

## Conference Report:

### NSPCC and Save the Children Europe Group

*European Conference*

### **PROTECTING CHILDREN ACROSS BORDERS**

#### *Two challenges for EU cooperation to tackle child sexual abuse*

The Centre, Brussels, 28<sup>th</sup> November 2007

The objective of this half-day conference was to raise awareness of the need for further EU action to protect children from sexual, and to galvanise political support at a European level around two key challenges for protecting children's rights in Europe:

1. Identifying children who have been abused to produce child abuse images
2. Preventing recruitment of sex offenders to employment with children

#### **Opening session:**

Chairing the opening session, **Inger Segelström MEP** launched the conference by reminding participants of the need to take action to prevent child sexual abuse and protect children who are abused. She talked about the European Parliament's forthcoming report on proposals for a European children's rights strategy, as well as noting the gains for children's rights in the new EU Reform Treaty.

**Dr José Manuel Conde Rodrigues**, Portuguese Deputy Minister of Justice, noted that the issue of child protection was a particular interest of the Portuguese Presidency – proper protection for children is a mark of a civilised society, he said. He advocated a focus on prevention; at EU level the issue of criminal record data exchange is important. He also agreed that the EU needs common minimum standards for recruitment checking. Finally he suggested this conference represents the start of a “new generation of policies” crossing borders to protect children.

**Maud de Boer-Buquicchio**, Deputy Secretary-General of the Council of Europe, brought in the wider context of European action, talking about three Council of Europe Conventions which together represent a European “legal arsenal” against child sexual abuse. These include the recently adopted Council of Europe Convention on combating child sexual abuse. International cooperation should be intensified on this issue, she said. Harmonising laws is one important area, as the bigger the legal discrepancies, the harder it is for law enforcement to cooperate to combat abuse.

#### **Session 1: Protecting children from sex offenders moving within Europe**

Held by NSPCC, this session brought together a panel who discussed the recommendations made in the new NSPCC report “Protecting children from sexual abuse in Europe: Safer recruitment of workers in a border-free Europe”. How can the EU cooperate more closely to preventing unsuitable persons from getting employment with children especially when they move between countries?

Claire Fielder, representing the **UK Government**, argued that the EU has a collective responsibility to do more, including more extensive record-keeping and monitoring of offenders within the EU, greater sharing of this information and also the legal ability to use the information, as current data protection rules in some countries means information cannot be used elsewhere. We don't necessarily need legislation, she argued, as a lot can be done with practical cooperation. She noted that we need more common understanding between countries, for example on what constitutes an offence, and that we need a push for action from the bottom up, not only at government level.

For the **European Commission**, Maria-Grazia Giammarinaro agreed with the NSPCC report that an open discussion is needed about the next steps. She remarked that the 2003 framework decision<sup>1</sup> already provides a basis for cooperation but the Commission has warned Member States to be more careful about the implementation and is considering strengthening the legal framework especially regarding internet crimes (grooming; identifying victims of child abuse images). She is open to the idea of a Green Paper on protecting children from sex offenders, and agrees there's a need for more common understanding, wondered whether there is added value in dealing with this issue separately from initiatives to share information about conviction data in general.

Representatives of the **Belgian Ministry of Justice**, Stéphanie Bosly and Daniel Flore, explained that after the Fourniret case Belgium was shocked that information about previous convictions was not available, including for administrative authorities. They explained the 2004 Belgian proposal for an EU initiative on disqualifications from working with children, and the difficulties in negotiating this. Regarding the outcome, the improvements in information exchange are a good first step, but more is needed to agree a common approach: 1) a minimum approximation is needed of laws on the effects of convictions, and of vetting procedures; 2) there is room for improvement on the exchange of information itself. It is now *possible* to obtain information for use in administrative vetting procedures, but member states can still refuse to provide it.

Karolina Lewandowska of Polish NGO the **Nobody's Children Foundation** (Fundacja Dzieci Niczyje) said the discussion had highlighted for her just how much remains to be done in many Member States. For example in Poland there are still no clear rules on who needs to be checked to work with children. The most important thing, she said, is clear rules for organisations and institutions about what they should do to prevent unsuitable people working with children. She agreed there's a need for exchange of information between EU countries, but also with non-EU countries.

#### **Points raised in the discussion included:**

- the need for a balance between the right of children to protection through using the information, and the rights of offenders. Claire Fielder noted that a registration scheme of sex offenders is not a punishment and should not be seen as such – it's to do with preventing risk to the public, so the balance should be skewed towards the rights of children;
- focusing on using conviction information is only of limited use – it's crucial also to focus on prevention, (for example by focusing on ensuring wider 'safer cultures' in organisations and institutions working with children, and providing support people who are at risk of abusing) as many people who abuse children have never been

---

<sup>1</sup> Council Framework Decision 2004/68/JHA of 22 December 2003 on combating the sexual exploitation of children and child pornography

- convicted of previous acts of abuse so would not be detected. The issue of prevention however is not one for penal systems but rather about professional skills so needs dealing with in the employment not criminal justice area;
- general support for further EU legal harmonisation on child sexual abuse issues;
  - support for further discussion on an EU initiative on travelling offenders, but would a more general strategy on sex offenders be more useful? But if it's too broad it could be harder to address the complex technical issues;
  - the importance of special efforts in relation to children and young people who sexually harm other children, including more research;
  - the need for more awareness-raising to lay the ground for further concrete action;
  - the limitations of the current EU legal basis in this area - the new Treaty will help.

## **Session 2: Identifying victims sexually abused for the production and dissemination of child abuse images**

During the second session, hosted by Save the Children, examples of best practice were shared on the technique and cooperation required for victim identification and rescue.

Dr Ethel Quayle from the **University College Cork** provided a detailed outline of the history, nature and scale of the problem of online child abuse images and the lack of attention devoted to victim identification. One particular worry she expressed was what the democratisation of internet and digital media in Asian countries might implicate in terms of an increase in the volume of online child abuse images.

Detective Inspector Nicholas Howarth, who heads the **Greater Manchester Police Abusive Images Unit**, spoke from his experience in evolving from a police-centred mentality of “busting” the perpetrator to an inter-agency approach that includes technical experts, police and social workers. One of his main points was that, when working with victim identification, it is important to keep a broad understanding of what and who the victim is. For instance, they try to take into account the family of the victim or the unsuspecting wife of the perpetrator when carrying out raids, in order to minimise the psychological impact on victims.

Mr. Terry Jones, who works for the **Child Exploitation and Online Protection Centre (CEOP)**, subsequently gave a more technical lecture on the methods of victim identification. One of his arguments was the need to collect and use all images of a given victim, whether they are “indecent” or images or not. Even though an image may be non-indecent, it could contain information that might lead to discovering the identity of the victim, information that an abusive image of the same victim may not contain. Mr. Jones illustrated the multidisciplinary nature of victim identification work, citing case studies and examples where they had obtained crucial information from furniture companies, electricity providers, etc.

Following these two experts who delineated the “best practice” scenario currently solely operational in the U.K., Mr. Anders Persson from **Interpol** brought the attention back to the fact that victim identification should not only be an interagency, but also an international effort. Of key importance to Interpol is that countries, as the very minimum, share the abusive images they have confiscated with Interpol. Additionally, they should let Interpol know when they have identified a victim, so that the abusive images of this child, which will circulate on the internet forever, do not trigger another

investigation by another agency in vain. Interpol is also in the course of developing technology that would allow for the safe transmission of such data, but stresses the need for political and financial support for such a project.

Finally, Mr. Vernon Jones from **Save the Children Denmark** and chair Britta Öström, president of the **Save the Children Europe Group**, provided some remarks and conclusions to pave the way forward. They stressed the need for attention and resources to be devoted to the issue of victim identification and called for the formation of regional best practices based on the UK model, fostered by the EU. They also urged the EU to immediately start exploring the possibilities of a binding EU measure that would ensure that this issue is tackled throughout the EU and with a high level of cooperation between Member States and government agencies.

**Outcomes:**

The conference provided a much-needed opportunity for relevant stakeholders from academic, NGO, government, and EU institutions to meet to discuss how the EU can take further action on combating child sexual abuse, in light of the current context. There was a feeling that we now have many opportunities to act but that more commitment is needed to make use of these. NSPCC and Save the Children will build on the outcomes of the conferences over the coming year to take forward action on both the key areas discussed.