



Recommendation 1980 (2011)¹

Final version

Combating “child abuse images” through committed, transversal and internationally co-ordinated action

Parliamentary Assembly

1. Referring to its [Resolution 1834](#) (2011) on combating “child abuse images” through committed, transversal and internationally co-ordinated action, the Parliamentary Assembly recommends that the Council of Europe take a strong position on the action to be taken to combat child abuse images. The Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (Lanzarote Convention, CETS No. 201) belongs to the most complete and advanced standards in this field, next to the Optional Protocol to the United Nations Convention on the Rights of the Child, on the Sale of Children, Child Prostitution and Child Pornography, the Council of Europe Convention on Cybercrime (Budapest Convention, ETS No. 185) and the Council of Europe Convention on Action against Trafficking in Human Beings (CETS No. 197).
2. However, the articles of the Lanzarote Convention on “child pornography” should be strengthened with regard to the full series of crimes related to child abuse images, including their production, distribution, collection and consultation. The fact that Article 20 (paragraph 1.f) of the convention provides an opt out to member states allowing them not to criminalise the act of “knowingly obtaining access, through information and communication technologies, to child pornography” is not acceptable for the Parliamentary Assembly. Provisions relating to the legal and political measures to be taken to effectively fight child abuse images and related offences should be further developed. These provisions should include the obligation to block websites with illegal content when their rapid deletion is not possible.
3. At national level, the Lanzarote Convention and the upcoming European Union Directive on combating sexual abuse and sexual exploitation of children and child pornography, expected to be adopted by the European Parliament and the European Council before the end of 2011, should be implemented in a co-ordinated manner, so as to ensure a maximum impact of these instruments on national legislation and, finally, the protection of every child.
4. The Assembly welcomes the general commitment of the Committee of Ministers to the protection of children’s rights, not least by initiating the Council of Europe ONE in FIVE Campaign to stop sexual violence against children (2010-2014). It also welcomes the strong involvement of the Council of Europe in the “European Dialogue on Internet Governance (EuroDIG)” and encourages the Committee of Ministers to maintain a high level of activity in this field, also as a united European contribution to the international debate.
5. The Assembly therefore recommends that the Committee of Ministers:
 - 5.1. continue promoting the ratification and implementation of the Lanzarote and Budapest Conventions in all member states;

1. *Assembly debate* on 5 October 2011 (32nd and 33rd Sittings) (see [Doc. 12720](#), report of the Social, Health and Family Affairs Committee, rapporteur: Mr Conde Bajén). *Text adopted by the Assembly* on 5 October 2011 (33rd Sitting).



- 5.2. elaborate and adopt an additional protocol on child abuse images and related crimes to the Lanzarote Convention as soon as possible, with the purpose of covering offences related to child abuse images in more detail and of reinforcing relevant provisions, in particular by criminalising not only the production and distribution of images but also their intentional consultation and by defining the blocking of illegal websites as a complementary but mandatory legal measure when deleting them fails;
- 5.3. initiate intergovernmental work on the legal responsibility of private players, notably Internet service providers (ISP), in the framework of the Council of Europe agenda on matters of rule of law and of the Steering Committee on Media and New Communication Services (CDMC);
- 5.4. further develop and reinforce the ONE in FIVE Campaign in order to allow the Council of Europe and member states involved to address specific matters of sexual abuse and exploitation of children in an appropriate manner;
- 5.5. ensure that the activities of Council of Europe bodies regarding the protection of children's rights and the right to the freedom of expression are well co-ordinated, *inter alia*, by creating closer links between the Council of Europe programme "Building a Europe for and with Children" under its next Strategy (2012-2014) and the intergovernmental work undertaken by the CDMC, and by involving the Assembly at an early stage whenever appropriate.