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Plenary sitting

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MOTION FOR A RESOLUTION

to wind up the debate on the statement by the Commission

pursuant to Rule 123(2) of the Rules of Procedure

on the fight against child sexual abuse on the internet
(2015/2564(RSP))

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European Parliament resolution on the fight against child sexual abuse on the internet (2015/2564(RSP))

The European Parliament,

- having regard to the UN Convention on the Rights of the Child, of 20 November 1989, and the protocols thereto,
 - having regard to Article 3 of the Treaty on European Union,
 - having regard to Article 24 of the Charter on Fundamental Rights of the European Union,
 - having regard to the Council of Europe Convention on Cybercrime, of 23 November 2001,
 - having regard to the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse, of 25 October 2007,
 - having regard to the EU Guidelines for the Promotion and Protection of the Rights of the Child,
 - having regard to Directive 2011/92/EU of the European Parliament and of the Council of 13 December 2011 on combating the sexual abuse and sexual exploitation of children and child pornography, and replacing Council Framework Decision 2004/68/JHA,
 - having regard to General Comment No 14 (2013) of the UN Committee on the Rights of the Child on the right of the child to have his or her best interests taken as a primary consideration,
 - having regard to the EU Agenda for the Rights of the Child, adopted in February 2011,
 - having regard to the Commission communication entitled ‘A special place for children in EU external action’ (COM(2008)0055),
 - having regard to the EU Strategy towards the Eradication of Trafficking in Human Beings 2012-2016, in particular the provisions on financing the development of guidelines on child protection systems and on the exchange of best practices,
 - having regard to its plenary debate of 12 February 2015 on the fight against child sexual abuse on the internet,
 - having regard to Rule 123(2) of its Rules of Procedure,
- A. whereas sexual abuse and sexual exploitation of children, including child sexual abuse material, constitute serious violations of fundamental rights, in particular of the right of children to the protection of and necessary care for their well-being, as provided for by

the 1989 UN Convention on the Rights of the Child and the Charter of Fundamental Rights of the European Union;

- B. whereas serious criminal offences such as the sexual exploitation of children and child sexual abuse material require a comprehensive approach covering the investigation of offences, prosecution of offenders, protection of child victims and prevention of the phenomenon;
- C. whereas the child's best interests must be a primary consideration when carrying out any measures to combat these offences, in accordance with the Charter of Fundamental Rights of the European Union and the UN Convention on the Rights of the Child;
- D. whereas the internet can expose children to specific risks, through them being able to gain access, or being subjected, to child sexual exploitation material, or being subjected to the exchange of material on violence, intimidation, bullying or grooming;
- E. whereas the protection of minors in the digital world must be addressed at a regulatory and grass-roots level by deploying more effective measures through law enforcement cooperation with the industry, in line with the principle of due legal process, and at educational and training level by educating children, parents and teachers in order to keep minors protected online and by teaching them to use the internet safely;
- F. whereas due to its international nature – with child exploitation and child sexual exploitation online spanning hundreds of countries and involving hundreds of jurisdictions – this problem quite evidently requires an international solution;
- G. whereas data on the number of crimes committed is still lacking at both national and international level, and whereas this means that the relevant policy assessment that does not necessarily reflect the actual extent of the problem;
- H. whereas child exploitation and child sexual exploitation online – including the proliferation of child sexual exploitation material and cyber predation on the internet – continues to be a major concern for law enforcement authorities, with offences ranging from sexual extortion and grooming to self-produced child abuse material and live streaming, posing specific investigative challenges owing to technological innovations that provide easier and faster access to material for offenders;
- I. whereas a growing number of offenders are using the Darknet, where they have established anonymous communities using concealed forums, services, social networking platforms and storage providers dedicated to child abuse material;
- J. whereas the measures taken by Member States to prevent illegal content online have not been effective enough;
- K. whereas Directive 2011/92/EC on combating the sexual abuse and sexual exploitation of children and child pornography was due to be transposed by Member States by 18 December 2013, and whereas to date less than half of the Member States have fully implemented it;

1. Strongly emphasises that protecting and ensuring a safe environment for children and their development is one of the primary roles of the European Union and its Member States;
2. Considers that children's personal data online must be duly protected and that children need to be informed in an easy and child-friendly way of the risks and consequences of using their personal data online; reiterates the need to swiftly finalise the European data protection reform also on this count;
3. Stresses the need for a comprehensive and coordinated European approach in order to ensure consistency in policy making and the resulting action, encompassing the fight against crime, fundamental rights, privacy and data protection, cybersecurity, consumer protection and e-commerce;
4. Considers that further steps must be taken to combat cyber grooming, and that the Commission, together with the national governments, civil society, social media companies, teachers, school nurses, social workers, child protection officers, paediatricians, and youth and children's organisations should engage in an active effort to raise awareness on this issue through defined guidelines, including through the exchange of best practices, the setting-up of social platforms for cooperation and the lawful exchange of information in order to identify potential risks and threats to children;
5. Highlights the need for international cooperation with the EU's strategic partners and law enforcement authorities worldwide to fight against child sexual exploitation material; stresses the need to improve international cooperation and transnational investigations in this area through the use of mutual legal assistance agreements and cooperation agreements, and by facilitating lawful international law enforcement data exchange on these crimes and offenders, including through Europol;
6. Welcomes, in this connection, the joint initiative by the EU and 55 countries from around the world gathered in the Global Alliance against Child Sexual Abuse Online with a view to rescuing more victims, ensuring more effective prosecution and achieving an overall reduction in the amount of child sexual abuse material available online; invites the Commission to report more regularly on the progress made through this Alliance;
7. Calls on the Commission and the Member States to strengthen cooperation among law enforcement authorities, including through Europol and the European Cybercrime Centre (EC3), with a view to investigating, dismantling and prosecuting child sex offender networks more effectively, while prioritising the rights and safety of the children involved;
8. Believes it essential to use the correct terminology for crimes against children, including the description of images of sexual abuse of children, and to use the appropriate term 'child sexual abuse material' rather than 'child pornography';
9. Calls on the Commission and the Member states to foster and strengthen the resources dedicated to victim identification and victim-centred services, and calls for the urgent

setting-up of related platforms;

10. Recalls that Member States should take the necessary measures to ensure that persons who fear that they might commit any of the offences related to sexual abuse and sexual exploitation have access, where appropriate, to effective intervention programmes or measures designed to evaluate and prevent the risk of such offences being committed;
11. Encourages the Member States to properly resource the national contact points in order to enable them to report criminal and harmful content and conduct online;
12. Calls on the Member States to provide their law enforcement authorities with the necessary funds, human resources, investigative powers and technical capabilities to properly investigate and prosecute offenders, including appropriate training to build competence among the judiciary and police units;
13. Notes with concern current trends and the development of commercial sexual exploitation of children online, including new commercial distribution business models and new types of transactions for child abuse material, notably through the Darknet, and in particular the phenomenon of live streaming of abuse for payment;
14. Calls on the Commission and the Member States to further engage with representatives of alternative payment systems in order to identify means of better cooperation with law enforcement authorities, including training for more effective identification of payment processes linked to commercial distribution of child abuse material;
15. Calls for an effective partnership and a lawful information exchange system between law enforcement agencies, judicial authorities, the information and communications technology (ICT) industry, internet service providers (ISPs), the banking sector and non-governmental organisations, including youth and children's organisations, with a view to ensuring the rights and protection of children online and the investigation and prosecution of offences; calls on the Commission to take the initiative of asking all the Member States to take action to tackle all forms of cyber predation and cyber bullying;
16. Stresses that any measures limiting fundamental rights on the internet should be necessary and proportionate, in line with the EU and Member State law; recalls that illegal online content should be removed immediately on the basis of due legal process; highlights the role of ICT and ISPs in ensuring a fast and efficient removal of illegal content online at the request of the responsible law enforcement authority;
17. Strongly urges those Member States that have not yet fully transposed Directive 2011/92/EU to do so without further delay; calls on the Commission, therefore, to strictly monitor its full and effective implementation, to report back in a timely manner to Parliament, and in particular to its committee responsible, on its findings;
18. Instructs its Committee on Civil Liberties, Justice and Home Affairs to further monitor the implementation of Directive 2011/92/EU and to carry out an in-depth analysis of the current policy framework on the fight against child sexual abuse, in the form of an implementation report on the directive, and to report to plenary within a year;

19. Instructs its President to forward this resolution to the Commission, the Council and the parliaments of the Member States.