



Doc. 11262
19 April 2007

Draft Convention on the protection of children against sexual exploitation and sexual abuse¹

Opinion²
Social, Health and Family Affairs Committee
Rapporteur: Ms Ruth-Gaby VERMOT-MANGOLD, Switzerland, SOC

I. Conclusions of the Committee

1. The Committee welcomes this draft Convention. It fully endorses the proposals made by the Committee on Legal Affairs and Human Rights and wishes to bring further proposals to the attention of the Committee of Ministers of the Council of Europe by suggesting further amendments.

II. Explanatory memorandum

2. The text that has been submitted to us is rather disappointing in many respects and the Social Affairs Committee endorses all the proposals made by the Rapporteur of the Legal Affairs Committee with a view to strengthening its provisions.

3. Everyone will no doubt agree that society and the State have a duty to protect children against crime. That is undeniable and there is total agreement on this point.

4. Children have rights, in particular the right to life and physical integrity. Nevertheless, children are denied these rights every day. Each of our countries has had examples of children who are kidnapped, raped, sexually abused, forced into prostitution, etc. In each of our countries, children are secretly abused by their families; and each of our countries has experienced the horrific problem of multi-offending predators, who are barely out of prison before they give in to the uncontrollable urge to re-offend.

5. It is therefore essential that we ask ourselves whether we are really taking crimes against children seriously. Are we doing enough to protect them? Are we doing enough to prevent and avoid this sort of crime and provide redress for it?

The answer is no and is likely to remain so if the draft Convention remains in its present form.

6. The Committee of Ministers should stress the need to prevent repeat offences in cases of sexual abuse and paedophilia in particular. This aspect is not given enough attention in the name of human rights, or more specifically the rights of offenders who have served their sentences and are therefore considered to have paid their debt to society. In this context, the Committee again wishes to raise the issues of the obligation to treat sex offenders, barring them from jobs that involve contact

¹ Request from the Committee of Ministers for an opinion on the draft Convention.

² See Doc. 11256.

with children and so. The infiltration of families by paedophiles is a problem that must not be neglected.

7. A fifteen-year period of time at least for starting proceedings after the victim has reached the age of majority has to be required if we really want to give due importance to crimes against children.

8. The future Convention must make it easier for people to perform their civic duty of reporting any abuse or offences committed against children. People whose work brings them into contact with children must be under an obligation to report such cases and every case reported must be investigated.

III. Proposed amendments for insertion in paragraph 5 of the report presented by the Committee on Legal Affairs and Human Rights

Amendment N°1

In Article 7 of the draft Convention, add after the words “who fear that they might”, the words “or who are likely to”.

Amendment N°2

In Article 12 (1) of the draft Convention replace the words “the possibility of their reporting” by the words “obligation for them to report”.

Amendment N°3

Article 33 of the draft Convention should be deleted and redrafted so that it demands at least a fifteen-year period of time for starting proceedings for crimes against children. Article 33 should also be applied to Article 20 (1), c., d., and e.

Amendment N°4

Add a clause inviting member states to sign and ratify the Convention on Cybercrime.

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Reporting committee: Committee on Legal Affairs and Human Rights

Committee for opinion: Social, Health and Family Affairs Committee

Reference to committee: Doc. 11256 and reference No. 3337 of 16 April 2007

Opinion approved by the Committee on 19 April 2007

Secretariat of the Committee: Mr Mezei, Mrs Nollinger, Mrs Meunier