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Member States implement EU legislation to combat the sexual exploitation of children and child pornography. But Member States can still do more.

The European Commission has approved the report on the implementation by Member States of the Council Framework Decision 2004/68/JHA of 22 December 2003 on combating the sexual exploitation of children and child pornography. This report finds that most Member States have criminalised sexual exploitation, sexual abuse and child pornography on the Internet.

Vice-President Franco Frattini, responsible for Justice, Freedom and Security, stated: "The prevention and the fight against sexual exploitation, sexual abuse and child pornography is at the core of our commitment. No area of freedom, security and justice exists if our most vulnerable citizens are exposed to such offences. The approximation of legislation is the first essential step. But we can do more and better. Now we have to strengthen our action and reach more effective results. Recent incidents in Member States show that we have to be more vigilant than ever, and really protect our children".

Vice-President Frattini congratulated EU countries which mostly meet the key requirements of the Framework Decision. "However, I am disappointed that so many Member States have not transmitted sufficient information about the real implementation of some essential provisions such as the jurisdiction rule which obliges Member States to prosecute sex tourism, and the special treatment of children as particularly vulnerable victims in criminal proceedings" said Vice-President Frattini.

"Member States should go further. In certain areas such as child pornography the real level of protection varies in the EU countries depending on the age of consent to sexual relations established by national legislation, which goes from 13 to 17 years", added Vice-President Frattini. "From our side, we are considering the possibility of strengthening the EU legislative framework especially concerning offences committed through the Internet, in particular the criminalisation of the "grooming" that is the solicitation of a child for sexual purposes, and the enhancing of international cooperation to detect crime and identify child victims on the Internet".

The objective of the Council Framework Decision is to approximate the laws of the Member States in the area of the fight against sexual exploitation and child pornography. Therefore, the Framework Decision introduces the obligation to criminalise sexual exploitation and child pornography, and to establish adequate and dissuasive penalties.

The report is based on information received from Member States. Essentially, it finds that the requirements set out in the Council Framework Decision have been met by almost all Member States, either as a result of pre-existing domestic laws, or through the implementation of new and specific legislation. Generally speaking, Member States' legislation ensures a high level of protection of children from sexual exploitation and abuse, and provides for an appropriate level of penalties. Concerning child pornography, the requirement concerning criminalisation of production of pornographic materials involving children is generally met. However, the Framework Decision allows Member States not to criminalise child pornography above the age of sexual consent under certain circumstances. Since Member States did not transmit sufficient information, it is not possible to provide a precise assessment of the range of exemption from criminal liability concerning child pornography involving children between the age of sexual consent and 18 years.

The report will be forwarded to the Council as a basis for its assessment of the compliance of Member States with the provisions of the instrument.

To find out more about Vice President Frattini's work please visit his website: http://www.ec.europa.eu/commission_barroso/frattini/index_en.htm