

Victim Support Europe Contribution

ROADMAP EU STRATEGY FOR A MORE EFFECTIVE FIGHT
AGAINST CHILD SEXUAL ABUSE

About Victim Support Europe

Victim Support Europe (VSE) is the leading European umbrella organisation advocating on behalf of all victims of crime, no matter what the crime, no matter who the victim is. VSE represents 58 member organisations, providing support and information services to more than 2 million people affected by crime every year in 30 countries.

Founded in 1990, VSE has been working for almost 30 years for a Europe, and a world, where all victims have strong victims' rights and services, whether they report the crime or not. We work towards this mission through advocacy to improve European and international laws, through research and knowledge development and through capacity building at the national and local level.

Introduction

Being sexually exploited during childhood causes life-long suffering to victims, who may experience difficulties with establishing interpersonal relationships or sexual functioning. Studies suggest that a significant proportion of children in Europe – between 10 % and 20 % – are sexually abused during their childhood.¹

We are living in an era of incredible technical advancements, which are fundamentally changing our way of life but also the way of criminal behaviours. In such an environment we are seeing a change in ways child sexual abuse is taking place. In some cases, the full extent of the abuse can happen online – without any physical contact between the abuser and the child themselves, while at other times the internet is used to groom children for abuse, or to disseminate content which was obtained through child sexual abuse.

Recent reports indicate that globally, the largest proportion of child sexual abuse material is stored on servers located in the EU². Cases where sexual violence has been either facilitated or perpetrated by the use of information and communication technologies, come with the additional burden of the danger that such material may remain online for a long time, even forever, that it crosses borders and that it may come back to haunt victims long after the abuse has stopped, hence reversing the course of their recovery.

While the EU Victims' Rights Directive aims to ensure rights for all victims of all crimes, it recognises the necessity to provide particular protection to children and to victims of sexual violence. The Directive, therefore, creates a legal environment in which it is of utmost importance to insist that child victims of sexual abuse are not only provided with the support they need, but also with protection, recognition, access to justice and compensation. At the same time, it is necessary that all actors across the board – including the governmental services, civil society and businesses – work in a collaborative manner, putting the child victim in the centre of their work. Of course, the best form of protection from crime is prevention. However, when child sexual abuse unfortunately occurs, these actors need

¹ According to a child sexual abuse prevalence study by Stoltenborgh et al. (2011), estimated prevalence rates for girls in Europe were 13.5%, and 5.6% for boys in Europe. However, it is worth noting that self-report studies yielded an estimated prevalence that was 30 times higher than the rate estimated from informant studies.

² https://ec.europa.eu/home-affairs/news/20200428-increased-amount-child-sexual-abuse-material-detected-europe_en

to ensure that child victims' needs are fully met and that they are supported in their full recovery as a matter of priority.

In this contribution, we will use the three key points as described by the roadmap to navigate the approach of child sexual abuse, namely: prevention of child sexual abuse, adequate assistance to victims, and effective investigation and prosecution of such crimes.

I. Increase the prevention of child sexual abuse

To ensure a sustainable approach to the prevention of child sexual abuse, apart from the already existing law enforcement and investigative techniques, a more long-lasting solution can be seen in the combination of two elements: (1) EU legislation on child sexual abuse must be implemented fully and effectively by Member States and the EU must ensure this, and (2) the EU and Member States need to invest in resilience through broader societal action, including education.

1. Full and effective implementation of EU law

Crime has a significant and long lasting impact on millions of people in Europe. However not enough is being done to support victims in general, and the most vulnerable in particular. Namely, despite wide ranging EU legislation³, many of the rights laid down in this legislation are, disappointingly, far from being fully and appropriately implemented.

We believe that it is critical to ensure victims' access to their rights under EU law. An important step in doing so is to **ensure full and meaningful legal transposition** of EU legislation related to victims. In addition, it is also fundamental to identify actions to reduce gaps and ensure **full practical implementation** of such transposed legislation. Despite the significant legislative effort of the EU, the Member States appear to be repeatedly failing their most vulnerable – child victims of sexual abuse – at this first step. In 2019 the Commission opened infringement procedures against 23 Member States for possible non-conformities in the transposition of the Child Sexual Abuse Directive and another set of infringement proceedings for the failures to transpose the Victims' Rights Directive. This came around the time when VSE published findings of extensive study into practical implementation of the Victims' Rights Directive across 26 EU Member States⁴. The report found that not a single Member

³ In particular : Directive 2011/93/EU on combating the sexual abuse and sexual exploitation of children and child pornography; Directive 2012/29/EU establishing minimum standards on the rights, support and protection of victims of crime; Council Directive 2004/80/EC relating to compensation to crime victims; Directive 2011/99/EU on the European Protection Order (EPO); Regulation (EU) No. 606/2013 on mutual recognition of protection measures in civil matters; Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims; Directive (EU) 2017/541 on combating terrorism and the Regulation (EU) 2016/679 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data.

⁴ See Victim Support Europe, Victims of Crime – Implementation and Analysis of Rights in Europe (VOCIARE), July 2019, available at: https://victimsupport.eu/activeapp/wp-content/uploads/2019/08/VOCIARE_Synthesis_Report-web.pdf.

State is fully implementing the entirety of the minimum guarantees by the Directive. The study also showed that not a single right from the Directive is fully implemented across all 26 observed states.

Similar experiences are present in respect of the **European Protection Order Directive and Regulation**. Unfortunately, while the intention behind this legislation was to ensure equal protection of victims in accordance with the free movement, victims still face significant differences across the EU in the protection they are afforded. These differences range from the types of measures available, to the differences in the criteria to impose measures, duration of different measures and the requirements for their extension or renewal. Against such background, the mutual recognition system is largely unused and does not address these fundamental problems, with the result of a limited success of this important piece of legislation

We need to insist that Europe should and can do much better than that.

We call on the European Commission to insist on **full transposition** of the Victims' Rights Directive and the Child Sexual Abuse Directive.

We call on the European Commission to **examine reasons for the limited success of the European legislation in the area of victims' rights**.

We also call for setting out a **minimum standards for protection orders** to ensure a minimum equal level of protection, no matter where in the EU the victim is, while at the same time safeguarding the high performance in some Member States.

We need to not only fully transpose and implement the existing legislation, but we need to **continue improving**. EU legislation provides but a minimum requirement for protection of vulnerable victims. EU and Member States need to continue looking into best practices and scientific, technological and social developments in dealing with child sexual abuse and respond through continuous evaluation and monitoring and through adoption of new legislation when needed.

2. Use of new technologies to prevent and tackle child sexual abuse

The development of new technologies has gone hand in hand with the rise in child sexual abuse. This development requires a novel approach to prevent child sexual abuse from happening in the first place, but also to prevent revictimisation and secondary victimisation of vulnerable children.

New technologies, such as artificial intelligence or virtual and augmented reality, can be used to detect, identify and prevent potential abusive behaviours – such as grooming but also in prevent and intercept the dissemination child sexual abuse material before it reaches a broader audience.⁵ Such

⁵ These technologies could also recognise and prevent abusive behavioural patterns, both on the side of the perpetrator and in general, to prevent online contact between the (potential) victim and the perpetrator who is after them.

technologies could also play a role in preventing repeated or secondary victimisation, as victims will not be at risk of being exposed to online material of their traumatic experience.

Removing child sexual abuse material is, therefore, a key component of this work. While hotlines receive and act on reports of illegal material from members of the public, the tech industry also has an important part to play a proactive role in restricting access to child sexual abuse material.

Additionally, internet and tech companies should incorporate 'safety by design' in their mechanisms to ensure that their products are safe for children and can help prevent child sexual abuse.

We call the EU and Member States to develop **active partnership with the IT sector, in cooperation with victims and victim support organisations** to develop effective responses to online child sexual abuse.

II. Build resilience through education

Societies are only as good as how they treat their most vulnerable, and it is beyond doubt that children victims of sexual abuse are the ones needing the societal support and understanding the most. Therefore, our success as a collective will require a fundamental shift in attitudes to equip us to address this vulnerability. Towards this end, we will need to build resilience – both of the general public and children themselves.

1. Increasing victims' resilience

Some of us are able to spontaneously develop resilience, without the external help. However, many others will need to learn how to deal with stressful and traumatic situations. This is particularly true for highly stressful events such as victimisation and for particularly vulnerable groups, such as children. Resilient victims recover more quickly and more successfully, and while particular focus should be kept on highly traumatic events, such as sexual abuse, resilience in children needs to go broader and aim at helping them cope with other traumatic events, such as (cyber)bullying, the loss of a loved one, or even stressful situations such as parents' divorce or COVID-19 lockdowns. In cases where the child sexual abuse involved video recordings or images, resilience training can play an even bigger role in supporting the victim in its aftermath. In these situations, victims will need to develop strategies to cope with the knowledge that these images may potentially stay online for the rest of their life, reminding them of their traumatic experience.

We are, therefore, calling on the European Commission to support **the introduction of basic resilience training for all children in the EU**. This training should enable children to recognise unacceptable behaviours and empower them to seek assistance and protection from their parents, educators and other persons in their surroundings. It should also enable them to recognise victimisation in their environment and respond to their friends' and relatives' victimisation in an understanding and compassionate manner.

2. Building societal resilience

To support most vulnerable, we need to build sensitive and emphatic societal response. Building broader societal resilience will require developing **training and education at all levels**, from primary school up to higher education, vocational training and lifelong learning. The aim of this process is to **improve knowledge and understanding** of safety, the impact of crime, how to recognise victimisation, and how to address victims' needs. This effort should aim at developing soft skills required to not only work with and support child victims, but also to just develop sensibility of the general public to know how to respond to victimisation in a manner that will not have a negative impact on the victim. Through such a systemic approach, it can be expected that the society will become better adapted to respond to victimisation, and will hence become more resilient in its entirety.

In this regard, VSE holds position that in the attempt to achieve this resilience, the following action should be set as a strategic priority:

The EU and Member States should develop programmes and ensure actions which ensure that the **general population** is educated about victims' issues in general, and the issues of child sexual abuse in particular. Since every person can play a role in helping child victims, society as a whole needs more training and knowledge on how to do this.

First and foremost, the general public needs to be trained in recognising and possibly preventing child sexual abuse. It is important to start developing education systems to **include victims' issues and victimisation in curricula of professions where individuals may be in contact with victims**, e.g. teachers, school administrators, and legal or medical professions. For example, teachers should be able to recognise violence or abuse against a child. Consequently, **professionals working with the general population** who are likely to come across child victims, should receive training and education related to victims' issues and victimisation, including identifying and supporting victims. This also applies to people working in the private sector, such as hotel staff who can be trained to recognise child trafficking and child abuse.

Additionally, **parents and caregivers** play an important role in preventing children to falling victim to sexual abuse, recognising the abuse and ensuring that the child receives the support they need. Parents should be made aware of how to protect their children from sexual abuse, and in particular of the dangers of the internet and the misuse their children could fall into. Parents and caregivers should also be able to recognise emotional and behavioural reactions that are characteristic of children who have been sexually abused (e.g. an increase in nightmares, sleeping difficulties, withdrawn behaviour, angry outbursts, anxiety, depression, sexual language or behaviour, et cetera) and should know how to appropriately respond and how to ensure that their child receives the support they need. A comprehensive prevention strategy should include increasing parents' and caregivers' awareness and knowledge of protective measures they can take on behalf of their children.

Finally, the EU and Member States should ensure that **professionals who engage with victims, and children in particular**, as part of their job receive appropriate training and education. Their training and education should focus in particular on areas related to understanding victimisation and its impact, effective and empathetic communication with victims, respectful and appropriate treatment,

and preventing secondary victimisation. Additionally, the EU and Member States should ensure that **professionals who engage with victims** receive appropriate training and education about maintaining emotional and psychological well-being, increasing their resilience, and minimising the impact of stress, in particular to **avoid vicarious traumatisation**.⁶

III. Ensure support for child victims

A critical factor in the harm that victims experience is disempowerment – the loss of control over their lives. That disempowerment is felt not only as a direct result of the crime (primary victimisation), but also through other negative experiences that are secondary to the incident and that occur during contact with the criminal justice system and other associated systems (secondary victimisation). While increasing resilience is an important preparatory step, it is still important to put into place necessary support services for children victims of sexual abuse and ensure that every child victim has access to all the services they need to achieve full recovery.

Victims' Rights Directive recognises the need for both generalist and specialist forms of victim support. This support is guaranteed to both direct victims and their family members and needs to be provided regardless of whether the victim reported the crime and takes part in criminal proceedings or not.

While there are at least some forms of support for children victims of sexual abuse, it is alarming to note that a number of EU Member States is still failing to ensure nation-wide generalist support services, which should exist for the benefit of all victims, including children victims of sexual abuse and their families. There is little information about the availability and sufficiency of specialist services for vulnerable child victims and there is no concerted effort to establish the need for such specialist services. At the same time, in a number of Member States there is a lack of sustainable and stable funding for victim support services, leaving vulnerable victims, including children victims of sexual abuse, to receive support from time-limited initiatives, such as projects, hence risking end of support with the end of the project.

To ensure that children and their families are properly supported, support for children victims of sexual violence needs to be delivered through a collaboration of societal services – such as education, healthcare, social services, law enforcement and judiciary and the civil society, through both generalist and specialist forms of support. We call on the European Commission to **insist that Member States ensure full access to high quality generic and specialist victim support services for all children victims of sexual abuse** which are delivered in collaboration between the state authorities, societal services, civil society and the private sector. It is particularly important to ensure that civil society is recognised as an important contributor to victim support and to accept that non-governmental sector needs to be encouraged and enabled to continue supporting vulnerable victims.

⁶ The term 'vicarious traumatisation' describes the profound shift in world view that occurs in helping professionals when they work with individuals who have experienced trauma: helpers notice that their fundamental beliefs about the world are altered and possibly damaged by being repeatedly exposed to traumatic material, e.g. a child abuse investigator may lose trust in anyone who approaches their child.

In this regard, we are particularly calling for the European Commission to require the **establishment and development of national generic victim support services** in Member States where these services still do not exist, and further support and funding to such services in countries where they already exist.

We are also inviting the European Commission to ensure that safe and flawless child-focused **referral mechanisms** between law-enforcement, victim support organisations and other actors is established, based on **individual assessment of victims' support and protection needs**. The EU should encourage and support cooperation between State authorities and civil society to deliver services in unison. While there are some needs of victims which can only be delivered by the State (e.g. justice or protection), there is a range of other need that can be better catered to through a collaboration between different actors for the benefit of all victims.

We further call for **exploring new psychosocial support techniques and therapies and improving existing ones**. Cutting edge technologies developed in other sectors could be adapted to the area of victimology, such as virtual and augmented reality. These technologies can help victims in their recovery and help them overcome PTSD. EU wide support for the development of state of the art therapies will ensure not only the best is available, but that it is accessible to all. Moreover, other novelty services should be explored and pursued – such as the development of facility dogs (FYDO) services across the EU.⁷

IV. Ensure effective investigation and prosecution

Child sexual abuse cases are notoriously difficult to prosecute, as often children are groomed to protect the abuser, and even when the crime becomes known and prosecuted, the evidence often must rely on the testimony of a child. Research⁸ shows that less than one in five reported cases went forward to prosecution, with about half of those cases resulting in a conviction or guilty plea. It is, therefore, fundamental to ensure an environment where children victims of sexual abuse have better guarantee of access to justice, through ensuring effective investigations which are aimed at a successful prosecution and trial.

To ensure effective investigation and prosecution, it is important that the right measures are in place so that child victims feel safe to tell their story. Law enforcement and justice practitioners need to work with children in a respectful way, making the information they receive understandable, enabling them to be heard, and recognising that all children are different and need to be treated in an individual

⁷ Facility dogs are specially bred and selected dogs that go through a special programme of training for about two years, to be able to support the most vulnerable victims in their recovery from crime. Child victims of sexual abuse are frequent users of this important service, and many Barnahus locations also provide this service to their users. Even though there have been several isolated cases of facility dogs being placed in service to support victims, VSE is working with a number of partners in Europe to launch a European FYDO initiative in the near future.

⁸ Block, S.D. & Williams, L.M. (2019). *The prosecution of child sexual abuse: A partnership to improve outcomes*. Retrieved from: <https://www.ncjrs.gov/pdffiles1/nij/grants/252768.pdf>

way. Article 22 of the Victims' Rights Directive imposes an obligation for individual assessments of each victim; this is especially important for child victims. There needs to be an **individual assessment of each child**⁹, aiming to reduce the trauma that children face through the legal proceedings. This assessment needs to be child-focused and ensure, in particular, elimination of secondary victimisation.

We insist on child victims' participation in the proceedings being maximised to the extent they want to, utilising innovative practices to help victims safely participate in the justice system and give the best testimony they can (e.g. by allowing facility dogs), whenever possible and appropriate, given the child's age and maturity as well as their own preferences.

1. Child-friendly justice

When dealing with victims of child sexual abuse in the criminal justice system, it is important to ensure the proceedings are child-friendly. According to the Council of Europe¹⁰, child-friendly justice refers to justice systems which guarantee the respect and the effective implementation of all children's rights at the highest attainable level, giving due consideration to the child's level of maturity and understanding and the circumstances of the case. It is, in particular, justice that is accessible, age appropriate, speedy, diligent, adapted to and focused on the needs and rights of the child, respecting the rights of the child including the rights to due process, to participate in and to understand the proceedings, to respect for private and family life and to integrity and dignity.

In order to improve the EU's application of child-friendly justice, the EU needs to encourage and Member States need to ensure **high quality of communication** between justice practitioners and victims through respectful treatment and accessible communication. Legal jargon can be particularly complicated to understand for children.

We are calling for promoting and developing **innovative practices to improve justice/court user experiences**, maximise access to rights and reduce secondary victimisation, such as using video recordings of victims' testimonies, having separate waiting rooms for the victim and the offender, allowing facility dogs in the courtroom, et cetera. New technologies may also aid in anonymous reporting, helping victims come forward, and informing victim on the justice system.

The EU should encourage Member States to require their judges to prepare **child-friendly judgements, or at least summaries of judgments**, where they address the child victim and explain to them, in an adapted language, what happened at the trial and what the consequence of the judgement is for them.¹¹ Unfortunately, while protection measures for children exist, there is often not enough funding to implement them (e.g. separate waiting areas, video conferencing, et cetera). In some Member States these facilities may exist in larger cities, but they are not sufficiently available throughout the whole country.¹²

⁹ See also Article 56 of the Victims' Rights Directive.

¹⁰ Council of Europe (2010). *Guidelines of the Committee of Ministers of the Council of Europe on child-friendly justice*. Retrieved from: <https://rm.coe.int/16804b2cf3>

¹¹ This judgment is a great example of a child-friendly judgment in the Netherlands: ECLI:NL:RBMNE:2017:1541.

¹² See also: *VOCIARE report* by VSE: <https://victimsupport.eu/about-us/our-projects/vociare/>

When interacting with child victims, it is important to **conduct individual assessment and use a multi-agency approach**¹³ whenever indicated as needed, to support victims and help minimise secondary victimisation.

Measures need to be taken to review compensation mechanisms, in view of the specific situation of children, given their lack of legal capacity to manage their own finances and the fact that frequently there is a significant historical distance between the crime and its reporting. The current deadline for reporting the crime and seeking compensation can have a particular negative impact on victims of child sexual abuse. The EU needs to recognise that some victims will be prevented from coming forward by factors such as shame or incomprehension about what happened to them. This delay in reporting and seeking compensation needs to be reflected in the deadline and rules with regard to victims of child sexual abuse.

2. Strengthen cooperation and coordination

The EU should support **cross-border exchange of information and cooperation on individual cases** by supporting referral and coordination of services, both at a national and international level. With an increase in mobility and the use of the internet, cross-border victimisation issues are also increasing. This requires recognition at a policy level, but also at the level of provision of services to all victims, regardless of where they were victimised or what their needs might be.

The EU has to prioritise cross-border cooperation of law enforcement agencies to tackle child sexual abuse, and move quickly to assist police authorities to pursue criminals across borders.¹⁴ **It is necessary to create an EU Centre for Preventing and Combatting Child Sexual Abuse**. Such a centre would greatly increase cross-border cooperation between States and help prosecute offenders.

Additionally, since a large proportion of the child sexual abuse material hosted in the EU is created outside of the EU, it is critical to pursue the development of effective enforcement and justice systems in countries where the creators of this content are based. To this end, cooperation between national law enforcement authorities, internet providers, social media platforms, Europol and Interpol should be intensified. Additionally, it might be worthwhile looking into defining **child abuse as an international crime**, to reinforce responsibility and increase the possibility of prosecution.

We need to ensure sufficient support for cross-border child victims. Child victims in cross-border situations need to have a **guarantee of continued support when they go from one Member State to another**.

¹³ One often referenced multi-agency model is Barnahus. This and similar examples of multi-agency cooperation focused around the vulnerable victim need to be encouraged and provided, whenever individual assessment of victim's needs indicates such approach.

¹⁴ E.g. through the e-evidence proposal, while recognising that fundamental rights must be protected.