



2000/STOP/116 Final project findings & proposals

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2nd Round-table

Europol, The Hague, 12 June 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

Final recommendations current project

1. International database on missing persons
2. Reliable statistics and legal information: Eu Monitoring centre on sexual exploitation of children and trafficking in human beings
3. EU/international database on child pornographic images
4. Suspected and convicted sex-offenders:
 - Eu Database on pending investigations
 - EU criminal records database
 - Eu reference database on suspected and convicted sex offenders
- (5. Eu network of national DNA databases)

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methodology

legal instruments & policy documents

Extensive overview to illustrate substantially increased international concern since 1998

In-depth working meetings

since march round-table: interpol, europol, incoming belgian presidency (revision europol convention & specific initiatives on the matter)

2 meetings committee of referees

2 round-tables

end of project: 30 June 2001

Book: mid-august 2001

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Documents at hand

Draft report

Three additional texts

draft « eurochild » resolution

final version bilateral agreement europol-
interpol

draft « paedo-files » decision

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International database missing persons

- Scope database: extension to missing persons

- Database located at Interpol

large area of distribution

links with other databases

- **Preferred option: Convention within the framework
of the CoE**

principles of data protection legislation

which data under which sets of conditions

advantage: accession by non-Member States

Difficulties:

requirement of sufficient political support

different scope Interpol – CoE

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-stepping-stones (alternatives): CoE Recommendation,
Joint Position of EU Member States or inter-
institutional request of EU Commission

- national central authorities

administration of data on missing persons and exchange with
international database

full picture of the problem

access for NGO's via this national body


protocol

comparable data registration

new elements

European federation

«eurochild » resolution, calling for national centres to
search for missing children and combat sexual exploitation of
children




Reliable statistics and legal information: EU monitoring centre ON sexual exploitation of children and trafficking in human beings

First step: network of national rapporteurs on trafficking
in women

- full use of network

- extension mandate rapporteurs to sexual exploitation
of children



2nd step: genuine EU monitoring centre on sexual exploitation of children and trafficking in human beings

Reliable statistics and legal information

National focal points

- gather all relevant information from governmental and private organisations
- link with national rapporteurs
- uniform data collection
- new element: "eurochild" resolution: invitation to designate official, national bodies to compile data on disappearance and sexual exploitation of minors & examination after 3 years to set up EU body

Cooperation with a wide range of institutions active in the field of sexual exploitation of children and trafficking in human beings



Unrestricted access

For governmental organisations and institutions

For le services

For private organisations

For scientific institutions

Eu/International database on child pornography

EUROPOL database of URL's

EUROPOL database of nicknames/aliases

POOL OF INVESTIGATORS MONITORING

INTERNET child porn AT EUROPOL

ACTUAL IMAGE database:

Yesterday expert meeting & follow-up working group

3 sort of international databases for 3 types of functionalities

reference database

checksum database

analysis/intelligence database

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Reference database

Duplication of efforts to be avoided (EU, Interpol, G8)

Necessity to also allow for participation NON-EU countries

Interpol: sudden action

International database: interpol

Questions:

How to ensure that database is fed?

Obligation for eu MS to get their act together (establishment national units & obligation to feed to Europol, which could share images with interpol on basis bilateral agreement & other way around)

Real-time access for checking pictures?

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Checksum database

Allowing for states to directly check in checksum database whether materials seized contain materials registered in checksum database as child porn

Direct access

EU/EUROPOL?

Analysis/intelligence database

Europol as only logical location

awf's

« leading ms » concept as interim or pre-awf scenario

Envisaged change europol convention

Necessity to also have the actual images

To be retrieved from international database for non-eu ms on basis europol-interpol bilateral agreement

Necessity to have the case information

summary

1. EU « cocoon »

Obligation to establish national specialized units in ms

Obligation to filter & send images & case information to europol (in view also of exchange images with interpol)

Direct access to europol checksum database

Possibility to participate in/ask for analysis work at europol

Common definition and penalisation

Result: Proposal for two-part database at europol

1st part: checksums

2nd part: actual images and extensive case information (victims, perpetrators, scenary, ...)

Revision europol convention and/or additional 3rd pillar legal instrument necessary

2. International image database at interpol

Europol Acting as a focal point on behalf of eu ms as regards input in & retrieval from international interpol image database


as far as exchange of actual iamges is concerned

basis: bilateral inter-institutional agreement

3. Limited mandate NGO's

communication URL addresses child porn sites

No storage and/or transmission child porn material



Suspected and convicted sex offenders

1. Database on pending investigations
2. EU criminal records database
3. Database at Europol containing information on both suspected and convicted offenders of sexual offences against children



Database on pending investigations

Establishment at Europol

- Vienna Action Plan 3 December 1998
- Mandate to store information on suspects
- High level of data protection

Support ongoing criminal investigations and warning Member States of the activities of suspects

Cooperation with Eurojust

Legal framework: Europol mandate too limited

Problem: No mandate for all sexual offences

- only competent for serious and international crimes
- relating to trafficking in human beings (incl. child porn)

Preferred solution:

Extension of Europol's mandate by a Protocol to the Convention

Harmonisation and limitation of concerned offences

Threshold regarding the envisaged offences

Links with other databases

- Child porn database
- DNA database

EU criminal records database on sex-offenders


Establishment at EU level

- Mutual Recognition Plan 30 November 2000
- Stepping-stone for the creation of a criminal records database of all EU core crimes

First step: intranet between the central criminal registers of the EU Member States

Second step: genuine EU criminal records database and implementation EU disqualification register

- Firstly: creation and linkage national disqualification registers
- Secondly: implementation in central EU criminal records database




Aim of the criminal records database:

- individualised sanctions
- extra-territorial jurisdiction
- international supervision probation or parole
- occupational bans

Legal framework: Convention within the framework of the Council of the EU

Transfer of information via national central point

- Uniform information gathering by means of standard form




Harmonisation of the national legislations

- Joint Action 24 February 1997
- Proposal for a Council Framework decisions on combating trafficking in human beings and sexual exploitation of children and child porn

Contact with justice departments

Indirect access for institutions working with children

- consultation through one of the police services or a government body
- certificate issued by the police or by a government body




EU Database on suspected and convicted sex-offenders

European reference database on persons suspected of having committed, being prosecuted for or having been convicted for sexual offences against children

Aim: optimising law enforcement cooperation and coordination of pending investigations and prosecutions concerning sexual offences against children

First step for successful future creation European criminal records database



New proposal drafted in framework current STOP project (research team-europol)

Encoded information: checksums of convicted and suspected offenders

Safeguarding the rights of privacy and rules on data protection

No needless obstruction of offender's re-socialisation and reintegration

Responsibilities for Europol's National Units

Centralisation, conversion and transmission of the information

Informing competent authorities

Responsibilities of Europol

Conversion and storage numerical codes
hit: Notification National Units & eurojust
possibility to also check persons of europol
information system in reference database
Future extension to other EU core crimes
Possible first shared Europol/Eurojust database
Draft Council Decision to be introduced in the
Working Party on Police Cooperation by incoming
Belgian EU Presidency
Legal remark: council decision insufficient,
convention change required

European DNA database

Preferably a European network of national DNA
databases via Interpol

- creation of a single national DNA database in every
EU (Candidate) Member State
- exchange of DNA profiles via Interpol channels

International exchange of DNA profiles in conformity
with the principles of data and privacy protection
rules

Scope: limitation to serious and specifically defined
offences