



GOVERNMENT OF GIBRALTAR  
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## PRESS RELEASE

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***Mr. Picardo's Private Members Bill is "pure playground politics on an extremely serious issue" says Feetham.***

The Minister for Justice Daniel Feetham has today said that Mr. Picardo's Private Members Bill "is surprising and given the indisputable chronology of events it amounts to a political stunt of playground politics proportions on a very serious issue. It is also flawed in that it does not deal with the real problem in our legislation."

Mr. Picardo's Bill simply seeks to increase the sentence available to a judge on an offence of distribution from 3 years to 10 years.

The real problem is not increased sentences for distribution of pornographic images of children but the possession and downloading or storage of those images on computers which is not at present an offence. That is the real gap in the legislative framework. Indeed, whilst we agree that a judge should have the ability to sentence an offender to a much higher sentence the fact is that in the case in which the Acting Chief Justice made his comments he had the power to sentence up to three years and chose to impose a sentence of 18 months (i.e. half the maximum provided by our laws).

The Government had already taken steps to deal with both issues (i.e. sentence and possession) prior to the comments made by the Acting Chief Justice and drafts of the relevant legislation had already been circulated with the Bar Council for their comments prior to Mr. Picardo's Bill.

The Government's draft specifically incorporates article 9 of Council of Europe Convention on Cybercrime which provides a comprehensive series of computer specific child pornography offences which carry a maximum of ten years imprisonment. The Government is waiting for the Bar Council to come back to it with its comments on the legislation. The Opposition must have known that the Government was consulting the Bar Council on this because it was reported in the front page of Chronicle several weeks ago and even the PDP issued a communiqué acknowledging the circulation of the draft.

***Either Mr. Picardo has not read the Chronicle or the PDP communiqué on the issue or the circulated legislation, in which case he should perhaps bring forward his stated intentions of doing less legal work and do more political work or he has seen them and yet chosen to plough ahead, in which case this is nothing short of playground politics where in the light of***

***the Private Members Bill on the consent issue Mr. Picardo now wants one. This is a serious issue that deserve more mature and serious consideration.***

The letter to the Bar Council enclosing the legislation also indicated that the Government wanted to take the legislation to Parliament by the end of June. This is consistent with the Minister for Justices answer to questions in Parliament where he indicated that the Government intended to introduce the Computer Misuse Part of the Crimes Bill by this summer and his speech on the Private Members Bill where he intimated that whilst the bulk of the Crimes Bill would be introduced this year but not commenced until next year, there would be exceptions. The Computer Misuse part of the Crimes Bill is such an exception. The Government will wait until it has received comments from the Bar Council before moving ahead with legislation of such public importance.