

Commentary on the EU-Directive on child pornography.

Issued by the executive committee of EFS on 21th February 2011

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Ref: Brussels, 29.3.2010

COM(2010)final

2010/0064 (COD)



The European Federation for Sexology (EFS) appreciates that the European Parliament takes action on sexual abuse and exploitation of children. We add critical comment on these problems from a sexological perspective, and suggest possible action that will add important knowledge into a field that has been difficult to control by pure legislative measures.

- The Directive on one hand defines “child” as “any person below 18”, and on the other hand refers to a child as someone “who has not reached the age of consent under national law”. This is an obvious inconsistency that must cause difficulties in the interpretation of the Directive.
- The Directive targets all erotic content that depicts persons “appearing to be” under 18. “Appearing to be” is a subjective criterion. We understand why it is introduced, but we believe that more exact criteria must be used.
- Art and drawings showing underage persons, nude or in positions that are interpreted to be as “sexual” are targeted as well, thereby banning all sexual expressions in persons under the age of 18. There must be freedom for young people to legally depict their own sexuality on their own premises and in art and professional literature.
- Legislation must be ethically justifiable. If it is not, it is arbitrary. In criminalising all depictions of sexuality if the person is under 18, the Directive erases sexuality in children and young people. The proposed directive creates a legislative grey zone, where it is very difficult to know what is legal and what is not. From an ethical point of view there is nothing wrong with erotic drawings or art, where there is no harm done to any person. The problematic part is that people may be abused and harmed in the production of pornographic depictions. It is a more constructive approach to address the actual harm. There are two areas where action has to be taken:
 - a. Action must be taken to hinder abuse of people, in particular children, in the production of sexual depictions.
 - b. Action must be taken to prevent development of problematic sexual turn-on patterns, and help people who have developed problematic sexual turn-on patterns to handle these in a way that does not harm others.
- Finally, we need to comment on the need to protect victims of sexual abuse. Assistance and support of victims is an important and difficult issue to put into practice. Often actions are taken on behalf of the child, where the child has no voice in the matter. Children, but also adult victims, often experience that there is no professional help when they need it. Investigation and trials take too long, and unnecessary burdens are put upon the victim. The Directive gives good guidelines that may be of significant help in the matter, but they may be of no use if the necessary help is unavailable. In many countries in Europe, the sexological professional competence is growing, but this competence must be made more readily available for people who need it. This requires priorities in the creation of jobs in public health care for professionals with sexological competence.

EFS recommend that the European Parliament advises member countries to take responsibility to develop sex positive politics in order to secure the necessary sexual education, socialisation of sexual conduct, and development of sex safety skills within each country population.