



**Resolution 1834 (2011)<sup>1</sup>**

Final version

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

Parliamentary Assembly

1. “Child abuse images” or “child pornography” are not just images. Both expressions refer to a series of crimes, from the solicitation, corruption or trafficking of children (under 18 years) for sexual purposes to the distribution, collection and consultation of images of the abuse committed, over various forms of sexual abuse perpetrated on children – sometimes even causing their death.
2. The Parliamentary Assembly is very concerned about the high prevalence of such crimes in our societies and the way in which they are facilitated by the Internet and other information and communication technologies, which reveal their “dark side” when it comes to child abuse images. It recalls that, due to the anonymity of the Internet, it is extremely difficult to uncover and to effectively prosecute offenders, and to identify and help victims. The Assembly therefore calls for committed, transversal and internationally co-ordinated action to fight all types of offences related to child abuse images.
3. Despite the fact that most images can be found in a “virtual world”, one must never forget that behind every child abuse image, there is at least one child who has been sexually abused in real life.
4. Child abuse images are not only the result and visual depiction of abuse, but may also incite new crimes and thus become a “multiplier” of the sexual abuse and exploitation of children. For this reason, already the “mere” viewing of child abuse images should be criminalised in all member states of the Council of Europe.
5. The Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (Lanzarote Convention, CETS No. 201) currently represents the most complete and advanced standard in this field, alongside with the Convention on Cybercrime (Budapest Convention, ETS No. 185). They shall soon be completed by the upcoming European Union directive on combating the sexual abuse, sexual exploitation of children and child pornography, expected to be adopted by the European Parliament and Council before the end of 2011. These texts constitute a strong legal basis, but need to be strengthened concerning certain aspects, such as the criminalisation of the intentional consultation of child abuse images (as far as the Lanzarote Convention is concerned) and the mandatory character of website blocking when deleting is not possible, which has, to the regret of the Parliamentary Assembly, not found its way into the final European Union draft directive.
6. Many member states have started to address the issue by developing strong legislation and policies. A reinforced European-wide exchange of information and best practice should thus make a more efficient fight against child abuse images possible. To appropriately reflect the complexity of this subject, the notions of “child abuse images” or “child abuse material” should, in the long term, replace the expression of “child pornography” in all legal texts and political debates.

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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). See also Recommendation 1980 (2011).



7. In the light of the successful co-operation with the private sector, the commitment of the Internet service providers (ISP) and the financial sector should be further encouraged in the future, inciting all companies to adhere to approaches of self-regulation and systematic reporting of illegal Internet contents to the authorities.

8. The Assembly therefore calls on the Council of Europe member states:

8.1. as concerns the Lanzarote Convention and the Budapest Convention to:

8.1.1. sign and ratify these conventions as soon as possible, if this has not yet been done, and, as concerns member states of the European Union, to implement them in a co-ordinated manner with regard to the upcoming European Union directive;

8.1.2. strengthen their relevant national legislation, in particular by creating a strong legal basis for the intervention of law enforcement agencies according to procedures which are transparent and fully respectful of democratic principles and human rights;

8.1.3. support the strengthening of the Lanzarote Convention through an additional protocol aimed at covering in more detail offences related to child abuse images;

8.2. as concerns political measures to be taken, to:

8.2.1. develop comprehensive national policies tackling the issue from all possible angles, while following a clear "victim-centred approach" aimed at identifying victims and offenders as swiftly as possible, at halting abuse and at assisting victims, including in the context of child-friendly justice systems to be developed according to the Council of Europe Guidelines on child-friendly justice adopted in November 2010;

8.2.2. set up efficient mechanisms to interrupt the commercial and non-commercial online distribution of child abuse images, giving priority to the rapid removal of illegal content wherever possible, and including the blocking of websites as a complementary measure when appropriate;

8.2.3. develop dialogue with the private sector in order that it takes responsibility for immediately reporting any child abuse images identified and co-operating with law enforcement agencies;

8.2.4. support more systematic exchanges of information at European and international level on the one hand and further research on child abuse images and related offences on the other;

8.3. as concerns general awareness of the issue of child abuse images and related crimes, to:

8.3.1. strengthen the general dialogue by following a "multi-stakeholder approach": public authorities, law enforcement agencies, civil society organisations, educational institutions and, at individual level, the family and the child, including victims of past offences;

8.3.2. empower children and adolescents to protect themselves whenever possible, and to strengthen their media awareness, and to make society as a whole aware of the impact and dangers of an increasing "sexualisation" of children in the media;

8.3.3. support the Council of Europe ONE in FIVE Campaign to stop sexual violence against children (2010-2014) by actively contributing to its European activities (including financial support to its parliamentary dimension) and by developing national campaign activities or direct links with existing national policies, including at parliamentary, local and regional level.