Resolution 1099 (1996)[1]

Sexual exploitation of children

Parliamentary Assembly

1. Viewing with profound indignation and sadness the crimes committed against children recently in Belgium, but also in several other European countries, the Assembly recalls that the sexual exploitation of children is an unacceptable violation of human rights.

2. These events, which have revealed the existence and development of organised paedophile networks involving young children and the horror of trafficking in children in Europe, have disclosed shortcomings and deficiencies in judicial and police co-operation in Europe.

3. The Assembly has issued constant reminders that children are vulnerable and "are in need of special assistance, care and protection" (Recommendation 1121 (1990)).

4. The Assembly recalls its Recommendation 1065 (1987) on the traffic in children and other forms of child exploitation, in which it urged the enactment of "strict laws and regulations to combat child pornography and harmonise member states' relevant legislation", and strongly calls on member states to combat child pornography in whatever form (publications, video, Internet).

5. The Assembly calls upon the member states of the Council of Europe to unite their efforts and their resources to combat child prostitution, trafficking and pornography, in order that the sexual exploitation of children may cease, and calls for increased international co-operation.

6. The Assembly welcomes the efforts currently being made to promote the cause of children and fully subscribes to the conclusions and agenda for action of the World Congress against commercial sexual exploitation of children, held in Stockholm from 27 to 31 August 1996.

7. The Assembly recalls that in its Recommendation 1286 (1996), it recommended to the Committee of Ministers that the work concerning child protection and children's rights be given absolute priority, and that a permanent multidisciplinary structure be set up, able to deal with all issues relating to children.

8. The Assembly recalls that in its Recommendation 1121 (1990) and its Opinion No. 186 (1995), it requested the Committee of Ministers to draft an additional protocol to the European Convention on Human Rights, on children's rights, in order to make them legally enforceable.

9. The Assembly asks the member states to support work on the drafting of an optional protocol to the United Nations' International Convention on the Rights of the Child, on child trafficking, prostitution and pornography.

10. The Assembly calls upon the member states not yet having done so:

10.1. to sign, ratify and implement the 1989 International Convention on the Rights of the Child and the European Convention on the Exercise of Children's Rights;

10.2. to sign, ratify and implement the relevant Council of Europe criminal law conventions (European Convention on Extradition and its protocols, European Convention on Mutual Assistance in Criminal Matters, etc.).

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1. Assembly debate on 25 September 1996 (28th Sitting) (see Doc. 7659, report by the Committee on Legal Affairs and Human Rights, rapporteur: Mrs Err). Text adopted by the Assembly on 25 September 1996 (28th Sitting).

11. The Assembly recalls the need, stated in its Recommendations 1121 (1990) and 1286 (1996), to develop information programmes and preventive measures, and in particular:

11.1. to appoint a commissioner for children (ombudsman) or to create an appropriate structure in every country, at local or national level, to inform children their rights, counsel them and intervene on their behalf;

11.2. to promote information campaigns for children and their parents, and also provide educational and psychological care for children who are victims of sexual exploitation.

12. The Assembly encourages the member states to reinforce punitive measures at national level and adoptcriminal legislation on child prostitution without delay. It underlines especially the need:

12.1. to include in their criminal legislation the principle of extraterritorial prosecution and conviction for offences;

12.2. to foresee a sufficiently long statutory limitation for the prosecution of offences against minors (at least twenty years, and a time-limit for starting proceedings that extends at least five years beyond the age of majority);

12.3. to create the following new criminal offences, punishable by deterrent sentences:

a. the possession of pornographic material, such as videos, documents or photographs involving children;

b. the manufacture, transport and distribution of pornographic material showing minors;

c. the broadcasting and recording of pornographic images of minors;

12.4. to enact legislation providing that all sexual offences involving children should be classified as serious offences; such offences should under no circumstances be included in a category of less-serious offences;

12.5. to harmonise, as far as possible throughout Europe, the treatment of sexual offenders, in particular concerning release on parole, psychological treatment and social monitoring;

12.6. to incorporate into their legislation the principle that a minor under the age of 15 years cannot give her or his consent to sexual relations with an adult;

12.7. to allow child protection associations and non-governmental organisations (NGOs) to act as complainants in cases of sexual abuse of children.

13. The Assembly asks member states to take concrete measures to put an end to sex tourism, in particular to enable criminal and administrative measures to be brought against travel agencies and tour operators (withdrawal of licence, fines, etc.), and to deter those wishing to engage in sex tourism, through the screening of films on aircraft flying to the countries at risk, illustrating the serious harm caused to the psycho-social and physical development of sexually abused young people, and the handing-out of leaflets on the sexual exploitation of children to tourists as they leave their aircraft.

14. The Assembly also calls on member states to work in close co-operation with countries whose children and young people suffer sexual exploitation by nationals of the member states in order to combat sex tourism abroad.

15. Furthermore, the Assembly advocates that programmes of specific training for professionals working with children (teachers, judges, lawyers, etc.) be introduced in member states, and that specially trained units be set up by the police and in the courts to take care of minors who are victims of sexual abuse.

16. The Assembly asks member states:

16.1. to include in school curricula information on the potential risks facing children and the ways in which they may protect themselves;

16.2. to call upon the media to help increase general awareness and to adopt appropriate ethical rules.

17. The Assembly observes that national action is limited and cannot be effective in combating exploitation and trafficking in organised networks, and calls upon the member states to reinforce transfrontier judicial and police co-operation in Europe; it fully supports the initiatives aimed at improving the Europol system.

18. The Assembly pays tribute to NGOs and organisations such as Unicef, End Child Prostitution in Asian Tourism (ECPAT), the National Children's Bureau (London), etc., who work to inform children and young people and to protect them from sexual exploitation, and fully pledges its commitment to co-operate and work with them.

19. Finally, the Assembly renews its proposal to create a European children's ombudsman, in the framework of the Council of Europe.