



Save the Children

NGO Statement on the Revision of the Council Framework Decision on combating the sexual abuse, sexual exploitation of children and child-pornography, repealing Framework Decision 2004/68/JHA

We the undersigned NGOs welcome wholeheartedly the Commission's Proposal for a Council Framework Decision on combating the sexual abuse, sexual exploitation of children and child-pornography as a *crucial opportunity* to significantly improve existing EU legislation and cooperation to protect children from sexual abuse, sexual exploitation and child abuse images ('child pornography'). The Commission's proposal brings the existing legislation closer in line with the UN Convention on the Rights of the Child (UNCRC) and the Council of Europe's Convention on the Protection of children against sexual exploitation and sexual abuse.

The principles enshrined in international law recognise and oblige Member States to adopt legislation that protects children from all forms of violence, including sexual abuse and sexual exploitation. We urge Member States to show leadership by acting on this unique opportunity and adopting legislation that sends strong signals that child sexual abuse, child sexual exploitation and child abuse images ('child pornography') are severe crimes in the EU, and that the EU is taking serious action to address such crimes within, and outside its borders.

In this regard, EU Member States should NOT agree a text which can be interpreted as the EU adopting weak legislation, on crimes of child sexual abuse, child sexual exploitation and child abuse images.

To this end, EU common legislation must ensure:

1. that *victim identification, protection and assistance* remain central aspects of all actions taken to address crimes of child sexual abuse, child sexual exploitation and child abuse images;
2. that options for *decriminalization* of offences governed by the legislation are carefully balanced and restricted;
3. that it is made punishable to *attempt* to commit offences governed by the legislation, including *attempting* to download child abuse images;
4. that the *common penalties system*, in particular the severity of the penalties, acts as a strong deterrent message and fully reflects the long-term physical and psychological harm that child sexual abuse and exploitation can have on children;
5. that *extra-territorial jurisdiction* where the sex offender or the victim is a national of or resident in the Member State is established. The new legislation should also oblige Member States to abolish the double incrimination requirement for establishing jurisdiction, and to establish jurisdiction in case of refusal of extradition and;
6. that the new legislation makes "*sex tourism*" *punishable* under law including travel outside the home State for the purpose of engaging in child sexual abuse and exploitation *and* organising or advertising travel arrangements to this end;

7. that Member States undertake necessary measures to enable competent judicial or police authorities to order or similarly obtain the *blocking* of access to internet sites which contain or disseminate child abuse images ('child pornography')
8. an effective approach to minimising the risk of repeated offences including disqualification, risk assessment and intervention programmes.

We urge EU Member States to consider their obligations under the UNCRC during negotiations on the Framework Decision. Child sexual abuse and exploitation are *severe* violations under the UNCRC and these crimes have *far reaching* and *devastating* implications for the health and development of the child.

We would be happy to provide you with full briefing s on all of the issues highlighted above. Please do not hesitate to contact us if you have questions or would like to discuss these issues further.

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