and/or trained to pose for pictures. The process then begins anew. This convicted offender, illustrates this process:

*I used the pornographic films in actual fact to reinforce my belief that what I was doing wasn't wrong. I did show these porn films to underage schoolgirls and after they had seen them we many times copied what was going on... I had a vast pile in my bedroom of pornographic literature, books, papers, cutouts and all this sort of thing and this was used in my seduction techniques... I used that as an excuse to get them to do exactly the same. (This man went on to produce pornography of the girls he was abusing, quoted in Wyre, 1987)*

It is interesting to speculate whether computer generated images could be used in the same ways, and whether the multiple uses abusers make of child pornography means there will continue to be a demand for magazines and videotapes. These questions can only be answered through detailed research on production and consumption, in which men are asked to reflect on whether and how technology has affected their patterns of consumption and use. But we do know that some abusers are using computers, and computer games as a lure to entice children into their accommodation, and it is not hard to imagine how the 'seduction' methods outlined above could be adapted in such a context.

### ***Children's access to pornography***

Children and young people's access to pornography is also an issue of concern, especially when placed in the context of the fact that many children in Europe do not have the right to sex education, and the limitations of that which they do have access to (Kelly, 1992). Limited research has been done on this issue, despite the focus in much of the policy deliberations on it. There is some evidence, pre-Internet, from a study, funded by the ESRC, on the prevalence of sexual abuse (Kelly, Regan and Burton, 1991). Respondents were 1244 16-21 year olds attending further education colleges in England, Scotland and Wales. Almost three-quarters had seen pornography and two thirds had done so on a number of occasions. For the whole sample 60% of young women and 93% of young men had seen it, and in the 16-17 year olds the figures were 36% and 80% respectively. Gender differences also emerged in the kind of contact: young men tended to look at magazines on their own, and watch videos with groups of other young men and in mixed groups; a substantial proportion of young women only had contact through male friends, especially boyfriends. Young women were four times more likely to say they were embarrassed by what they saw and ten times more likely to say it offended them than young men.

The young people were also asked what materials they had seen. Only a proportion could either remember, or provide titles; but from these responses a list was compiled of 34 magazine titles which are not available on the high street and 140 film/video titles. The list of film titles was sent to the Metropolitan Police's Obscene Publications Squad (OPS) in order to discover what proportion had legal certificates; we were told that two held an '18' certificate, 19 had been subject to seizure and prosecution and the rest were not known to them.

This data reveals that young people had significant contact with pornography in the early 1990s, which had increased due to video technology, this is likely to have been even further enhanced by the Internet, although this tends to be a solitary, rather than group, activity. Today in Europe a considerable proportion of children and young peoples' information about sex and sexuality is coming from pornography, and for all too many, more of what they know comes from this source rather than open and honest sex education. Nor are young people being provided with knowledge and skills through media education which would enable them to critically assess what they are seeing.

### **The spectre and reality of the Internet**

In 1992 300,000 people had access to the Internet, by the end of 1998 the number was 147 million, and it is estimate that 27 million children and young people will have access by 2001 ([www.headcount.com](http://www.headcount.com)). This represents a major revolution in communication and access to information, with huge benefits alongside clear and present dangers. The development of technical tools - high quality video, virtual reality, digital recording - alongside increasingly sophisticated security software which means material can be erased leaving no trace, and the origins of material disguised have all added to the ability of individuals to create and distribute pornography.

From the outset of the commercialisation of the Internet pornography has been one of its driving forces. In February 1997 *PC Computing Magazine* urged readers to visit porn sites:

*It will show you the future of online commerce. Web pornographers are the most innovative entrepreneurs on the Internet.* (quoted Hughes, 1997, p13)

In 1997 Naughty Lynx, an online index, listed 28000 sex related sites, 50% of which charged for access to material. In a 1996 survey of web users, 20% said they accessed porn sites (Hughes, 1999, p35), and a study of web searches that same year showed that 47% of the most common were for pornography. A later survey in 1998 estimated that 30% of households with access would visit a sex site once a month (op cit, p36).

A number of Internet Service Providers (ISPs) make profits from hosting pornography sites. There are methods for priming search engines on common search words to list pornography sites in the first few listings which appear: a classic example here in 1998 was the word 'Princess Diana' (op cit p53)<sup>35</sup>. Altavista attempted to prevent this but their efforts were quickly subverted. Another example of the power of sex industry online was a search engine established specifically for children, and one of its marketing strategies was a guarantee that no pornography sites would be located by it. After less than a year and losing money the business changed policy; they justified the decision in commercial terms, that their own monitoring revealed that 40% of users were looking for pornography (op cit p54).

Part of problem in terms of both monitoring and detecting child pornography (as well as trafficking, and targeting of children) on the Internet is that are multiple formats, routes and locations through which it can be distributed and accessed. Monica Gerstendorfer (1997) argues that together with the computer and digital capabilities which enable easier production, these changes represent an expansion in time and space of the locations of child pornography. The most significant locations for child pornography are outlined in box 8.4. Each element operates independently of the others, and those with detailed technical knowledge can disguise their identity and the point of origin of material. These complexities impede the enforcement of law on the Internet, and the speed of the medium itself, especially when compared to the complex determination of illegality across national jurisdictions, is yet another barrier to effective intervention. There is no doubt that child pornographers mastery of the possibilities of technology currently far exceeds that of policy makers and law enforcers.

### Box 8.16: locations of child pornography on the Internet

<b>Websites/webpages</b>	This is a library of documents stored anywhere in the world which can be accessed from anywhere in world through a computer. The sites/pages are indexed through 'search engines'. Many sites/pages contain 'links' to others with similar or connected content. In April 1999 a total of 5 million web sites were available. Many web sites now also include bulletin boards and massaging systems, and some appear for as little as an hour before being deleted by their originators.
<b>Electronic mail</b>	E-mail is the Internets digital messaging system, and messages can have text, pictorial and video attachments. This is the safest way to distribute child pornography, since it leaves little trace and anyone with some technical knowledge can route the message in order to disguise both sender and recipient. It is now possible with digital cameras to produce child pornography in one country, email the photos or video content digitally to an email address in another country, and thus avoid the possibility of being detected by customs officials.
<b>News groups</b>	These are public discussion groups in which contributions are saved in accessible archives. Some are open access, others available only to subscribers. Access may also be limited according to which Internet Service Provider (ISP) individuals use. There were an estimated 40,000 such groups in 1998. These are the easiest for ISPs to block, since the name - for example, alt.sex.paedophile, often makes clear the content. The plethora of ISPs, and the absolutist position on freedom of speech which some maintain, ensures that a new location is quickly and easily available. This is one of the oldest locations through which abusers made contact with each other and exchanged information.
<b>Internet Relay Chat</b>	IRC allows users to communicate with each other in 'real time'. Both open and closed groups exist, and it is possible to send pictorial and video stream content through this medium. Contributions are not recorded. Chat rooms are also the point where abusers make contact with children.

Addressing issues related to the Internet and sexual exploitation currently has two elements, which are often confused, or even played off against one another. With respect to child pornography on the Internet the issue is clearly one of law enforcement, since in most jurisdictions distribution is illegal. Two avenues currently exist - police detection and investigation and Hotlines through which reports of illegal content can be screened and investigated. The second area involves child protection of a slightly different nature - in that it is directed at children's use of the Internet and seeks to protect them from accessing material considered potentially harmful, and from being targeted by abusers who use the Internet, and chat rooms in particular as a new method for finding, grooming and then sexually abusing children. Both areas are explored in more detail below

#### Law enforcement

Very few countries provided us with detailed material on prosecutions for child pornography offences, and even justice departments seemed unable to access this information. The data that were sent for reported/known cases in 1997 and 1998 appear in Table 7.1 below. Sweden also provided information, but there were no cases in either of the years for which data was requested.

**Table 7.1 Known/reported child pornography cases 1997 and 1998**

Country	1997	1998
Germany	1628	1742
Ireland	-	4
Switzerland	449	-
Hungary	-	13

The only data we were able to compile on prosecutions and convictions come from the UK<sup>36</sup> and are presented in Table 7.2 below.

**Table 7.2: Prosecutions for Child Pornography Offences in the UK 1996-8**

Offence	Year	Prosecutions	Convictions
Production/distribution	1996	80	86%
	1997	111	93%
	1998	116	71%
Possession	1996	125	63%
	1997	124	65%
	1998	167	63%

It is unclear why the conviction rate is lower for possession, since in principle this ought to be an easier charge to prove than production/distribution. Nonetheless there are a significant number of cases being prosecuted, and a high conviction rate. The majority of these cases will be of individual UK nationals, but several high profile national and international child pornography ring cases have been investigated and prosecuted in the UK in the late 1990s. The most significant of these, Operation Cathedral, is considered an example of good practice, and is described in detail in Box 7.6.

This absence of basic data is concerning, since many European countries have new and specific legislation on child pornography, which ought, in theory to mean that the data is relatively easy to access. Its unavailability means few European governments can assess the success or otherwise of their law and its implementation.

Operation Cathedral illustrates a number of important points, not least that the Internet means that investigations now have complex international dimensions, which require careful and detailed planning if any law enforcement action is going to be effective. The case also revealed that a number of countries, the UK included, lack a strategic national focus for law enforcement with respect to child pornography. Moreover, the success of the operation was at least in part the outcome of having a gifted and committed technical specialist, who was employed on a consultancy basis. Few police officers have the computer skills necessary to 'interrogate' a hard disk such that it reveals its secrets. That such skills are available to law enforcement is critical if there is to be any effective response to child pornography on the Internet. We discuss the complex issue of databases of children abused through and in pornography later in this chapter. A further four major network cases were successfully investigated by the UK in 1998-9, of which one was also international.

### Box 7.6: A successful investigation - Operation Cathedral

The case began in 1996 with an operation by US customs in California, monitoring and prosecuting an online network called the Orchid Club. They used video conferencing technology to broadcast live abuse of children, and participants were able to make specific requests of what they wanted to watch being done to the children. The database of members that was seized included the name of a UK resident, Ian Baldock, who was investigated by local UK police. He was arrested in October 1997 and evidence from his computer linked him to the Orchid case. The technical investigator the UK police used delved further into Baldock's computer and discovered the Wonderland Database. It was clear at this stage that this was a sophisticated international network, and the investigation was handed over to a national grouping - the National Crime Squad.

Further investigation revealed that there were over 180 members of Wonderland world wide, it was a secret organisation run on a closed channel. It would not be discovered through surfing the net, with not only a vetted membership, but complex checks for logging in. To be a member required possession of at least 10,000 different images - the club used software to check for duplication. Members had to agree to share their images.

At the same time as the content of the computer was being investigated a man in Manchester was convicted for abuse of his own children. It emerged that he had filmed this abuse and the images were part of those distributed by the Wonderland network. This man was not charged with child pornography offences, NCS officers interviewed him and he agreed to be a witness in their case.

Operation Cathedral became a carefully planned and orchestrated international action. The computer technician worked to identify the members of the network, their service providers and then a more conventional police operation developed involving surveillance, and checking of things like itemised telephone billing to ensure that the right people had been identified. Members came from every continent, and strategic decisions were taken about which to target. Thirteen countries were involved and briefing meetings for police officers were held in Washington and Lyon, France.

On the 2nd September 1998 police acted in concert across the globe to limit the possibility of group members warning the others, and 105 successful warrants were served worldwide. The seizures from individual computers involved numbers of images four times greater than had previously been discovered. The total of the images involved was three quarters of a million, involving at least 1200 different children.

The international dimensions of the case, and the compilation of evidence to support prosecutions in diverse jurisdictions has created further complex issues for the police to negotiate. For example, proving distribution (the most serious charge in most child pornography law) requires evidence not just that the images were sent, but also that they were received, meaning that police officers are travelling across the globe to interview defendants in other countries in order to develop the case against their own nationals.

NCIS also decided that they ought to try and identify the children, since they may still be being abused. To this end a data base of head and shoulders shots of the children has been developed in conjunction with the Swedish pilot project to develop a definitive database. NCIS had begun to pilot limited access to pictures of 900 children through local child protection committees.

*(Source: Interview with NCS for this project)*

The European country which appears to have the highest detection rate is Germany. The work and methods had been pioneered by a small operational unit in Munich, which was supplemented in 1999 by a new Federal Criminal Police squad with 20 personnel. The group do not use covert operations (as police in the US frequently do) but do surf the Net and use pro-active methods. There are three small specialist squads working on child pornography in the UK<sup>37</sup>, one in France, one in the Netherlands and one in Sweden. Most resources have been committed to this work in the US<sup>38</sup>. There is no doubt that where police officers are enabled to develop skills and focus resources on this area the detection rate increases<sup>39</sup>. Both Interpol and Europol have noted the necessity for some kind of co-ordination, since the same networks, the same images

and the same children may be being simultaneously investigated in more than one place.

### *Hotlines*

The initial response of the Internet industry to reports of child pornography was to set up hotlines, which enabled users to report content which they suspected was illegal. The first in Europe was based in Holland, followed quickly by one in the UK. Further lines now exist in Austria, France, Germany, Ireland Norway and Sweden with others under discussion in Belgium and Italy. All the hotlines are funded by the industry with the exception of those in Norway and Sweden which are both independent, financed by children's charities and the ombudsman for children. All the industry funded hotlines are linked through the INHOPE Association. The mission of the coalition is "to eliminate child pornography from the Internet and protect young people from harmful and illegal uses of the Internet" ([www.inhope.org](http://www.inhope.org)).

Hotlines are the basis of self-regulation, encouraging Internet users to report any content which might be illegal. When a report is received it is investigated. If the material is considered illegal the ISP hosting it is informed and asked to remove it. In most cases it is also referred to the police. The most important point here is that hotlines are reactive, responding to accidental encounters.

Three annual reports for hotlines in 1998 were obtained during the research, and as far as possible the data is presented in comparable formats in table 7.3. However, the reports do not present their information in similar ways. One task for INHOPE should be to ensure that all hotlines report their data in comparable ways.

The Swedish Hotline run by Radda Barnen ([www.rb.se/hotline](http://www.rb.se/hotline)) report that during 1997-8 they received a total of 3 tips, and during 1999 more than 700. It is difficult to make sense of the different levels of reports since they cannot be a function of either national population or computer usage.

IWF took action with respect to only 24% of reports to them but by switching to items their data give a rather different impression. Most of the action involved contacting UK ISPs and NCIS, since the origin of the material was outside the UK. 1999 data for IWF show an increase of almost 100% in reports and action was taken with respect to 35% the only other change noted was a large increase in reports of material originating in Japan<sup>40</sup>. However few of the hotlines provide any information as to the responses of ISPs when alerted to illegal material, or whether reports to the police are acted upon; such outcome data is essential to assess the contribution of hotlines, and whether they are fulfilling their own mission. The evaluation of the Dutch hotline notes that whilst it is effective within Dutch jurisdiction it has few possibilities outside Holland: a claim is made that the hotline has been 100% effective in limiting distribution via Dutch webpages, but has had little if any impact on news groups. As the data in Table 7.3 shows this is the primary location for child pornography.

The evaluation further notes:

*Initiatives like the Internet Hotline against Child Pornography are meaningless unless the cases which are reported to the police are actually followed up. Unfortunately due to lack of means, manpower and priority, that is all too often not the case. (p6)*

and

*What is most ironic is that though child pornography is outlawed in just about every country, it has been to date impossible to combat it effectively on an international scale. (p14)*

**Table 7.3: Comparison of three Internet Hotlines data for 1998**

	Holland	Norway	UK
Number of reports	256	5870	2407
Websites	17	416	
News groups	32	344	
IRC	16 (2)	139	
E-mail	82 (3)		
BBS	04 (4)		
FTP		71	
Overseas cases	07 (1)	328 (5)	
Other reports	98	243	
Websites adjudged legal	11		
Websites adjudged illegal	06		
Removed	04		
Police notified	02		
News groups			
Report passed on to police	14		
Cases resulting in arrests	02		
Ongoing investigation	01		
Action taken			447
Already actioned			124
Referred to NCIS			9176 (6)
Referred to UK police			541
Location of items actioned			
Usenet			5665
Websites			527
Chat room			04
Email			04

Sources: 1. Holland: *Child Pornography Internet Hotline June 1996-7*

2. Norway: *children@risk annual report 1998*

3. UK: *Internet Watch Foundation Annual report 1998*

**Notes**

(1) All reported to the police

(2) Not possible to investigate

(3) 72 relating to two mass mailings cases, many were using false names, but senders eventually traced inside and outside the Netherlands

(4) Bulletin boards not part of Hotline responsibilities

(5) all Japan

(6) IWF data switches from number of reports to number of items, italics refer to items

Systematic, structured and international investigation is necessary in order reduce child pornography on the Internet, targeting news groups and IRC. Co-ordination is also needed, and each country needs a national centre using pro-active methods, and employing skilled technical staff. Additional action is also required with respect to ISPs, since adoption of the codes developed by hotlines is voluntary and in every country with a hotline some ISPs are not members. Without agreed common national and international standards those supplying child pornography will relatively easily find a new location for their site/newsgroup/chat room and consumers will be able to find an access route.

Many hotlines are also involved in work on rating systems, which are discussed in the next section.

## Regulation or censorship

Despite the evidence of considerable amounts of child pornography online, the industry and civil liberties groups have called for minimal if any interference. One of strongest statements is by Human Rights Watch (1996). In this overview and statement of principle the control of illegal activities on and through the Internet are elided with repressive political control of access and content by governments. Governments are urged to give unequivocal guarantees of freedom of expression, since any restriction will 'chill' political speech (p2). In international policy documents from groups such as UNICEF, the EU and COE, however, there is increasing recognition that the Internet is not a space outside law and society, and that what is illegal in other contexts also illegal on-line. Absolutist positions have become less common, and the industry itself in the late 1990s began to recognise that some form of regulation - preferably that developed by themselves - was necessary. At the end of 1997 an online summit held in Washington DC a number of ISPs, the Internet Alliance, made a commitment to a zero tolerance policy for child pornography

*When child pornography is appropriately brought to our attention and we have control over it, we will remove it. Subject to constitutional and statutory privacy safeguards, we will cooperate fully with law enforcement officials investigating child pornography on the Internet. We will not allow this valuable new medium to be exploited by child pornographers and child predators. (Cited Hughes, 1999, p59)*

A secret meeting in Paris in April 1999 of leading net firms (Microsoft, Netscape, AOL, the UK ISP organisation and its European counterpart EuroISPA) was organised following concerns at several high profile cases of mass killings<sup>41</sup> with connections to the Internet (Jellinek, 1999). This was clearly a 'damage limitation' meeting, with the industry recognising the increasing possibility of state regulation. Questions now revolve around what kind of regulation is acceptable and possible, with the industry promoting a voluntary rating system<sup>42</sup>. Rating systems have been promised for more than five years, and a number of research and development projects have been funded to develop them. The meeting referred to above planned the first international campaign to rate sites, with Internet Content Rating Association (ICRA) first world wide standards based on RSACi, developed in the USA. Content providers would be responsible on voluntary basis for rating their own sites and getting a digital certificate which will have an invisible tag that browsers will detect. It will then be possible to use filtering systems to block access to certain ratings and un-rated sites. How this would connect to the expensive European project being developed by INCORE is unclear.

INCORE (Internet Content Rating for Europe) was founded in 1997. To date it has produced a report published by the European Commission which argues for a self-rating system, and has now received considerable funding to develop such a system. The organisation is co-ordinated by the UK Internet Watch Foundation, which promised a rating system in the UK in 1997. There appears to be much research, many meetings and conferences, but virtually no progress in delivering any kind of effective system. There are still a range of rating systems, and this has been defended within the industry in terms of being able to select one which accords to an individuals' own values, but rating systems can only be effective if there is an international common standard. Currently the sophistication is low and all have proved inadequate in coping with the linguistic and cultural diversity in Europe, or the huge increase in content day on day. Meanwhile net technology advances year on year.

As the next section on European policy will demonstrate the presence of illegal material on the net has become eclipsed in policy terms with proposals which focus on protecting children online. These have been primarily of two forms: education and online protocols for children and parents and filtering systems. Neither have proved that effective, as an article in *Newsday* (17<sup>th</sup> February 1999) by mother illustrated. She had educated her ten year old twins about online rules. They were however 'spammed' on their e-mail addresses with 20 sex mails arriving a day. Her attempt to locate and deter the senders failed. When she contacted her ISP - AOL - they commented that they only have ten staff to track problems, and there are 45 million

e-mails through AOL each day. Whilst legally 'spamming' is computer fraud, in practice there is little that individuals can do.

Effective filtering relies on rating systems, but: currently only about 1% of sites are rated; the schemes are voluntary and involve self-rating, with no mechanisms for checking. This is the system which INCORE are proposing for Europe. Moreover, anyone with a little technological knowledge can circumvent a filter system, and they entirely fail to address the issues of chat rooms, which are the location for much access to child pornography, for organising amongst child abusers and for targeting of children by abusers. Chat is what many children enjoy most about the Internet, but it is also the most dangerous and difficult to monitor, there are no records kept of communication, and it is thus seen as haven and access point by abusers, many of whom 'lurk' in teen chat rooms<sup>43</sup>. Whilst children and parents are being encouraged to use live monitored chat rooms, this is clearly insufficient from a child protection perspective. What is seldom stressed in advice is that it is possible to record one's own involvement in a chat room, and parent's might want to consider this a safety net.

Looking at child pornography and child safety with respect to the Internet it is possible to argue that the industry has done next to nothing and has prevaricated: promising to develop ratings systems, yet having no mechanisms through which to make them effective; recognising the extent of traffick in child pornography through bulletin boards and IRC, yet offering little if anything the combat this. In fact when looked at from an analytic perspective what the industry has done has pass the responsibility to individual citizens – both to report illegal content through hotlines, and to parents and schools to educate children about safety on the net.

### **European policy**

The European Commission issued a report *Illegal and Harmful Content on the Internet* in 1996. This notes the importance of finding a balance between the enormous positive potential of the Internet and harm and illegality. Two sets of principles - which can be in tension with one another - underpin EU policy, firstly the protection of minors and human dignity and secondly following other aspects of the European Convention on Human Rights, that any restrictions on personal freedom must be legitimate, necessary and proportionate. The Commission are, however, clear, that there is not a legal vacuum with respect to the Internet, national laws and international principles which protect fundamental rights apply online: it is the responsibility of member states to enforce their national laws. However, the international aspects of the Internet present particular challenges. They make the cogent point that is inappropriate to amalgamate concerns about children's access to potentially harmful content and the presence/distribution of illegal material - child pornography. In 1996 the Commission stated that the priority for intervention should be fighting illegal content (p10); we agree in principle, although the distinction between harm and illegality is not an absolute one - children targeted in chat rooms may subsequently be abused. Most policy documents since 1996, however, and the beginnings of this can be seen in the 1996 paper devote most space to methods such as filtering which are targeted at minimising harm to children.

Following a green paper and consultation period, proposals and an action plan were developed during 1998. The continuing issue is responsibility for content, is it primarily or only with authors, or do service providers who host it also carry part of it? Four areas of action are outlined: creating safe environment through development of hotlines; self-regulation; giving users access to technical means to filter and awareness raising through education. This document is, however, extremely vague. In December 1998 the Council of the EU approved an *Action Plan on promoting the Safer use of the Internet by Combatting Illegal and Harmful Content on Global Networks* - linked to a 25 million ecu budget line, to be implemented between 1999 and 2002. The specific areas outlined for investment are: promotion of self-regulation within the industry including content monitoring; encouraging the industry to provide filtering tools and rating systems; increasing awareness among users; fostering international co-operation (OJ L 98/560/EC Official Journal L 270, 07/10/98 p48). As outlined in the previous section INCORE was commissioned to develop the rating

system and Childnet International (through INHOPE) to develop work on hotlines. What is remarkable in this document is the absence of any recommendations or investment in law enforcement responses; the essential element in action against illegal content.

This document also collates information on national responses to this issue, noting that nation states are at different stages of response (these are summarised in Table 7.5). The possibility of an international charter - a multi-lateral understanding which is not binding - is canvassed.

**Table 7.5: EU Countries responses to regulation of Internet**

<i>Country</i>	<i>Actions</i>
Austria	A hotline, existing law permits police to request removal of illegal material
Belgium	Priority to combat sexual exploitation of minors, a draft code of conduct
Denmark	Internet is viewed as a user controlled carrier medium, not a broadcast medium. ISPs are therefore not responsible for content but do have an obligation to report illegal material/usage
Finland	ISPs are potentially liable if they transmit illegal material
France	Research ongoing, a code of conduct under discussion
Germany	Information and Communication Services Bill 1997 established a statutory regulatory framework
Iceland	ISPs can be held criminally responsible, a voluntary code of conduct
Italy	Discussion of possible legislation
Ireland	A working group, first report in 1998 with recommendations for helplines and code of conduct
Luxemburg	A working group
Norway	ISPs can be held criminally responsible, a voluntary code of conduct
Portugal	No organised response
Spain	No organised response
Sweden	No details
UK	Internet Watch Foundation, has also taken the lead in a European Network

It is also worth noting here that the budget for this Plan of Action exceeds that allocated to the entire Daphne and STOP programmes - to tackle violence against women and children - for the same period (current allocation is 21.5 million ecu). It also bears reflection that these programmes fund projects by NGOs and others involved in direct support of victimised women and children, whereas much of the budget line for action with respect to the Internet is going to organisations which have grown out of, or have strong links to, the industry within which the problems are located.

***International policy***

In 1998 the OECD condemned the distribution of child pornography and recommended actions to fight (Department Justice, Equality and Law Reform, p55), and at the G7/P8 meeting in 1998 the increased need for monitoring illegal uses of the Internet and the links to transnational organised crime were noted. These concerns, however, should be understood within an overall concern about international trade, and e-commerce.

UNESCO has been a late entrant into the debate, launching an Action Plan in 1999 and hosting an experts conference. Here again we find an emphasis on safe and creative use of the Internet, through the,

unfortunately titled, Innocence in Danger Project. The specific elements include: developing an electronic watchtower as helplines for children (Cyberangels have been commissioned for a feasibility study); producing a handbook for parents and teachers in English and French; researching child pornography laws; and establishing a strategic group. Much repeats actions already undertaken.

### Alternative ideas and actions

In this section we note innovative ideas which have not had the same kind of attention as the actions of the mainstream industry.

- ◆ In March 1999 the Australian government began drafting legislation which would require ISPs to remove X rated or illegal sites, and find ways to block access to the worst of overseas sites. The Minister for communications and IT has also floated the idea of PIN numbers as way to limit children's access and that ISPs install a device linking data streams to profiles of pornography sites<sup>44</sup>.
- ◆ Independent Internet monitoring groups have also developed, partly in response to the slowness of the industry in addressing the issues of child pornography and child safety. The oldest is Cyberangels which operates in 50 cities, 11 countries, and has more than 5000 members. Pedowatch is an independent tipline based in the USA, critical of the inaction by both Customs and the local FBI who they say have failed to follow up information forwarded to them. The staff are volunteers, and all reports are referred to law enforcement. The website provides information on how to track the identity of someone online. Ethical Hackers Against Pedophilia is a 17 member secret organisation of skilled computer technicians who surf the net looking for abusers. This group argue that one of the freedoms of net is anonymity, but that this is used by abusers to escape detection. They, therefore, use their technical skills to find, identify and expose abusers. The group specialises in investigating 'secure' sites and the transmission of live sexual abuse of children. All information is passed on to law enforcement. At least two groups use less legal methods which they claim wipe the hard discs of anyone known to be collecting and/or distributing child pornography (for more details see Hughes, 1999, p60-63).

Interestingly the activities of the hackers appear to cause more distress to sections of the industry and its supporters than the sexual exploitation they are trying to expose.

### Concluding thoughts

There is relatively little to be sanguine about with respect to child pornography, with very few European countries doing anything effective in detecting and prosecuting it, let alone decreasing its circulation and presence on the Internet, or its other formats.

Support for law enforcement responses has been limited from European institutions, and this is in turn reflected in a lack of priority - with a few honourable exceptions - being accorded to child pornography by police services. Only one European country which we are aware of has a national focal point through which pro-active detection is organised and other work co-ordinated. Given the increasing international nature of cases, this lack becomes even more significant. The need for international law with respect to the Internet is increasingly evident.

Several European police services have, either nationally or in local areas begun developing methods by which they hope to identify children depicted in child pornography; this is understood as a child protection strategy, since with recent images it is possible that the child is still being abused. Whilst the aim is undoubtedly laudable, and efforts are made to only use head and shoulders images, we have a number of reservations about such projects. Firstly, there is considerable duplication of effort, such that libraries of images are being created in Sweden, Germany and the UK. At least two of these databases also include the pornography images which can be accessed. This proliferation cannot be in children's interests - since their desire is for as few people as possible to see these images. Europol is also talking about creating a 'master' database which would collate

all the images currently collected; the rationale being to enable police to check whether this material is already being investigated, and to facilitate finding children. An enormous amount of time and energy is being devoted to these systems - and some evaluation of whether there are any positive outcomes is surely needed, since the dignity and privacy of the children involved is at stake here. How many children have been found through these systems? What advantages, if any, have accrued to the police through the databases? At the very least there needs to a set of ethical guidelines on the use of images from child pornography by law enforcement, which should cover not just these investigative tools but their use in formal presentations.

## Chapter Eight: Sexual Exploitation of Children in and From Other Countries

We have devoted a separate chapter to 'sex tourism' not because it constitutes a particular forms of sexual exploitation - it includes various combinations of child prostitution, child pornography, sexual abuse rings and networks and child trafficking - but it does constitute a particular context in which sexual exploitation takes place, and has generated new and international forms of response. These forms of abuse are perpetrated by abusers who travel to other countries, and where the dynamics of power involved in the exploitation encompass not just gender and generation, but also race and international economic inequality.

*Sex tourism is very clearly an expression of massive and obscene economic inequalities between affluent and poor countries, as well as between affluent individuals in poor countries and the mass of poor people. What is perhaps less immediately obvious is the way in which sex tourism rests on the articulation of a variety of sexism and racism and, above all, on peoples' seemingly endless capacity for indifference to the suffering of their fellow human beings.* (O'Connell Davidson and Sanchez Taylor, 1996, p29)

Understanding the origins and favoured locations of travel and tourism which encompasses sexual abuse of children requires exploring complex histories of indigenous prostitution, colonialism, military bases, and the promotion of tourism in macro economic development policies (O'Connell Davidson and Sanchez Taylor, 1996; Truong, 1983). There is no single conjunction of these histories, but many:

*In some cases, tourism has served to maintain and develop the country's existing formal sex industry. In others tourism has been more strongly associated with the emergence of new and more informal types of prostitution.* (O'Connell Davidson and Sanchez Taylor, 1996, p1)

As with all the issues this report covers there are no accurate measures of the scale of sex tourism, and there are dangers of over-emphasis, to the extent that the concentration on the 'foreign' exploiter disguises indigenous demand and the connections with development processes - urbanisation and commercialisation - which are implicated in a number of forms of sexual exploitation. Nonetheless, the fact the many European countries 'export' child sexual abuse and child sexual abusers needs to be interrogated. It was first named and documented in the early 1980s (Truong 1983), with connections being made between the growth of mass tourism and use of prostitutes by overseas tourists, exemplified by men only sex tours, with the most significant group at this stage being Japanese men travelling to SE Asia.

*To operate on a mass basis, it must benefit from systematic organisation and cooperation between a number of institutions.* (Truong, 1983, p533)

The geographical and occupational mobility of men and changing social relations of gender, were the conditions under which prostitution became a 'internationally traded commodity' (op cit p534), and a form of institutionalisation occurred through the commercial organisation of 'sex tours', which were marketed (as were the concurrently emerging 'mail order bride' agencies) through explicit references to women in western countries being too 'liberated' at the same time as representing women from other parts of globe as less demanding. Both sexist and racist stereotypes were used and re-worked in this process.

The focus in the 1980s was use of adult women, although references were made to children. In the 1990s concerns about the exploitation of women have been marginalised with the emergence of significant evidence of the sexual exploitation of children. Even here the focus has been mainly on tourists, despite substantial evidence of other patterns, including: European nationals taking up residence in countries in which they anticipate easier access to children (see also O'Connell Davidson and Sanchez Taylor, 2000); European

nationals undertaking humanitarian work in children's charities and abusing the children<sup>45</sup>; and European nationals 'befriending' children who they then take back with them to Europe and abuse over an extended period of time. The patterns involved are, therefore, more varied than often represented encompassing brief encounters whilst holidaying, and longer periods of abuse either in the child's home country or that of the exploiter.

Foreign locations are attractive to those interested in sexual exploitation of children if: there are large numbers of vulnerable children; high levels of police corruption and/or under-resourced and inexperienced child protection frameworks; high levels of respect for (white) western men; and cheap accommodation and living expenses (O'Connell Davidson and Sanchez Taylor, 1996). There also appear to be preferred destinations for European men, with Britains, German and Swedes being over-represented as visitors to Thailand and Italian and Spanish men preferring the Caribbean and Latin America (O'Connell Davidson and Sanchez Taylor, 1996, p24). As countries or regions begin to address the problem more seriously - as has happened in the 1990s in parts of SE Asia - alternative destinations are developed. Shifts from Asia to Africa were evident in the 1990s, as was travel within Europe to parts of central and eastern Europe<sup>46</sup>. At this level, at least, there is some evidence of co-ordination and networking between exploiters, who inform each other about the risks and possibilities in various locations. For example, an article in a UK newspaper (*The Guardian* 17<sup>th</sup> October 1998) reported on a European tourist who 'befriended', clothed and fed a boy in Sri Lanka in return for sex. He posted the child's address on the Internet and within weeks men from all over world were visiting the boy.

### Careful research

The detailed studies of sex tourists and sex tourism in a variety of locations by Julia O'Connell Davidson and Jacqui Sanchez Taylor (1986, 2000) have added much to our knowledge, and questioned some of the more simplistic models and approaches. They explicitly question the shift of emphasis from adult women to children, since there is only one sex industry and children are absorbed into it. They also challenge the conception of 'the sex tourist' as a 'paedophile'.

One of their first studies focused on Goa in India, where most of those involved in prostitution are young women who have either migrated or been trafficked from other parts of India or outside it. Most are controlled by pimps, usually male kin or female pimps (called gharwallis), many of whom are ex-prostitutes. The researchers interviewed child 'beach sellers' who all reported offers by male tourists to stay in their apartments; whilst none admitted to accepting such an offer, all claimed to know other children who had. They also reported accounts of children being taken out of the country for lengthy periods of time.

Through their detailed interviews with male tourists, the researchers document the ways in which Western men 'otherise' locations and peoples in order to bolster and legitimise their activities. Defining entire nationalities as 'more permissive', and seeing themselves as offering some form of alternative welfare system in the context of extreme poverty are just two of the mental gymnastics involved (O'Connell Davidson and Sanchez Taylor, 1996).

One of the most important outcomes of these studies has been the ways in which our understandings of the men involved has been stretched. The authors argue that there is a relatively small group of 'hardened' sex tourists:

*those western men who repeatedly travel to a variety of 'third world' countries where they know that commodified sex is extremely cheap and that a range of different sexual experiences will be available to them as 'consumers'. (p14)*

There is, however, a larger group of men, and increasingly some women (Sanchez-Taylor, 2000), who become 'situational child abusers'; travel to a poor country produces, for them, a context in which they choose to suspend their habitual moral rules. Both heterosexual and homosexual men appear in both categories; female sex tourists currently appear to be limited to heterosexual women, there are no cases in the literature of lesbians

exploiting girls/women.

One of the groups of 'situational' sexual exploiters are termed 'macho lads' - they travel on package holidays and intend to pay for cheap sex.

*They become child abusers simply because they are prostitute-users in a setting where no-one appears to care much about the fact that girls as young as 12 years of age are prostituted for commercial gain and/or their own subsistence. (O'Connell Davidson and Sanchez Taylor, 1996, p25)*

There are also older men, who travel with the intention of paying for sex:

*Back home they feel themselves to be insignificant, overlooked, defeated, ageing. In the 'third world', their money and their whiteness have restorative powers. (op cit p17)*

These two groups of men see themselves neither as 'child abusers' nor as 'prostitute clients', in their perspective they are simply taking advantage of opportunities for sex whilst on holiday in a culture they construct as fundamentally different from the one they come from. The fact that prostitution is organised differently in developing countries - being more informal and not based only in specific locations is one of the factors which allows men to re-define their behaviour. Sex tourists are, therefore, defined as western adults who "use their economic power to attain powers of sexual command over local women, men and children whilst travelling for leisure purposes" (O'Connell Davidson, 1998, p80). Such sexual exploitation flourishes where poverty is endemic, "where both children and adults long for the dignity which money gives and for material goods". Whilst both adults and children are making decisions in these encounters:

*To describe such children as making a 'free choice' to prostitute would be quite meaningless, but it is equally dangerous to deny the fact that children, as well as adults, can be placed in situations where they **must** take an option that is not of their choosing. (op cit, p81)*

A recent study of German sex tourists (Rothe, 2000) confirms this picture with only 10% being designated child abusers, and 65% split between those looking for 'one night stands' and those looking for a sexual companion on their holiday. A further 20% talk of wanting to find a permanent partner. Again levels of self-deception are evident since the men report that the sex they buy is unsatisfying, but this does not deter them. Their search for the 'perfect exotic partner' whilst retaining total control over the interaction does not appear to them a contradiction, nor does the fact that many of those they have sex with are under-age.

Thus sex tourists are a much more diverse group than many policy documents and media reports recognise, including child abusers who travel to abuse (and frequently make pornography of their abuse), but also groups of men whose interest is in having sex, and who are indiscriminate as to whether this is with adult women or children. It also has a collective character, not only through deliberate organisation and networking, but also the organisation of groups of men to travel together and 'enjoy' all that is on offer at their holiday destination, including consuming cheap sex. This group establishes loose temporary networks amongst those who recognise similar interests.

It is also important to remember that for commercial sexual exploitation of children and adults to flourish in any location, certain levels of co-operation are required from other sectors in the local economy, alongside some form of toleration by agencies such as the police, and local politicians.

## Variations on a theme

The two case studies which follow illustrate the other ways in which foreign nationals travel to abuse disadvantaged children over sustained periods of time. The first (Box 8:1) illustrates that individuals re-locate and establish themselves as personal benefactors of children, often through orphanages or some kind of educational charity. All the cases we came across in this research - and the case study is no exception - where this activity was a method of gaining access to children for abuse over years also involved making children available to others interested in abusing them. Often, but not always, this was done for profit. The second case study (8.2) represents a slight variation where individuals interested in sexual access to children seek employment in existing projects which provide accommodation and/or support to orphaned, abandoned and street children. This pattern has strong links to the abuse of children in institutional care in Europe (see chapter 9).

### Box 8.1: Establishing a base for abuse

Between the mid 1970s and 1991 Freddie Peats ran a children's boarding home in India for orphaned and abandoned boys. He was a respected member of the community. The boarding house did not fulfil the requirement to register with the state social welfare department, but it was never investigated. 25 boys lived in the institution and they were fed and clothed without Peats having any obvious or legal source of income.

Five men were charged with offences, but only Peat stood trial. During his trial it emerged that he sexually abused the boys, produced child pornography and made the boys available to other overseas abusers (presumably for a fee), although the government sought to deny 'foreign' involvement. Peat's own identity is unclear, since he claimed to be Anglo-Indian, but spoke with a German accent. He was sentenced to 20 years imprisonment in March 1996, aged 72.

The case was built over a period of years by an individual female children's rights activist based in Bombay, although a case was registered against Peat in 1991 with the local police following complaints by two boys. But the investigation was not pursued vigorously. The child pornography seized included pictures of very young children (under 5s) as well as photos involving sadism and torture. Attempts were made to extradite a Swedish citizen, but certain government officials denied receiving the paperwork, whilst others acknowledge it. The individual was not extradited - Sweden has a policy of not allowing its citizens to face trial in other countries - and when approached by a reporter maintained that his contact with Peat and the boys was entirely philanthropic. Following later pressure the Swedish government conceded the possibility of holding a hearing in Sweden, but only if the appropriate legal papers and evidence were provided.

*(Source: O'Connell Davidson and Sanchez Taylor, 1996, and additional materials supplied by the authors)*

The second case involves men using a bona fide charity as a route to large numbers of vulnerable children, others simply create fictitious charities, or in the case of expatriate act as individual benefactors. Early in 2000 Tdh hosted a conference of international children's charities to develop guidelines and codes and conduct to address the deliberate infiltration by child abusers. However, the commitment of Tdh was brought into question in August 2000 when a story was reported in the Swiss press (see for example *Neue Zürcher Zeitung* 11 August 2000, p13) of a case in India where an employee of a Tdh project, Milton McCann, was suspected of both fraud and multiple sexual abuse. Again early indications of problems were not responded to, the eventual legal charges related only to the fraud allegations and were not pursued vigorously by Tdh. The most alarming charge was that McCann appeared to still have connections to Tdh, and children, through another children's NGO which he currently works for and that was accommodated in Tdh offices.

## Box 8.2: Using employment to access children

Jari children's village was established in 1974 by Terre des Hommes (Tdh), Switzerland in Ethiopia. The village houses and educates 300 orphaned children. During the mid 1990s two men from the UK and Canada were employed in the project, and sexually abused many of the boys. UK national David Christie was sacked in 1997 when he admitted one incident of inappropriate sexual conduct. The lack of an investigation or prosecutions and failure to heed an incident two years previously were acknowledged as mistakes by Tdh when new allegations involving five men emerged in 1999.

One of the other men about whom suspicions arose in 1999 was a close friend of Christie's who had founded Circus Ethiopia, recruiting acrobats and jugglers from homeless boys in Addis Ababa. He committed suicide in 1999 following 15 boys from the group seeking political asylum in Australia where they were on tour; the boys cited repeated sexual abuse as their grounds.

The investigative journalist who reported on this case in the UK discovered that at least 12 boys had lived in Christie's house in Addis. Tdh finally took responsibility for the behaviour of its employees, and a full time child psychologist was employed to work for two years in Jari.

*(Source, Gillan, 1999)*

It ought to be possible to develop an outline of warning signs, indicators, 'risk factors' which our knowledge to date and the cases presented here suggest. At minimum police and children's projects ought to pay attention to:

- ◆ foreign benefactors, especially men, who live locally and take children into their household, or establish an institution;
- ◆ all male staff teams in children's projects;
- ◆ groups of male staff who act as a 'clique';
- ◆ male staff who have regular visits from male friends from their home country who take an interest in the children;
- ◆ male staff who take children from institutions into their own homes.

It is also evident that European governments need to take more interest than they currently do in their nationals who live and/or work in other countries, especially those locations where it is currently known that sexual exploitation of children is widely known about. An accurate systems for tracking convicted and suspected child abusers who migrate from Europe ought to be a priority for Europol.

### Extra territorial legislation

The international response to 'sex tourism' has been to call for the passage of extra-territorial legislation in order that abusers can be prosecuted for offences committed elsewhere. Currently about 20 countries, many of them European, have passed such laws. There are various forms: some countries have a general principle of extraterritoriality in their legal codes (Netherlands, Norway, Sweden and Switzerland), others only apply this to 'serious offences' and have passed law to facilitate prosecutions in case of sexual abuse of children (Belgium, France and Germany), and still others have passed specific legislation (Ireland and UK). Within Europe Germany seems to be the most pro-active, with 37 investigations between 1993-7, and 6 convictions (Muntabhorn, 1997).

ECPAT Europe Law Enforcement Group published an important study on the use of extraterritorial legislation (Benichou et al, 1999)<sup>47</sup>. It provides details on 15 cases, the majority of which involve European abusers and their governments (13 of 15). The report notes 70 prosecuted cases to date worldwide, with a significant success rate. Table 8.1 is the outcome of secondary analysis of the material, undertaken to discern any

patterns, and the case in Box 8.3 is also drawn from this report.

**Table 8.1: Summary of findings in 13 European cases**

Issues	Number of cases	Issues	Number of cases
Nationality of abuser Swiss German French Dutch Belgian Swedish	03 03 03 02 02 01	Convictions Sentences Fine Community service 2-4 years 4-6 years More	11  01 01 05 03 01
Nationality of children Filipina Sri Lankan Thai Cambodian Roumanian Czech	05 06 03 01 01 01	Prosecution Begun in location of offence Completed in location of offence Begun in home nation Actions taken in both (2)	06  02 07 04
Gender of abusers Male	100%	Jumped bail/escaped to home country	07
Gender of children Female Male	05 08	Child pornography used as evidence	07
Offences (1) Sex with a minor Rape	12 01	Children's evidence taken in home country	06

**Notes:** figures do not always equal 15 due to missing data in the original report  
 (1) often multiple counts with more than one child  
 (2) cases where the defendant evaded prosecution in the country where the offence took place, and the case was re-opened in their home country

Additional significant information from this study includes:

- ◆ The men had a range of occupations, including three teachers. An additional three had established businesses locally and reputations as community benefactors.
- ◆ Not all the cases involved clearly 'commercial' exchanges, in a significant proportion the children had been entrusted to the abuser or were a 'beneficiary' of support/schooling.
- ◆ Child pornography was an important factor in a number of cases. It represented the beginning of some cases where film processors referred the evidence to the police or it was discovered by customs officials. In four cases it was used trace children, and the pornography was also used as evidence of abuse in legal proceedings.
- ◆ Only two of cases involved clear evidence of an organised network, although a number of others were suspected, since 'friends' locally arranged bail and even paid bribes to get the accused released.

There have been other notable successful prosecutions in Europe, and several jurisdictions have taken the interesting step of moving the court to the country in which the offence took place and taking evidence from children there. At the same time these cases, and other commentaries (see, for example, International Bureau of Children's Rights, 1999; Mutrahabor, 1997) reveal that the process can be protracted and difficult. The main obstacles to prosecutions highlighted are: language and translation (of legal documents, and for children giving evidence); cultural differences not being taken account of; ignorance of, and conflicting

elements in law and evidential requirements; delay; intrusive media interest; unsympathetic treatment of child witnesses.

### Box 8.3: A successful prosecution

This case involved a Dutch computer programmer J van de S who made several visits to the Philippines; he was the first to be convicted in Holland of sexual crimes against children in another jurisdiction. The case began in February 1996 when the local chemist reported that photographs left for development contained child pornography. More material was found after a search of the man's house (80 videos, photographs of sexual abuse of girls in the Philippines and Netherlands).

In August 1996 Dutch police went to the Philippines with photos of the girls, in the hope that one could be identified to support a prosecution in Holland. Working with local police and Australian police liaison officer and local NGOs one of the girls was identified, and she confirmed their suspicions. Later in August a full legal delegation, including the investigating judge, public prosecutor and defence lawyer went to the Philippines and completed the investigation, including recording the girl's testimony on video. She did not have to give formal evidence but it was necessary for the prosecution to prove that she was under 12.

J van der S was convicted and sentenced to five years imprisonment in October 1996. The case was appealed twice but the conviction and sentence upheld on each occasion, including rejecting the claim that he had not known how young the child was and that his actions were not criminal because the girls involved were prostitutes.  
(Source: Benichou et al, 1999)

The role of embassies and consulates has also proved problematic; in several cases they facilitated the accused jumping bail, including two where a new passport was issued almost immediately. Also where investigations took place via diplomatic channels it was invariably less prompt and effective than when it was possible to use informal police channels. Box 8.4 summarises the recommendations that conclude the report on closing some of the loopholes which have created problems in cases to date.

ECPAT conclude, as have others (International Bureau of Children's Rights, 1999), that the extra-territorial route ought to be a last resort, and that it is more effective and appropriate, especially for children, for cases to be prosecuted in the country in which the offences took place. However, that is only a viable option if the national law, enforcement and child protection measures are effective. If there is weak law and enforcement within countries with respect to child sexual abuse generally, then it is extremely unlikely that successful prosecutions of foreign nationals will ensue. It is also evident that NGOs have been critical in both collecting initial evidence, and acting as children's advocates to ensure that the case was pursued and prosecuted<sup>48</sup>. NGOs in destination countries are increasingly taking on the role of 'watchdogs', communicating their suspicions to police, and operating forms of surveillance. Whilst this is a role such groups can play, the significance of their role suggests limited action by either local police or the police liaison officers sited in destination countries. It is also clear that the individuals who are placed under surveillance are those who fit into the 'committed' rather than 'situational' child abuser categories. On one level this is the most sensible use of limited resources, since these individuals abuse large numbers of children, often in multiple ways. But there is little deterrent message involved for the larger group of men identified earlier in this chapter.

### Box 8:4 Recommendations from ECPAT report on extra-territorial legislation

- ! extending the law to residents not just nationals (France and Belgium have this);
  - ! all offenses of sexual exploitation and child sexual abuse committed abroad should be actionable<sup>(1)</sup>;
  - ! international agreement that the age protection with respect to sexual exploitation should be 18;
  - ! a formal complaint from a child should not be a requirement;
  - ! develop international standards on how compensation should be dealt with, the amount, and how it should benefit the child;
  - ! legislation should specify that official channels must co-operate with investigations
  - ! a review of sentencing and the mismatch between the seriousness accorded to offences in destination countries and Europe;
  - ! children should not be removed from their home country, courts should come to them if they need to take evidence;
  - ! consideration should be given by the court on how to ensure support after cases for children;
  - ! mechanisms to be developed to enforce convictions and sentences when the person flees the jurisdiction in which they tried;
  - ! passports once removed should not be returned or new ones issued without permission of the local prosecuting authority;
  - ! training for embassy and consulate staff training on seriousness of child sexual abuse.
- (1) one problem here is where prostitution offences require proving exchange of money, which is not always the medium of exchange

*(Source, Benichou, 1999)*

### European policy

A European Commission policy document on 'sex tourism' was issued in 1996. It argues that more attention needs to be paid to the demand side (p4), not just because it is here that European nationals are implicated, but more importantly as a route to prevention. The document calls for progress in a number of areas: research, especially on the demand side; prevention through information to travellers; coordination and assessment of European awareness campaigns; work with the tourist industry on training and codes of conduct; ensuring development and humanitarian aid includes support for child victims.

One outcome was the Eurobarometer study of knowledge about and attitudes to sex tourism in the EU, which was conducted in 1998. A high proportion of those interviewed - 85% - were aware of sex tourism, and an even higher proportion condemned it. The problem was thought to be most acute in Asia, but increasing in central and eastern Europe. People in the UK and Ireland were the national groups with least awareness. Two thirds of all interviewees thought sex tourism could be tackled, with a slightly higher proportion recommending punitive strategies, followed by prevention. The preferred explanation was sexual deviance, reflecting the stereotypes which recent research has challenged. The most serious problem in destination countries was understood by the vast majority to be poverty. Interestingly the majority said they would not go on holiday to a location known for sex tourism, yet the majority were also unaware of EU campaigns against it (national groups that were more aware of campaigns were Germany, Sweden and Italy).

In 1999 the European Commission (Com [1999] 262) issued a communication on the implementation of measures to combat sex tourism. A two pronged approach is presented: to decrease demand through co-operation with the tourist industry; and to attack supply. A budget line for public awareness campaigns is also announced. The strongest focus in the document is on such campaigns and co-operation with the tourist industry as the primary preventative strategies.

In an annex to the communication (European Commission, 1999, p21-2) is a short audit of the measures

in 1997-8, following the 1996 policy document. There are few details of progress on most of the areas, and one is left wondering whether there is a 'smoke and mirrors' effect here, where minimal action has taken place, and where the action that has occurred is at a superficial level, since it fails to draw on what we know about both the practice of sex tourism and its causes and consequences. There is no evidence, for example, of support systems for children or of strategies which recognise the role of development and poverty. Rather these have been replaced in 1999 with much more vague references to rationalisation and co-ordination of community resources and "consideration of respect for human rights in contractual relations between the Community and third countries" (p22).

Interesting there is little emphasis on the role of police liaison officers, yet they could be a vital resource and a way in which European countries made clear their commitment to take responsibility for the illegal, exploitative and abusive behaviour of their nationals in other countries. Currently the Scandinavian countries have begun to address this, but relatively little investment has been made by other countries whose nationals are known to constitute a significant problem. Considerably more investment is made with respect to drugs than the sexual exploitation of children. Such officers would make the passage of extra-territorial legislation much more meaningful. They might also have a preventative function, especially with respect to 'situational' abusers. If it was known that having sex with children was treated as a serious criminal offence, which you might get caught for, there may be a deterrent effect, as has begun to happen with respect to small scale drug smuggling.

### ***Prevention work with the tourist industry***

Few attempts to recruit the tourist industry into prevention were successful until the late 1990s. In particular EU countries some efforts have been made. For example, in 1998 the UK government issued advice to 1500 travel agents asking them to watch for possible signs: single men and club trips to known sex tourist destinations; repeat trips to certain destinations by the same individual. And the trade organisation ABTA agreed to distribute ECPAT packs. The German government has worked with DRV (the German Association of Travel Agents) and 14 tour operators who all agreed a policy of principle that there should be no child prostitution in the hotels they use. Any discovery of it results in hotels being removed from the approved list. The German government has also made it a regulatory offence to advertise sex tours. There is increasing information about sex tourism in travel brochures and the industry has begun training its representatives in destination countries about these issues. However, there is limited if any evidence of monitoring of these schemes, or any evidence of their effectiveness - how many UK travel agents have reported suspicions to police? How many hotels have been removed from approved lists by the German industry? How do travel representatives deal with the issue?.

Another EU initiative was a conference with the travel industry organised in 1998 (European Commission, 1998), and a four point declaration by ECTAA was presented and the industry expressed willingness to be involved through codes of conduct and self regulation. Co-operation with projects initiated by NGOs are also evident, with a Tdh project in Germany, Belgium, France and Switzerland involving an in flight video and leaflets to passengers, and another project with four partners involves luggage tags. Italy has a law which requires travel tickets and travel brochures to cite potential penalties.

Whilst these are welcome initiatives, their effectiveness must be interrogated. The prevention efforts focused on alerting travellers focus on children i.e. under 10s, whereas we know that most of the children involved are between 12-17. Those involved in abusing under 10s are likely to be 'committed child abusers' who are unlikely to be deterred by such efforts. The target should be the 'situational abusers', but they will not identify with the representation of children, since their intention is to have sex with young attractive women.

There is also very little evidence of the tourist industry taking cognizance of the extent to which they are implicated. Maggie Black's study (1995) of the use of child labour in tourism - especially the hotel and catering sectors - demonstrates that routes into sexual exploitation, and whether it constitutes the only source of income for a child/young person have been too tightly drawn. These businesses intentionally recruit

attractive young women to work in bars, hotels and restaurants, and employers know that there is pressure on them to have sex with customers (p5). They also support more informal kinds of employment of children, who sell various items on beaches - these are often younger children, who are also approached regularly for sex.

If prevention strategies are to have any meaningful impact they must become more sophisticated, and address the issues on the basis of what we know, rather than simply creating 'feel better' responses. For example:

- ◆ The 'situational abusers' should be the target for awareness raising, and more complex methods and messages are needed (Rothe, 2000) which challenge racist stereotypes, stereotypes about prostitution and increase their sense of responsibility to change their perceptions and behaviour.
- ◆ The taboo on discussing the more common, yet normalised forms of sexual exploitation, must be broken and the contradictions within men's constructions of their actions exposed (Rothe, 2000). Addressing these men's involvement is far more challenging than the spectre of 'paedophiles', but likely to have more impact.
- ◆ The wish of European's to tackle sex tourism ought to be harnessed into a willingness to pay more for their leisure on the strict basis that this be translated into a living wage (related to the local economy) for those employed in the local tourist economy.
- ◆ That the tourism industry be required to establish codes of conduct for the employment of young people, which include their right not to be subject to sexual harassment (Black, 1995).
- ◆ That governments and the tourist industry be required to monitor and evaluate their prevention efforts.

### Intended and unintended consequences

The increased attention to sex tourism has had results in some countries, with a number of foreign nationals being detained and prosecuted for child sexual abuse offences. What no study or commentary explores, however, is whether this has also translated into more effective protection for children from all forms of sexual abuse, or whether limited resources in destination countries have been diverted to addressing foreign, as opposed to home grown, abusers. Just as this issue - sex tourism - has offered a route for European institutions (and to some extent children's NGOs) to have an external rather than internal focus with respect to child sexual abuse, we ought to be concerned whether this may also be occurring in destination countries. It is not our intention to suggest an either/or responses here, rather the reverse. All children are entitled to protection, and addressing abuse by foreign nationals will not be effective if there is no foundation of strong law, effective enforcement and support for children with respect to all forms of child sexual abuse.

An unintended consequence of international pressure on countries to address sex tourism has been punitive responses to children and adults involved in the sex industry. Whilst addressing supply - as the EU current strategy emphasises - must be part of an overall long term strategy, in the absence of support services and practical strategies which enable children and adults to both exit prostitution and survive with dignity, responses are likely to be limited to short term 'clean up' campaigns. For example, the laws in Thailand were used to punish children by criminalising them. New laws targeted customers and those involved in procuring, but after three years only one charge has been laid and this was against a foreigner.

Julia O'Connell Davidson and Jacqui Sanchez-Taylor conclude their study on Goa with the bleak message that the influx of western sex tourists is the best hope in the short term of prostituted children raising their standard of living. They continue:

*.... this is perhaps the most bitter indictment imaginable of the affluent world's indifference to the suffering of children in poor countries. (p30)*

This makes clear the necessity of linking work on sex tourism with work addressing child labour, globalisation and economic inequality. Paying attention to unintended consequences means a more complex

understanding of human rights between governments and within NGOs. If punitive law enforcement 'crack downs' on those involved in prostitution are regarded as unacceptable in Western countries, they should be regarded similarly wherever they occur. Children's NGOs need to be mindful of the fact that there is no separate child prostitution market, viewing such measures as not their concern, since they involve adult women and men is not a sustainable policy position. International policy has to call for non-punitive approaches to those involved in prostitution on the one hand - the Stockholm World Congress position currently applies only to children - and for targeting of abusers and exploiters on the other.

## Chapter Nine: Sexual Abuse Rings and Other Forms of Organised Networks

We devote a separate chapter to this aspect of sexual abuse and sexual exploitation because it is one the areas where there is considerable overlap between ways of categorising children's sexual victimisation, and there is a danger that forms and contexts of abuse may be lost or disconnected

Clearly some of the abuse we have already documented - child prostitution, child pornography and sex tourism - involves organised networks of exploiters and/or abusers. What we seek to do in this chapter is locate those actors within a broader framework, which encompasses organised networks whether or not they are involved in commercial enterprise, whether or not they produce pornography, and to highlighted four contexts where extensive, systematic abuse has recently been exposed: institutions in which children live; sports and leisure activities; religious; and foreign exchange visits.

We have already noted that we do not use the term 'paedophile' in this report, but much of the activities we report on here would be attributed to that category. However we designate the abusers, the most compelling question is whether this aspect of child sexual abuse arises because skilled abusers infiltrate/use particular access points - especially paid employment and voluntary work - to target children, or whether there are always risks of actual and potential abusers occupying the same social spaces as children. How we answer this question has wide ranging implications for policy; since the former implies a focus on detecting a minority of 'deviant' men and excluding them from contract with children, whereas the latter suggests a deeper and more profound response is needed through which we seek to create safety mechanisms in all institutions and organisations, at the same time as promoting awareness amongst adult and children to ensure that there less space for abusers to operate in throughout the society.

### Naming and defining

As with all the areas we have addressed there is little consensus about how to name and define these forms of abuse, all of the following have been used: sex rings; organised abuse; abuse networks; institutional abuse; ritual abuse. None of these is entirely adequate or accurate, and each suffers from some form of linguistic confusion, whereby similar cases are excluded due to an analytic definition. We do not intend to rehearse the arguments here about the problems with each category (for more detailed discussion see, Bibby, 1996 ; Kelly et al 1996), merely to highlight that they do not refer to exactly the same range of cases, and that researchers and professionals need to be alert to these shades of meaning and emphasis.

Respondents to our questionnaires reported considerable contact with cases involving abuse rings, some of which were highly organised, others less so. Institutions - especially children's homes and day care centres - featured strongly, as did schools and abuse by the clergy.

The most detailed research to date in Europe on this area was conducted in the UK by Gallagher et al (1996). They sought to discover the incidence of 'organised sexual abuse' using a national survey of police and child protection social workers and a random search of files in eight local areas. The definitions used in the study were:

<i>organised abuse</i>	a case involving more than one abuser, and where the abusers appear to have acted in concert
<i>ritual abuse</i>	cases involving allegation of ritual associated with sexual abuse

***institutional abuse*** cases where adults used the institutional framework of an organisation in order to target children for abuse.

Interestingly the two research methods produced different patterns: the survey which was based on the perceptions of practitioners had a higher proportion of ritual abuse cases, whereas the results from the examination of case files produced more family based networks, and revealed another category of single abusers who were abusing a number of children concurrently. Most abusers were known in some way to the children, but there was a wide range of both contexts in which abuse took place and of the forms of abuse children were subjected to. Some of the networks were small, others more extensive, some involved only abuse of girls or boys and some both, some involved aspects of commercial sexual exploitation and some extremes of brutal sadistic abuse. There were no typical cases and the researchers concluded that whilst organised abuse represents only 2% of known sexual abuse cases, this disguises the fact that a single case can involve a large number of victims.

Bernard Gallagher subsequently conducted a study for a large children's charity on the challenges these kinds of cases create for professionals (Gallagher, 1998). Drawing on 51 cases in one region of the UK, the majority were based in the community, with some institutional and some family based. The author argues that 'entrapment' is a more accurate description of the process involved than the currently popular term 'grooming'. What emerged from detailed study of these cases was a deliberate targeting by abusers of children and families where some form of pre-existing disadvantage and/or vulnerability could be manipulated. Any aspect of the child's life or family circumstances could be chosen, examples included race and ethnicity, estrangement from family, disability or poverty. These aspects would be used to gain the trust of the child and/or its families, and progressively a context was created in which abuse was possible and sustainable over time. One of the most important aspects of the cases this chapter deals with is that the abusers are interested in establishing a context in which they can abuse one or more children repeatedly.

Organised abuse cases are considered both qualitatively and quantitatively different from sexual abuse cases involving a single child and abuser. These differences included:

ases are often discovered inadvertently;

- ◆ the abuse children suffer is often more extensive, severe and brutal;
- ◆ various additional forms of control -such as making and keeping pornography of the child, creating contexts in which children participated in the abuse of others and/or recruited them acted as further silencing mechanisms;

The additional challenges for professionals included:

- ◆ having to conduct surveillance on the network;
- ◆ identifying all the children who may have been abused (this may include only having pornography in which they appear);
- ◆ slowly building trust with children and young people suspected of having been involved, but who will seldom volunteer a statement;
- ◆ the role of parents who may resist or interfere in investigations;
- ◆ the co-ordination of multiple interviews/arrests;
- ◆ the fact that the network may operate across institutional/national boundaries.

Such cases are, therefore, fraught with ambiguity and uncertainty, reflected in the apt title of the study *Grappling with Smoke*, and investigating them can be resource intensive. The report concludes that only a specialist unit organised regionally can have the geographical reach, skills and expertise, and rapidly deployable resources to address such complex cases.

## Institutional Abuse

Whilst evidence of extensive abuse of children within institutions has arisen in many European countries, encompassing private boarding schools (UK and Switzerland), residential schools for disabled children (UK), religious schools (Ireland), probably the most extensive evidence to date comes from children's homes in the UK. More than twenty separate police investigations have been conducted during the 1990s exposing patterns of abuse spanning years, hundreds of victims, and a virtual culture of impunity. The tragedy that this represents for some of the most vulnerable children, and the indictment it was of the management of these institutions were dealt with in detail in an enquiry into abuse in children's homes in North Wales (Waterhouse, 2000)<sup>49</sup>. The scale of abuse involved and the time scales it occurred over shocked the public, and the testimonies of adults who suffered drew attention to the long term damage to children who were already disadvantaged; a significant number committed suicides, and many more attempted it.

One problem which this enquiry highlighted was that for 'whistle blowers' - staff members and officials who know/believe something wrong is occurring, but who other parts of the hierarchy and institutions refuse to hear. These cases more than any others demonstrate that this is not only a problem of children being silenced, but as much one of adults refusing to hear or act. Both the Waterhouse report and earlier reporting (Davies 1998b) reveal that children tried and did tell, and individual adults attempted to act as their advocates, but all were ignored. Even worse adult advocates who persisted in pressing children's claims were likely to lose their jobs<sup>50</sup>

This refusal to believe that adults in positions of authority, and with responsibilities of care towards children, are capable of sexually abusing them appears to be a key feature of organised abuse cases, as is the way in which institutions and organisations act to protect themselves and their reputations, as a consequence abusers suffer no consequences and successive groups of children are suffer repeated abuse.

The two case studies that follow, both from Ireland, illustrate these processes with respect to two institutions/organisations which large numbers of children have contact with: religious organisations (in this case the Catholic church) and organised sports and leisure activities (in this case swimming). Both appear to be sites in which considerable abuse of children takes place.

That these examples come from Ireland is simply a function of who our partners were for this project, similar stories have emerged with respect to gymnastics coaches in several European countries, and we have no doubt that many other sports and leisure based groups have harboured abusers, and still are doing. Evidence of sexual abuse within religious contexts is certainly no limited to Catholicism<sup>51</sup>: Florence Rush noted the links between religion and sexual abuse as early as the 1970s (see Rush 1980), Eva Lundgren has investigated it in detail with respect to fundamentalist Protestantism in Norway (1994) and a number of Christian and other religious sects and cults have been investigated for endemic sexual abuse of children; indeed a number of these central aspects of the 'doctrine' could be described as little more than a licence to abuse children (and women), with the cult leader having preferential access (Nobitt and Persion, 2000) .

### Box 9.1: In the name of the father

It is now well established that Fr Bredan Smyth spent much of his career as a priest sexually abusing both girls and boys. He had two convictions for sexual abuse in the North of Ireland and was serving a prison sentences there for a total of 16 offences. He was first arrested by the police in 1991, and released on bail. He evaded the police for three years, with the knowledge of church authorities in the South of Ireland, and during this time he continued to abuse children. An extradition order was issued in April 1993, and finally following pressure from the church he turned himself over in January 1994.

An subsequent extradition request from the North to the South of Ireland about additional offences was not acted on by Attorney General for seven months in 1994, and it was revelations about this procrastination which resulted in the withdrawal of the Labour Party from the coalition government.

Smyth was extradited when he completed his prison sentence and he pled guilty to all charges in the Dublin case - a total of 73 specified offences between 1958 and 1993. He was sentenced in June 1997 to 12 years in prison.

Testimony from his many victims revealed that he used the power of his office to gain access to children, the trust of their parents and to justify his behaviour. For example he would tell boys that God wanted them to learn to masturbate, and that God would not like the child if they did not learn to do this properly. He also set up a choir, organised training of altar boys and befriended particular families taking their children away on holidays. A police officer reported that Smyth defended his behaviour by arguing that it was only a mortal sin to have sexual intercourse with a child, and that only mortal sins offended against God and the national law - he had done neither since he refrained from this particular form of abuse .

The role of the church in protecting this priest abuser, and in so doing failing in their duty of care towards their congregation has not gone unnoticed. Various levels of the church hierarchy, including his own order, were aware of his behaviour, and he was ordered to go for treatment on at least three occasions between 1968 and 1993 in Belfast, England and Dublin.

This case and others before and after involving priests have created an earthquake in Ireland, considered one of the most catholic countries in Europe. The historic trust which existed between the church and community has been broken, and many argue that the rift is now so wide it cannot be bridged. Evidence of the failure of the church to take action when suspicions were first voiced, or more recently to admit responsibility to victims who are seeking compensation, appears to have done even more damage than the revelations of the extent of sexual abuse by priests. *(Source: Press reporting in the Irish Times July-August 1997)*

## Box 9.2: In the name of success

In 1998 evidence of widespread sexual abuse by Ireland's most successful swimming coach hit the headlines. Derry O'Rourke was sentenced to 12 years in prison for a systematic sexual abuse of two generations of talented female swimmers. He faced 29 charges related to 11 young women, although it is suspected that many more were abused. Allegations were also made about a second national coach, George Gibney, but he was able to use a legal technicality to escape being charged, he then left Ireland..

O'Rourke's method was to take individual girls and young women into a storage area, telling them that he needed to measure their muscle development, this would later require removal of their swimming costume. This room became known amongst the girls as the 'Chamber of Horrors', but many came to believe that this ritualised abuse was part of their normal training. Most of those for whom the abuse went further were too ashamed and frightened to tell anyone.

Here again evidence emerged of a failure to deal with complaints, and the failure of the national coaching organisation to respond to the concerns of parents and community resulted in a national enquiry and the eventual removal of the organisations funding. This enquiry revealed that concerns had been raised in the past, but those seeking to pursue them within the swimming establishment had been warned off. There were also persistent rumours about O'Rourke's behaviour - that he hypnotised girls and sexualised his interactions with them.

The enquiry concluded that there was a "total systems failure" within the Irish Amateur Swimming Association, and allegations were made with respect to an additional two unnamed coaches.  
(Source: *Reporting in the Irish Times, January -September, 1998*)

## The most recent discovery

The most recent form of organised abuse to be uncovered involves children and young people on exchange visits, attending language courses. Box 9.3 outlines the police exploration of this context, which involves substantial numbers of European children and young people every year.

As with the other forms of abuse we have addressed in this report it is virtually impossible to get an accurate figures of the scale of abuse through foreign/ educational exchanges. The UK police team estimate that 5-6 million European children and young people are travelling unaccompanied by parents or guardians. Even if the percentage who experience abuse is 1% this would be a significant number each year. The response of European institutions to this evidence has been ambivalent, reflecting the now familiar 'hear see and speak no evil' response of organisations. Ignoring the mounting evidence is, in the first instance, the preferred option since it avoids having to address complex issues, including that many child abusers are successful and respected members of local and national communities, and that despite the wonderful rhetoric, little of consequence has been done by institutions and organisations to create contexts in which children and young people's safety is a priority.

### Box 9.3: In the name of international exchange

Police in the south of England began investigating suspicions that two Spanish boys had been sexually abused when placed in a family, in which the father was a convicted sex offender. The rumours were confirmed but the children did not wish to pursue a complaint. The investigation revealed that children had been placed in this family for three years, and that there were no regulations or checks undertaken. Further no-one could provide a listing of which families were involved in exchange visits, and that a kind of 'free market' existed not only in terms of placing children but also the institutions such as language schools which they attended. Moreover significant numbers of children come to the UK to complete a year or more of their secondary education, and are placed in host families for all of that period.

The police officers involved undertook to research the whole area, and uncovered a range of forms of abuse, from neglect - such as not being fed, or having a bed to sleep in - through witnessing serious domestic violence to physical and sexual abuse of the children themselves. In a few months this small police team uncovered over 1000 cases where some form of abuse occurred. One of the most disturbing discoveries was that at least six known sex offenders had established language schools, and they specialised in working with children from countries and regions marked by conflict or disasters such as Chernobyl. The police team ask the pertinent question of whether this constitutes a form of trafficking of children, disguised through an apparently humanitarian and educational purpose.

As the enquiry extended to cover the UK as a whole and then to Europe, more cases emerged alongside a common pattern of unregulated provision.

The team are currently working on a project to develop best practice and establish minimum standards. This includes some form of regulation, beginning with a voluntary code, in which much more emphasis would be placed on the welfare and safety of children. More specific proposals include random spot checks on host families and an educative package for children and parents before they travel.

*(Source: Interview for this project)*

### Ritual abuse

Perhaps the most contested form of organised abuse to surface in recent years is what is usually referred to as 'ritual abuse'. The first stories appeared in the USA and the UK in the late 1980s, and gathered pace in the early 1990s. Usually linked to Satanism these accounts by children and adults were of gross and public sexual abuse in groups, which included ceremonies which used blood, animal, and in some accounts human, sacrifice. Children's stories invariably contained references to 'incredible' events - things which the adults they told them to believed could not have happened. The professionals involved had their sensibilities stretched as the children's words and demeanor spoke of torture, intense levels of fear and forms of physical and mental control which defied belief.

As the decade has progressed, legal cases in a number of countries<sup>52</sup> and the Dutroux case, have lent credibility to aspects of the accounts. Equally deeper understanding by practitioners of the processes involved in this particularly systematic and sadistic form of sexual abuse has produced new insights. Today many of those who have worked with children and adults abused in contexts involving ritual understand the ceremonies as a form of power, both to reinforce the hierarchy within the group, and to control and intimidate children. Furthermore, making children believe (either through indoctrination, deception, and/or the use of mind altering drugs or sleep deprivation) that they have witnessed/ experienced things which are not possible - such as being abused by Father Christmas, the Devil or the Pope - means that should they begin to tell about their experiences they will not be seen or treated as credible witnesses.

Furthermore, links have been made to the use of ritual to sanctify sexual abuse in Christian and other religious contexts. There has been very little contestation of these aspects in investigations of sects and cults which practice a kind of sexual freedom in which sex with children is considered a religious practice. If we accept that ritual and sexual abuse is credible in the context of these groups, we have to ask why it should be 'incredible' when the belief system involved is Satanism?

Some commentators (La Fontaine, 1998) have argued that the belief system is an irrelevance, and represents something of a moral panic. In terms of any legal case, in one sense this is true, since the charges would focus on the forms of abuse perpetrated, rather than the context in which they were enacted. But this oversimplifies, whilst it may in theory be possible to separate form and context in law, they are intertwined in children's experiences. If we are not prepared to countenance that these forms of organised abuse exist, then a group of children and adult survivors are potentially denied redress and protection. Further more, therapeutic work with those who have had their abuse surrounded by ritual and suffused with beliefs about the supernatural, requires engaging with the additional meanings and consequences which result.

## **Conclusion**

What this chapter demonstrates is that any context can become one in which children are sexually abused, and contexts in which children are especially vulnerable or dependent in some way on an adult with authority and resources are particularly concerning. For example, children who are living away from home have far more limited recourse of options and possibilities, adults who claim powers linked to God or the supernatural can develop a strong hold on many children, and those who have skill or knowledge to impart that children desire are also in extremely powerful positions. We need to move on from being shocked that those in positions of trust and care use this as a power resource to access children they wish to abuse. Rather it must be acknowledged and recognised that all organisations and institutions to develop child protection policies, and in particular to have open and transparent systems for investigation concerns and complaints.

## Chapter Ten: From Rhetorical Policy to Informed Action

This study has revealed that at national and European levels responses to sexual exploitation of children, and child sexual abuse more broadly, remain largely at the level of rhetoric. In this concluding chapter we draw attention to the perspectives and knowledge base which needs to underpin policy and practice, and offer practical suggestions which could inform policy development. Specific recommendations are presented as indented text.

Most European countries still lack a Plan of Action and cannot provide even the most basic of statistics. Even more disturbingly many of our respondents reported an absence of an organised and effective child protection framework and that silence, taboo, disbelief and levels of tolerance continued to predominate in public and professional responses to sexual abuse in childhood. This is one of the many reasons why we have argued throughout this report that responses to sexual exploitation of children should be located within an overall understanding of, and policy with respect to, child sexual abuse. In other words that we should return to the connections evident in the UN Convention on the Rights of the Child. The rationale for this is not just conceptual, but also practical; if responses to child sexual abuse are inadequate, in that they fail to protect children and prosecute offenders, it will be virtually impossible to respond to sexual exploitation effectively. A number of our participants confirmed this, making the point forcibly that the failure of their country to properly address child protection generally was the major barrier they faced, and that these wider problems were exacerbated in sexual exploitation case since some children and young people were not seen as victims, and some of children's stories were viewed as 'incredible'.

There is often a presumption that the primary problem with respect to sexual abuse, and sexual exploitation in particular, is that children do not tell. Whilst creating contexts in which children are enabled to tell is vital, many of the case examples in this report reveal that children did tell, that there are possibilities for intervention with children and young people entrapped in sexual exploitation. The problem is not simply one of silence, but of hesitation and inaction by institutions, especially those in which abusers have located themselves. The fundamental issue remains that of belief and the credibility of children, especially when the adults they accuse/implicate have standing within the community. Children have the right to expect that if they tell then adults will act to protect them; this most basic of rights remains to be secured in much of Europe<sup>53</sup>. Other significant barriers to progress identified by our participants included: resources; national, regional and local priorities; the lack of national framework/policy; gaps in the legal framework; poor institutional links and co-operation; evidential requirements; and lack of judicial awareness.

The testimonies of young people and adults who have been sexually exploited, recent research and our case studies also reveal that many of the distinctions that have informed international policy to date over-simplify and mis-represent the realities of their lives. Some of the key issues here are:

- ◆ separating the involvement of children in the sex industry from that of adults cannot be sustained since there is only one sex industry into which children are integrated, and within which many remain when they reach adulthood;
- ◆ in each of the chapters addressing forms of sexual exploitation problems with limiting the frame to those abuses with a 'commercial' element were exposed, restricting law and policy in this way fails to reflect the multiple contexts in which sexual exploitation takes place;
- ◆ the use of the term 'paedophile' to describe those who sexually exploit children is neither accurate in terms of the clinical definition, nor helpful, since it suggests these men are 'monsters' and 'deviants' when in fact they are often respected and trusted members of families, communities and

institutions;

- ◆ the insistence that it is possible to make a clear and stable boundary between 'forced' and 'free' prostitution, denies contexts in which the idea of 'free choice' has minimal relevance, including the reality for many in the sex industry - that their entry into it was through sexually exploitation as a child or young person.

## Plans of Action

Whilst Plans of Action are often criticised for being little more than declaratory and aspirational, they nonetheless set some basic standards which states can be held responsible for securing. Most EU member states, and many other European countries, committed themselves to creating and implementing a Plan of Action following the Stockholm World Conference; yet we found evidence of only two.

Some form of monitoring and reporting mechanism needs to be instituted which would act as a spur to states to fulfil commitments they have already made - to translate some of the rhetoric into action. Such a grouping should set a date by which time all European countries should have produced a plan. States should be encouraged to locate their POA within an overall child protection framework and to include concrete target setting. Such a model would constitute a basis for incremental progress at both national and European levels.

## Definitions and data

As Chapter 4 outlined (and the process of the optional protocol confirmed) the search for a perfect and agreed definition is doomed to failure, and wastes precious time. Nonetheless, it ought to be possible to agree a basic definition for European purposes, which reflects both the UN convention and what we currently know about sexual exploitation. This will probably be wider and more inclusive than definitions encoded within some national legal frameworks, but these are likely to address particular forms, rather than the issue as whole. It would thus be possible, to define the specific areas - child pornography, child prostitution, trafficking of children for sexual exploitation, sexual abuse rings, organised institutional abuse in order that comparable national data can be collected and compared. Whether each form was commercial or not can be one element of the data to be collected.

A definition of sexual exploitation should be agreed which draws on the UN Convention. This should set the age for protection from sexual exploitation at 18, and not be limited to 'commercial' contexts. It should also state explicitly that children and young people (and adults) entrapped in sexual exploitation should not be criminalised.

This definition should then become the basis for comparable data collection, and a reporting mechanism put in place whereby states detail reported cases and their outcomes at annual or bi-annual intervals. This would require police and justice departments to create codes for all sexual abuse cases involving children and a further code which indicates if they involve sexual exploitation. Reported cases would be tracked through arrests, charges, conviction and sentencing and include the outcomes for children with respect to protection and support.

Police or other relevant institutions should monitor the size and locations of their sex industry - the visible and the more hidden. This should be seen as an intelligence gathering task and a way of ensuring that the illegal aspects - exploitation of children, trafficking and coercion of any person to remain in the industry - can be policed.

As well as offering a way to compare data across Europe, this study suggests that when states and institutions begin to record and monitor cases the detection rate increases.

## **Child protection as an organising principle**

There is a clear need for European states and all organisations and institutions to develop child protection policies and systems.

All states and organisations should have a child protection policy which includes open and transparent systems for investigation of all concerns and complaints, and procedures which can be speedily invoked to protect children from ongoing sexual abuse and/or exploitation.

All personnel who have responsibility for children should have basic awareness training, and those with child protection responsibility should have more specialised training which reflects our current knowledge base.

Specialist child protection teams should be developed at local levels, with regional groupings devoted to developing expertise in sexual exploitation and complex cases.

All state agencies and NGOs which have care of children must have a child protection policy, and clear mechanisms whereby suspicions or complaints about employees or volunteers are promptly investigated. Organisations also ought to be pro-active, seeking to institute good practice, and codes of conduct for everyone who has direct contact with, and responsibility for children.

Children and young people should have access to awareness raising and educative material and programmes in a range of settings which provide them with knowledge about sexual abuse and sexual exploitation, especially the strategies and tactics abusers use to target and entrap their victims and information of how to access to support agencies.

Where evidence of widespread abuse of children emerges some form of enquiry should be conducted, with care taken to protect the identities and dignity of children, young people and adult survivors who choose to give evidence. Such enquiries should be empowered to make recommendations and explore the issue of compensation.

Where innovative local responses prove successful states should have mechanisms in place for mainstreaming good practice.

## **Law and law enforcement**

Legal frameworks have a triple role: to protect children through detection, investigation and intervention; to call exploiters to account through prosecution; and a preventative function through acting as a deterrent. Our research clearly indicates that there are higher detection rates in countries which have either a POA or national policy and in geographical areas within countries where there is pro-active intervention and/or specialist units. However, there appear to be significant barriers everywhere to the successful prosecution of offenders. Considerable work, therefore, remains to be done at the level of law enforcement.

Gaps in legal provision need to be addressed, especially provision with respect to possession of child pornography, civil/private law routes to protect children, and extending protection to age 18.

Sentencing needs to be addressed, in particular whether the starting points are appropriate sanctions for sexual exploitation offences and the fact that trafficking in persons carries far lower sentencing implications than trafficking in drugs.

Police guidelines should stress that the twin priorities in sexual exploitation cases should be protecting (i.e. not criminalising) children and prosecuting exploiters/abusers.

Police should have specialist teams for child sexual abuse investigations, and in locations where there is a significant sex industry specialist sexual exploitation squads, with responsibilities also for trafficking of women and coercion of adults within the sex industry.

All European countries should have a national focal point within the police where child pornography, sexual abuse ring (including prostitution and trafficking) and extra-territorial cases are recorded and mapped. Such units should also have an intelligence function, and be the national contact point with Europol and Interpol.

Some form of co-ordination at national, European and international levels is necessary for policing the Internet to avoid duplication, and ensure the most efficient use of resources.

Prosecutors and magistrates/judges should have specialist knowledge and expertise to enable them to conduct sexual abuse cases.

### ***Regulating the Internet***

There is relatively little to be sanguine about with respect to child pornography, with very few European countries doing anything effective in detecting and prosecuting it, let alone decreasing its circulation and presence on the Internet, or its other formats. Systematic, structured and international investigation is necessary in order to reduce child pornography on the Internet, targeting those aspects (newsgroups and IRC) which are known to carry the most traffic in illegal material.

The Internet is an industry not a public information service, despite the fact that it is used by many to access information. Filtering for individuals does nothing to restrict the availability of child pornography, nor do rating systems.

Policy must shift towards the detection and removal of child pornography, and prosecuting those who produce, distribute and consume it.

Internet Service Providers must also be required to take some form of legal responsibility for hosting and facilitating distribution of illegal content which is the record (or broadcast) of the abuse of a child. This will undoubtedly require international law which sets common standards. Voluntary codes of conduct are not sufficient, and of even less value in the absence of mechanisms for ensuring compliance.

Those contracted to, or promising, effective rating systems must be required to deliver them

The effectiveness of hotlines needs to be assessed through a) providing their data in comparable formats (a task for INCORE) and b) the outcomes of reports to the police.

Governments and the police need to invest in pro-active monitoring and investigation of the Internet, each country needs a national centre using pro-active methods, and employing skilled technical staff, international co-ordination is also necessary.

### **Support for children**

What has surprised us the most in the conduct of this study has been the limited development of innovative projects and methods to support children and young people - to enable them to exit sexual exploitation, cope with its impacts and consequences and re-build their lives. It appears from our data that large European NGOs fund more of these projects in developing countries than at home, and that most large children's NGOs which operate within a national framework publish work and lobby on sexual exploitation, but invest little if any of their considerable resources in supporting children and young people directly. At all levels this involves

failure to implement the UN Convention, which stresses not only support and rehabilitation but the importance of the participation of children and young people in decisions which affect them, and provisions designed to meet their needs.

National and local governments, institutions and NGOs should invest in support services for children and young people currently entrapped in sexual exploitation. These projects need to be subtle and crafted to the particular experience and context of individuals. Such services need to be flexible, including outreach and 'out of hours' provision and include some form of safe housing.

### **European policy**

Whilst the attention given to sexual exploitation within the EU and COE is welcome, it has tended to be reactive, focusing on whatever issues have been recently highlighted, and not locating them in the wider framework of sexual abuse in childhood and child protection. The focuses to date have been on sex tourism, trafficking and child pornography on the Internet. In the process widespread prostitution of children who are young citizens, in country sexual abuse rings and networks and abuse in institutions have all been neglected. As has the absence of effective child protection systems within Europe.

European policy should become more pro-active, encompass all forms of sexual exploitation and locate them with a priority to develop effective child protection.

In terms of prevention, the economic development policies of European institutions, and national governments, need to make gender inequality, access to a living wage for women and young people, a key organising principle.

There are also some specific actions which European institutions should undertake/commission.

An assessment of the usefulness of creating databases of children used in child pornography should be undertaken, and ethical guidelines developed for any police service holding or developing such resources.

Resourcing Europol to track convicted and suspected European child abusers who migrate outside Europe.

To conduct an audit on police liaison officers based outside Europe, especially the extent to which they are involved with, and effective in, combatting sex tourism. If they prove to be a valuable resource member states should be encouraged to invest in this response.

To update the POA on sex tourism in light of the recommendations made by ECPAT with respect to extra-territorial legislation and the recommendations in Chapter 8 of this report.

It is worth noting here that the budget for implementing the Plan of Action on Illegal and Harmful Content on the Internet exceeds that allocated for the entire Daphne and STOP programmes for the same period<sup>54</sup>. Whilst monetary value is not the only marker of relative worth and valuation, it is a measure of what and who is formally prioritised. It bears reflection that Daphne and STOP funding goes to projects developed by NGOs and others involved in direct support of victimised women and children, whereas much of the budget line for action with respect to the Internet is going to organisations which have grown out of, and/or have strong links to, the very industry within which the problems are located.

## **Towards informed and determined action**

Whilst there is a clear need throughout the majority of Europe to develop Plans of Action on sexual exploitation of children, policy remains at the level of aspiration in the absence of explicit implementation and monitoring strategies. Those responsible for developing policy could ensure greater impact by attaching clear strategic and time dated goals at national and institutional levels.

We end this report with extracts from an Agenda for Action developed in 1998 by 55 Canadian children and young people who had been sexually exploited, as part of the *Out of the Shadows* project<sup>55</sup>. They are uncompromising about both their rights, and needs, and clear that they need adults and institutions to act in ways that protect, support and respect them. These are the challenges we still face.

*So many times our voices have not been heard. Here, at this Summit we are united. Our voice is strong. This Declaration presents our united voice, the voices of sexually exploited children and youth. We represent a cross-section of society and we have many stories....*

*We declare that all children and youth have the right to be protected from all forms of abuse, exploitation and the threat of abuse, harm or exploitation...*

*We declare that the issue of child and youth sexual exploitation must be a global priority and nations must not only hold their neighbours accountable but also themselves...*

*We declare that governments are obligated to create laws which reflect the principle of zero tolerance of all forms of abuse and exploitation of children and youth...*

*We believe that our laws must protect us as sexually exploited children and youth and no longer punish us as criminals....*

*The voices and experiences of sexually exploited children and youth must be heard and be central to the development and implementation of action. We must be empowered to help ourselves...*

*We have the right to resources that are directed towards sexually exploited children and youth and our very diverse needs...*

*We are all responsible for our children and youth, yet the issue is not ours alone. Governments, communities and society as a whole must be held accountable for the sexual exploitation of children and youth.*

## Endnotes

<sup>1</sup> .A 'special rapporteur' was appointed to monitor the implementation of the sections of the convention which relate to the sale of children, child prostitution and child pornography. Revealingly, Professor Vitit Munarbhorn resigned from this position in late 1994, citing personal reasons and lack of support from the UN. The post continues to exist.

<sup>2</sup> In the report of the working groups' second session (UN E/CN.4/1996/101) the question of whether sexual exploitation should be selected for 'special' treatment is debated, with a number of participants expressing the view that it was more important to ensure implementation of existing international instruments and agreements. One of the key justifications for creating a new instrument was to underline the importance of developing international cooperation at the legal level.

<sup>3</sup> We received one, from Germany and have read references to one in Sweden.

<sup>4</sup> The case involved Marc Dutroux and a number of others in an organised ring which kidnapped girls and young women, subjected them to forms of torture and abuse, including the production of pornography. At least two young women were murdered in the process and another two died whilst held captive in a cell. Unconfirmed suspicions have emerged about links to both prostitution and trafficking (see Kelly, 1997/8) .

<sup>5</sup> See note 4

<sup>6</sup> Frederick West is known to have preyed upon and killed 12 young women including his first wife and one of his daughters. His second wife Rosemary West was herself a child when she first became involved with him, but clearly participated in subsequent abuse of the West children, and the young women who were either kidnapped or entrapped in order to sexually torture and kill them (Cameron, 1996).

<sup>7</sup> At each point where reminders were sent a number of recipients maintained that they had never received earlier communications. There were at least four examples where three separate copies of questionnaires were sent to the same address.

<sup>8</sup> 'Rape - The Forgotten Issue?' is funded for 12 months in 2000, and comprises a research element looking at responses to reported rape (the responsibility of the authors of this report) and exploration of establishing a European network of groups working on rape (the responsibility of the lead partner - South Essex Rape and Incest Crisis Centre).

<sup>9</sup> In this report we take adulthood to begin at 18. We are, however, aware that there are differences between children (aged 0-12) and young people (aged 13-17), and differences within these two categories which are significant in a range of ways. Whilst we use the collective noun children to encompass both age groups, we also where relevant and appropriate make distinctions between them.

<sup>10</sup> A further complication are differential ages of consent for homosexual acts, and even an absence of any legitimated homosexual practice within national laws.

<sup>11</sup> To make matters even more complex, there are variations within countries, where state, regional or religious ('personal law') jurisdictions on issues such as age for legal marriage are in tension with national laws on the age of consent and legal majority.

<sup>12</sup> The deliberate exposure of the penis to shock, offend or alarm.

<sup>13</sup> The French term directly translates into English as 'sexual violence against children'.

<sup>14</sup> We suspect that one of the motivations behind the children's charities strategy is to limit these meanings and impacts, but they are the outcome of the context and dynamics involved in the abuse, not the product of a name. Re-naming rape as 'sexual assault' as happened in parts of North America and Australia failed to remove any of the stigma associated with this form of violation, nor alter the way legal cases were conducted. Changing the name is sometimes seen as a short-cut to other desired changes in normative values and social status, but such outcomes appear to lie at deeper levels than simply the naming of events.

<sup>15</sup> There was one exception with a two year difference. Currently this is also the case in the UK (although proposed legislation seeks to equalise them at 16).

<sup>16</sup> We are aware of such systems in parts of Asia and Africa, but they may not be limited to these regions.

<sup>17</sup> It is worth noting here that most research, and many advocates, report that when asked few adults or children involved in the sex industry express a desire to stay there, rather most express a strong desire to leave (see, for example, Hoigard and Finstad, 1992; Melrose et al, 1999; Wingfield, forthcoming).

<sup>18</sup> . The case involved accusations of regular and ongoing abuse of boys in a children's home, and allegations were made implicating politicians and the intelligence services, amongst others (see Livingstone, 1990). The eventual enquiry left open as many questions as it answered.

<sup>19</sup> It is interesting to speculate on how far these processes are also at work in relation to young and adult women trafficked into western sex industries (Kelly and Regan, 2000).

<sup>20</sup> In fact skilled abusers move between the two spheres.

<sup>21</sup> Two studies challenge these assumptions. In the first (Abel et al, 1985) participants were 411 convicted sex offenders, who were all given confidentiality guarantees in order to assess the extent of unreported offences they had committed. Through their own self-reports, these men *each* had an average of 533 offences and 336 victims. Many offenders did not limit themselves to one type of offence; 75 per cent of those with more than one offence had abused girls and boys and/or assaulted children and adults; 44 per cent of incest offenders had abused children outside the family.

The second study (Weinrott and Saylor, 1991) also used confidential self-report with 99 convicted sex offenders. Prior to this study, all had been classified on the basis of their criminal records as having only one kind of victim. The researchers found that: 32 per cent of rapists of adults admitted to abusing children; 12 per cent of the child abusers admitted to at least one sexual attack on an adult woman; 34 per cent of the men classified as abusing children outside the family had committed incest; and 50 per cent of the incest offenders admitted sexual abuse of children outside the home.

<sup>22</sup> The only exception here was Poland which made reference to studies done by the police, suggesting that children running away from family or children's home used prostitution as a way of surviving, but this is not 'recruitment'.

<sup>23</sup> Ironically in another question one of these countries reported not being able to extract statistics on cases involving children and the other country reported no child pornography or child prostitution cases. Several justice departments argued that since their national law did not require data to be recorded in this way, or did not specify 'sexual abuse ring' as a legal category, it was not collected.

<sup>24</sup> These are residential units which residents are not allowed to leave, and are usually used for children who have committed serious criminal offences or who are a threat to themselves and/or others.

<sup>25</sup> We accept that there may be activities and projects of which we are unaware.

<sup>26</sup> See Kelly and Regan, 2000, for a discussion of how the legalisation process in parts of Australia and the Netherlands has, to date, failed to deliver the policy outcomes promised with respect to the illegal sector, children or trafficking.

<sup>27</sup> This leads her to eschew policy options which involve third parties, such as legalised brothels, whilst in the short term supporting measures which make it more possible for women to operate independently.

<sup>28</sup> . Again whilst legal constructions reflect and maintain this social location, they do not create it, meaning that neither legalisation nor de-criminalisation would alone remove the stigma.

<sup>29</sup> There is increasing evidence that not just military combatants, but also 'peace keeping' forces and aid agency staff are involved (Kelly, 2000; Wood 2000), which has serious implications for all nation states and the proposed European rapid reaction peace keeping body.

<sup>30</sup> Whilst we are not questioning the legitimacy of the accounts offered in Melrose (1999), how one constructs a retrospective account is a different and more complex process than talking about recent/current events in ones life

<sup>31</sup> There is an NGO in the UK for parents whose children are involved in prostitution, founded by a woman whose daughter was brutally murdered only a few weeks after she had been pimped, the organisation is called CROP - Coalition for the Removal of Pimps.

<sup>32</sup> We only came across two primary prevention programmes, both in the UK. One involved using theatre and the other a game for younger children; both projects are being piloted by Barnardo's groups.

<sup>33</sup> A similar pattern has recently been uncovered in the UK, but it has not been documented, since the girls and young women have only just begun to talk about organisation of their migration.

<sup>34</sup> Major child pornography rings been uncovered in Denmark, Germany, Italy, the Netherlands, Sweden, and the UK (Dept. of Justice Equality and Law Reform, 1998, p29)

<sup>35</sup> The authors had the same experience when searching on 'Black women and violence' for a different research project

<sup>36</sup> From the researchers own work, since the justice department in the UK did not return a questionnaire.

<sup>37</sup> A national unit has been planned based in NCIS.

<sup>38</sup> In 1995 the FBI launched the Innocent Images project on child pornography. It involved raids on 120 homes and dozens of arrests. The success of this operation and the evidence it unearthed led to the allocation of \$10 million for extra field officers to concentrate on child pornography and the project was extended in 1998. By March 1998 the project had been responsible for 184 arrests and 240 convictions. Officers have developed considerable expertise in 'stings', by adopting identities as suppliers of pornography or children/young people. Such 'entrapment' methods are not acceptable in many European countries. Most of the prosecutions involve US nationals, but some investigations have found links to European nationals.

<sup>39</sup> One problem with specialisation was highlighted by respondents from the UK and the Netherlands. The changing of local priorities or wider reorganisation can result in the disbanding of local/regional vice units, which had expertise. The Netherlands is now re-thinking and returning to specialisation, but the lost expertise will take years to rebuild.

<sup>40</sup> Following considerable international pressure and a determined campaign by Japanese feminists, Japan finally passed new laws on sexual exploitation of children in 1999.

<sup>41</sup> In particular the murders by two young men of their fellow school students in Colorado, USA and three bombings in London targeted at the Black and lesbian gay communities.

<sup>42</sup> A recent ruling in a French court may change this, however. The judge demanded that neo-Nazi Internet sites be blocked by French ISPs, since they contravened French law. The industry attempted to argue that this was not possible, and the judge then ordered a group of experts to be convened to discover ways to make this possible, they were to report back to the court in four months (European Guardian, August 2000).

<sup>43</sup> Donna Hughes (1999, p31) cites the example of a FBI officer who logged into a teen chat channel as the 23<sup>rd</sup> participant to monitor what was happening and discovered the other 22 were all adults prowling.

<sup>44</sup> The response of the industry was to warn that Australia would become the 'slow lane' of superhighway, that is technically and practically impossible to block pornography. They offer instead an already prepared code of practice and a rating system .

<sup>45</sup> Street and orphaned children are vulnerable to exploiters who seek work in charitable organisations, or even establish their own as vehicle for abuse.

<sup>46</sup> For example, the E55 highway between the Czech Republic and Germany is now a site for sex tourism. The demand by German men for sex with pregnant women has resulted in an increasing problem of abandoned children. Some of the small towns on along the route are now dominated by armed gangs of pimps and traffickers. For those who are prostituted having a pimp is seen as a way to avoid being trafficked, since pimps have more power locally than the police (Connolly, 1999).

<sup>47</sup> Also funded by Stop

<sup>48</sup> For example, Casa Alianza has investigated and ensured prosecution of sex tourists from Germany, Switzerland, Sweden, USA, who sexually abused children in Chile, Mexico, Honduras, Costa Rica.

<sup>49</sup> A similar report was published in June 1999 documenting abuse in children's homes in Queensland, Australia. The report included 42 recommendations about how "the state needs to be a better parent", and concluded that it would cost \$103 million to bring provision up tot the standards it set.

<sup>50</sup> In the UK government's response to the Waterhouse report (2000) many of its recommendations for creating safer residential care for children are accepted. Among them are establishing protections for staff who seek to expose abuse within institutions.

<sup>51</sup> More than 200 catholic priests have been jailed in 1990s in USA for child sexual abuse and as many as 2000 have been accused in the last two decades. Compensation claims of more than \$800 million was paid in 1990s.

<sup>52</sup> An Italian case reported in 1998 documented children being hired out for satanic rituals.

<sup>53</sup> One clear example in the literature surveyed for this study comes from the Netherlands where the law now requires confidential doctors to not only inform parents if a complaint is made with respect to one or more of their children, but also who made it. This will undoubtedly deter children and others from reporting where the suspected abuser is a family member, since although the doctor can require social work involvement this is limited to one visit per month. The children's charity Terre des Hommes argue that child sexual abuse is still a taboo subject in the Netherlands (1999, p23) and very few cases are prosecuted.

<sup>54</sup> The EU programmes to tackle violence against women and children and sexual exploitation.

<sup>55</sup> The full text can be accessed at [www.focalpoint.org/DOCS/English/98\\_0007\\_uk.html](http://www.focalpoint.org/DOCS/English/98_0007_uk.html).

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## *Websites*

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

Web site for the global NGO network linked to the implementation of the sexual exploitation aspects in the UN Convention on the Rights of the Child.

[www.childhouse.uio.no](http://www.childhouse.uio.no)

(links to Stockholm World Congress site and others)

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

[describes organisation and activities, guidelines for children and parents, lists of approved sites, evaluation of filtering software, link to UNESCO Innocence in Danger site]

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

[responsible for developing European rating system]

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

[contains guidelines for police officers and others seeking to track abusers online]

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

materials on recruitment and pimps and routes to recovery

[www.iwf.org.uk](http://www.iwf.org.uk)

Internet Watch Foundation

[www.rb.se](http://www.rb.se)

Swedish Save the Children - Radda barnen - including their hotline site