

European Journal on Criminal Policy and Research

vol. 8, no. 4, 2000

Sexual Delinquency and Exploitation

Editorial

Sexual violence is of all times. Nevertheless it seems as if this form of delinquency is more at stake than ever. The women's movement in the 1970s and 1980s has claimed attention for several forms of sexual violence at home, in working places and on the streets. Nowadays there is especially recognition about sexual exploitation of women and children in pornography and prostitution. More specifically child pornography on the Internet and violence of paedophiles seems to be the most disturbing moral issues.

This issue of the *European Journal on Criminal Policy and Research* concentrates on several sexual forms of violence from a policy and research perspective. The issue starts with an overview of *Donald West*. The author pleads for a rational approach to sexual offending. Such an approach requires awareness of the wide range of behaviours involved and discriminating responses according to seriousness. This is more difficult to achieve in an atmosphere of moral panic and in the face of public belief in the increasing spread of sexual crime which is due to extensive press coverage and concentration on the worst cases, accompanied by emotive rhetoric and pharisaic moralising. Assessed by the degree of damage caused to victims, offences vary from harmless (for example voyeuristic acts undetected by the victim) to lethal or to the infliction of permanent physical or psychological disability. As with other types of offending, sex offences that cause the most serious injury constitute a small minority, most involve less severe and sometimes only trivial harm. The author gives insight into English statistics, and the range of sex crimes. He focuses on recidivism, treatment of offenders, prevalence and effects of child abuse, and specific groups such as female offenders and boy victims.

Roxanne Lieb contrasts US and European social policies with regard to sexual offending. She describes how the definition of sex offences has changed over time, how US criminal justice policies (such as Megan's law) are imported into Europe, and how various policies for control of dangerous sex offenders were introduced.

In addition, *Hans Boutellier* wrote an essay-like article on the pornographic context of sexual violence. His analysis is based on the book by Anthony Giddens on the development of intimacy and sexuality in late modernity. Sexual morality nowadays combines a tolerant mentality towards pornography and a claim for prudence in the daily relationship between the sexes. This 'schizophrenic' moral situation gives a special meaning to sexual violence, which can be seen as a realisation of pornographic humiliation and as a rude offending of the norm of equality in modern relationships. The strong consensus on the protection for child pornography and paedophile violence stems from this paradoxical situation.

Martin Killias gives insight into the history of the regulation of sexual offences. From the late Middle Ages criminal law throughout Europe dealt with sexual abuse of female persons under the age of 12 or 14 years, and with the repression of 'public' immorality. These two, partially independent developments converged later into what is now known as the statutes on sexual abuse of persons under the age of consent. The author summarises the historic developments of these statutes, and shows that the emergence of these statutes can be explained as a result of profound changes in the role of adolescents in Western societies since the late eighteenth century.

Sarah Alexander, Stan Meuwese and Annemieke Wolthuis review recent measures taken at global, EU and national levels to combat international child abuse. The sexual exploitation of children can take a number of forms. At the international level, however, those that spring immediately to mind include prostitution (in the form of both sex tourism and trafficking) and child pornography (often via the Internet). The key legal instrument combating these forms of abuse at the international level is the 1989 United Nations' Convention on the Rights of the Child, particularly Article 34. The United Nations and EU instruments combating the sexual exploitation aim to do so without creating separate criminal offences at international level, these are to be found in national law. Here there is a problem: traditionally, national criminal law has not been extraterritorial in nature. Exceptions are now slowly being introduced to combat international child abuse.

Stefan Bogaerts, Geert Vervaeke and Johan Goethals have studied the role of attachment in a sample

of 84 sexual delinquents and a matched control group. They use several instruments to measure adult romantic attachment, parental sensitivity, trust and intimacy. These factors differentiate significantly between the groups of offenders, and contribute independently to the explanation of sexual offending, although they explain only about 23% of the offending, so other factors are at stake as well. In the *Current Issues* section *Frans van Dijk and Jaap de Waard* present an analysis of the legal infrastructure of the Netherlands in an international perspective.