

**National legislation on child pornography and
the CoE Convention on the Protection of Children
against Sexual Exploitation and Sexual Abuse:
the status of harmonisation in
non-EU Member States Parties to the Convention**

ELSA panel discussion

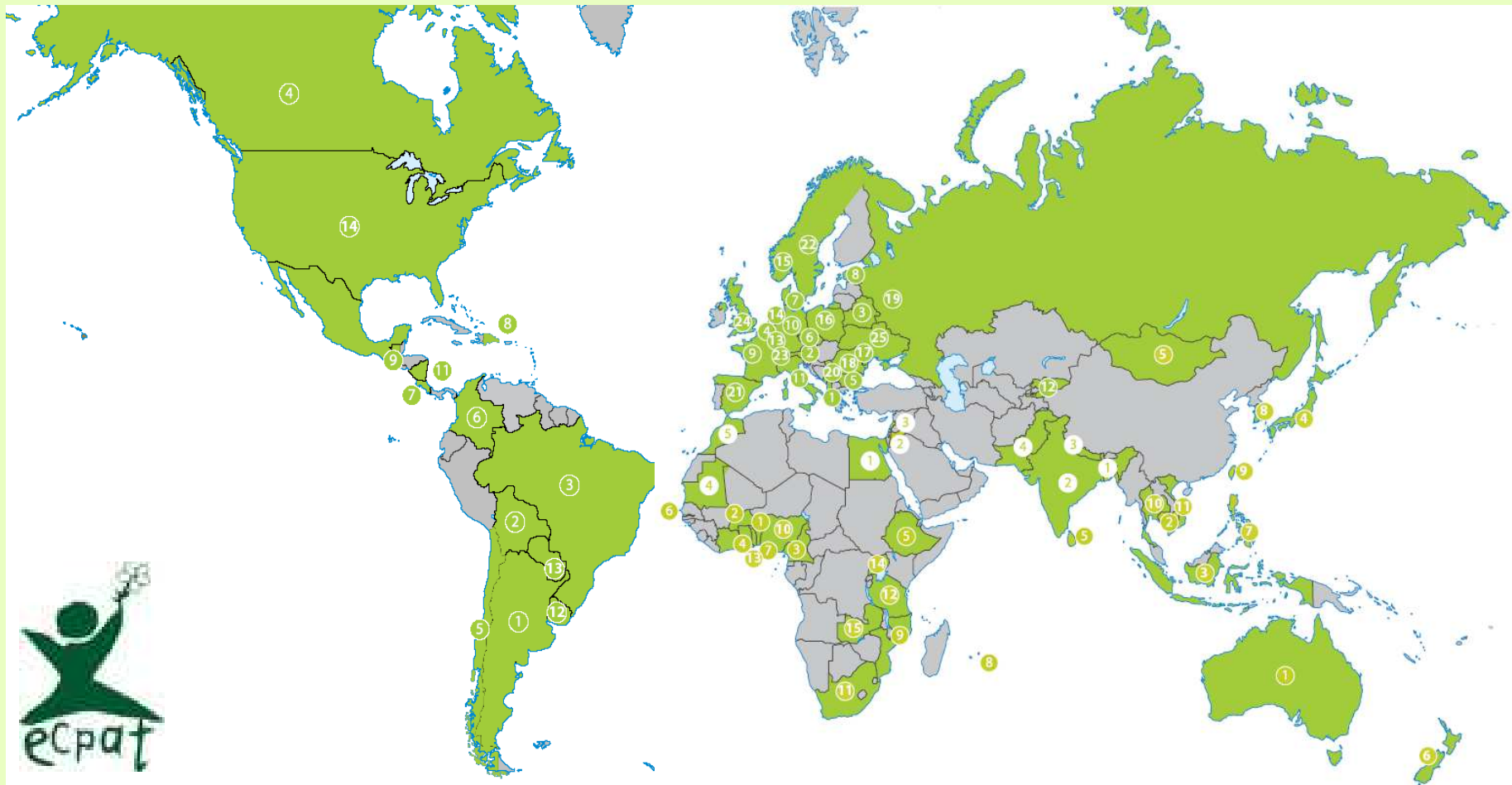
Brussels, 20 March 2013

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International Board Representative for Europe

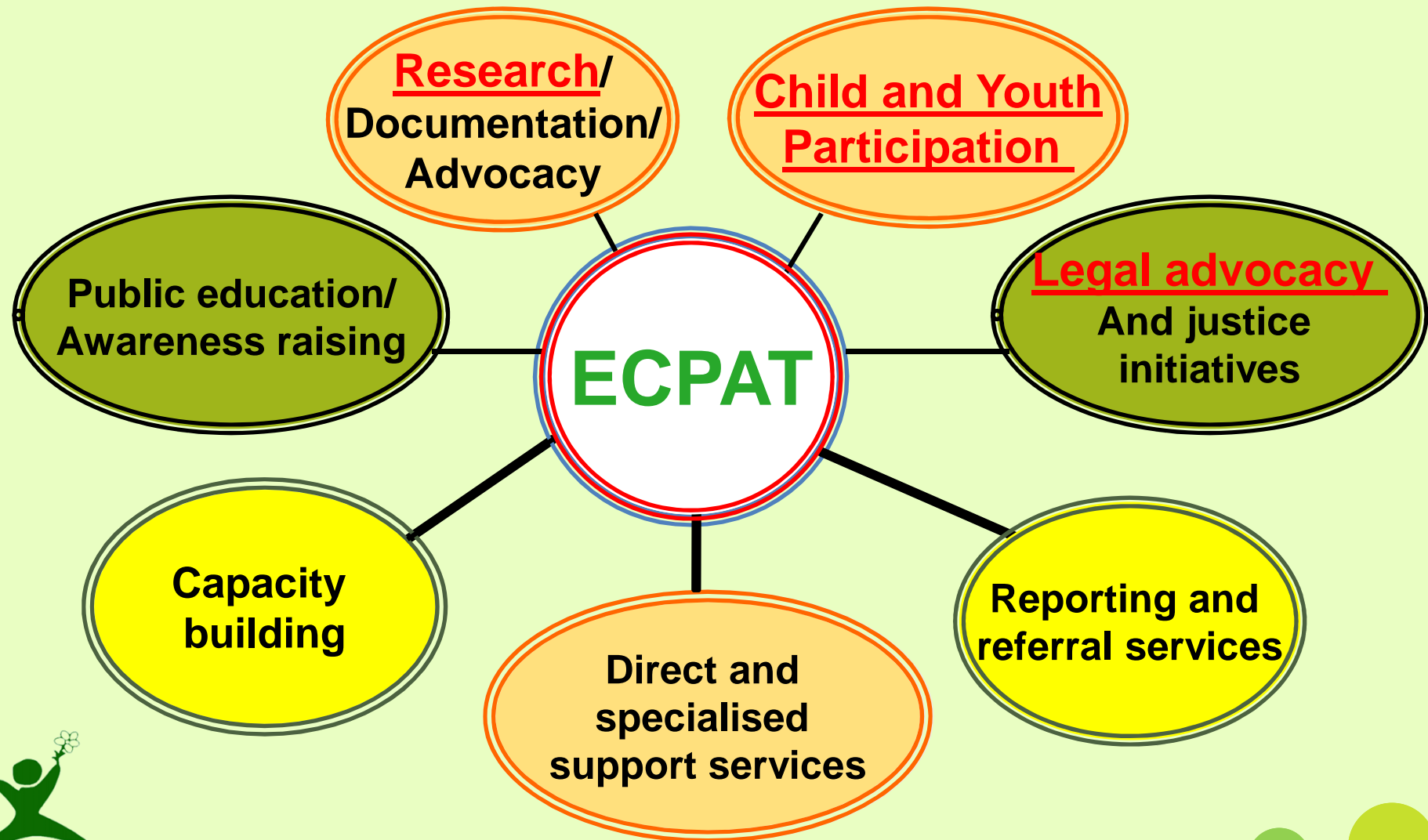


Who is ECPAT International?

A global network of organizations and individuals working together to **end commercial sexual exploitation of children**.



Multiple strategies, same goal!

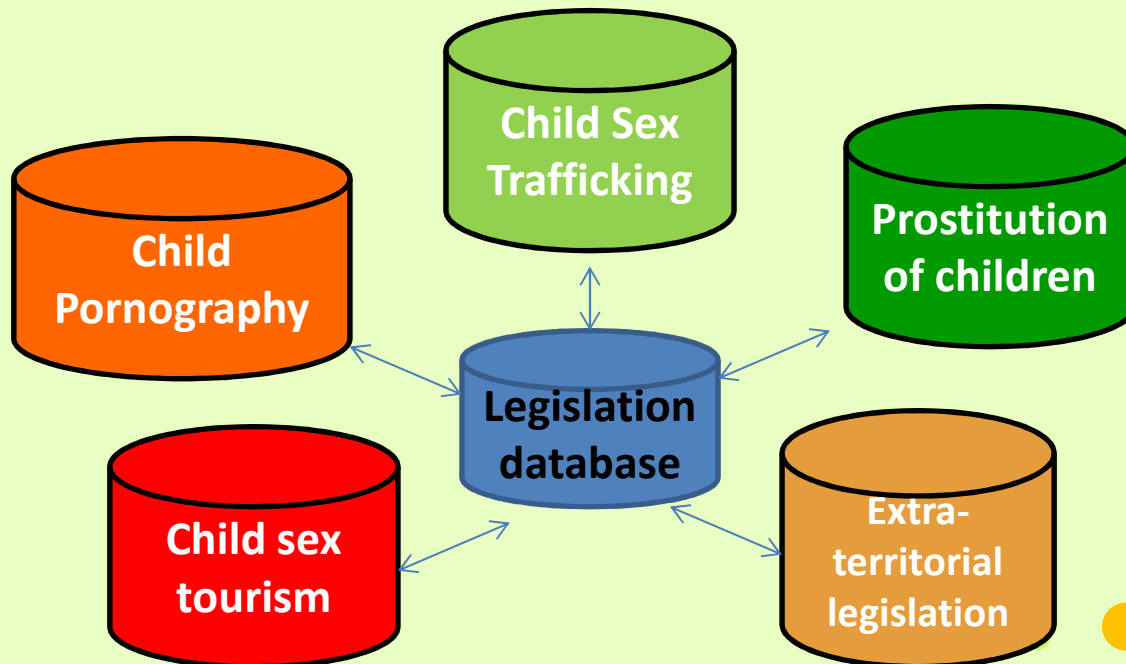


ECPAT legal advocacy tools

Global Monitoring Reports for 43 countries published to date, of which **17** are **CoE Member States** and **3** are **Observer States**



ECPAT International releases its 2nd Edition of **AGENDA FOR ACTION**
Examining countries around the world and their policies and laws to protect against the commercial sexual exploitation of children



Non-EU member states that are parties to Lanzarote Convention

States	Signature	Ratification	Entry into force
Albania	17/12/2008	14/4/2009	1/7/2010
Bosnia and Herzegovina	12/10/2011	14/11/2012	1/3/2013
Croatia	25/10/2007	21/9/2011	1/1/2012
Iceland	4/2/2008	20/9/2012	1/1/2013
Moldova	25/10/2007	12/3/2012	1/7/2012
Montenegro	18/6/2009	25/11/2010	1/3/2011
San Marino	25/10/2007	22/3/2010	1/7/2010
Serbia	25/10/2007	29/7/2010	1/11/2010
The former Yugoslav Republic of Macedonia	25/10/2007	11/6/2012	1/10/2012
Turkey	25/10/2007	7/12/2011	1/4/2012
Ukraine	14/11/2007	27/8/2012	1/12/2012



Defining child pornography

	Legislation specific to Child Pornography?	Child Pornography defined?	Virtual child pornography included?
Albania	YES	NO	NO
Bosnia Herzegovina	YES	NO	NO
Croatia	YES	NO	NO
Iceland	YES	NO	NO
Moldova (Republic of)	YES	YES	NO
Montenegro	YES	NO	NO
San Marino	YES	YES	NO
Serbia (Republic of)	YES	NO	NO
Turkey	YES	NO	NO
The Former Republic of Macedonia	YES	YES	Partial
Ukraine	YES	YES	YES



Prohibiting activities relating to child pornography

	All acts required by the OPSC prohibited? (e.g. production, offering, distribution & dissemination, possession with the purpose of distribution)
Albania	YES, with the exception of possessing child pornography with the intent of distribution
Bosnia Herzegovina	NO. The legislation does not explicitly prohibit producing child pornographic materials, it only addresses photographing or filming a child. It does not prohibit the distribution and offering of these materials.
Croatia	YES
Iceland	YES
Moldova (Republic of)	YES
Montenegro	NO. Producing, distributing, disseminating, importing, exporting, offering, selling or possessing child pornography not prohibited
San Marino	YES, with the exception of possessing child pornography with the intent of distribution
Serbia (Republic of)	YES
Turkey	YES
The Former Republic of Macedonia	YES
Ukraine	YES



Key and innovative child pornography offences under Lanzarote Convention

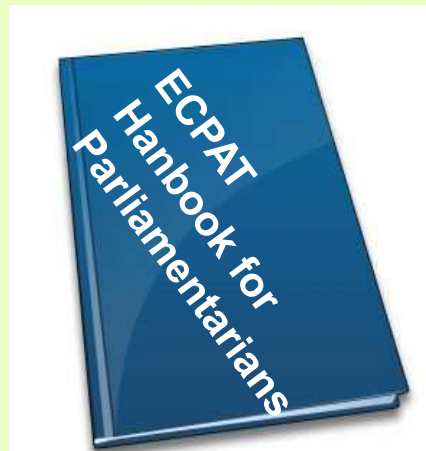
ECPAT
standard

	Mere possession prohibited?	Knowingly accessing, viewing or downloading child pornography online prohibited?	Online solicitation of children for sexual purposes (grooming) prohibited?	Mandatory blocking / reporting system for ISPs?
Albania	NO	NO	NO	NO
Bosnia Herzegovina	YES	NO	NO	NO
Croatia	YES	NO	NO	NO
Iceland	YES	NO	NO	NO
Moldova (Republic)	YES	NO	NO	NO
Montenegro	NO	NO	NO	NO
San Marino	NO	NO	NO	N/A
Serbia (Republic)	YES	NO	NO	NO
Turkey	YES	NO	NO	NO
The Former Republic of Macedonia	YES	NO	YES	NO
Ukraine	NO	NO	NO	YES(blocking)



RECOMMENDATIONS

- All 11 reviewed states to accelerate legal reform processes in order to harmonise domestic laws addressing child pornography with the CoE Convention. The inclusion of a comprehensive *definition* of child pornography, including *virtual* child pornography, as well as the criminalisation of mere possession, knowingly accessing child pornography online as well as child “grooming” should be prioritised.
- Parliamentarians to strengthen their critical role in ensuring children’s legal protection against child pornography, also by using ECPAT’s Handbook.



THANK YOU!

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