Parliamentary Assembly
Assemblée parlementaire
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COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

Resolution 1835 (2011)[1]
Final version

Violent and extreme pornography

Parliamentary Assembly

1. In recent years, pornography has become a highly lucrative business, in particular due to the increasing importance of the Internet as a means of distribution. At the same time, new types of equipment and their wide availability have made it possible for private individuals to become producers of pornography, which is distributed and exchanged mainly through social media and networks on the Internet.

2. The Parliamentary Assembly expresses deep concern at the public's increased accessibility to violent and extreme pornographic material, graphically portraying scenes of degradation, sexual violence, torture, murder, necrophilia or bestiality for the purposes of sexual arousal.

3. While recalling that freedom of expression is a pillar of democratic societies and a right guaranteed by the European Convention on Human Rights (ETS No. 5), the Assembly underlines that it is possible to set limits to this right when they are prescribed by law and are necessary in the interests of, amongst others, the prevention of crime, the protection of morals and the protection of the rights of others.

4. The Assembly notes the great disparities between Council of Europe member states in the degree of regulation of pornography with, at one end of the spectrum, countries where the production, distribution and possession of pornographic material is totally forbidden, and at the other end, countries where there is hardly any prohibition, even with regard to forms of violent and extreme pornography.

5. It also regrets that a common feature in member states is the poor enforcement of existing laws and regulations on the production and distribution of pornography.

6. Acknowledging that the number of consumers of pornography in Europe has increased, the Assembly warns against the desensitisation resulting from continued exposure or addiction to pornography, and against a process of normalisation in which moral coercion and physical violence may be considered as acceptable.

7. In addition, noting that the portrayed victims are in the great majority women, the Assembly is concerned about the negative impact of violent and extreme pornography on women's dignity and their right to live free from sexual violence. In this regard, the Assembly considers that this type of pornography further erodes the conditions for achieving effective gender equality, alongside other forms of hard and soft pornography, the widespread use of sexualised images of women for commercial purposes and the portrayal of gender stereotypes by the media and the entertainment industry.

8. Furthermore, the Assembly reiterates the need to ensure that children are protected against exposure to violent and extreme pornographic material which might harm their balanced development.

9. In the light of these considerations, the Assembly calls on the member states to:

9.1. as concerns law and policy:

9.1.1. ensure the effective implementation of existing laws regulating the production, distribution and sale of pornographic material;

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1. Assembly debate on 5 October 2011 (32nd and 33rd Sittings) (see Doc. 12719, report of the Committee on Equal Opportunities for Women and Men, rapporteur: Mr Stuligrosz). Text adopted by the Assembly on 5 October 2011 (33rd Sitting). See also Recommendation 1981 (2011).

9.1.2. when appropriate, revise existing laws to ensure these provide adequate sanctions in case of violations, and monitor their compliance and implementation;

9.1.3. establish an obligation for companies to submit all audiovisual works for classification prior to commercial distribution;

9.1.4. where applicable, strengthen sanctions for non-compliance with the obligation to submit audiovisual works for classification with the relevant body and sanctions for distributing such material without classification;

9.1.5. assess the impact of existing laws and regulations applying to violent and extreme pornography and revise them, if appropriate, taking into account the possibility of:

9.1.5.1. introducing specific legislation to criminalise the production and distribution of violent and extreme pornography;

9.1.5.2. criminalising the possession of violent and extreme pornography, including for personal use;

9.1.6. ensure that existing law is implemented in a non-discriminatory way, including with regard to sexual orientation;

9.1.7. set up or support the setting up of hotlines or other facilities to provide advice to the public and receive complaints about illegal content;

9.2. as regards the protection of minors:

9.2.1. step up their efforts to combat child pornography;

9.2.2. introduce and enforce adequate sanctions for the sale of pornographic material to minors;

9.2.3. enforce adequate sanctions for breaches of the prohibition for adults to be portrayed as minors;

9.2.4. introduce the compulsory classification of all video games, including pornographic and violent games, and make their sale and distribution conditional upon receiving clearance from the relevant classification body;

9.3. as concerns research:

9.3.1. encourage and support scientific research to assess the impact of violent and extreme pornographic images on the user, also with a view to investigating the possible links between habitual consumption of violent and extreme pornography and an increased inclination to violent sexual behaviour. Research should also clarify, by means of comparative studies, whether the impact on viewers varies depending on the real or fictitious nature of images;

9.3.2. conduct or encourage regular surveys on standards of obscenity as perceived by the public as well as consultations with civil society;

9.3.3. encourage or support research on the links between pornography, prostitution and trafficking, as well as between violent and extreme pornography and child-abuse images;

9.4. as regards training and awareness raising:

9.4.1. develop sex education material and programmes for children and young people;

9.4.2. support training for social workers and health professionals dealing with addiction to pornography;

9.4.3. support training for social workers and law enforcement officials dealing with people who have been coerced into pornography.

10. Finally, the Assembly reiterates its call on Council of Europe member and observer states to sign and ratify:

10.1. the Council of Europe Convention on preventing and combating violence against women and domestic violence (CETS No. 210);

10.2. the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (CETS No. 201);

10.3. the Convention on Cybercrime (ETS No. 185).