

New EU-Directive Criminalizes even Art & Coming-of-Age-Movies

A new analyses of the new EU-directive on combating child-pornography and sexual exploitation of children shows that my assessment of last November (news of 23 Nov 2010) was still too optimistic.

The Directive proscribes unionwide criminalization of mere simulation of sexual acts of persons under 18 (or even of adults looking like under 18). This ban also applies to movies featuring under 18- year-old actors simulating sexual acts. And the Directive does not allow for exceptions be made for art.

Common coming-of-age-movies will have to be criminalized unionwide as well as for instance the world famous movie "The Tin drum", which was the first German movie receiving the Oscar. The 27 member-states of the Union will have to criminalize not only the producers and distributors but each individual who has such a film in his or her possession. Possession of such evil movies will have to be sanctioned with a maximum penalty of at least 2 years imprisonment. "The Tin drum" in fact had once been banned in Northern America (the role model for this new EU-legislation) for displaying under-age sexuality.

The new EU-Directive is worded in a way which allows for easy interpretation so that even movies will have to be criminalized (as "child-pornography") which feature adult actors who perform under-18-year-old teenagers and simulate sexual acts (and be it masturbation only). So even 2 years of jail for possessing a piece of "American Pie" or "Eskimo Limon", despite the fact that all actors are adults?

Using trains interdicted?

Even in the USA the Supreme Court in 2001 turned down such unlimited criminalization and ruled that mere fictitious (virtual) depictions as well as depictions of adults are not to be criminalized (Ashcroft v. Free Speech Coalition 16.04.2002). The EU in 2010 introduces such offences.

These incredibilities are even topped by the reporting obligations proscribed by the Directive. Anyone who gets aware of any of the new offences described above (or even just has reasonable suspicion) will be obliged to report that to authorities. After conviction such sex-offenders, in many countries, are registered in a sex-offender-registry and according to the new Directive they will have to be banned from any regular contact with persons under 18 in any of the 27 member-states of the Union. For that end even data exchange between member-states will be facilitated.

So whoever possesses the movie "The Tin drum", "American Pie", "Eskimo Limon" or similar movies has to be reported by anyone (even the parents, the spouse, children, therapist, lawyer, priest; the Directive does not allow for exceptions for next-of-kin or certain professions) who gets aware of that crime. He or she will not only be prosecuted

and convicted as a sex- offender but will lose custody over and contact with his/her children and will be banned from regular contact with any person under 18 be it in private, on the work-place or in public.

Will he/she then still be allowed to travel by train, bus or tram? Also the use of public transport is an "activit(y) involving regular contacts with children" (Art. 10 of the Directive)(remember: the Directive defines as "children" anyone below 18!).

Even more delight for child-pornographers then feared up to now (see below).

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