

2000/STOP/116 Preliminary project findings & proposals

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1st Round-table

Europol, The Hague, 19 March 2001



Project description

feasibility study on Further

Elaboration

international implementation

Of recommendations 1998 project

96/STOP/003

systematic gathering & administration of data
concerning

missing minors

minor victims of trafficking in human beings or
sexual exploitation of children

perpetrators of sexual offences against minors



main recommendations 1998 project

need for the creation of

1. international database missing minors
2. international monitoring centre for sexual exploitation of and trade in children
3. international database child pornographic materials
4. international legal database
5. European criminal records database
6. international database sex-offenders
7. international DNA-database



methodology

legal instruments & policy documents

In-depth working meetings

meetings referees

round-tables

end of project

legal instruments & policy documents

council of europe (coe)

(draft) conventions

data protection, transfer of supervision, cyber-crime

(draft) recommendations

(84)10, (87)15, (91) 11, (92)1, (97)5, (2000)11, 2001...

interpol

Constitution, regulations & rules

Letters interpol-french government

Schengen

Implementing convention (sic) & sis

sirpit

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european union

Europol

Convention & related stuff

Extension mandate

council decision

child pornography

joint actions

Trafficking human beings & sexual exploitation, Dna, EJM

directive 95/46/EC

resolutions

sex tourism (1997), DNA (1997 & 2000)

vienna action plan

Millennium strategy oc


Implementation plan mutual recognition

(draft) framework decisions

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In-depth working meetings

Europol

the hague, 13 december 2000

Ncis

sweden, 16 february 2001

Coe

strasbourg, 28 february 2001

Interpol

lyon, 17 april 2001

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meetings referees

Committee of referees

Representatives

Europol

Interpol

Coe

european commission

EU council

2 meetings

the hague, 20 march 2001

the hague, 11 june 2001

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round-tables

Participants

- EU member states
- candidate member states
- international institutions
- Ngo's

Meetings

- the hague, 19-20 march 2001
- the hague, 12 june 2001



end of project

30 june 2001

Results

Transferred to european commission

30 june 2001

to be compiled in a book

August 2001

Copies to all

- Country Delegations
- International institutions
- Ngo's



project 1: database missing minors

previous project

Geographical impact preferably larger than eu

treaty law basis

access for private organisations

Preferably links with

database child pornographic material

database of unidentified corpses



option 1: SIS

Advantages

art. 97 SUO: data missing persons

SIRPIT: transmission photographs and fingerprints

Disadvantages

geographically too restricted

SIRPIT: future (2004-2006) - no storage DNA data

Access restricted to border or other police and custom checks

option 2: interpol

Advantages

large area of distribution

link database unidentified corpses and future database child pornography

Disadvantage

legal basis?

proposals

council of Europe

convention

problem of geographical scope

sufficient political support required

EU joint position

inter-institutional request european commission

recommendation

easier vehicle - More feasible option

convention necessary in future?

UN

national level

Creation database on missing minors

Ngo input - protocol

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project 2: monitoring centre for sexual exploitation of & trade in children

previous project

depersonalised information & data

uniform registration

unrestricted access

all aspects of sexual exploitation of & trade in
children

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option 1: Interpol

advantages

most of the relevant police information
Website
national central bureaus

disadvantages

purpose limited to support to police authorities
many victims not officially known to police

option 2: european network of NGO's

Advantages

important role ngo's re sexual abuse children
encouragement cooperation police, public and private
organisations

disadvantages

willingness of police & assistance services?
european network not yet established

proposals

1. international registration in hands of NGO with international dimension

protocol that obliges key players to provide the data
international model for the uniform gathering of
information


“eurochildfocus”?

Incoming belgian presidency

2. national gathering of statistical data in a uniform manner

by an NGO?

by a national unit?



project 3: database relating to child pornographic materials

previous project

Proper & solid legal basis

Convention - council decision?

minimum standards re offences

data on victims, offenders, buyers, sellers and
producers

links with

police databases

database missing minors

clear definition of child pornography

National database

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option 1: eu/europol level

advantages

mandate allowing storage & analysis child porn

possibility of awf

data protection & independent control bodies

europol business plan 2001

1. EU database on child pornographic images (electronic
library)

need for extended europol mandate

one central database divided in 2 parts (infra)

2. eu monitoring centre child porn on the internet

Europol unit consisting of ms investigators

need for extended europol mandate

3. database for the registration and storage of nick-
names/aliases

Disadvantages

EU-level too limited

Europol awf too restricted

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option 2: interpol

advantages

- large area of distribution
- software available (excalibur)

Disadvantages

- No official stand-point
- Only operated on request ncb's
- legal basis?

proposals

1. new eu legal instrument

- Convention (protocol) or council decision
- To extend mandate of Europol

2. creation central EU database

divided in 2 parts

- pornographic pictures
- digital fingerprints of the pictures

example: NCIS Sweden (see presentation)


Aim: support investigations into

- Child pornography, in particular production of
- engagement of children in pornographic conduct

restricted involvement of NGO's

3. creation of national units

To centralize data & feed central database



project 4: international legal database

previous project

full texts of legislation and information
regarding its application
additional information with regard to extra-
territorial competence
Fully open database



option 1: interpol

advantages

extensive world-wide inventory of legislation
Open internet database

disadvantages

Incomplete - insufficiently updated

option 2: open EU internet database


Information

Child pornography-trafficking in human beings
legislation on all "eu core crimes"
liable for approximation under art. 31(e) teu
Within europol-eurojust mandate

Hosted-maintained by?

European judicial network (extension website)
Europol (recent manual on child pornography)
European commission

Regular-constant updating required



option 3: child centre for children at risk in the baltic sea region

advantage

new IT-network taking care of dissemination of the national legislations

disadvantages

still under development
restricted to 11 countries baltic sea region

option 4: Net-Enforce

advantage

new IT-network providing national legislations

disadvantage

still under development

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proposals

1. Development Open eu internet database

Preferably for all "eu core crimes"?

Preferably at europol?

proper mechanism for updating
information from various open sources

Funding?

2. interpol

Extension & update interpol website

3. baltic child centre children at risk

Geographical extension

4. net-enforce

extension

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Proposal 5: european criminal records database

previous project

Proper legal basis (then: coe instrument)
standardized list of offences that should be stored
approximation ms' definitions of offences
notification to institutions working with children
indirect consultation of the national/international
register
internationally valid certificate

Options

Coe

Non-option

Eu

implementation plan for principle of "mutual
recognition"

Eu criminal records database

Eu-wide Individualized sanctions

Eu-wide valid certificate?

Intra-net or genuine central database?

Pilot Criminal record on sex-offenders?

Incoming belgian presidency

paedophiles or Sex-offenders in general?

proposals

1. Pilot: eu criminal record on convicted offenders of sexual offences against minors
Feasibility and implementation test
Intra-net: intercommunication of ms' computerised criminal records
2. Extension intra-net to all offences
In line with "mutual recognition" plan
3. genuine central eu criminal record
from intra-net to centralized database

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proposal 6: international database on sex-offenders

previous project

treaty law basis

Both suspected & convicted sex-offenders

links with database

child pornographic material

DNA database

minimum standards regarding offences to be incorporated

indirect access by organisations working with children

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option 1: eu-level

convicted offenders

Mutual recognition implementation plan

Eu criminal records database (project 5)

Eu disqualification register

optimized application european convention on the supervision of conditionally sentenced or conditionally released offenders

suspects

Europol

advantages

data protection in EU ms comparable

Information-analysis system solid legal basis

Database pending investigations

disadvantages

restricted mandate

limited access to data

Eurojust

Eurojust information system

option 2: interpol

advantages

well-performing information system

information on convicted offenders & suspects

not restricted by narrow mandate

disadvantages

legal basis

analysis options?

Proposals

1. Speedy implementation “mutual recognition” plan

Only relevant for convicted offenders

Eu criminal records database (project 5)

eu disqualification register

optimized application european convention on transfer of supervision

2. EUROPOL analysis

Both of convicted offenders & suspects

Extension europol mandate required

Analysis: Awf or Viclas?

3. Police information exchange

Europol-interpol information system

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project 7: DNA database

previous project

Solid legal basis

In line with data protection principles

rigorous rules concerning use and period of storage

list of accredited laboratories and institutions

standardisation of DNA analysis methods

links with

national/international police information systems

International database on sex-offenders

International Database on missing minors

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option 1: europol

advantages

- DNA data can be involved in analysis work
- legal instruments suggest important role for europol

Disadvantage

- storages limited to types of crime for which europol is competent

option 2: Interpol

advantages

- large geographical scope
- reference in interpol files is surely possibility
- interpol DNA monitoring expert group (DNA MEG)

disadvantages

- legal basis
- interpol does not explicitly provide for collation of DNA data

proposals

1. in first instance: creation of a single national database within each eu ms
 - identical standards
 - compatible structures
2. Secondly: setting up op a network of compatible national databases
3. Eventually: creation of a European DNA database with an appropriate role for europol
 - DNA database placed within europol?
 - extension europol's mandate?