Combat child pornography on the Internet. Initiative Austria

1999/0822(CNS) - 11/04/2000 - Text adopted by Parliament, 1st reading/single reading

In adopting the report by Mr. Timothy KIRKHOPE (EPP-ED, UK), the European Parliament approves the initiative of the Republic of Austria with a view to adopting a Council Decision to combat child pornography on the Internet. This initiative was approved as amended : - instead of having the view to adopting a Council Decision to combat child pornography, the Initiative has the view to adopting a Council Framework Decision; - the respect for the physical and emotional integrity of children and the protection of victims of sexual exploitation are of fundamental importance and must lie at the heart of the Union's concerns, rather than simply placing a high value on these concerns. In addition, the Parliament emphasises that each Member State shall take the necessary measures to ensure that the production, sale and distribution or other forms of trafficking in child pornography material and the possession of such material is punishable by effective, proportionate and dissuasive penalties. Participation in and attempts to commit these offences, with the exception of possession, shall also be punishable. Furthermore, possession shall only be punishable where it is the result of an intentional or deliberate act or, if it is not, where possession is deliberatetly retained. Acquiring and possessing child pornography material for the purpose of passing it on to the law enforcement authorites or corresponding contact points shall not be an offence. With regard to the description of child pornography, this is visual material giving the impression that a sexual act is being performed on a child or that child is performing a sexual act on itself, on another person or on an animal. Evidence that the person depicted is not a child or that the act did not actually take place is no defence. The production of child pornography material shall be an offence even when it does not give the impression that the person depicted as a child, although that person is actually a child. As regards the term 'children', Member States shall be free to set a higher age limit than the one set out in the framework which is 16 years old. The Member States shall ensure that Europol, within the limits of its mandate, is informed immediately of suspected cases of child pornography, so that it is able to make rapid analyses of the situation and coordinate measures in criminal tactics effectively. The competent authorities specialising in combating child pornography on the Internet shall primarily use electronic communications facilities with a view to promoting the general exchange of information and improving cooperation with Europol. Moreover, the Member States shall establish registers of persons convicted of the distribution of child pornography and the sexual abuse of children. The information in these registers shall be accessible to all Member States and Europol. They shall also seek to involve the candidate countries as soon as possible in action to combat child pornography. In conclusion, by 01.07.2002, the Council shall examine the extent to which Member States have fulfilled theirobligations. The Council Presidency shall annually inform the Parliament of the conclusions of the multidisciplinary working party on organised crime and all the recommendations formulated by the Council.