



Recommendation 1583 (2002)¹

Prevention of recidivism in crimes against minors

Parliamentary Assembly

1. The Parliamentary Assembly recalls the 1959 Declaration of the Rights of the Child which invokes the need to protect children against neglect, cruelty and exploitation, the 1989 United Nations Convention on the Rights of the Child which calls on states to adopt measures to protect children from all forms of physical and mental violence, and the 1996 Council of Europe Convention on the Exercise of Children's Rights (ETS No. 160), which is aimed at helping the parties to the United Nations convention to implement this text.
2. The Assembly stresses in particular that Article 39 of the United Nations Convention on the Rights of the Child requires the contracting states to take all appropriate measures to reintegrate children who have suffered from crimes and cruelty, one of these measures being to introduce specialised social and psychological services for under-age victims. The fact is that such services are largely underdeveloped in central and east European states.
3. The Assembly voices its concern at the substantial increase in crimes against minors recorded in many European states, as well as the increase in indecent assaults against and interference with the sexual inviolability of children. In an alarming trend, a great many such crimes are being committed by persons who are supposed to be caring for children and who hold authority over them.
4. The Assembly considers that in order to eliminate the factors that contribute to the perpetration of crimes against minors in an increasingly integrated European environment, it is necessary to encourage national governments to seek the utmost standardisation of national criminal legislation on the age of protection of children's sexual inviolability, on liability for the production of and trade in articles involving child pornography, as well as on liability for inciting minors to prostitution and for organising child prostitution.
5. The Assembly notes that many perpetrators of crimes involving sexual or other violence against children have themselves suffered cruel treatment, and that consequently the legal enshrinement of the requisite compensation for the damage suffered (reparation) and psychotherapeutic treatment would provide a very useful means of preventing violent crimes against minors.
6. The Assembly is aware that states in a critical economic situation are facing high crime rates involving the economic exploitation of children and neglect of their basic needs by their parents and/or other persons responsible for their well-being.
7. The Assembly stresses the particular danger of non-random – that is to say premeditated – crimes against minors, considering that two categories of crimes against minors must be studied in particular detail, namely cruel treatment of children by their parents, guardians or supervisors, or persons legally responsible for their well-being, and sexual offences, most of which are committed by persons with sexual behaviour disorders.
8. The Assembly acknowledges that traditional penalties cannot effectively prevent reoffending or remedy the personality disorders that are the cause of crimes against minors. Therefore, it is necessary to devise measures to prevent reoffending in crimes against minors with the greatest urgency, in order to ensure fuller implementation of the rights of children.

1. Text adopted by the Standing Committee, acting on behalf of the Assembly, on 18 November 2002 (see [Doc. 9613](#), report of the Committee on Legal Affairs and Human Rights, rapporteur: Mr Chaklein).



9. To prevent reoffending, the Assembly stresses the advisability of using legal measures which lie outside the strict framework of criminal law. Such measures may be provided for in civil and family law, as well as under specific laws on the protection of children or texts governing specified occupations in which adults are in contact with, and hold authority over, children.
10. Consequently, the Assembly invites member states to:
- adopt all the necessary measures to improve protection of children's rights, including shielding them from all forms of cruelty and exploitation;*
- co-ordinate their efforts to combat the spread of child pornography and sexual exploitation of minors, and ratify the Council of Europe's Convention on Cybercrime (ETS No. 185) as quickly as possible.*
11. The Assembly recommends that the Committee of Ministers:
- 11.1. provide financial assistance for states which are experiencing or have experienced local armed conflicts within their borders, to help them implement programmes to protect minors against all forms of cruelty and exploitation;
- 11.2. provide help for central and east European states in setting up specialised social and psychological services for under-age victims of crimes;
- 11.3. develop model legislation and promote the implementation of practical measures to prevent reoffending in crimes against minors;
- 11.4. formulate and finance research programmes aimed at assessing the potential effectiveness of current and potential prevention measures;
- 11.5. launch training programmes for specialists working on these issues with convicted persons and their victims;
- 11.6. disseminate information on positive experiences in various states concerning treatment for convicted persons and rehabilitation of victims;
- 11.7. include reoffending in crimes against minors in the terms of reference of the Committee of Experts on dealing with sex offenders in penal institutions and in the community (PC-DS), to be set up by the European Committee on Crime Problems (CDPC).