Combating sexual exploitation of children and child pornography

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The Committee on Civil Liberties, Justice and Home Affairs adopted the own initiative report by Roberta **ANGELILLI** (UEN, IT), calling on the European Parliament to submit a series of recommendations to the Council on combating the sexual exploitation of children and child pornography.

MEPs recall that children make a constantly growing use of new technologies and an increasingly significant part of their social life takes place online. As a consequence, the Internet is increasingly being used by potential and actual sex offenders for preparing the sexual abuse of children, in particular through grooming and child pornography.

Overall, MEPs call on the Member States to **criminalise all types of sexual abuse of children**. Moreover, they call for better implementation in the Member States of Framework-Decision 2004/68/JHA on combating the sexual exploitation of children and child pornography and ask that it be revised in order to strengthen the main provisions.

MEPs address the following recommendations to the Council:

(1) Implementation of the Framework Decision 2004/68/JHA: Member States are called upon to fully **implement** the Council Framework Decision. For Member States that have not yet entirely implemented the Framework Decision, MEPs ask that those countries concerned be provided with assistance in implementing it as soon as possible, in particular by drawing attention to the need to **protect victims** and by implementing the provisions of the Framework Decision which deals with **extraterritorial jurisdiction** , in order to combat sex tourism and to make it a crime in all Member States. MEPs call, in particular, for all EU citizens who commit a sex crime against children in any country within or outside the EU to be subject to **uniform extraterritorial criminal legislation applicable throughout the EU**. They also encourage cooperation between Member States as well as the monitoring of the implementation of the Framework Decision by means of regular evaluation reports.

Once again, MEPs stress the need to improve extraterritorial cooperation among Member States so that sexual crimes against children under the age of 18 are always classified throughout the EU as exploitation of minors.

(2) Revision of the Framework Decision: MEPs believe that more effective implementation of the existing text is not enough. They therefore call for the 2004 text to be revised in order to raise the level of protection to at least the level provided by the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (CoE Convention).

The future proposal should, inter alia, respond to the following elements:

- creation of national management systems for sex offenders that would include risk assessment, as well as intervention programmes to prevent or minimise the risk of repeat offences (these measures shall be funded from the general budget of the EU);
- strengthening of the victim-centred approach;
- criminalisation of grooming (soliciting children for sexual purposes) and the use of a definition of grooming based on Article 23 of the CoE Convention;

- criminalisation of engaging in sexual activities with an individual below and above the age of consent but below the age of 18 where use is made of coercion, force or threats, or abuse is made of a recognised position of trust, authority or influence over the child, including within the family, or abuse is made of a particularly vulnerable situation of the child (notably because of a mental or physical disability or a situation of dependence), or where money or other forms of remuneration or consideration is given as payment in exchange for the child engaging in sexual activities;
- criminalisation of coercing a child into a forced marriage;
- criminalisation of knowingly attending pornographic performances involving children and intentionally causing children to witness sexual abuse or activities;
- criminalisation of providers of paedophile chat rooms or Internet paedophile fora;
- measures to ensure that the Member States, in the context of a comprehensive strategy of international diplomatic, administrative and law enforcement cooperation, take appropriate steps to have illegal child abuse materials taken offline at source;
- allowing the national enforcement agencies to require Internet providers to block access to websites which are used to commit, or to advertise the possibility of committing, offences;
- supporting the Commission's efforts to close down or otherwise obstruct the Internet-based payment system for websites involved in the sale over the Internet of child pornography and encouraging other economic players to take action in this area;
- encouraging Member States to provide parents with easily manageable programmes allowing them to block children's access to pornographic websites;
- adopt measures in order to encourage the victims of sexual exploitation to file criminal and civil claims in the national courts against sex offenders.

MEPs call, in particular, for the revision of Article 5(3) of the Framework Decision to prevent convicted sex offenders from gaining access to children through employment or voluntary activities involving regular contact with children and to ensure that applicants to certain posts working with children undergo **criminal records checks**.

The Framework Decision should also ensure the strongest protection of children in court proceedings as well as during investigations, prohibit advertisements encouraging the commission of offences and encourage Member States to take every necessary measure to prevent discrimination against the victims of child abuse.

Ratify and implement the CoE Convention: MEPs also urge Member States to sign, ratify and implement the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse. This text, which has so far been signed by 20 Member States, categorises the various forms of sexual abuse of children as criminal offences, including such abuse perpetrated, inter alia, with the use of force, coercion or threats, even within the family. MEPs therefore call on the 7 Member States that have not yet signed the Convention to do so as soon as possible.

Other measures for prevention: once again, MEPs call on all Member States to set up the **Missing Child Alert System** to improve cooperation at European level as well as to set up, together with the Commission, an action programme which would be aimed at providing the children who were identified as being sexually abused in pornographic images with adequate protection and support.