EUROPEAN PARLIAMENT

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Committee on Civil Liberties, Justice and Home Affairs

2008/2144(INI)

18.12.2008

AMENDMENTS
1 - 34

Draft report
Roberta Angelilli
(PE414.011v01-0)

with a proposal for a European Parliament recommendation to the Council on combating the sexual exploitation of children and child pornography
(2008/2144(INI))

AM_Com_NonLegReport

Amendment 1
Roberta Angelilli

Proposal for a recommendation
Citation 6 a (new)

Proposal for a recommendation	*Amendment*
	– having regard to the 2000 Optional Protocol to the UN Convention on the Rights of the Child on the sale of children, child prostitution and child pornography,

Or. en

Amendment 2
Edit Bauer

Proposal for a recommendation
Recital A a (new)

Proposal for a recommendation	*Amendment*
	Aa. whereas nine Member States have still not signed the CoE Convention and eight Member States have still not ratified the Optional Protocol to the UN Convention on the Rights of the Child on the sale of children, child prostitution and child pornography,

Or. en

Amendment 3
Edit Bauer

Proposal for a recommendation
Paragraph 1 - point a

Proposal for a recommendation	*Amendment*
(a) encourage all Member States to sign	(a) encourage ***those*** Member States ***which***

and ratify the CoE Convention as it provides for additional protection of children's rights beyond the Framework Decision ***and could therefore enhance the tackling of sexual exploitation of children not only within the European Union but also in cooperation with those neighbouring countries that ratify the CoE Convention,***	***have not already done so*** to sign, ratify ***and implement all relevant international conventions, first of all*** the CoE Convention, as it provides for additional protection of children's rights beyond the Framework Decision***, but also the Optional Protocol to the UN Convention on the Rights of the Child on the sale of children, child prostitution and child pornography***,

Or. en

Amendment 4
Renate Weber

Proposal for a recommendation
Paragraph 1 - point b

Proposal for a recommendation	*Amendment*
(b) assist Member States in improving their legislation ***as variations in the age of sexual consent in different countries hinder the development of common legal instruments on the sexual exploitation of children*** as well as the extraterritorial cooperation among Member States in this field;	(b) assist Member States in improving their legislation as well as the extraterritorial cooperation among Member States in this field;

Or. en

Amendment 5
Inger Segelström

Proposal for a recommendation
Paragraph 1 - point b

Proposal for a recommendation	*Amendment*
(b)assist Member States in improving their legislation as variations in the age of sexual consent in different countries hinder the development of common legal instruments on the sexual exploitation of children as	(b) assist Member States in improving their legislation as variations in the age of sexual consent in different countries hinder the development of common legal instruments on the sexual exploitation of children as

well as the extraterritorial cooperation among Member States in this field;	well as the extraterritorial cooperation among Member States in this field; ***call for sexual crimes against children under the age of 18 always to be classified throughout the EU as exploitation of minors, in accordance with the resolution contained in the report "Towards an EU Strategy on the Rights of the Child";***

Or. sv

Amendment 6
Jean Lambert

Proposal for a recommendation
Paragraph 1 - point c

Proposal for a recommendation	*Amendment*
(c) facilitate Member States to explicitly exclude double criminality requirement for establishing jurisdiction;	***deleted***

Or. en

Amendment 7
Renate Weber

Proposal for a recommendation
Paragraph 1 - point c

Proposal for a recommendation	*Amendment*
(c) facilitate Member States to explicitly exclude double criminality requirement for establishing jurisdiction;	***deleted***

Or. en

Amendment 8
Renate Weber

Proposal for a recommendation
Paragraph 1 - point c a (new)

Proposal for a recommendation	*Amendment*
	(ca) to urge Member States to criminalise all types of sexual abuse of children;

Or. en

Amendment 9
Inger Segelström

Proposal for a recommendation
Paragraph 1 - point d a (new)

Proposal for a recommendation	*Amendment*
	(da) call for effective protection against sexual exploitation of children by regarding child sex tourism as a crime in all Member States; call for all EU citizens who commit a sex crime against children in any country within or outside the EU to be subject to uniform extraterritorial criminal legislation applicable throughout the EU;

Or. sv

Amendment 10
Edit Bauer

Proposal for a recommendation
Paragraph 1 - point f - indent 1

Proposal for a recommendation	*Amendment*
- creation of national management systems for sex offenders that would include risk assessment, as well as intervention programmes to prevent or	***deleted***

minimise the risk of repeat offences, and therapies available to sex offenders on a voluntary basis;

Or. en

Amendment 11
Roberta Angelilli

Proposal for a recommendation
Paragraph 1 - point f - indent 1

Proposal for a recommendation	*Amendment*
- creation of national management systems for sex offenders that would include risk assessment, as well as intervention programmes to prevent or minimise the risk of repeat offences, and therapies available to sex offenders ***on a voluntary basis***;	- creation of national management systems for sex offenders that would include risk assessment, as well as intervention programmes to prevent or minimise the risk of repeat offences, and therapies available to sex offenders;

Or. en

Amendment 12
Nicolae Vlad Popa

Proposal for a recommendation
Paragraph 1 - point f - indent 1

Proposal for a recommendation	*Amendment*
- creation of national management systems for sex offenders that would include risk assessment, as well as intervention programmes to prevent or minimise the risk of repeat offences, and therapies available to sex offenders on a voluntary basis;	- creation of national management systems for sex offenders that would include risk assessment, as well as intervention programmes to prevent or minimise the risk of repeat offences, and therapies available to sex offenders on a voluntary basis ***that would avoid possible demoralisation through contact with other criminals in prison;***

Or. en

Amendment 13
Inger Segelström

Proposal for a recommendation
Paragraph 1 - point f - indent 1

Proposal for a recommendation	*Amendment*
- creation of national management systems for sex offenders that would include risk assessment, as well as intervention programmes to prevent or minimise the risk of repeat offences, and therapies available to sex offenders on a voluntary basis;	- creation of national management systems for sex offenders that would include risk assessment, as well as intervention programmes to prevent or minimise the risk of repeat offences, and therapies available to sex offenders on a voluntary basis. ***Such intervention programmes and voluntary therapy could be funded from the EU's general budget to guarantee that the children's welfare is the focal point throughout the EU;;***

Or. sv

Amendment 14
Edit Bauer

Proposal for a recommendation
Paragraph 1 - point f - indent 1 a (new)

Proposal for a recommendation	*Amendment*
	- strengthening of the human rights-based and victim-centred approach;

Or. en

Amendment 15
Jean Lambert

Proposal for a recommendation
Paragraph 1 - point f - indent 3

Proposal for a recommendation	*Amendment*
- criminalisation of engaging in sexual activities with ***a child (below or above the age of sexual consent under national law)*** where use is made of coercion, force or threats, or abuse is made of a recognised position of trust, authority or influence over the child, including within the family, or abuse is made of a particularly vulnerable situation of the child, notably because of a mental or physical disability or a situation of dependence, or where money or other forms of remuneration or consideration is given as payment in exchange for the child engaging in sexual activities;	- criminalisation of engaging in sexual activities with ***an individual above the age of consent but below the age of 18*** where use is made of coercion, force or threats, or abuse is made of a recognised position of trust, authority or influence over the child, including within the family, or abuse is made of a particularly vulnerable situation of the child, notably because of a mental or physical disability or a situation of dependence, or where money or other forms of remuneration or consideration is given as payment in exchange for the child engaging in sexual activities;

Or. en

Amendment 16
Renate Weber

Proposal for a recommendation
Paragraph 1 - point f - indent 5

Proposal for a recommendation	*Amendment*
- criminalisation of ***knowingly attending pornographic performances involving children and intentionally causing*** children to witness sexual abuse or activities;	- criminalisation of ***forcing*** children to witness sexual abuse or activities;

Or. en

Amendment 17
Edit Bauer

Proposal for a recommendation
Paragraph 1 - point f - indent 6

Proposal for a recommendation	*Amendment*
- criminalisation of paedophile chat rooms or Internet paedophile fora;	***deleted***

Or. en

Amendment 18
Jean Lambert

Proposal for a recommendation
Paragraph 1 - point f - indent 6

Proposal for a recommendation	*Amendment*
- criminalisation of paedophile chat rooms or Internet paedophile fora;	- criminalisation of ***sexual exploitation in*** paedophile chat rooms or Internet paedophile fora;

Or. en

Amendment 19
Renate Weber

Proposal for a recommendation
Paragraph 1 - point f - indent 6

Proposal for a recommendation	*Amendment*
- criminalisation of paedophile chat rooms or Internet paedophile fora;	- criminalisation of ***providers of*** paedophile chat rooms or Internet paedophile fora;

Or. en

Amendment 20
Roberta Angelilli

Proposal for a recommendation
Paragraph 1 - point f - indent 7

Proposal for a recommendation	*Amendment*
- allowing the national enforcement agencies to require Internet providers to block access to websites which are used to commit, or to advertise the possibility of committing, offences established in accordance with the Framework Decision;	- allowing the national enforcement agencies to require Internet providers to block access to websites which are used to commit, or to advertise the possibility of committing, offences established in accordance with the Framework Decision ***and, if they fail to do so, to require the deletion of the registered domain names which are used for those purposes****;*

Or. en

Amendment 21
Edit Bauer

Proposal for a recommendation
Paragraph 1 - point f - indent 7

Proposal for a recommendation	*Amendment*
- allowing the national enforcement agencies to require Internet providers to block access to websites which are used to commit, or to advertise the possibility of committing, offences established in accordance with the Framework Decision;	- allowing the national ***law*** enforcement agencies to require Internet providers to ***either filter, close down or block access to*** websites which are used to commit, or to advertise the possibility of committing, offences established in accordance with the Framework Decision;

Or. en

Amendment 22
Inger Segelström

Proposal for a recommendation
Paragraph 1 - point f - indent 7 a (new)

Proposal for a recommendation	*Amendment*
	- supporting the Commission's efforts in cooperation with the major credit card companies to investigate whether it is

technically viable to close down or otherwise obstruct the Internet-based payment system for websites involved in the sale over the Internet of child pornography; also encouraging other economic players, such as banks, bureaux de change, Internet providers and search engine companies, to take an active part in efforts to combat child pornography and other forms of commercial sexual exploitation of children;

Or. sv

Amendment 23
Edit Bauer

Proposal for a recommendation
Paragraph 1 - point f - indent 7 b (new)

Proposal for a recommendation	*Amendment*
	- encouraging Member States to provide parents with easily manageable programmes allowing them to block children's access to pornographic websites;

Or. en

Amendment 24
Nicolae Vlad Popa

Proposal for a recommendation
Paragraph 1 - point f - indent 7 c (new)

Proposal for a recommendation	*Amendment*
	- improving national procedural rules in order to encourage and ease the access of victims of sexual exploitation to justice and to law enforcement authorities in order for the judicial procedures to follow their natural course;

Or. en

Amendment 25
Nicolae Vlad Popa

Proposal for a recommendation
Paragraph 1 - point f - indent 7 d (new)

Proposal for a recommendation	*Amendment*
	- adopt measures in order to encourage the victims of sexual exploitation to file criminal and civil claims in the national courts against sex offenders;

Or. en

Amendment 26
Edit Bauer

Proposal for a recommendation
Paragraph 1 - point f - indent 8

Proposal for a recommendation	*Amendment*
- revision of Article 5(3) of the Framework Decision, which provides only a minimal basis for preventing convicted sex offenders from gaining access to children through employment or voluntary activities involving regular contact with children, inter alia by considering an obligation of Member States to ensure that applicants to certain posts working with children undergo criminal records checks, including setting up clear rules or guidelines for employers on their obligations in this regard;	- revision of Article 5(3) of the Framework Decision, which provides only a minimal basis for preventing convicted sex offenders from gaining access to children through employment or voluntary activities involving regular contact with children, inter alia by considering an obligation of Member States to ensure that ***on the EU labour market*** applicants to certain posts working with children undergo criminal records checks, including setting up clear rules or guidelines for employers on their obligations in this regard;

Or. en

Amendment 27
Nicolae Vlad Popa

Proposal for a recommendation
Paragraph 1 - point f - indent 8

Proposal for a recommendation	*Amendment*
- revision of Article 5(3) of the Framework Decision, which provides only a minimal basis for preventing convicted sex offenders from gaining access to children through employment or voluntary activities involving regular contact with children, inter alia by considering an obligation of Member States to ensure that applicants to certain posts working with children undergo criminal records checks, including setting up clear rules or guidelines for employers on their obligations in this regard;	- revision of Article 5(3) of the Framework Decision, which provides only a minimal basis for preventing convicted sex offenders from gaining access to children through employment or voluntary activities involving regular contact with children, inter alia by considering an obligation of Member States to ensure that applicants to certain posts working with children undergo criminal records checks ***and psychiatric examinations***, including setting up clear rules or guidelines for employers on their obligations in this regard;

Or. en

Amendment 28
Renate Weber

Proposal for a recommendation
Paragraph 1 - point f - indent 10

Proposal for a recommendation	*Amendment*
- releasing specific professional groups from the obligation of confidentiality, when a person encounters information about an offence established in accordance with the Framework Decision or has serious reason to believe that such an offence could have been committed, in cases where the information comes directly from a victim of sexual exploitation;	***deleted***

Or. en

Amendment 29
Jean Lambert

Proposal for a recommendation
Paragraph 1 - point f - indent 11

Proposal for a recommendation	*Amendment*
- obligation for ***professionals in*** contact with children to report situations where they have reasonable grounds for suspecting abuse;	- obligation for ***those whose work involves regular*** contact with children to report situations where they have reasonable grounds for suspecting abuse;

Or. en

Amendment 30
Nicolae Vlad Popa

Proposal for a recommendation
Paragraph 1 - point f - indent 12

Proposal for a recommendation	*Amendment*
- improving the identification of abused children through training of personnel having regular contact with them;	- improving the identification of abused children through training of personnel having regular contact with them ***and by training law enforcement personnel who might have contact with abused children;***

Or. en

Amendment 31
Roberta Angelilli

Proposal for a recommendation
Paragraph 1 - point f - indent 13

Proposal for a recommendation	*Amendment*
- ***facilitating the participation*** of children in court proceedings in order to avoid trauma by providing for specific arrangements on the way of collecting	- ***ensuring the strongest protection*** of children in court proceedings ***as well as during investigations,*** in order to avoid trauma by providing for specific

evidence from child victims through interviews;	arrangements on the way of collecting evidence from child victims;

Or. en

Amendment 32
Roberta Angelilli

Proposal for a recommendation
Paragraph 1 - point f - indent 14

Proposal for a recommendation	*Amendment*
- prohibiting advertisements encouraging ***activities which are likely to lead to the use of services that enable*** the commission of offences established in accordance with the Framework Decision;	- prohibiting advertisements encouraging the commission of offences established in accordance with the Framework Decision;

Or. en

Amendment 33
Edit Bauer

Proposal for a recommendation
Paragraph 1 - point f - indent 15 a (new)

Proposal for a recommendation	*Amendment*
	- encouraging Member States to take every necessary measure to prevent discrimination against the victims of child abuse and their stigmatisation,

Or. en

Amendment 34
Renate Weber

Proposal for a recommendation
Paragraph 1 - point g

Proposal for a recommendation	*Amendment*
(g) take action together with the Member States and the Commission aimed at the creation of a common European database that would collect images of child abuse;	***deleted***

Or. en