



Bundesministerium  
des Innern



Bundesministerium  
der Justiz



## Mitteilung für die Presse Press Release

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### Ministers' Declaration

#### **Reinforcing the International Fight Against Child Pornography**

#### **G-8 Justice and Home Affairs Ministers**

**May 24th, 2007**

Child pornography grievously harms all children: it harms the child who is sexually assaulted in the making of the image; the same child is re-victimized every time that image is viewed; and it harms all children because it portrays them as a class of objects for sexual exploitation. We categorically denounce those who sexually exploit children by producing images of their sexual abuse and by distributing or collecting such images. Because no child should be victimized in this horrific way, today we pledge to redouble our efforts to enforce the international fight against child pornography.

In recent years, we have developed and implemented a G8 strategy against sexual exploitation of children on the Internet. We worked with Interpol to create the International Child Sexual Exploitation Image Database, which helps police identify and rescue victims of child abuse. But the prosecution of offenders must also be pursued vigorously. To enable such prosecutions, the international community must take action. Today we renew our commitment to implementing the international legal framework to combat and eliminate the production, distribution, and possession of child pornography. While doing so, we also acknowledge the demonstrated value of other measures that can be taken in order to protect children from the abuse that these images document.

It is important to note that while the term "child pornography" is used commonly in legislation and international conventions, the term does not appropriately or adequately describe the severe abuse and exploitation of children that is involved in these visual representations. The real nature of the problem is, in essence, sexually explicit images or representations of chil-

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dren, as defined, for example, in international conventions. The term “pornography,” however, is commonly understood to be associated with depictions of sexual activity between consenting individuals. For this reason, use of the term “child pornography” mischaracterizes sexual representations where children are involved, and its continued use causes misunderstanding. It impedes our ability to understand the real harm that is experienced by young victims and the seriousness of the activities of those individuals that sexually exploit children in this way. This misunderstanding compromises the effectiveness of our very important efforts to protect children from this form of sexual exploitation.

### **Background: The Problem**

The trade of child pornography is a global problem that continues to grow with alarming speed. Use of computers to commit crimes related to this illegal material is now the norm, whether through email, commercial web sites, chat rooms, peer-to-peer technology, web cams, or other mechanisms. Because the Internet knows no borders, an image produced in one country can be sent around the world in seconds. There is no need to smuggle a physical image past border controls, or for the purveyors of illegal images to ever meet in person.

Law enforcement efforts in our countries frequently find connections between offenders in different countries. International rings of producers, traders, and collectors of sexually explicit images are all too common. Accordingly, those who would sell these images, often linked with organized crime and money laundering, have a ready global market at their fingertips.

Because producers, traders, and collectors of child pornography can be found in any country, all countries must work together to solve the problem. If such images are legal anywhere, they are more available everywhere. And the children who are exploited in the production process are subject to re-victimization each time the images are viewed and circulated. Coordinated action, shared information and resources, and collective commitment are necessary to enable investigations to succeed.

The international community has repeatedly reaffirmed a commitment to protect children from sexual exploitation and abuse. In 2001, the World Congress against Commercial Sexual Exploitation of Children met in Yokohama, Japan. More recently, a committee of the Council of Europe has drafted a convention on the protection of children from child exploitation and abuse which would require signatories to criminalize, among other things, the production, trade, accessing, and possession of child pornography. In the convention, a child is defined as anyone under the age of 18. However, there is still much work to be done in our own countries and throughout the world.

## **International Law**

The international community has united to create an international legal framework against child pornography:

1. The International Labour Organization's *Convention Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, Convention 182* (1999) has 132 State Parties. The Convention prioritizes the elimination of the worst forms of child labor, which is defined to include "the use, procuring, or offering of a child for . . . the production of pornography or for pornographic performances." For the purpose of this convention, a child is anyone under the age of 18.

2. The United Nations' *Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution, and child pornography* (2000) has 118 state parties (as of March 29, 2007). It requires State Parties to criminalize producing, distributing, disseminating, importing, exporting, offering, selling or possessing child pornography for the purposes set forth in the Protocol. The *Convention on the Rights of the Child* itself requires State Parties to protect children from all forms of sexual exploitation and abuse and, towards this end, to take appropriate measures to prevent the "exploitative use of children in pornographic performances and materials". The *Convention* defines a child as anyone under the age of 18 unless majority is attained at an earlier age under the applicable law.

3. The *Council of Europe Convention on Cybercrime* (2001) requires parties to criminalize producing, offering, distributing, procuring, or possessing child pornography on a computer system. Child pornography is defined to include depictions of individuals who are in fact or who appear to be under 18 years of age engaging in sexually explicit conduct; State Parties can provide a lower age limit, but in no cases can it be less than 16 years.

## **Domestic Implementation**

Setting and agreeing to abide by international minimum standards is a critical step in developing a concerted global response to combat child pornography. Making meaningful and effective progress in combating child sexual exploitation through child pornography begins with each State Party ensuring that it has in place a comprehensive legislative framework. This framework must address child pornography in all of its manifestations and through all of the means by which these offenses are committed. This framework must ensure that all offenders – whatever their role in the sexual exploitation of a child - are held fully accountable and that the interests and rights of the child victims are protected.

We come together today to encourage all countries that are not yet parties to these international instruments to consider joining them. We re-affirm our commitment to implement into domestic legislation the measures established through these international instruments, ensuring that our domestic legislation:

1. Clearly defines child pornography as any representation, by whatever means, of a child engaged in real or simulated explicit sexual activities or any representation of the sexual parts of a child for primarily sexual purposes;
2. Defines a “child” consistently with the international legal framework. In this regard, international documents uniformly either require or encourage State Parties to define a child as an individual who is under the age of 18. We agree that the spirit and objective of these standards is to protect all young persons under the age of 18 years against sexual exploitation through child pornography and that this too should be our objective with our domestic legislation;
3. Criminalizes all aspects of child pornography including production, sale, distribution, possession, importation and exportation, by whatever means those acts are committed, including through the use of a computer, the Internet, or new and developing technologies;
4. Makes all child pornography offenses punishable by penalties that adequately reflect the gravity of these serious crimes committed against children, especially where the crimes are committed by repeat offenders;
5. Is enforced through on-going collaboration between all levels of government (domestically and internationally) and law enforcement agencies. Whether through formal or informal means and in accordance with domestic law, States should also encourage the private sector (including Internet Service Providers, information technology professionals and financial institutions) and civil society (including teachers, health care and social service providers, non-governmental organizations, and the media) to report any information they might obtain concerning child pornography to the appropriate law enforcement or social service authority.

### **Other Measures**

While the prosecution of those who produce, distribute, or possess child pornography is vital to protect children from further harm, there is even more that a country can do outside the realm of the legal system to combat this growing problem. For example, training for criminal justice professionals including law enforcement, prosecutors and the judiciary, is a necessary

part of a comprehensive program designed to fight these crimes. Criminal justice system professionals need to understand that child sexual abuse, child pornography, and sexually explicit images of children are one and the same and that these offenses must be clearly and strongly denounced by the criminal justice system. Similarly, increased public awareness and education about the prevalence and nature of child sexual exploitation through child pornography will facilitate reporting as well as deter possible offenders.

While the global dimensions of the trade of child pornography demand global responses by governments, law enforcement agencies, and international regional organizations, the private sector also has a role to play. Private sector entities including Internet Service Providers, information technology professionals and financial institutions, and civil society including non-governmental organizations, the media, parents and educators, should be encouraged to consider what role they could play in the fight against these crimes. Finally, national centers devoted to this area, whether they be private or public organizations, can also contribute to the effective monitoring and combating of child pornography offenses in cooperation with Internet Service Providers and other private entities.

### **Conclusion: Our Commitment**

We commit to ensuring the implementation and effectiveness of our own laws relating to child pornography, and to taking steps to update and improve those laws when necessary and where appropriate. We also commit to continue to highlight the importance of the fight against child pornography in international dialogue and to encourage cooperation both within and outside the G8.