



**Promoting integrated European policies  
on missing and sexually exploited children**

## **AGENDA**

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- **CONTEXT OF AGIS-PROJECT**
- **OBJECTIVES OF AGIS-PROJECT**
- **RESEARCH-DEFINITIONS**
- **METHODOLOGY/CHECKLIST TO BE USED FOR DRAFTING NATIONAL REPORTS**
- **TIMETABLE**

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# CONTEXT

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- 2002-2003: Childscope-project under Stop & Daphne programme of the European Commission
  - Outcome: 3 publications
    - Missing & sexually exploited children in the EU. Epidemiological data
    - Directory of civil society organisations working in the field of missing & sexually exploited children
    - Co-operation between civil society & law enforcement in the area of missing & sexually exploited children. Possibilities & limits from a European legal perspective
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# OBJECTIVES

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Extent phenomenon missing & sexually exploited children

- state of the art in EU MS
    - all national available figures on (missing and) sexually exploited children
    - insight in way national data collection is organised
    - shortcomings and weaknesses applied working methods
  - in order to ameliorate organisation data collection
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# OBJECTIVES

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- long-term objective:
  - establishment EU monitoring center on missing and sexually exploited children
  - ensure centralisation and administration of fundamental reliable and comprehensive data

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# METHODOLOGY

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- identification of 1 academic expert in each new EU Member State
- national report on extent of phenomena in 10 new Member States by academic experts
- comparative study of all national reports
- recommendations concerning data collection on national & European level

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# NATIONAL REPORT

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- DEFINITIONAL INFORMATION ON DIFFERENT TYPES OF MISSING & SEXUALLY EXPLOITED CHILDREN
  - INFORMATION ON CRIMINAL LAW SYSTEM
  - ORGANISATION OF DATA COLLECTION ON NATIONAL LEVEL & BY VARIOUS ACTORS (LE, NGO...)
  - ALL AVAILABLE DATA ON MISSING & SEXUALLY EXPLOITED CHILDREN IN THE COUNTRY
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## DEFINITIONS

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- DEFINITION OF CHILD
  - DEFINITIONS OF VARIOUS TYPES OF MISSING CHILDREN
  - DEFINITIONS OF VARIOUS TYPES OF SEXUAL EXPLOITATION OF CHILDREN
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# DEFINITIONS - CHILD

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- UN CONVENTION ON THE RIGHTS OF THE CHILD:

Art.1:

*“... a child means every human being below the age of 18 years unless, under the law applicable to the child, majority is attained earlier”*

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# DEFINITIONS - SEXUAL EXPLOITATION

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- DIFFERENT TYPES OF SEXUAL EXPLOITATION OF CHILDREN:
  - sexual assault
  - child prostitution
  - child pornography in general/on the internet
  - sex tourism
  - child trafficking with a view to sexual exploitation

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# DEFINITIONS - SEXUAL EXPLOITATION

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**SEXUAL ASSAULT** : *Council Framework Decision on combating the sexual exploitation of children and child pornography*

- Engaging in sexual activities with a child below the age of sexual consent.
- Engaging in sexual activities with a child above the age of sexual consent where :

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# DEFINITIONS - SEXUAL EXPLOITATION

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- a) use is made of coercion, force or threats
- b) money or other forms of remuneration or consideration is given as payment in exchange for the child engaging in sexual activities or
- c) abuse is made of a recognised position of trust, authority or influence over the child
- Use of parental/other family authority: incest

*Reflection: The age of sexual consent should be mentioned*

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# DEFINITIONS - SEXUAL EXPLOITATION

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**CHILD PROSTITUTION:** *Council Framework Decision on combating the sexual exploitation of children and child pornography*

- Coercing or recruiting a child into prostitution, profiting from or otherwise exploiting a child for such purposes

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# DEFINITIONS - SEXUAL EXPLOITATION

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**CHILD PORNOGRAPHY IN GENERAL** (*source FD supra*)

- production, distribution, dissemination, transmission, supplying, making available, acquisition and possession of child pornography, i.e. pornographic material that visually depicts or represents either
- a real child involved or engaged in sexually explicit conduct, including lascivious exhibition genitals/pubic area of a child
- a real person appearing to be a child involved or engaged in the aforementioned conduct
- realistic images of a non-existent child involved or engaged in the aforementioned conduct

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# DEFINITIONS - SEXUAL EXPLOITATION

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however: exclusion from criminal liability allowed where

- real person appearing to be a child was in fact 18 years of age or older at the time of depiction
- in the case of production & possession, images of children having reached the age of sexual consent are produced and possessed with their consent & solely for their own private use

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# DEFINITIONS - SEXUAL EXPLOITATION

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*(continuation)*

- child pornography consisting of realistic images of a non existing child produced & possessed by the producer solely for his or her private use, as far as no pornographic material involving a child or a real person appearing to be a child has been used for the purpose of its production, and provided there is no risk for the dissemination of the material

**CHILD PORNOGRAPHY ON THE INTERNET: CoE**  
*Cybercrime Convention*

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# DEFINITIONS - SEXUAL EXPLOITATION

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**SEX TOURISM:** *Council Framework Decision on combating the sexual exploitation of children and child pornography*

- = same conduct as under 'sexual assault'
- with a child in another country than the country of origin of the perpetrator

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# DEFINITIONS - SEXUAL EXPLOITATION

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**TRAFFICKING IN CHILDREN WITH A VIEW TO SEXUAL EXPLOITATION:** *EU Framework Decision on combating trafficking in human beings*

- recruitment, transportation, transfer, harbouring, subsequent reception of a child, including exchange or transfer of control over that child
- for the purpose of exploitation of the prostitution of others or other forms of sexual exploitation, including in pornography

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# DEFINITIONS - MISSING CHILDREN

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- DIFFERENT CATEGORIES OF MISSING CHILDREN:
    - runaways
    - abduction by third person
    - parental abduction
    - lost, injured & otherwise missing
    - missing unaccompanied minors
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# DEFINITIONS - MISSING CHILDREN

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- **RUNAWAYS:**

*All minors who voluntarily run away from home or from the institution where he/she has been placed*

- **ABDUCTION BY THIRD PERSON:**

*All abductions of minors by anyone other than the parents or persons with parental authority*

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# DEFINITIONS - MISSING CHILDREN

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- **PARENTAL ABDUCTION:**

*The fact of a child being taken away to or kept in a country other than that of its normal residence by one or more of its parents or persons having parental authority against another parent's will or against the will of the person with parental abduction*

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# DEFINITIONS - MISSING CHILDREN

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- **LOST, INJURED & OTHERWISE MISSING:**

*Disappearances for no apparent reasons of minors who have got lost or hurt themselves and cannot be found immediately (e.g. accidents during sport activities, at youth camps, children lost at the beach...)*

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# DEFINITIONS - MISSING CHILDREN

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- **MISSING UNACCOMPANIED MINORS:**

*UNHCR-report*

*Missing migrant children, nationals of a country with which there is no free movement of persons, under the age of 18 who have been separated from both parents and are not being cared for by an adult, who by law is responsible for doing so*

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# CRIMINAL LAW SYSTEM

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- PRINCIPLE OF OPPORTUNITY/LEGALITY
- PARA-JUDICIAL SETTLEMENT
- PRIVATE CRIME

in order to facilitate the correct interpretation of the figures/statistics

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# ORGANISATION OF DATA COLLECTION

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## COMPREHENSIVE CHECKLIST:

- system of registration on different levels  
(police/judiciary/health/prevention/NGOs ...)
- centralised or decentralised
- exchange/sharing data between LE/NGO/GO ...
- since when is data collection organised, period of time
- electronic data collection or not?

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# ORGANISATION OF DATA COLLECTION

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- anonymous/personal data?
- in terms of victims : age groups/gender
- in terms of offenders: gender/convicted or suspect
- in terms of cases: pending/settled cases
- differences for various forms of sexual exploitation & missing children
- how to avoid double counting?

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# ORGANISATION OF DATA COLLECTION

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- DESCRIPTION OF THE DIFFERENCES IN DATA COLLECTION BETWEEN SEXUAL EXPLOITATION AND DISAPPEARANCES OF CHILDREN
  - DESCRIPTION OF THE WEAKNESSES AND SHORTCOMINGS OF THIS METHOD
  - PROPOSITION ON AMELIORATION OF THE ACTUAL DATA COLLECTION
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## AVAILABLE STATISTICS/DATA

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- FRAME OF REFERENCE - DEMOGRAPHIC DESCRIPTION
  - PHENOMENON OF SEXUAL EXPLOITATION OF CHILDREN
  - PHENOMENON OF DISAPPEARANCES OF CHILDREN
  - CONCLUSION / THE ACTUAL EXTENT OF THE PHENOMENON OF SEXUAL EXPLOITATION AND DISAPPEARANCE OF CHILDREN IN THE COUNTRY CONCERNED
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# AVAILABLE STATISTICS/DATA

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- FRAME OF REFERENCE - DEMOGRAPHIC DESCRIPTION
  - How many people in your country: gender/age
  - How many children in your country: gender/age

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# AVAILABLE STATISTICS/DATA

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- PHENOMENON OF SEXUAL EXPLOITATION OF CHILDREN
  - figures of sexual exploitation of children:
    - » system of registration
    - » for each form of sexual exploitation
    - » on different levels (police/judicial/fieldworkers)
    - » centralised or decentralised
    - » reference period to be determined

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# AVAILABLE STATISTICS/DATA

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- PHENOMENON OF SEXUAL EXPLOITATION OF CHILDREN
    - figures of sexual exploitation of children - continuation
      - » anonymous/personal data
      - » in terms of victims : age groups/gender
      - » in terms of offenders: gender/convicted or suspect
      - » in terms of cases: pending/settled cases
      - » ...
    - critical reflection on figures (dark number, double counting...)
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# AVAILABLE STATISTICS/DATA

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- PHENOMENON OF DISAPPEARANCES OF CHILDREN
    - figures on disappearances of children:
      - » system of registration
      - » for each form of disappearance of children
      - » on different levels (police/judicial/fieldworkers)
      - » centralised or decentralised
      - » reference period to be determined
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# AVAILABLE STATISTICS/DATA

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- PHENOMENON OF DISAPPEARANCES OF CHILDREN
    - figures on disappearances of children - continuation:
      - » anonymous/personal data
      - » in terms of victims : age groups/gender
      - » in terms of offenders: gender/convicted or suspect
      - » in terms of cases: pending/settled cases
      - » ...
    - critical reflection on figures (dark number, double counting...)
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# AVAILABLE STATISTICS/DATA

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- CONCLUSION / THE ACTUAL EXTENT OF THE PHENOMENON OF SEXUAL EXPLOITATION AND DISAPPEARANCE OF CHILDREN IN THE COUNTRY CONCERNED

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# TIMETABLE

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- delivery of first draft of the national report to Child Focus and IRCP: *deadline 1 March 2005*
  - presentation of the national report and feedback on all other national reports at the occasion of the second international round-table (Poland or Belgium): *March 2005*
  - finalisation of the national report to be forwarded to Child Focus/IRCP: *deadline 20 May 2005*
  - participation at the final international round-table (Belgium or Poland): *end May-begin June, 2005*
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# PUBLICATION

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- Publication in book form
  - ISBN
  - Copyright/license
  - Maximum of 25 pages
  - Common and identical layout for all national reports
  - 1 free book per academic expert
  - Fee of 1.000 EURO for accomplished contribution
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# Childscope

Promoting integrated European policies  
on missing and sexually exploited children