

**“Proposal for a Council Framework Decision on combating the sexual abuse ,
sexual exploitation of children and child pornography, repealing Framework
Decision 2004/68/JHA” 25th March 2009**

Statement by the European NGO Alliance on Child Safety Online (eNACSO)

The European NGO Alliance on Child Safety Online (eNACSO) welcomes the draft Framework Decision which was published by the European Commission on 25th March, 2009, *‘on combating the sexual abuse, sexual exploitation of children and child pornography, repealing Framework Decision 2004/68/JHA’*.¹

As the title of the decision makes clear a number of different issues are covered by the proposal, which are of interest to the members of eNACSO. eNACSO will limit its comments to those parts of it which are specific to or largely concern the internet. However, we emphasise that the internet and online technologies provide new ways of committing child sexual abuse which is in itself not a new phenomenon. Protecting children from and combating sexual abuse and exploitation requires a holistic approach, whether or not the abuse involves the use of online technologies.

The eNACSO network notes the following aspects of the proposal which it considers will make a particular contribution to protecting children from online-related child sexual abuse and exploitation. We urge Member States to support these articles, as well as the many others which will help ensure improved cross-border cooperation to protect children from sexual abuse and exploitation.

eNACSO welcomes:

Articles relating to online child abuse images (child pornography)

- Article 1b – definition of child pornography includes “realistic images of a non-existent child”

From the experience of eNACSO members this kind of material forms part of a subculture of sexual abuse material, which offenders often hold alongside images of real children and evidence shows may be used in grooming other children. Failing to criminalise it hinders police attempts to disrupt criminal networks. If this kind of image is not illegal it provides offenders with a legitimate way to develop networks, through which they may also distribute images showing real children. Additionally, we have found it also gets in the way of successful treatment work aimed at perpetrators to change their behaviour. It is also important that the definition of child pornography includes “any depiction for primarily sexual purposes of the sexual organs of a child”, as outlined in the proposal.

- Article 4 (e) criminalising “knowingly obtaining access, by means of an information system, to child pornography”

Any intentional viewing of child abuse images should be illegal, whether or not the material is downloaded onto a computer. If an offender knowingly brings an image into existence, with or without downloading, then they are culpable of re-victimising the child in the image and potentially on a pathway to increasing their sexual interest in children.

- Article 12 (6) “Investigation and prosecution”

¹ COM (2009) 135 final

We believe that it is important to ensure that the aim of child abuse image-related investigations includes the identification of victims. It is important that police and social services work together on these cases so that children receive an appropriate package of treatment and care when they are identified.

- Article 18 “Blocking access to websites containing child pornography”

We consider blocking access to known child abuse web sites to be a very important step in the fight against online child abuse images. It is not a complete solution. There are other technologies which can be used to obtain access to illegal material but given the popularity of the web as a user interface it is vital that ISPs and others who provide access to the Internet, do as much as they can to disrupt the traffic and reduce the availability of child abuse images through the web.

Articles related online sexual abuse and exploitation of children

- Article 11 (d) & (e) “Offences concerning sexual abuse”

We believe these provisions relating to intentionally causing, for sexual purposes, a child to engage in or watch sexual acts are particularly important in the internet age. With the advent of web cams and other interactive technologies the scope for remotely abusing children, without physical contact, has increased. Law enforcement needs the ability to enable them to intervene where appropriate in order to protect children.

- Article 5 “Solicitation of children for sexual purposes”

We consider that criminalizing ‘grooming’ of children is essential, so that the police can intervene to prevent a meeting which is known to be imminent, rather than waiting until actual contact abuse has occurred. We note that grooming occurs off- as well as online and urge Member States in addition to agree to delete the phrase “by means of an information system” from the text.

For further information please contact:

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