

Written Question E-0786/00 by Paulo Casaca, MEP, to the Council (16 March 2000)

Caption: Example of a written question put by a Member of the European Parliament to the Council relating to the third pillar.

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Written question E-0786/00 tabled by Paulo Casaca, Member of the European Parliament (PSE), to the Council on 16 March 2000

(16 March 2000)

Subject: Judicial cooperation on paedophilia

The introduction of a policy on cooperation in the field of justice and home affairs under the Treaty of Maastricht was a vital step forwards in the European project.

It is indeed difficult to understand why, in a Europe of complete freedom of movement and establishment, justice should remain subject to rigid borders.

Unfortunately, that new pillar of European policy failed to address international crime in the area of the abuse and trafficking of children and women, which can be seen to be on the rise. This might be termed as the area of crime practised on a large scale which most seriously threatens the democratic society in which we live.

A recent case involving a Belgian citizen (Frans de Ryck) and Portuguese children from the Autonomous Region of Madeira has highlighted the shortcomings arising from the lack of cooperation in the area of justice with regard to this type of situation.

The Belgian state refused to extradite the citizen accused of the crime to Portugal, while the Portuguese State, through the Office of the Public Prosecutor of the Republic, refused to provide the victims with any legal support.

As reported in the press (*Diário de Notícias*), only private efforts by the Portuguese Victim Support Association and the support of a Portuguese law firm succeeded in resolving the problem. In the meantime the accused has lodged an appeal against the decision, and the victim has no information on the progress of the appeal.

Does the Council not take the view that cooperation in the area of justice provided for by the Treaty on European Union should be extended to include international crimes involving the abuse and trafficking of minors and women?

Reply

(18 May 2000)

The Council shares the Honourable Member's concern to combat more effectively international crime involving the abuse of and trafficking in minors and women.

Article 29 of the Treaty on European Union as amended by the Amsterdam Treaty, moreover, refers specifically, amongst ways of creating an area of freedom, security and justice, to the fight against trafficking in human beings and crimes against children. It should also be noted that powers have been given to Europol in the field of child pornography⁽¹⁾.

The example quoted by the Honourable Member relates to a specific situation encountered in the field of extradition and is governed by the European Convention on Extradition of 13 December 1957. The reasons which prevented the requested extradition from taking place in the case in question relate to the fact that the Convention allows the Contracting Parties to refuse to extradite their own nationals. That situation is supposed to change following ratification of the Convention relating to extradition between the Member States of the European Union⁽²⁾, which encourages Member States to review their domestic legislation, including their constitutional legislation, on this point. Furthermore, Portugal is shortly to put before the Council a significant initiative aimed at improving the situation of victims in the context of criminal

procedure.

(¹) Council Decision of 3 December 1999 (OJ C 26, 30.1.1999, p. 21).

(²) OJ C 313, 23.10.1996, p. 11.