



**COUNCIL OF
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EU takes action to combat sexual abuse of children and child pornography

The Council adopted a directive aimed at combating sexual abuse and exploitation of children as well as child pornography ([PE-CONS 51/11](#)). The directive will harmonise around twenty relevant criminal offences, at the same time setting high level of penalties.

The new rules which have to be transposed into national law within two years also include provisions to fight against online child pornography and sex tourism. They also aim to prevent convicted paedophiles moving to another EU member state from exercising professional activities involving regular contacts with children. Finally, the directive introduces measures to protect the child victim during investigations and legal proceedings.

Striking hard on paedophiles - high penalties

The directive penalises the following offences across the EU and sets lower thresholds for their maximum penalties as compared to previous rules from 2004¹:

- Sexual abuse of children: Maximum penalties range from at least one year imprisonment for causing a child to witness sexual activities to at least ten years for coercing a child into sexual actions.
- Sexual exploitation of children: Sentences can go from at least two years imprisonment for attending pornographic performances involving children to a minimum of ten years for forcing a child into child prostitution.

¹ Framework Decision 2004/68/JHA.

P R E S S

- Child pornography: Unless for purposes of investigation, possessing child pornography must be punished with at least one year imprisonment; its production carries a sentence of at least three years imprisonment.
- Grooming, i.e. soliciting children for sexual purposes on the internet: In case the production of child pornography or child abuse were preceded by an online invitation to the child, for instance in a chat, the maximum sentence must be at least one year higher than otherwise.

In most cases, the Council introduced reduced penalty thresholds if the child has reached the age of sexual consent as defined by national law.

Narrowing the supply of child pornography on the internet

Another key issue is dealing with the supply of child pornography on the internet. With the new rules, the EU effectively responds to challenges following the internet revolution that made child pornography widely available. Prevention as well as protection of victims are among the main objectives.

Concerning online child pornography, the text obliges member states to ensure the prompt removal of such websites hosted in their territory and to endeavour to obtain their removal if hosted outside of their territory. In addition, member states may block access to such web pages, but must follow transparent procedures and provide safeguards if they make use of this possibility.

Fighting sex tourism

The directive also aims to fight the sex tourism industry: first, by introducing compulsory jurisdiction over nationals who commit crimes abroad, and secondly by establishing preventive measures to that effect. This is meant to diminish demand for sexual services outside the EU.

Reliable check for EU nationals when applying for jobs related to the care of children

In addition, within the EU, higher protection of children will be achieved once member states implement the directive and fully commit themselves to circulate data on disqualifications from their criminal records so as to prevent paedophiles moving abroad and taking advantage of free movement of workers within the EU. It is currently very difficult to clear foreign EU nationals when applying for jobs related to the care of children. A number of trans-border scandals have proven the lack of flow of the relevant information which is already available in the national criminal records. This will soon come to an end.

Under the new directive, member states must ensure that convicted offenders can be prevented from exercising professional activities involving regular contacts with children. Employers recruiting for such activities must be able to request information about candidates' previous convictions.

Victims' protection

The directive also obliges member states to support the child victim during investigations and legal proceedings.
