

Revision of EU legislation relating to child sexual abuse and sexual exploitation, and trafficking in human beings

Joint Statement by Children's Rights NGOs
October 2008

Children's rights NGOs welcome wholeheartedly the proposed revision of EU Council Framework Decision on combating the sexual exploitation of children and child pornography (2004/68/JHA) and EU Council Framework Decision on combating trafficking in human beings (2002/629/JHA).

The UN Convention on the Rights of the Child (UNCRC) establishes a set of rights for every child within the jurisdiction of signatory states. It is therefore essential that the revised Framework Decisions are founded in, and coherent with, the full range of children's rights. More generally, it must be emphasised that child protection and children's rights should be the primary consideration for Member States in determining the content and approach of the legislation. In both Framework Decisions, we support clear provisions to protect and support children who have suffered abuse as well as the inclusion of a range of measures relating to prevention.

Many aspects of the problems in these fields cannot be effectively addressed only by Member States acting alone, or are better addressed by working together. The EU's actions can play an important role in orienting efforts across Europe and beyond to protect children. We therefore recommend that the Council adopt accompanying measures on the implementation of the Framework Decisions. This should include a broad set of recommendations on the wider elements which should form part of comprehensive national, European and international strategies to prevent child sexual abuse, sexual exploitation and trafficking in all its forms and to protect its victims.

Child sexual abuse and exploitation

There is an urgent need to significantly improve EU cooperation to protect children from sexual exploitation and sexual abuse. The EU should take steps to ensure the Framework Decision embraces children's right to protection, whether the child is a victim of abuse or a perpetrator of it. The EU's actions should also support comprehensive prevention measures including awareness raising, training and offender management. All provisions relating to criminal law, law enforcement and other measures should be designed taking into account the best interests of children.

Trafficking

It is crucial to ensure that national child protection systems are strengthened to improve detection and prevention of trafficking. When a possible situation of trafficking is identified, children's rights to assistance and protection must be place to the fore. Finally, in order to ensure that any provisions concerning the rights of trafficked persons to assistance are in fact achieved, the EU should also address more fully within relevant legislation the migration status of any trafficked persons of third country origin.

We would be happy to provide advice for the development of the revised Framework Decisions and any accompanying Recommendation.

Signatory organisations:

- Save the Children Europe Group
- ECPAT in Europe
- NSPCC (UK) – National Society for Prevention of Cruelty to Children

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