



**"Children are not mini-human beings with mini-human rights":
Maud de Boer-Buquicchio on the importance of legislation,
increasing government investments, and having strong reporting
mechanisms.**

Alec Saelens
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Alec Saelens: I'd like to ask you to introduce yourself and your professional background, and specifically the work that you've done to address the problem of child sexual exploitation.

Maud de Boer-Buquicchio: I was born and raised in the Netherlands and educated as a lawyer. As soon as I finished my legal studies in Leiden, I applied for a job at the Council of Europe in Strasbourg. At the time, the European Commission of Human Rights was competent to receive complaints under the European Convention on Human Rights. That was the predecessor of the current Court, the European Court of Human Rights, which I joined later.

My first work, being a lawyer, was dealing with cases, preparing a decision on their admissibility under the Convention system. That required, on the one hand, knowledge of national law depending on the State against which the case was directed, but also having a good knowledge and understanding of the relevant provisions of the European Convention of Human Rights. That was also a learning process for me.

At some point in time I realized that there were only very few cases of alleged human rights violations coming from children, which really surprised me, because I was sure that there were

situations where children's rights were disregarded or even violated. But we didn't see them arrive in Strasbourg. Of course, one of the formal reasons is that children are under 18 and do not have the legal capacity to present cases, so they would need a representative or a lawyer. But the fact that that did not happen was in itself intriguing.

When cases related to children came to the European Commission on Human Rights and, later on, to the European Court of Human Rights, to which I became a Deputy Registrar in 1998, they were very often about the right to a child. For instance, in disputes over custody, it was mostly about a fight between parents over custody over their children after separation or withdrawal of custody from either parent or both by social services or judicial decision. Having lost their case at national level, they came to the European instances claiming their right to that child. The parties to the proceedings were the aggrieved parent(s) and the State. And there was no place for the child to express his or her views, even if capable of expressing these views. There wasn't at national level and there wasn't at international level. That gradually changed also with the establishment of the concept of the "best interest of the child" in the United Nations Convention on the Rights of the Child, adopted in 1989. That core principle (Article 3) necessarily had to be included in the considerations leading to a decision whether parents' claims were founded or not. But this was a slow and gradual process, both at national level and international level.

The only cases where I saw more scope for concern and representation of children's plights had to do with violence. One such case was an application against my own country, the Netherlands. It had to do with sexual abuse of a mentally handicapped child. Under Dutch law, she had no legal capacity to press criminal charges against the person who had sexually assaulted her and for that needed to be represented by her guardian. But that very person had committed the sexual abuse. So you see that problem could not be solved within the existing legal framework. There was a gap in the law, but it was an opportunity for the Commission, and later on the Court, to introduce this concept of "positive obligations", meaning that States' obligations under international treaties are not just an obligation to refrain from themselves violating human rights, but are also "positive obligations" to secure respect of human rights even in the sphere of relations between the individual themselves.

The other example which springs to my mind has to do with corporal punishment of children. Obviously that can take a very severe form of physical and psychological violence. These cases came to the Commission, and later on to the Court, in relation to use of corporal punishment in schools and then also in private settings. The first case was about this practise in public

schools, and the clear accountability of the government concerned was relatively easy to establish. For the private schools, it was more complex. But to the extent that this treatment amounted to inhuman and degrading treatment, we could also address that. Clearly this jurisprudence was the beginning of a long process towards abandoning this practice, which was supported by national and international civil society organizations, campaigning to make people aware about the harmful impact of the use of corporal punishment and the use of alternative methods of education.

My initial career was in the judicial sphere, but I wanted to ensure that everything that had been established in the judicial sphere became also a reality at the governmental level in the Member States of Council of Europe, of which the European Court of Human Rights is a part. In a way this is about the execution of judgments, not just in one particular case, but it means that rights, norms and values which every Member State of the Council of Europe is expected to adhere to become enforceable.

I felt that we needed to do more for prevention. For that we needed to work on a strategic approach. So when I was elected as Deputy Secretary General of the Council of Europe, that was for me a wonderful opportunity to initiate a program called "Building Europe for and with Children". "With children" is a reference to the need for their active involvement and participation, which is essential if you want to make the right choices and create ownership by children.

In one of my speeches, I said, "Children are not mini-human beings with mini-human rights," a phrase I used many times thereafter. That really represents the idea that children are subjective holders of rights, and that should be reflected in everything we do to promote children's rights. It represents this respect for the dignity of the child and intrinsic human-rights-based approach to children's rights.

I gradually realized that there were so many areas in which children's rights were being disregarded or ignored. And that was true in the Council of Europe itself as well. There were different departments who did excellent work with impact on children's rights, but it was a fragmented approach and there was no coordination. This is what we also see at national level. Therefore, I promoted in this program "Building a Europe for and with Children", to mainstream children's rights in all Council of Europe work and to create a collective vision, to establish priorities and in doing so, assisting countries to meet their international obligations.

In the framework of that program, which had a lot of components, I saw room for additional treaty making. One of the very widespread problems is the scourge of sexual violence against children. Given the urgency of addressing this affront of children's human dignity, physical and moral integrity, I promoted the negotiation of what was to become the Lanzarote Convention, i.e. the Council of Europe's Convention on the protection of children against sexual abuse, adopted in 2007. It was hard work, some of my arguments met with disbelief and outright disagreement at many levels, in particular governments. For example my 1 in 5 campaign (1 in 5 children are subject to sexual violence during childhood) was frowned upon with scepticism, especially by governments. But in the end we managed to negotiate a successful treaty containing common standards and norms in terms of prevention, protection, and accountability of the offenders as well as raising awareness, and their impact and guidance on practices and legislation. That's what was really needed.

I wouldn't say it's the only thing, but it is very important to have a legislative framework when you want to effectively address sexual violence in general, and sexual violence against children in particular. Apart from legislation, you need an institutional framework, with designated competent authorities. You need to promote accessible mechanisms to enable children to report acts of violence. And perhaps what everything should start with is the creation of a culture of zero tolerance to violence against children. It's this silence, this lack of accountability, this enabling environment where violence is ignored or minimized or even tolerated which is really a big problem, all over the globe.

I can speak from a global perspective because, after I left the Council of Europe, I became the United Nations Special Rapporteur on the sale and sexual exploitation of children, a mandate which I exercised over 6 years. I observed this "enabling environment" in which violence against children can happen with impunity for those who commit this violence. And this is what the SDG [sustainable development] goals proclaim to eliminate by 2030, which is five years from now!

Alec Saelens: What is something that you implemented that you are proud of because it really had a demonstrable effect?

Maud de Boer-Buquicchio: I don't want to take pride personally in what I managed to achieve. I acknowledge that assessing the impact of a specific policy or measure is not easy, also because we often lack baseline data and cannot assess the role of other co-existing developments, policies and measures.

Yes, I traveled all over the world and shared with my interlocutors what I thought was wrong and what should happen and I was not alone. The support of civil society to the objectives of this mandate was crucial in this respect. Mind you, the CRC and its ratification by almost all States in the world provide for clear obligations in this respect. But sometimes advice was needed on how to comply. But if there's anything which I have been insisting on a lot and for which I have seen results, it's the need to create an accessible mechanism for child victims of violence to report what they have gone through and seek help. If you think of how children feel themselves stigmatized or so hurt that they can't speak about it, combined with an environment of parents or family or community where these things are not being talked about because it would stigmatize them within their own community—that was something which I countered with the argument that children really are rights-holders. And that reporting mechanism is not just about reporting, it's about access to justice and providing targeted and prompt assistance and support to victims. The combination of children being able to report and justice being delivered in a child-friendly manner is what is required.

I attended court hearings in different states where children had to attend the trial of the offender to provide evidence and I saw that no precautions or safeguarding measures had been adopted to protect these children from being retraumatized and confronted with their assailant. So I intervened and I said, "I understand you need to introduce evidence, but don't do it the way you do it. There are other less traumatizing ways" and I referred to the Barnehus model in Iceland.

Of course, the possibility of interviewing the child without eye contact of the offender may require some technological means, but even a curtain could suffice! I managed to convince quite a lot of member states to introduce some form of separation of the child from the perpetrator and avoid confrontation in the course of law enforcement procedures.

I think, yes, I've made a major contribution to that in promoting the Lanzarote treaty. I'm repetitive when it comes to these important matters! I keep on saying the same thing all the time. But at the end of the day, it worked.

Alec Saelens: Could you describe how you achieve that in a place like the Council of Europe working with nation states that have different legal frameworks and judicial systems? How do you get to penetrate those different jurisdictions with these best practices?

Maud de Boer-Buquicchio: It's not easy, because there is the bottom line, and I don't want to go below that, but there's always reference to different cultures and different traditions. How do I achieve that? I have to listen to everyone, try to understand, and sometimes make concessions.

There are so many stakeholders. It is not enough to convince governments alone because the follow-up is also in the hands of civil society. Religion also plays an important role. Local church leaders need to be trained to be observant, to listen to what is going on in their community and pick up signals of distress in their pastoral care. Because of their vicinity they can, for example, convince parents that it is important for them to understand what risk, associated with the use of the internet, their children run, including with their cellphones.

But, you need to listen in the first place to the children themselves. That's very clear. But then talk to the parents, to the school teachers, and make them all aware that they have a role to play. And that's only by precisely joining efforts that positive outcomes can be expected from all these endeavors. As to the internet, a crucial stakeholder is the tech industry, the service providers and those who run the platforms. They need to come on board and prioritize child protection over financial gain.

In general, the best answer is often not at the central level, except for legislation. I think, when we see good results, it is the result of good practises at the local level. That's where there is understanding of local realities and of pride when an action is successful and frustration if it doesn't work. Children's reality is at the local level. Sexual abuse happens at the local level, within the family, within the circle of trust. So there are a lot of actors around this location, the venue of the abuse, who are concerned and who are in a position to change it.

Alec Saelens: Can you describe from a staffing level, from a logistical level, from a coordination level, how you conducted this campaign?

Maud de Boer-Buquicchio: Of course. Clearly, as Deputy Secretary General of an international organization, you are not in the field all the time. You have a team around you. The first thing I did when I developed this program was to set up a team around this strategy in the Council of Europe which could implement it together, respecting the various competencies of the staff concerned.

So, for example, colleagues in the field of sport would, when meeting with sport people in expert committees or in the field, seek to find common solutions of combating sexual violence in this area. Each form of violence has its specificities, and the specificity of risks for children in sport is very clear, leaving a moment aside the obvious benefits of sports: the risks for children who are alone with a potentially pedophile coach, for example, and what needs to be done to avoid this from happening, such as screening those who are in contact with children. That's a very specific area. I did not need to attend that expert meeting in person. But my colleagues were

equipped with the knowledge that action against this form of violence was part of this global strategy on combating violence against children and use all the tools available. If you feel that you're part of a global integrated approach, you have a much better sense of purpose, and you are much more likely to achieve results. I really trusted my colleagues to take this further at technical level in the area where they were working, but continued to provide this overall vision and guidance whenever needed.

When I attended high-level events, like ministerial conferences, I always explained the need for adopting this strategic approach, so that also the Ministers or Heads of delegation became aware of the need to have a similar approach within their government: setting priorities, mainstreaming children's rights in all areas of government and providing resources. I did not only talk to ministers of Justice, or of Social Affairs or whatever other thematic portfolio holder. When I addressed a high-level audience, I also would say, "Where's the money?" You can't expect to achieve anything if you don't provide resources. Child rights' strategies call for investment.

Of course, I had another very important partner: the Council of Europe has a Parliamentary Assembly composed of national parliamentarians, who had elected me twice, and who are in a position in their national parliament to raise issues at national level and also to question their own minister about how he or she implements obligations and commitments in the Council of Europe. And I could count on the support from Council of Europe's parliamentarians in the various campaigns, promoting the Lanzarote Convention, the Istanbul Convention, which was about violence against women and the Warsaw Convention on action trafficking in human beings, as well as the abolition of corporal punishment, which was not easy, but got overall support as well. Not from every delegation, because it remains a controversial topic for some MPs, the argument being "what's wrong with corporal punishment? I've gone through that myself and look how successful I am." And I would answer "surely you would have been an even better person if you didn't have to go through that form of violence in your young age." I would say this jokingly, but the truth is that violence begets violence. That's what I've seen, people who have been subject to violence are inclined to make other people feel the same as they have felt.

Alec Saelens: What challenges did you encounter in doing this work, and how did you overcome them?

Maud de Boer-Buquicchio: Coming back to the issue of sexual abuse of children, the problem is really that some people and governments or countries do not want to discuss it. For them it is a taboo. These officials or even Heads of States answer "We love our children, we don't have that problem."

The only thing you need then is data. That's a challenge in this whole area of sexual abuse. There is no data. And why is there no data? Because of the absence of reporting mechanisms, and the fact that there are hardly any convictions because the law is not precise or there is corruption. And if there is some data, these are not gendered or disaggregated in any other way. Patriarchal structures, male sexual domination, are still prevailing root causes. So you cannot ask me how I solved it because it's still there. It's a fundamental root cause in the sexual exploitation of girls. And there are these masculine stereotypes that also affect boys: for them it's, if possible, even worse to admit that they have been abused, exploited, and seek help because of the prejudice and these masculinity stereotypes: boys are strong and don't cry.

So what do you do? You try to refer to other countries, in which that resistance has been overcome and positive results achieved. Some countries have come far in admitting that there is this issue, creating mechanisms, adhering to international treaties. Of course, adhering to a treaty is not enough, but you commit yourself and then you receive guidance when you ask for it, and learn from your peers.

That's the only answer I can give. It is a big, big challenge. To overcome this, there needs to be international cooperation and international debates. That's the good thing about the Council of Europe and the UN. For example, I have already referred to debates in the Council of Europe's Parliamentary Assembly. In the Human Rights Council, where I reported on my country visits or presented my thematic surveys, I was regularly confronted with this denial by some States, comforted by the absence of data: no data, no problem. In my recommendations I kept on insisting on data collection. And actually it is one of the problems of measuring progress for the attainment of the SDG's. Disaggregated data concerning sexual abuse of children are really rare.

As UN Special Rapporteur, I valued this international debate, this confrontation of ideas, and the possibility to follow-up on a bilateral level, discussing where the problems are and trying to find common solutions.

Alec Saelens: Are there some teachable lessons that you could share about how to make progress with those conversations, with trying to set up reporting systems in countries that are most reluctant to do that, in addition to changing societal norms? What have you found works?

Maud de Boer-Buquicchio: What immediately springs to my mind are the hotlines, which are very important tools for reporting.

But before I come to that, I should mention the particularly vulnerable children. Children, of course, are vulnerable by definition, but some children are particularly vulnerable. I'm referring to minorities, but also children on the move who are leaving conflict or war zones, and children with disabilities. The situation for these children is even more difficult than for others because then we are really confronted with issues like racism and discrimination. And this is a global barrier in the exercise of all these rights. One of the messages I conveyed, I think systematically, when I was discussing these matters is that particular attention should be paid to these categories of children and young people.

Now coming to the hotlines—the availability in all sorts of different languages of hotlines by which children can denounce their situation, in countries where you wouldn't expect it. These hotlines can function wonderfully well. I did not have the chance to visit India, but I have reliable sources telling me about the numerous available hotlines in India in different regions and languages.

Of course hotlines need follow-up, and that should be linked to availability of appropriate social services and law enforcement. And that's where, as they say in French, *c'est là où le bât blesse*—that's where we have problems. So when I mention hotlines, I always mention immediate follow-up, not just listening. It doesn't stop there. It's social services, police cooperation, and international cooperation where needed between the various law enforcement agencies. And we have great international organizations like Interpol and Europol to orchestrate all that.

There's no magical recipe, but training is very important for all these professionals. The Council of Europe has developed numerous manuals for human rights training. I see a real blind spot in the training material and that concerns the way how people, including professionals, interact with children. Adults tend to talk to children rather than listening to their experience and perception of solutions. We should learn how to learn from them.

For example, I'm thinking of everything which relates to the development of technology, in particular in the context of generative AI material. We know that there are a lot of risks associated with children using AI on social media. I have seen and heard how children have a very interesting approach to address these issues. So it's about listening to children, what they have to say, and picking up from them how adults should address these matters.

Coming back to the Council of Europe strategy, and the corresponding national strategies, which I requested: lots of these strategies, even if they had all these components which I mentioned

earlier, are perhaps not sustainable when it comes to a situation of crisis. For instance, if there's a health crisis—you've seen it with the COVID pandemic or current conflict and war-related crises—all these policies, well thought in advance and structured, perhaps even properly financed, fall apart when a country enters into crisis. I refer to all the danger spots in our current conflictual society and the backlashes we witness in the defense of children and women's rights. We have already forgotten what happened in Haïti in the aftermath of the earthquake in 2010. Children were left without parents, just roaming around, trying to fend for themselves. There was no state institution to ensure that children were not abducted by criminals and sold to adoptive parents abroad. And that happened at a large scale as we later discovered. The absence of functioning of all infra-structures, the confusion, the absence of everything all of a sudden from one moment to another was a recipe for abuse and exploitation of children. If there are already gaps between standards and implementation, they broaden every time that we are confronted with a crisis.

What is the answer? The strategies and policies lack resilience. And why? Because they're not built on the absolute obligation to respect the rights of the child. And that's really fundamental.

Alec Saelens: What do you think is most needed from other actors or stakeholders in the field in order to make sure that it advances in the right direction?

Maud de Boer-Buquicchio: There's a real need for coordination. The rapid development of technology is dramatically changing society and shifting powers, with tech giants becoming critical players and governments falling short of engaging efficiently with them to prevent and remedy human rights violations.

Let me also seize this opportunity to thank the Oak Foundation for investing in preventing and responding to sexual violence the way they do. They are the kind of connector we need because, of course they fund, but they make sure that there is coherence and cooperation between the various organizations. I'm talking about civil society in particular. Multi-stakeholder engagement and cooperation with other donors is something I really appreciate. Not only do they support local or national action in the prevention and addressing of child abuse, but they link it to the broader agenda of protecting children against abuse. They are incredibly well-positioned to do that, and they do it.

Alec Saelens: What are the gaps in coordination that you see that need filling?

Maud de Boer-Buquicchio: There are many organizations whose activities are overlapping. And that should be avoided. The resources are so scarce that it is really essential that child safeguarding work is properly divided. Each and every one, according to the potential and its mission. For example, one of the big advantages of ECPAT International is that it is a member organization with local presence, which is really precious because standards and norms can be translated into local reality, where things happen and where things can be solved. And locally coalitions should be formed to increase efficiency.

Alec Saelens: In the process of working on the reduction of violence towards children, are there people working on problems of similar magnitude that you've taken inspiration from because they have achieved progress in ways that you've wanted to emulate?

Maud de Boer-Buquicchio: I would say that I have witnessed, and also contributed to, a number of successful endeavors. For instance, the issue of corporal punishment. When I started being vocal about it, there was absolutely nothing. And since then, different initiatives have ensured that legislation has been enacted to prohibit it in many countries. It was a process which was difficult, and it required courage and perseverance. So that's a particular sector where I think things are on the right track, although it could be even better. Another success is the Lanzarote Convention which I spearheaded.

There are little bits and pieces within the area of sexual abuse that are being addressed, which are very specific, but they're part of a bigger pattern. For instance, I am just thinking now of the fact that the statute of limitations, which is an important element in ensuring accountability, is now being discussed in many fora. Until not so long ago, cases could never go forward because the abuse had happened a long time ago. There is an increasing awareness that children who have been subject to that form of abuse sometimes need time into adulthood before they can start talking about it. That awareness and acceptance that this is the case, requiring adjustment in national legislation—that is something which is very rewarding. I have seen changes in legislation as a result of that, and that's what is needed. It's a recognition of the trauma and the lasting harm which sexual abuse can cause to children, up to and into adulthood.

But to come back to your question, I have drawn my inspiration from those woman and man who against all odds and often in anonymity have rescued children and brought them to safety. I am talking about professionals and volunteers. And from my committed colleagues who kept me on track when I was overwhelmed.

I'm not overstating it when I say that I'm very busy. In addition to being Chair of ECPAT international, I am also part of the Pontifical Commission for the Protection of Minors, an institution created by the Pope, which works tirelessly to address this situation from the perspective of safeguarding of children against sexual abuse in the Catholic Church.

I am also the President of an organization called CHIP [Child Identity Protection]. Identity problems are real issues for children victims of illegal adoption or those born through illegal commercial surrogacy arrangements, child refugees and other vulnerable children. I've also been involved in an Advisory Committee on the creation of a structure to be set up by FIFA [Federation Internationale de Football Association], in order to respond to sexual and other forms of violence in football.

We are now on our way to the first Global Ministerial Conference on Violence Against Children in Bogotá, organized jointly by the Government of Columbia, UNICEF, the UN Special Representative on Violence Against Children, as well as the WHO [World Health Organization]. That will be an important event, not so much because ministerial conferences are by definition a sequence of declarations by ministers, but the fact that there will be ample room for dialogue in the side events and during informal contacts. The active involvement of children in the preparation of the Conference with the elaboration of a global youth manifesto on ending violence against children and the coordinating role assigned to the victim/survivor are promising. I am hopeful that this will be a really practical, concrete contribution to the elimination of sexual violence and all forms of violence against children on the road to the implementation of the SDG' agenda.

Alec Saelens: Thank you so much for your time.

Alec Saelens is a former journalist who supports SJN and its partners track solutions journalism's impact on society and the industry. In his former role, he researched and consulted on the connection between solutions journalism and revenue. He is co-founder of The Bristol Cable, the UK's pioneering local media cooperative. Before SJN, he was a researcher and coach for the Membership Puzzle Project and an analyst for NewsGuard.

***This conversation has been edited and condensed.*