Combating the sexual exploitation of children and child pornography: criminal offences, penalties and sanctions. Framework decision

2001/0025(CNS) - 29/05/2001

The committee adopted the report by Anna KARAMANOU (PES, GR) broadly approving the Commission proposal under the consultation procedure, while nevertheless adopting a large number of amendments designed to make the text tougher. It felt that the maximum prison sentence of no less than 8 years should apply where the children involved were under the age of 16 (instead of 10) or where the offence involved children with physical or mental disabilities. Member States should nevertheless be free to set a higher age limit. Parents or legal custodians who had allowed a child to engage in prostitution or pornography should also be regarded as criminal offenders, as should persons with a special legal obligation (such as educators or social workers) who had had reason to suspect that a child had fallen victim to sexual exploitation but had nevertheless failed to notify the law enforcement authorities. Any criminal sentence should be accompanied by psychiatric treatment. In the case of child pornography the committee felt that not only the production, distribution, offering or possession of pornographic material should be punishable, but also the processing of such material and inducement or facilitating the distribution, dissemination or transmission of pornographic material. However, the acquisition and possession of child pornography should only be punishable if it was conscious or deliberate and should not be punishable at all if the intent was to hand such material over to the police. The committee also wanted the definition of child pornography to be much more specific than ·material that visually depicts a child engaged in sexually explicit conduct·. It felt that material in which children·s genitals or pubic regions were exposed for sexual purposes should be considered pornographic, as should audiovisual material which sought to encourage paedophilic acts or to provide information on children which could be used for sexual exploitation.