



HELLENIC PARLIAMENT

### JOINT MEETING

- **SPECIAL STANDING COMMITTEE FOR EUROPEAN AFFAIRS**
- **STANDING COMMITTEE ON PUBLIC ADMINISTRATION, PUBLIC ORDER AND JUSTICE**

The aforementioned committees of the Hellenic Parliament convened to a joint meeting on Thursday, July 23 at 13.00 in order to adopt an

### OPINION

On the Proposal for Council Framework Decision on combating the sexual abuse, sexual exploitation of children and child pornography, repealing Decision 2004/68/JHA COM (2009) 135 final

The members of the aforementioned committees, considering:

- the Proposal for Council Framework Decision on **combating the sexual abuse, sexual exploitation of children and child pornography**, repealing Decision 2004/68/JHA COM (2009) 135 final
- the Commission Staff Working Paper Accompanying document to the. Proposal for a COUNCIL FRAMEWORK DECISION on combating the sexual abuse, sexual exploitation of children and child pornography, repealing Decision 2004/68/JHA, **Summary of the Impact Assessment** [SEC (2009) 356]
- the Council of Europe's Convention text on the protection of children against sexual exploitation and abuse
- the written reports by Ministries of joint competence as well as of NGOs
- the oral reports by the Alternate Minister for Home Affairs Mr Ch.Markogiannakis, the Secretary General of the Ministry for Justice Mr A. Andreoulakos and representatives of interested NGOs,

Reached by majority the following conclusions:

- The proposal fully complies with the **subsidiarity** and **proportionality** principles
- The proposal **is assessed in its total as positive** and the Government is called to support it in the Council's frame, with certain technical enhancements , proceeding the soonest possible to the acts allowing for the direct adaptation of national law to its provisions
- Draw the attention, of the Commission and Council competent units, as well as of any other interested party, on the **vagueness of the phrasing on the "age of sexual consent under national law"**, repeated in many parts of the proposal (article 2.par. a,d,e, article 5), given that it is practically impossible to establish under what circumstances a child may consent to the acts mentioned in the relevant articles. Moreover, this phrasing negates the intention for a harmonized practice between member-states, as creating groups of states having flexible law and groups of states having strict law. Therefore, its re-examination is deemed advisable.

- **Non prosecuting or imposing penalties** to child victims is considered as very important, and therefore the phrasing of article 11 which provides it only as a possibility is considered too flexible.
- Accordingly, the phrasing on the possibility of **free legal counseling and free legal representation** of child-victims where appropriate may be interpreted in a variety of ways on the part of member-states, therefore it is proposed to establish initially free legal representation as a rule, by adopting certain exceptions (for example in cases of attested possibility of exercising parental care in addition to adequate financial means).
- With regard to the use of new technologies it is proposed to **add explicitly all means of communication where information system is mentioned** so as to include telephone use as well, either as a means for dissemination of child pornography materials or solicitation of children for sexual purposes (article 5).