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

Reply[1] to Recommendation 1980 (2011)
Committee of Ministers

1. The Committee of Ministers has carefully examined Parliamentary Assembly Recommendation 1980 (2011) on "Combating 'child abuse images' through committed, transversal and internationally co-ordinated action" which it communicated to the European Committee on Crime Problems (CDPC), the Steering Committee on the Media and New Communication Services (CDMC) and the Council of Europe Network of National Focal Points on Children's Rights, for information and possible comments.

2. The Committee of Ministers welcomes the Parliamentary Assembly's initiative in promoting greater co-ordination of measures to strengthen regulation of "child pornography" while focusing particular attention on child abuse images. Children's rights are fundamental values shared by all the Council of Europe member States and must be promoted without any discrimination.

3. In this connection, the Committee of Ministers draws attention to the Council of Europe Strategy concerning Internet Governance[2] and the Council of Europe Strategy for the Rights of the Child,[3] which, among other things, will focus on promoting wider participation in the Budapest Convention (ETS No. 185) and the Lanzarote Convention (CETS No. 201). It also recalls the importance of the precise terminology used in the Lanzarote Convention. If it were overbroad or too imprecise, the concept of "child abuse images" would not satisfy the requirements of Article 10 of the European Convention on Human Rights or the corresponding case law of the European Court of Human Rights.

4. Regarding the question of the possible drafting of an additional protocol to the Lanzarote Convention on child abuse images and related offences, the Committee of Ministers takes note of the Parliamentary Assembly's wish. However, it does not consider the drafting of an additional protocol to be necessary but that the improvements required should be related to the implementation of the existing conventions (see above). The Committee of Ministers therefore instructs the European Committee on Crime Problems (CDPC), in co-operation with the Steering Committee on Media and Information Society (CDMSI), to review the implementation of the existing Council of Europe standards in this field and the different technical possibilities, including the blocking or removal of pornographic sites containing child abuse images.

5. The transfrontier nature of the Internet and the technical possibilities which it offers international organised crime call for co-ordinated responses, particularly as regards the dissemination and consultation on the Internet of images of child sexual abuse. In addition to the two above-mentioned conventions, the Committee of Ministers therefore draws attention to the value of other standards drawn up from a human rights standpoint (the Human Rights Guidelines for Internet Service Providers, the Committee of Ministers' Declaration on network neutrality, the Recommendation CM/Rec(2012)3 on the protection of human rights with regard to search engines and the Recommendation CM/Rec(2012)4 on the protection of human rights with regard to social networking services). Furthermore, it recalls that its Declaration on protecting the dignity,

1. 2012 - Third part-session
2. Document CM(2011)175.
3. Document CM(2011)171.

security and privacy of children on the Internet (adopted on 20 February 2008) signalled that "other than in the context of law enforcement, there should be no lasting or permanently accessible record of the content created by children on the Internet which challenges their dignity, security and privacy or otherwise renders them vulnerable now or at a later stage in their lives". An adequate legal framework with due regard to human rights requirements and sufficient safeguards, including transparency and accountability guaranteed by independent scrutiny, should allow law enforcement agencies to avail themselves of technical means to track and eliminate online child abuse material.

6. Noting the close co-operation already existing between the Council of Europe's "Building a Europe for and with children" programme and the intergovernmental work undertaken by the CDMSI, the Committee of Ministers assures the Assembly of the proper co-ordination of Council of Europe activities relating to the protection of children's rights.

7. Lastly, the Committee of Ministers welcomes the Assembly's assessment of its general commitment to the protection of children's rights, particularly as seen in the launch of the Council of Europe's ONE in FIVE campaign against sexual violence. It also welcomes the Assembly's extensive participation in the implementation of this campaign, which seeks to put an end to sexual violence against children and will constitute one of the main awareness-raising activities in the work of promoting children's rights.