

**ITALIAN CHAMBER OF DEPUTIES, Doc. XVIII No. 35**

**COMMITTEE ON JUSTICE**

**FINAL DOCUMENT PURSUANT TO RULE 127**

**OF THE RULES OF PROCEDURE ON**

**Proposal for a Directive of the European Parliament and of the Council on combating sexual abuse, sexual exploitation of children and child pornography, repealing Framework Decision 2004/68/JHA.**

Approved 26 January 2011

The Justice Committee of the Italian Chamber of Deputies,

having examined, pursuant to Rule 127 of the Rules of Procedure of the Chamber of Deputies, the proposal for a Directive of the European Parliament and of the Council on combating the sexual abuse, sexual exploitation of children and child pornography, repealing Framework Decision 2004/68/JHA (COM(2010) 94 final);

having obtained the opinion of the Committee for European Union Policies, issued on 29 June 2010;

whereas:

we fully concur with the objective of updating the existing EU legal framework to enhance its effectiveness in combating the phenomenon of sexual abuse of children, which is especially serious and whose scale is generating widespread alarm among the public, also in view of the growing number of websites containing child pornography;

the gravity of such serious crimes as the sexual exploitation of children and child pornography calls for a comprehensive and coordinated approach that supplements the criminal prosecution of offenders with preventive measures and the adoption of appropriate mechanisms to ensure the adequate protection of victims;

the proposed Directive correctly seeks to approximate the substantive criminal law of the Member States, precisely defining actionable offences, in particular by introducing the crime of solicitation of children for sexual purposes;

the proposal also merits praise for its provisions aimed at ensuring the effectiveness of the system of penalties, first because they seek to ensure that sanctions imposed in one Member State are effectively applied throughout the European Union – establishing that offenders can be prosecuted even if the crimes are committed outside the territory of the European Union, as in the case of sex tourism - and second because they attempt to remove obstacles to conducting criminal investigations of cross-border crimes, which are particularly frequent;

the fight against child pornography on the Internet requires full coordination of the activities of public authorities and private parties, with particular reference to service providers;

expresses its approval with the following comments:

a) as regards the severity of penalties, in order to achieve harmonization to ensure a uniform level of protection of children throughout the European Union, consideration should be given to the advisability of introducing also a minimum term of imprisonment for the various offences involved;

b) as regards the provisions concerning removing and blocking access to websites containing child pornography, consideration should be given to the possibility of establishing an EU-level "black list" of websites and countries in which the providers responsible for banned sites are located;

c) consideration should be given to the appropriateness of including provisions to encourage Internet service providers to adopt, possibly on a voluntary basis initially, codes of conduct for blocking access to web pages containing child pornography.