



EUROPEAN UNION
Permanent Delegation to the United Nations Office
and other international organisations in Geneva

**UNITED NATIONS HUMAN RIGHTS COUNCIL
28th session**

**Clustered Interactive Dialogue on the Report of the Special Rapporteur
in the field of cultural rights on
"Copyright policy and the right to science and culture"
and the Special Rapporteur on the sale of children,
child prostitution and child pornography**

11 March 2015

EU Intervention

The European Union would like to thank the Special Rapporteur, Ms Farida Shaheed, for her Report on the relation between copyright law and policy and the right to science and culture.

We were surprised to see that the Report has not taken into account many comments from MS and relevant stakeholders, which would ensure more balance.

The EU attaches great importance to promoting cultural rights, to fostering science and innovation, and to a solid copyright system which acts as a spur to the creative process. These objectives are complementary and mutually reinforcing. As is recalled in the Report, the right of science and culture and the protection of intellectual property are often enshrined side by side in various international human rights documents.

Copyright is fundamental to creation, and as such plays an essential role in human development. It provides the necessary reward and incentive for those that stand at the heart of the creative process, advancing the sum of human understanding to the benefit of all.

The EU considers that complementarity should be the guiding principle for our discussions on the relation between science, culture and copyright and the different stakeholders involved.

The EU and individual EU MS a wide-ranging system of E& L integrated in domestic laws. This has been clearly demonstrated in the recent study prepared by Professor Kenneth Crews which has been extensively discussed in WIPO framework.

At the international level, the EU calls for the protection of author's rights protection to make innovation and creation sustainable, to strengthen cultural and creative industries, and to support economic growth and development.

We note that one recommendation calls for the adoption of international instrument on copyright exceptions and limitations for libraries and archives. While the EU and its MS are not willing to consider a legally binding instrument in this area, we believe that there is a role for WIPO to work on this subject taking into account the existing flexibilities at the national, regional and international level.

What were the positive effects of a strong copyright system on cultural development that you have identified in your research?

Now turning on to the Special Rapporteur on the sale of children, child prostitution and child pornography

The European Union welcomes Ms. Maud de Boer-Buquicchio to her first Interactive Dialogue with the Council. We thank the Special Rapporteur for her presentation and comprehensive report, especially its focus on the information and communication technologies, as well as the tragic occurrences of sale and sexual exploitation of children. We are pleased to note that the Special Rapporteur has chosen to adopt the vital child-centered approach in her work, at the same time also taking into account a gender perspective.

Information and communication technologies have a unique capacity to empower children and youth. Nevertheless, they also present new risks and threats, as has been rightly pointed out. The European Union agrees that a holistic approach is

needed in order to effectively combat the sale and sexual exploitation of children facilitated through new technologies. Such an approach requires the engagement of all relevant parties, including governments, civil society and private sector.

Ms. Special Rapporteur, allow me to present the following comments and questions with reference to your report.

1. We share the view that programmes aimed at empowering children to recognize and report abuse hold the key to the effectiveness of any child protection strategy. What are the most common causes of non-reporting? Respectively, what are the main challenges that must be addressed by this type of programmes?
2. You recommend establishing a global permanent task force to harmonize practices and procedures, share expertise and scale up good practices, and provide assistance to States for the development of national legislation, policies and strategies to effectively combat online child sexual exploitation. Could you elaborate more on this idea, including possible stakeholders to be involved in such a task force?
3. This year we mark the 15th anniversary of adoption of the Optional Protocol on the sale of children, child prostitution and child pornography. How do you assess the progress made so far in its implementation?
4. What is your assessment of the situation of children being sold into slavery by extremist groups, as recently documented by the Committee on the rights of the child? Do you plan to focus part of your work on this appalling phenomenon?

Finally we would like to once more assure you of our firm support for your mandate and work.

Thank you.