Basic information

2008/2144(INI) INI - Own-initiative procedure	Procedure completed
Combating sexual exploitation of children and child pornography **Subject** 4.10.03 Child protection, children's rights 4.10.25 Social problems: delinquency, violence, crime	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
LIBE Civil Liberties, Justice and Home Affairs	ANGELILLI Roberta (UEN)	27/02/2008

Committee for opinion	Rapporteur for opinion	Appointed
FEMM Women's Rights and Gender Equality	GRÖNER Lissy (PSE)	03/06/2008

European Commission

Commission DG	Commissioner
Justice and Consumers	BARROT Jacques

Key events

Date	Event	Reference	Summary
13/05/2008	Non-legislative basic document published	B6-0216/2008	Summary
19/06/2008	Committee referral announced in Parliament		
21/01/2009	Vote in committee		Summary
26/01/2009	Committee report tabled for plenary	A6-0012/2009	
03/02/2009	Decision by Parliament	T6-0040/2009	Summary
03/02/2009	Results of vote in Parliament		
03/02/2009	Debate in Parliament		
03/02/2009	End of procedure in Parliament		

Technical information

Procedure reference	2008/2144(INI)
Procedure type	INI - Own-initiative procedure
Legal basis	Rules of Procedure EP 134o-p3
Stage reached in procedure	Procedure completed
Committee dossier	LIBE/6/63655

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Non-legislative basic document		B6-0216/2008	13/05/2008	Summary
Committee opinion	FEMM	PE409.691	08/10/2008	
Committee draft report		PE414.011	19/11/2008	
Amendments tabled in committee		PE416.537	18/12/2008	
Committee report tabled for plenary, single reading		A6-0012/2009	26/01/2009	
Text adopted by Parliament, single reading		T6-0040/2009	03/02/2009	Summary

Combating sexual exploitation of children and child pornography

2008/2144(INI) - 03/02/2009 - Text adopted by Parliament, single reading

The European Parliament adopted, by 591 votes to 2 with 6 abstentions, a resolution on combating the sexual exploitation of children and child pornography.

Firstly, Parliament recalls 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, Parliament calls on the Member States to **criminalise all types of sexual abuse of children**. Moreover, it calls 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:

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, Parliament asks 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. Parliament insists in particular on the implementation of 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. Parliament calls, 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**. Once again, Parliament stresses 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. Parliament calls for the adoption of new measures in order to encourage the victims of sexual exploitation to file criminal and civil claims in the national courts against sex offenders

Revision of the Framework Decision: Parliament believes that more effective implementation of the existing text is not enough. It therefore calls 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.

Criminal record checks: Parliament calls, 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**. Parliament also insists on the obligation for those whose work involves regular contact with children to report situations where they have reasonable grounds for suspecting abuse.

Protect children and combat discrimination: 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: Parliament also urges 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. Parliament therefore calls 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, Parliament calls 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.

Combating sexual exploitation of children and child pornography

2008/2144(INI) - 13/05/2008 - Non-legislative basic document

PURPOSE: to propose a European Parliament recommendation to the Council on combating the sexual exploitation of children and child pornography.

CONTENT: pursuant to Rule 114(1) of the Rules of Procedure, Roberta **ANGELILLI** (UEN, IT) proposed, on behalf of the UEN Group, a draft recommendation on combating the sexual exploitation of children and child pornography. In its recommendation, Parliament noted that at the end of April 2007, three Member States had not yet implemented Council framework decision 2004/68/JHA on combating the sexual exploitation of children and child pornography (see CNS/2001/0025). It addressed the following recommendations to Council:

- Member States that have not yet implemented the abovementioned framework Decision should do so as soon as possible;
- Member States that have not yet adopted legislation on the definition of child pornography as set out in Article 1(b) of the framework Decision to do so as soon as possible;
- Member States that have not yet forwarded the relevant documentation for the evaluation of their legislation on the definition of ‘computer system’ should do so as soon as possible;
- Member States that have not yet complied with the minimum requirement of criminalisation of child pornography should do so as soon as possible;
- Member States that have not yet complied with the rule on extraterritorial jurisdiction when the offender is one of the nationals of the country concerned, should do so as soon as possible;
- lastly, Member States that have not yet adopted legislation to strengthen protection of, and assistance to, child victims of sexual exploitation to do so as soon as possible.