

## I

(Information)

## COUNCIL

**Resolution on the contribution of civil society in finding missing or sexually exploited children**

(2001/C 283/01)

THE COUNCIL OF THE EUROPEAN UNION,

exploited children as well as in preventing and combating this phenomenon;

Bearing in mind:

— the conclusions of the European Council meeting in Tampere, and in particular point 23 thereof,

— cooperation between civil society organisations and the competent authorities in finding missing or sexually exploited children must be encouraged;

— the conclusions of the European Council meeting in Santa Maria da Feira,

— the degree of such cooperation must be assessed in the light of the situation in each Member State;

— the Joint Action of 24 February 1997 adopted by the Council, concerning action to combat trafficking in human beings and sexual exploitation of children, and in particular point (i) of Title II thereof,

— this resolution is without prejudice to the Luxembourg Convention of 20 May 1980 and the Hague Convention of 25 October 1980,

— the Council Decision of 29 May 2000 to combat child pornography on the Internet,

Taking into account the protection of personal data as regulated by Council of Europe Convention No 108 of 28 January 1981 for the protection of individuals with regard to automatic processing of personal data,

— the European Parliament's Resolution of 30 March 2000 on sex tourism, and in particular point 27 thereof,

has adopted the following:

— the European Parliament's Resolution of 19 May 2000 for further actions in the fight against trafficking in women, and in particular points 12 and 18 thereof,

1. This Resolution concerns the search for missing or sexually exploited children. It covers the following situations:

— the European Parliament's Resolution of 15 June 2000 on the victims of crime, and in particular point 8 thereof,

— *disappearance and abduction*:

— the European Commission's proposal for a Framework Decision on combating the sexual exploitation of children and child pornography,

— runaway children,

— children abducted by a third party,

— children missing inexplicably,

Whereas:

— combating the disappearance and sexual exploitation of children is a priority for the European Union;

— *sexual exploitation*:

— child trafficking, prostitution and pornography,

— civil society has a role to play in this fight;

— paedophile networks on the Internet,

— civil society organisations can provide useful support for the competent authorities in finding missing or sexually

— *non-organised sexual abuse outside the family*.

2. Member States are invited to encourage cooperation between the competent authorities and civil society, in particular civil society organisations, in finding missing or sexually exploited children.

This cooperation does not affect the responsibility of the competent authorities for investigations and prosecutions.

Where appropriate such cooperation might take the following forms:

- 2.1. examining the possibility, account being taken of the means already existing at internal level, of providing civil society organisations with an emergency telephone line, or encouraging arrangements whereby such organisations would provide a line of this nature.

This telephone line would be intended for the collection of information and evidence on missing or sexually exploited children, and would be available free of charge 24 hours a day.

- 2.2. making it possible, if that is not already the case under national legislation, to support civil society organisations in the search for missing or sexually exploited children, for instance by:

- disseminating information for locating missing children, if the authorities deem this useful,
- making available to the competent authorities, at their request, volunteers for organised searches in the context of finding missing children,
- providing support for the families of missing or sexually exploited children,
- providing specific expertise in the field of missing or sexually exploited children.

- 2.3. Member States are invited to lay down suitable rules, in accordance with their legislation on investigations and prosecutions, for the exchange of appropriate information about the search for missing or sexually exploited children between civil society organisations and the competent authorities.

That exchange of information should be effected with every guarantee of the security of the system, the confidentiality of data and the protection of personal data.

3. Member States are invited to compile all data on missing or sexually exploited children in order to ascertain the extent of the phenomenon and analyse its trends, and to exchange such data with one another.

Such compilation should be carried out by the competent authorities, where appropriate with the support of civil society organisations.

4. The Council invites the Commission to have a study drawn up on:

- the actual extent of the phenomenon of missing or sexually exploited children,
- the existence, role and structure of the civil society organisations in the Member States actively supporting the search for missing or sexually exploited children, along with the arrangements for their involvement and cooperation with the competent authorities,
- legal issues arising from the involvement of such organisations, in particular the issues of the competent authorities sending confidential information to such organisations, the impact of the involvement of such organisations on criminal procedure, and data protection rules.

Member States are invited to pool their expertise for the production of this study.

5. The Council invites the Commission to report to it on the results of this study within one year of the adoption of this Resolution.

6. On the basis of the study, the Council will determine what measures are desirable at European Union level and will invite the Commission to examine:

- the standards necessary to optimise the exchange, in particular between Member States, of information communicated between the competent authorities and civil society organisations and between the various organisations themselves,
- the safeguards necessary for the security of this information exchange, the confidentiality of the data exchanged and the protection of personal data.