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EU takes action to combat sexual abuse of children and child pornography

The Council and the European Parliament have reached political agreement on the draft directive aimed at combating sexual abuse and exploitation of children as well as child pornography.

Striking hard on paedophiles

This means the EU is ready to strike hard on paedophiles, and this is a wish of all three institutions.

The directive would harmonise around twenty relevant criminal offences, at the same time setting high level of penalties.

The directive penalises the following offences across the EU and sets lower thresholds for their maximum penalties:

- Sexual abuse of children: Maximum penalties range from at least one year imprisonment for causing a child to witness sexual activities to at least ten years prison for coercing a child into sexual actions.
- Sexual exploitation of children: Sentences can go from at least two years prison for attending pornographic performances involving children to minimum ten years imprisonment for forcing a child into child prostitution.
- Child pornography: Unless for purposes of investigation, possessing child pornography must be punished with at least one year imprisonment; its production carries a sentence of at least three years imprisonment.

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- Grooming, i.e. soliciting children for sexual purposes on the internet: In case the production of child pornography or child abuse were preceded by an online invitation to the child, for instance in a chat, the maximum sentence must be at least one year higher than otherwise.

In most cases, the Council introduced reduced penalty thresholds if the child has reached the age of sexual consent as defined by national law.

Narrowing the supply of child pornography on the internet

One of the key issues is dealing with the challenges and supply created by the internet. The EU will be able to effectively respond to challenges following the internet revolution that made child pornography wildly available. Moreover, prevention as well as protection of victims are also among the main objectives.

Concerning online child pornography, the text obliges member states to ensure the prompt removal of such websites hosted in their territory and to endeavour to obtain their removal if hosted outside of their territory. In addition, member states may block access to such webpages, but must follow transparent procedures and provide safeguards if they make use of this possibility.

Fighting against sex tourism

The directive will also strike hard on the sex tourism industry: First, by introducing compulsory jurisdiction over nationals who commit crimes abroad, and secondly by establishing preventive measures to that effect. This is meant to diminish demand for sexual services outside the European Union.

Reliable check for EU nationals when applying for jobs related to the care of children

In addition, within the EU, higher protection of children will be achieved once member states implement the directive and fully commit themselves to circulate data on disqualifications from their criminal records so as to prevent paedophiles moving abroad and taking advantage of free movement of workers within the EU. It is currently very difficult to clear foreign EU nationals when applying for jobs relative to the care of children. A number of trans-border scandals have proven the lack of flow of the relevant information already available in the criminal records. This will soon come to an end.

Under the new directive, member states must ensure that convicted offenders can be prevented from exercising professional activities involving regular contacts with children. Employers recruiting for such activities must be able to request information about candidates' previous convictions.

Victims' protection

The directive also obliges member states to support the child victim during investigations and legal proceedings.

Background

The text that was confirmed unanimously by the Permanent Representatives Committee of the Council was negotiated in trilogue meetings between the Hungarian presidency, the European Parliament and the Commission. It will still need to be formally adopted by the European Parliament and subsequently by the Council.

To fight crime in this area, the draft directive harmonises across the EU the definition of relevant offences and sets minimum penalties. It is intended to replace the relevant framework decision 2004/68/JHA and significantly increases the number of common definitions and penalty thresholds.

Once the draft directive is formally approved, member states will have two years to transpose the directive into national law.

