

Internet: combat child pornography

1998/0917(CNS) - 13/04/1999 - Text adopted by Parliament, 1st reading/single reading

Under consultation procedure, the European Parliament approved the legislative resolution by Gerhard Schmid (PSE,DE), which approves the draft joint action adopted by the Council on the basis of Article K. 3 of the Treaty on European Union, to combat child pornography on the Internet, subject to amendments, notably in the following areas: - deleting reference to the Council resolution of 20/12/96 on individuals who cooperate with the judicial process in the fight against international organised crime; - adding a reference to the European Parliament's decision of 17/11/98 on the Council common position on the proposed decision to adopt a multiannual Community action plan on promoting safer use of the Internet by combatting illegal and harmful content on global networks, and the Commission's opinion with regard to the Parliament's decision, and in particular its amendment advocating a system of visible Quality-Site Labels; - reinforcing the wording with regard to the importance and respect which should be accorded to the physical and emotional integrity of children and the protection of victims of sexual crimes; - requiring specific efforts to be made by Member States to ensure appropriate and deterrent penalties against the circulation of child pornography via the Internet, while also ensuring that persons acquiring such material for the purposes of forwarding it to the law enforcement authorities shall not be punished; - defining a child, for the purposes of the draft action, as any person under the age of 15; - instead of requiring Member States to take measures to encourage Internet users to inform law enforcement authorities of the circulation of child pornography via the Internet, requiring Member States to give those same authorities the statutory and practical means for searching the Internet systematically for child pornography material; - making it a requirement (rather than a possible option) under the draft action that Member States set up specialised units within law enforcement to investigate (and the Parliament further stresses that this should be done independently) and deal swiftly with information on suspected circulation of child pornography via the Internet; - allowing Member States' law enforcement authorities to delay action for tactical reasons, for example in order to break child pornography rings; - specifying that Member States' cooperation in this field must be rapid, direct and immediate; - placing greater emphasis on the need to continue efforts by Member States to set up 24-hour points of contact consisting of knowledgeable personnel in order to improve the exchange of information and increase reciprocal contacts; - stressing the need to inform Europol immediately of suspected cases of child pornography, first and foremost by means of electronic communications; - deleting the proposal that Member States, in cooperation with Europol, should organise regular meetings of competent authorities specialising in this area with a view to promoting general information exchanges, analysis of the situation and tactical coordination; - providing for involvement at an early stage of the Central and Eastern European Countries (CEECs) in the fight against child pornography; - firming up the wording with regard to taking measures in relation to the Internet industry, by requiring that such measures must be taken within the framework of the draft action (rather than being a possible option) and must furthermore be legally binding; - adding to the measures to be taken by Member States with regard to the Internet industry measures to ensure that the identity of persons who have set up an e-mail address can be ascertained; - introducing a minimum period of three months, regardless of applicable national law, for traffic related data to be made available for inspection by the criminal prosecution authorities; - deleting the requirement that Member States regularly verify whether technological developments require, in order to continuing efficiency in the fight against child pornography on the Internet, changes to criminal procedural law; - deleting the requirement that Member States cooperate, in contact with the industry, to encourage the production of filters and other technical means to prevent and detect the distribution of child pornography; - setting a deadline of July 2000 for the Council to examine the extent to which Member States have fulfilled their obligations in this area, and the measures set out in the draft joint action have proved effective.