

**Save the Children Europe Group and
the National Society for Prevention of Cruelty to Children (NSPCC)**

*Statement to EU Member States on the proposal for a Council Framework Decision on combating the sexual abuse, sexual exploitation of children and child pornography, repealing Framework Decision 2004/68/JHA.
(COM (2009)135 final)*

6th April 2009

Save the Children and NSPCC warmly welcome the European Commission proposal for a revised Framework Decision (FD) on combating the ‘sexual abuse, sexual exploitation of children and child pornography’, of 25th March 2009.

We urge Member States to take the following comments into account in discussions and decisions.

From our work in different EU Member States, we are aware that some aspects of child sexual abuse and sexual exploitation have European or international dimensions and can no longer only be effectively tackled by individual governments acting alone. For a number of years we have highlighted the need for improved EU cooperation to implement children’s right to protection from sexual abuse and sexual exploitation, including online child abuse images (‘child pornography’), to complement and add value to national actions.

We consider that the proposed FD provides substantial advances in enhancing the European Union’s response to the crimes addressed. In particular the holistic approach reflected in the proposal is essential in offering a comprehensive response, covering prosecution of offenders, identification, protection and support to children, and prevention of such crimes including through minimising the risks of re-offending. Based on our experience, we are aware that such an approach is vital in order to effectively tackle crimes of child sexual abuse and sexual exploitation, and protect child victims.

We also recognise that the FD as proposed will bring the EU closer to the provisions of the Optional Protocol to the UN Convention on the Rights of the Child (UNCRC) ‘on the sale of children, child prostitution and child pornography’ (2000), as well as reflecting and building on the progress made by the Council of Europe (CoE) Convention on Protecting Children against Sexual Abuse and Sexual Exploitation (2007), which sets out a comprehensive European approach. We welcome the inclusion of child sexual abuse and sexual exploitation, in line with the definition used in the CoE Convention.

We call on all Member States to actively support the proposed FD including maintaining the comprehensive approach encompassing prosecution, protection and prevention.

This is an important step to deliver on shared commitments to combat child sexual abuse, sexual exploitation and child abuse images and we urge Member States to take the necessary measures to achieve these goals.

Further comments

Save the Children and NSPCC would be happy to provide more detailed comments on a range of issues covered in the proposal. We will limit ourselves here to highlighting a few aspects which we encourage you to take into account during discussions.

- The best interests of the child should be taken into account throughout the measures set out in the FD. We recommend in particular ensuring that a reference to the best interests of the child is specifically mentioned in Article 12 on investigation and prosecution.

- We welcome the inclusion of ‘solicitation of children for sexual purposes’, often referred to as ‘grooming’ (Article 5). We recommend that Member States consider acting on the opportunity to broaden this to include offline grooming, by deleting the phrase ‘by means of an information system’, so that a lower level of protection is not offered to children who are groomed in the offline world.
- We recommend full support for Article 18 to ensure the blocking of sites containing child abuse image material. This is a key element in an effective strategy for tackling the global challenge of online child abuse material, by addressing the demand which fuels this horrendous trade.

Save the Children and NSPCC recognise that it would not be possible or appropriate for an EU Framework Decision to include all necessary measures to prevent child sexual abuse and exploitation. We encourage Member States to consider in addition to the Framework Decision further exchange of information and best practice on relevant aspects, as there are models and examples from different Member States which can be drawn on in this regard. We also encourage Member States to implement additional measures, including awareness-raising, public education and prevention programmes for parents, teachers and professionals working with children.

For further information please contact:

Olivia Lind Haldorsson, Head of Office, Save the Children Brussels office, olivia.lind@savethechildren.be, Tel: +32 (0)2 512 7851

Kathleen Spencer Chapman, European Adviser, NSPCC, kspencer@nspcc.org.uk, Tel: +44 (0)20 7825 2758

About us

Save the Children was established in 1919 and is at the forefront in the fight for the rights of the child. Save the Children is an international movement for children’s rights that currently comprises 27 organisations, spanning five continents and operating in over 120 countries. Save the Children Europe Group gathers 13 European Save the Children to help further children’s rights in Europe and elsewhere by promoting children’s rights in European policy making, funding and programmes.

The NSPCC (National Society for Prevention of Cruelty to Children) is the UK’s leading NGO specialising in child protection. The NSPCC was established in 1889 and aims to end cruelty to children by seeking to influence legislation, policy, practice, attitudes and behaviours for the benefit of children and young people. This is achieved through a combination of service provision, lobbying, campaigning and public education.

Together, Save the Children and NSPCC bring experience including, for example, providing therapeutic support to children who have been sexually abused, working with offenders who have committed sexual offences against children to minimise the risks they pose, running national hotlines to which online child abuse images are reported, carrying out research into child sexual abuse and sexual exploitation, working with law enforcement to ensure that investigations into internet-related abuse take child protection considerations into account, working with governments and industry to introduce policies, legislation and structures which help protect children from sexual abuse, and raising public awareness of child sexual abuse and exploitation.