



July 2020

Lumos' Recommendations to the EU Strategy to fight child sexual abuse

1. Introduction

Child sexual abuse is a serious crime that can cause long term physical, psychological and social harm to the victim. According to Internet Watch Foundation, Europe was the global leader in hosting child sexual abuse imagery in 2019¹, demonstrating that a lot of work needs to be done to fight child sexual abuse and protect children in Europe. Lumos therefore welcomes the European Commission's initiative for an EU Strategy to fight child sexual abuse.

In order to have a Strategy which is as effective as possible, it should address all forms of sexual abuse in different settings and promote the different ways in which abuse can be prevented. Evidence-based research demonstrates that children that are not protected by a family or family-based environment, such as children living in residential institutions, including so-called "orphanages", residential special schools and reception centers that accommodate unaccompanied children on the move, are particularly vulnerable and at high risk of sexual abuse. The development of family- and community-based care is essential to ensure that children are protected, and their rights are upheld. For more information about the institutionalisation of children and on Lumos, please see the background section at the end of this paper. In the following sections the link between institutionalisation and child sexual abuse will be outlined and a set of recommendations to the Strategy will be provided.

2. The increased risk of child sexual abuse in residential institutions

In residential settings, where children are not protected by a family, there is a higher risk that they will be victims of sexual abuse. A study based on both sentinel report and self-report revealed higher prevalence rates in out-of-home care than in the general population, with the highest prevalence in residential care.² Many residential institutions have changing and not enough qualified staff to ensure permanent supervision which could prevent abuse. When children grow up in institutional settings

¹ Internet Watch Foundation (2020), *IWF 2019 Annual Report | Zero Tolerance*, <https://www.iwf.org.uk/report/iwf-2019-annual-report-zero-tolerance> [accessed 2 July 2020].

² Euser, S., Alink, L. R., Tharner, A., van IJzendoorn, M. H., & Bakermans-Kranenburg, M. J. (2013). The prevalence of child sexual abuse in out-of-home care: A comparison between abuse in residential and in foster care. *Child maltreatment*, 18(4), 221-231

where no one looking after them like a parental figure, they might thus easily get exploited. Abuse can be committed by staff, volunteers, people from outside the institution or other residents. In institutions where adults and children live together, it happens that children are abused by older residents. However, abuse occurs as well among residents within children's institutions. Sometimes the circumstances make the chances of abuse even higher: in the Czech Republic, children who have been abused can be placed in residential schools together with children who have committed criminal offences or who have behavioural problems.³ When leaving the institution, young people are often still at risk. Studies have shown that young people leaving institutions are at increased risk of prostitution.⁴

During crises and displacement, children and young people are extra vulnerable to abuse, especially when they are unaccompanied or separated from their families.⁵ In migration transit sites and reception centres the risk of sexual violence and abuse is particularly high for girls, due to a lack of clear information and ability to access (female) interpreters, a lack of sex segregated facilities such as restrooms, a lack of designated spaces for children within shelters, and overcrowding.⁶ However, boys are also at risk. Reports of sexual exploitation of unaccompanied refugee boys in Greece, linked to a lack of suitable care and accommodation facilities,⁷ highlight the breadth and gravity of this issue.

The trafficking of children out of institutions appears to be the primary linkage between institutions and trafficking across Europe. In the context of transnational trafficking, perpetrators work to identify children in vulnerable circumstances, condition them, and subsequently coerce or deceive them into leaving the institutions for what many assume are places of safety.⁸ Some conditioning tactics include the cultivation of romantic relationships with institutionalised children or the provision of financial support. Children and young adults who ran away from local orphanages and penal institutes in Romania and Albania have previously ended up as victims of sexual exploitation in Italy and Greece.⁹ Unfortunately, not all families are safe places for children either, but institutional care is not in the best interest for children and is not a solution. Moreover, when abuse does occur in institutions, it can be particularly difficult to uncover due to their closed nature and lack of complaint mechanisms.¹⁰

³ Kuchařová, V. et al. (2010). Zhodnocení a optimalizace řízení systému sociálně-právní ochrany (ohrožených) dětí a rodin ve vybraných regionech [Assessment and Optimisation of the Management of the System of Care for Vulnerable Children in Selected Regions]. Praha: Výzkumný ústav práce a sociálních věcí. <http://www.pravonadestvi.cz/stahnout-soubor/socpravniochranadeti-analyza/> [accessed 16 Jun 2016].

⁴ Cusick, L., Martin, A. & MAY, T. (2003). Vulnerability and Involvement in Drug Use and Sex Work. London: Home Office. <http://citeseerx.ist.psu.edu/viewdoc/download?doi=10.1.1.486.4889&rep=rep1&type=pdf> [accessed 2 July 2020]

⁵ UNHCR, Global Trends. Forced Displacements in 2019, p. 9. <https://www.unhcr.org/5ee200e37.pdf> [accessed 25 June 2020]

⁶ Institute of Political Studies – Strasbourg (2019), Migrant, Refugee and Asylum-Seeking Women and Girls in Europe, <https://rm.coe.int/report-migrant-women-scpo-jan-2019/168092d8cd> [accessed 25 June 2020].

⁷ Freccero J, Biswas D, Whiting A, Alrabe K, Seelinger KT (2017) Sexual exploitation of unaccompanied migrant and refugee boys in Greece: Approaches to prevention. PLoS Med 14(11): e1002438. <https://doi.org/10.1371/journal.pmed.1002438>

⁸ Lumos: Cracks in the system: child trafficking in the context of institutional care in Europe, 2020, p.19 [https://lumos.contentfiles.net/media/documents/document/2020/06/Lumos Cracks in the system Report Web v1Alrpg.pdf](https://lumos.contentfiles.net/media/documents/document/2020/06/Lumos%20Cracks%20in%20the%20system%20Report%20Web%20v1Alrpg.pdf) [accessed 30 June 2020]

⁹ Ibid, p.19

¹⁰ CRIN (2020), Children in Out-of-Home Care: Lessons from the Pandemic, <https://home.crin.org/readlistenwatch/stories/children-in-out-of-home-care-lessons-from-the-pandemic> [accessed 2 July 2020]

3. Orphanage volunteering and the risk of sexual abuse, exploitation and trafficking

Child sexual abuse is a risk associated with orphanage tourism and orphanage volunteering. Orphanage volunteering is a term used to define a spectrum of activities related to the support of orphanages and children's homes by individuals who are primarily, or were initially, tourists on vacation.¹¹ In recent years, there has been a growing trend for citizens of wealthier nations to volunteer in and donate to residential institutions in the global South. Many institutions are set up simply to provide volunteering experiences and to receive donations, rather than to help children who do not have families. Traffickers may be actively recruiting children to fill 'orphanages' by deceiving or coercing vulnerable parents into giving up their children. This is being increasingly recognised as a form of trafficking and modern slavery known as 'orphanage trafficking'.

Recent research has mapped the way in which European countries contribute to supporting institutions overseas and the harmful impact of short-term volunteering, and how this increases the risk of sexual abuse of children.¹² An analysis of criminal investigations in the United Kingdom and the Netherlands shows that a significant portion of 15 to 20 percent of all suspected cases of sexual exploitation of children abroad occur in the context of volunteer programmes.¹³ It was also pointed out by self-advocate Dieudonne, that unfortunately, volunteers do not always have the best intentions: "I remember seeing tourists, women and men, sleeping with children in rooms. In the morning, the children share their experience. They are obliged to be kind and courteous to the abusive tourists. As they are poor, they pay with their dignity for the right to have a little food and to survive."¹⁴

This is not the only harm caused by volunteering in orphanages: the regular turnover of volunteers who offer affection and care for a few days or weeks, also means that children only receive pockets of affection, without consistent and stable support. This harms children's ability to form secure attachments, essential to healthy development.¹⁵ Furthermore, the lack of basic child protection procedures in many residential institutions creates an environment which can be taken advantage of by those with harmful intentions towards children, and there are numerous examples of international volunteers prosecuted for child sexual abuse who have used residential institutions as a way to access children.¹⁶

There is a growing movement of governments, businesses, charities, and individuals shifting away from supporting institutions. For example, the UK and Dutch governments have issued strongly worded official travel advice for their citizens to warn of the harms. The UK Foreign Office warns

¹¹ Ruth Taylor, Blandine Champagneur, and Frank Seidel on behalf of the ReThink Orphanages European Hub, March 2020, "Mapping the European Contribution to the Institutionalisation of Children Overseas", p. 7.

¹² Taylor et al, Mapping the European Contribution to the Institutionalisation of Children Overseas (2020) <https://rethinkorphanages.org/sites/default/files/2020-03/RO%20European%20Mapping%20FINAL.pdf>

¹³ ECPAT International (2016), Offenders on the Move – Global Study on Sexual Exploitation in Travel and Tourism. <http://globalstudyssect.org> [accessed 25 June 2020].

¹⁴ Lumos (2019), A Goal Within Reach: Ending the Institutionalization of children to ensure no one is left behind, p. 63. https://lumos.contentfiles.net/media/assets/file/lumos_unga_book_final_lowres_002.pdf

¹⁵ For more information please see: <https://www.wearelumos.org/faqs/>

¹⁶ Tim Talley. Oklahoma man convicted of illicit sexual conduct in Kenya. US News. (2015). Accessed on 2 July 2015 from <http://www.usnews.com/news/us/articles/2015/06/19/oklahoma-man-convicted-of-illicit-sexual-conduct-in-kenya>

potential volunteers of the “serious unintended consequences” of orphanage voluntourism, as well as the link to child exploitation.¹⁷

The influential US Trafficking in Persons report 2018 dedicated a section to the links between trafficking and abuse and institutions. It states:

“Children in institutional care, including government-run facilities, can be easy targets for traffickers. Even at their best, residential institutions are unable to meet a child’s need for emotional support that is typically received from family members or consistent caretakers with whom the child can develop an attachment. Children are especially vulnerable when traffickers recognize and take advantage of this need for emotional bonding stemming from the absence of stable parental figures. In addition, the rigid schedules and social isolation of residential institutions offer traffickers a tactical advantage, as they can coerce children to leave and find ways to exploit them. Children are more at risk for human trafficking in ill-managed facilities that allow traffickers to operate in or around the facility with impunity. Residential institutions that are complicit or directly involved in human trafficking take advantage of unfettered access to the children, knowing they have nowhere to turn for support. Several orphanages, including in Oceania, Central America, and Eastern Europe, have been outed in recent years for doubling as brothels.”¹⁸

4. Lumos’ Recommendations to the EU Strategy to fight child sexual abuse

These recommendations are based on the ‘Roadmap for an EU Strategy for a more effective fight against child sexual abuse’ and highlight the link between child sexual abuse and institutionalisation as described in the above section.

Following the EU’s and international acknowledgement of the harm caused by institutionalisation and the EU’s commitment to support the shift from institutional to family- and community-based care, as well as the EU’s declared priority to fight child sexual abuse and exploitation, **Lumos recommends that the EU Strategy to Fight Child Sexual Abuse:**

1. **Explicitly recognises that children in institutional care and those who are not in a safe family or family-based environment are at increased risk of sexual abuse and calls on the EU Member States to support the transition from institutional to family and community-based care.** Lumos welcomes that the EU aims to support Member States to provide adequate assistance to victims, but abuse in residential settings often goes unnoticed. It is therefore extra important that abuse in institutions including so-called “orphanages”, special residential schools, migrant reception centers and shelters is specifically addressed in the Strategy and the transition from institutional to family- and community-based care for children is recommended as a response.
2. **Focuses on preventive measures for the protection of children against sexual abuse, including the prevention of family separation and institutionalisation, to ensure that**

¹⁷ GOV.UK, Gap years, volunteering overseas and adventure travelling, <https://www.gov.uk/guidance/safer-adventure-travel-and-volunteering-overseas> [accessed 2 July 2020]

¹⁸ US Trafficking in Persons report, 2018 <https://www.state.gov/child-institutionalization-and-human-trafficking/>

children are protected by a safe and caring family environment. Poverty, disability and discrimination are some of the major factors which place children at risk of family separation and institutionalisation. In this context, **it is essential to pre-emptively scale up the capacity of quality family-based care and social protection systems to enhance family resilience.** Moreover, targeted services supporting young people leaving the care system should be developed, as they are often at high risk of being abused or exploited.

3. **Calls on EU Member States to ensure unaccompanied migrant, refugee and asylum-seeking children have equal access to the mainstream child protection system, so they are better protected against sexual abuse.** As the EU intends to support Member States to prevent the sexual abuse of *any* child, unaccompanied migrant and refugee children should be included in the Strategy. They should be protected in the same way as national children, with a view to refrain from institutionalising children on the move and provide them with the necessary care and access to basic services, including psychological support.
4. **Calls on the Member States to ensure that EU funds that are directed towards separated and unaccompanied migrant and refugee children are only spent on the provision of family- and community-based care as well as on quality guardianship and not for their institutionalisation (including the construction and maintenance of institutional settings).** Moreover, funds should be used to support awareness raising campaigns on institution-related trafficking and the increased risk of sexual abuse in institutional care.
5. **Acknowledges the harm of volunteering in orphanages and other forms of institutional care and recommends that it should be explicitly outlawed by the European Solidarity Corps 2021-2027 and other EU programmes.** Its wording should also reflect **the link to the risk of child sexual abuse, exploitation and trafficking** and raise awareness amongst prospective volunteers in particular. Additionally, the wider harms of institutions for children and the need for volunteering in initiatives that prevent family separation and strengthen communities should be highlighted.
6. **Includes the views and opinions of children and young people in the preparation and implementation of the Strategy.** In order to facilitate this, we recommend producing more child-friendly and inclusive material and to create accessible tools and platforms that would enable the full participation of children and young people in the implementation of the Strategy. Moreover, **we recommend cooperating with civil society**, who could play a facilitating role in reaching different groups of children and young people that have experienced sexual abuse or are at risk to get abused.

5. Background

About Lumos

Lumos¹⁹ is an international NGO founded by author J.K. Rowling, working to end the institutionalisation of children worldwide by 2050. Lumos is a founding member of the European Expert Group on the Transition from Institutional to Community Based Care (EEG), a member of the Children's Rights Action Group (CRAG), a partner of the EU Alliance for Investing in Children, and sits on the EU Civil Society Platform against trafficking in human beings.

Institutionalisation of children

Millions of children worldwide live in residential institutions and so-called orphanages that deny their human rights and cannot meet their needs.²⁰ One million of these children are believed to live in the wider European region.²¹

There are numerous definitions of what the term 'institution'²² means when referring to children. A group of experts working on this issue for the European Commission determined that an institution is any residential setting where an 'institutional culture' prevails. Children living in an 'institutional culture' are isolated from the broader community and are compelled to live with children to whom they are not related. These children, and their families, do not have control over their lives, or decisions that affect them. Crucially, the requirements of the organisation tend to take precedence over the children's individual needs.²³

Over 80 years of research from across the world has demonstrated the significant harm caused to children in institutions who are deprived of loving parental care and who may consequently suffer life-long physical and psychological harm.²⁴ Children who grow up in institutions can experience attachment disorders, cognitive and developmental delays, and a lack of social and life skills leading

¹⁹ Lumos Foundation (Lumos) is a company limited by guarantee registered in England and Wales number: 5611912 | Registered charity number: 1112575

²⁰ Desmond, C., et al. (2020) Prevalence and number of children living in institutional care: global, regional, and country estimates. *Lancet Child Adolescent Health*. VOLUME 4, ISSUE 5, P370-377. [https://doi.org/10.1016/S2352-4642\(20\)30022-5](https://doi.org/10.1016/S2352-4642(20)30022-5) [Accessed 02 July 2020]

²¹ Ceecis, U. (2011). End placing children under three years in institutions. UNICEF

²² See for example Eurochild's definition extracted from the UN Guidelines for the Alternative Care of Children: "a residential setting that is not built around the needs of the child nor close to a family situation and display the characteristics typical of institutional culture (depersonalisation, rigidity of routine, block treatment, social distance, dependence, lack of accountability, etc.). Cited in the Common European Guidelines on the Transition from Institutional to Community-based Care. European Expert Group on the Transition from Institutional to Community-based Care, November 2012, <http://www.deinstitutionalisationguide.eu>. In addition, UNICEF when defining an institution considers "whether the children have regular contact and enjoy the protection of their parents or other family or primary caregivers, and whether the majority of children in such facilities are likely to remain there for an indefinite period of time". Cited in the UNICEF Consultation on Definitions of Formal Care for Children, pp.12–13.

²³ European Commission. (2009). Report of the Ad Hoc Expert Group on the Transition from Institutional to Community-based Care.

²⁴ Berens & Nelson (2015). The science of early adversity: is there a role for large institutions in the care of vulnerable children? *The Lancet*. [http://www.thelancet.com/journals/lancet/article/PIIS0140-6736\(14\)61131-4/abstract](http://www.thelancet.com/journals/lancet/article/PIIS0140-6736(14)61131-4/abstract) [Accessed 16 September 2016]

to multiple disadvantages during adulthood.²⁵ Long-term effects of living in institutions can include severe developmental delays, disability, irreversible psychological damage, increased rates of mental health difficulties, involvement in criminal behaviour, and suicide.²⁶ Research consistently demonstrates that more than 80 per cent of children in institutions are not 'orphans',²⁷ but are placed there due to reasons such as poverty, disability, discrimination, a lack of family support services in the community and as a result of migration and trafficking.²⁸

International and EU policy and legal framework

A number of international and EU policy and legal instruments declare that institutional settings are a breach of human rights. The United Nations Convention on the Rights of the Child (CRC), ratified by all EU Member States, affirms that as far as possible, all children have a right to live with their families and that parents or other legal guardians have the primary responsibility to protect and care for the child.²⁹ The CRC and the UN Guidelines for the Alternative Care of Children³⁰ also call on States to ensure that families have access to services which support them in their caregiving role.

In addition, the updated "EU Guidelines for the Promotion and Protection of the Rights of the Child"³¹ highlight the importance of appropriate alternative care for children that allows them to participate in community life, of preventing family and child separation, and of taking into consideration the child's best interests.³² They further recommend **the need for greater coherence in the EU's external action on children**, including that carried out by Member States.³³

The European Parliament "Resolution on children rights in occasion of the 30th anniversary of the Convention on the Rights of the Child"³⁴ (November 2019) calls on the Commission **"to use EU funds to support the transition from institutional to community-based services, both inside and outside the EU"**.³⁵

The EU's commitment to deinstitutionalisation has been clearly reflected in its policy actions. In 2013, the European Union acknowledged the harm of institutionalisation of children with the introduction of an ex-ante conditionality on social inclusion (9: 9.1.) in the Regulation 1303/2013 on the European Structural and Investment Funds. The ex-ante conditionality includes measures which effectively prohibit the use of ESIF to maintain, renovate or construct residential institutions and

²⁵ Nelson, C., Zeanah, C., et al. (2007) "Cognitive recovery in socially deprived young children: The Bucharest early intervention project". *Science* 318 (no.5858); 1937–1940 (21st December 2007)

²⁶ Mulheir, G. et al. (2012). *Deinstitutionalisation – A Human Rights Priority for Children with Disabilities*.

²⁷ Csáky, C. (2009) *Keeping children out of harmful institutions: why we should be investing in family-based care*, Save the Children, p. vii

²⁸ Ibidem; Chiwaula, L. et al. (2014). *Drumming together for change: A child's right to quality care in Sub-Saharan Africa*. The Centre for Excellence for looked after children in Scotland (CELCIS).

²⁹ United Nations (1989) *Convention on the Rights of the Child* (Adopted 20 November 1989, entered into force 2 September 1990) Vol.1577, p.3.

³⁰ United Nations (2009) *Guidelines for the Alternative Care of Children* (2009) A/RES/64/142 http://www.unicef.org/protection/alternative_care_Guidelines-English.pdf [accessed 27 Jul 2017].

³¹ European Union (2017), *Guidelines on the Promotion and Protection of the Rights of the Child*, p. 19 [accessed 06 Mar 2018].

³² Ibid, p. 21.

³³ Ibid, e.g. p. 13.

³⁴ (2019/2876(RSP)) https://www.europarl.europa.eu/doceo/document/TA-9-2019-0066_EN.pdf.

³⁵ [P9_TA\(2019\)0066](#), para 43.

encourages Member States that have not yet made the transition, to prioritise programmes that support the transition to community-based services.

Contact

Charlotte Boetticher

EU Advocacy and Campaigns Advisor
email: charlotte.boetticher@wearelumos.org
tel: +32 491 20 14 79
www.wearelumos.org

Irina Papancheva

EU Advocacy and Campaigns Senior Advisor
email: irina.papancheva@wearelumos.org
tel: +32 499 24 74 61
www.wearelumos.org