

COUNCIL OF EUROPE COMMITTEE OF MINISTERS

RECOMMENDATION No. R (91) 11

OF THE COMMITTEE OF MINISTERS TO MEMBER STATES CONCERNING SEXUAL EXPLOITATION, PORNOGRAPHY AND PROSTITUTION OF, AND TRAFFICKING IN, CHILDREN AND YOUNG ADULTS

*(Adopted by the Committee of Ministers on 9 September 1991
at the 461st meeting of the Ministers' Deputies)*

The Committee of Ministers, under the terms of Article 15.b of the Statute of the Council of Europe,

Considering that the well-being and interests of children and young adults are fundamental issues for any society;

Considering that sexual exploitation of children and young adults for profit-making purposes in the form of pornography, prostitution and traffic of human beings has assumed new and alarming dimensions at national and international level;

Considering that sexual experience linked to this social phenomenon, often associated with early sexual abuse within the family or outside of it, may be detrimental to a child's and young adult's psychosocial development;

Considering that it is in the interests of member states of the Council of Europe to harmonise their national legislation on sexual exploitation of children and young adults in order to improve the co-ordination and effectiveness of action taken at national and international level with a view to tackling this problem;

Having regard to Recommendation 1065 (1987) of the Parliamentary Assembly of the Council of Europe on the traffic in children and other forms of child exploitation;

Recalling Resolution No. 3 on sexual exploitation, pornography and prostitution of, and trafficking in, children and young adults of the 16th Conference of European Ministers of Justice (Lisbon, 1988);

Recalling Recommendation No. R (85) 4 on violence in the family, Recommendation No. R (85) 11 on the position of the victim in the framework of criminal law and procedure, Recommendation No. R (87) 20 on social reactions to juvenile delinquency and Recommendation No. R (89) 7 concerning principles on the distribution of videograms having a violent, brutal or pornographic content;

Bearing in mind the Convention for the Protection of Human Rights and Fundamental Freedoms (1950) and the European Social Charter (1961);

Bearing also in mind the United Nations Convention on the Rights of the Child (1989),

I. Recommends that the governments of member states review their legislation and practice with a view to introducing, if necessary, and implementing the following measures:

A. *General measures*

a. *Public awareness, education and information*

1. make appropriate documentation on sexual exploitation of children and young adults available to parents, persons having minors in their care and other concerned groups and associations;
2. include in the programmes of primary and secondary school education information about the dangers of sexual exploitation and abuse to which children and young adults might be exposed, and about how they may defend themselves;
3. promote and encourage programmes aimed at furthering awareness and training for those who have functions involving support and protection of children and young adults in the fields of education, health, social welfare, justice and the police force in order to enable them to identify cases of sexual exploitation and to take the necessary measures;
4. make the public aware of the devastating effects of sexual exploitation which transforms children and young adults into consumer objects and urge the general public to take part in the efforts of associations and organisations intervening in field;
5. invite the media to contribute to a general awareness of the subject and to adopt appropriate rules of conduct;
6. discourage and prevent any abuse of the picture and the voice of the child in an erotic context;

b. *Collection and exchange of information*

7. urge public and private institutions and agencies dealing with children and young adults who have been victims of any form of sexual exploitation, to keep appropriate statistical information for scientific purposes and crime policy, while respecting anonymity and confidentiality;
8. encourage co-operation between the police and all public and private organisations handling cases of sexual abuse within the family or outside of it and of various forms of sexual exploitation;

c. *Prevention, detection, assistance*

9. urge police services to give special attention to prevention, detection, and investigation of offences involving sexual exploitation of children and young adults, and allocate to them sufficient means towards that end;
10. promote and further the creation and operation of specialised public and private services for the protection of children and young adults at risk in order to prevent and detect all forms of sexual exploitation;
11. support public and private initiatives at local level to set up helplines and centres with a view to providing medical, psychological, social or legal assistance to children and young adults who are at risk or who have been victims of sexual exploitation;

d. *Criminal law and criminal procedure*

12. ensure that the rights and interests of children and young adults are safeguarded throughout proceedings while respecting the rights of the alleged offenders;
13. ensure throughout judicial and administrative proceedings confidentiality of record and the respect for privacy rights of children and young adults who have been victims of sexual exploitation by avoiding, in particular, the disclosure of any information that could lead to their identification;
14. provide for special conditions at hearings involving children who are victims or witnesses of sexual exploitation, in order to diminish the traumatising effects of such hearings and to increase the credibility of their statements while respecting their dignity;

15. provide under an appropriate scheme for compensation of children and young adults who have been victims of sexual exploitation ;

16. provide for the possibility of seizing and confiscating the proceeds from offences relating to sexual exploitation of children and young adults ;

B. Measures relating to pornography involving children

1. provide for appropriate sanctions taking into account the gravity of the offence committed by those involved in the production and distribution of any pornographic material involving children ;

2. examine the advisability of introducing penal sanctions for mere possession of pornographic material involving children ;

3. ensure, particularly through international co-operation, the detection of firms, associations or individuals, often linked with two or more countries, using children for the production of pornographic material ;

4. envisage informing the public, in order to raise awareness, of the implementation of penal policy, the number of prosecutions and convictions in cases involving child pornography, while ensuring the anonymity of the children concerned and of the alleged offenders ;

C. Measures relating to the prostitution of children and young adults

1. increase the material and human resources of welfare and police services and improve their working methods so that places where child prostitution may occur are regularly inspected ;

2. encourage and support the setting up of mobile welfare units for the surveillance of, or establishment of contact with, children at risk, particularly street children, in order to assist them to return to their families, if possible, and, if necessary, direct them to the appropriate agencies for health care, training or education ;

3. intensify efforts with a view to identifying and sanctioning those who foster or encourage the prostitution of children or young adults, or who profit from it, on the one hand, and of the customers of child prostitution, on the other ;

4. create or develop special units within the police and, if necessary, improve their working methods, in order to combat procuring of children and young adults ;

5. dissuade travel agencies from promoting sex tourism in any form, especially through publicity, in particular by instituting consultations between them and the public services ;

6. give priority to vocational training and reintegration programmes involving children and young adults who are occasionally or habitually prostituting themselves ;

D. Measures relating to the trafficking in children and young adults

1. supervise the activities of artistic, marriage and adoption agencies in order to control the movement within, or between countries, of children and young adults, to prevent the possibility that they will be led into prostitution or other forms of sexual exploitation ;

2. increase surveillance by immigration authorities and frontier police in order to ensure that travel abroad by children, especially those not accompanied by their parents or their guardian, is not related to trafficking in human beings ;

3. set up facilities and support those existing, in order to protect and assist the victims of traffic in children and young adults.

II. International aspects

Recommends that the governments of member states :

1. examine the advisability of signing and ratifying, if they have not done so :

— the United Nations Convention for the Suppression of the Traffic in Persons and the Exploitation of the Prostitution of Others (1950) ;

— the Hague Convention on Jurisdiction, Applicable Law and Recognition of Decrees relating to Adoptions (1965);

— the European Convention on the Adoption of Children (1967);

— Convention No. 138 concerning Minimum Age for Admission to Employment, of the International Labour Organisation (1973);

— the United Nations Convention on the Rights of the Child (1989);

2. introduce rules on extraterritorial jurisdiction in order to allow the prosecution and punishment of nationals who have committed offences concerning sexual exploitation of children and young adults outside the national territory, or, if applicable, review existing rules to that effect, and improve international co-operation to that end;

3. increase and improve exchanges of information between countries through Interpol, in order to identify and prosecute offenders involved in sexual exploitation, and particularly in trafficking in children and young adults, or those who organise it;

4. establish links with international associations and organisations working for the welfare of children and young adults in order to benefit from data available to them and secure, if necessary, their collaboration in combating sexual exploitation;

5. take steps towards the creation of a European register of missing children.

III. *Research priorities*

Recommends that the governments of member states promote research at national and international level, in particular in the following fields:

1. nature and extent of various forms of sexual exploitation of children and young adults, especially with a cross-cultural view;

2. nature of paedophilia and factors contributing to it;

3. links between adoption and sexual exploitation;

4. links between sexual abuse within the family and prostitution;

5. characteristics, role and needs of the consumers of child prostitution and child pornography;

6. evaluation studies of vocational training and reintegration programmes concerning youth involved in prostitution;

7. structure, international networks, interconnections and earnings of the sex industry;

8. links between the sex industry and organised crime;

9. possibilities and limitations of the criminal justice system as an instrument of prevention and repression of various forms of sexual exploitation of children and young adults;

10. epidemiology, causes and consequences of sexually transmitted diseases in children and young adults, and analysis of their links with sexual abuse and exploitation.