



EUROPEAN PARLIAMENT

2014 - 2019

Plenary sitting

4.3.2015

B8-0227/2015

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 child sex abuse images online
(2015/2564(RSP))

**Martina Anderson, Kateřina Konečná, Malin Björk, Lynn Boylan,
Matt Carthy, Liadh Ní Riada, Dimitrios Papadimoulis,
Kostas Chrysogonos, Sofia Sakorafa, Marisa Matias**
on behalf of the GUE/NGL Group

**European Parliament resolution on child sex abuse images online
(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 Guidelines for the Promotion and Protection of the Rights of the Child,
- 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 pornography, constitute serious violations of fundamental rights, in particular of the right of children to the protection and to the care necessary for the vindication of their rights, as provided for by the 1989 United Nations Convention on the Rights of the Child (UNCRC) and by the Charter of Fundamental Rights of the European Union;
- B. whereas serious criminal offences such as the sexual exploitation of children and child pornography require a comprehensive approach covering the protection of child victims including care, prevention of the phenomenon, the prosecution of offenders, the state should give full effect to the UNCRC and in particular the General Principles, Article 2 (non-discrimination), Article 6 (right to life, survival and development) and Article 12 (right of the child to have their voice heard and taken into account);
- C. whereas in particular effect should be given to UNCRC Article 3 i.e., the best interests of the child must be the primary consideration when carrying out any measures to combat these offences and to address the legacies of such actions and in full accordance with the Charter of Fundamental Rights of the European Union;
- D. whereas the child has, subject to lawful and necessary restrictions, a right under Article 13 of the UNCRC to the freedom of expression including the right to seek, receive and impart information; further recognising the right of the child under UNCRC Article 17 to access information and material from a variety of national and international sources including mass media subject to the state encouraging the development of appropriate guidelines for the protection of the child from information and material injurious to his or her well-being;
- E. whereas the UN Committee on the Rights of the Child's General comment No. 13 on the right of the child to freedom from all forms of violence emphasises that children's right to be heard and to have their views given due weight must be respected systematically in all decision-making processes, and their empowerment and participation should be central to child caregiving and protection strategies and programmes¹;
- F. whereas the UN Committee on the Rights of the Child's General comment No. 16 on state obligations regarding the impact of business on children's rights² also highlights the dangers posed by the internet and places obligations on the business community to provide information for children and young people so that they can effectively manage the risks and know where to go for help as well as recommending that the business community coordinates with the information and communication technology industry to develop and put in place adequate measures to protect children from violent and inappropriate material online;
- G. whereas solicitation of children for sexual purposes and sexual exploitation is a threat with specific characteristics in the context of the Internet, as the latter provides unprecedented anonymity to users because they are able to conceal their real identity and personal characteristics, such as their age;

¹ Para. 3(e)

² 7th February 2013

- H. whereas the Internet can expose children to specific risks, through phenomena such as child pornography, the exchange of material on violence, cybercrime, intimidation, bullying, grooming, children being able to access or acquire legally restricted or age-inappropriate goods and services, exposure to age-inappropriate, aggressive or misleading advertising, scams, identity theft, fraud and similar risks of a financial nature that can originate traumatic experiences;
- I. whereas, given its international nature, child exploitation and child sexual exploitation online – including the proliferation of child sexual exploitation material on the internet and cyber predation – 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, which pose particular investigative challenges owing to technological innovations that provide easier and faster access to material for offenders, including cyber predators;
- J. whereas the measures taken by the Member States to prevent illegal online content are not always effective, properly resourced or fully enforced and inevitably involve differing approaches to the prevention of harmful content; And further noting the under resourcing of education programmes for children and parents in the Member States to keep children safe on the internet;
- K. whereas the protection of minors in the digital world must be addressed at regulatory level by deploying more effective measures including additional resourcing, requiring relevant Member State bodies to co-ordinate activity to safeguard children at risk online, increasing resourcing to investigate and prosecute offenders;
1. Calls on the Commission and on the Member States to give effect to this resolution and to give full effect to Article 12 of the UNCRC and to consult directly with children and young people and to take account of their views;
 2. Calls on the Commission and on the Member States to strengthen cooperation among law enforcement authorities within the Member States and between them, with a view to investigating and dismantling child sex offender networks more effectively, while prioritising the rights and safety of the children involved; in all such activity the best interests of the child must be the paramount consideration;
 3. Stresses the need for a comprehensive approach within the Member States and between the Member States in order to protect the rights and best interests of children to the maximum extent possible, to ensure effective protections, consistency, encompassing the fight against crime, cybersecurity, consumer protection and fundamental rights;
 4. Recognises the different roles, duties and responsibilities of the state and private industry including in respect of investigation, prosecution, the right to privacy and data protection; calls for an effective working relationship and, subject to proper legal and judicial oversight and in respect of what is lawful and necessary in the best interests of the child and for the protection of children from child sex abuse online, information exchange between law enforcement agencies, other appropriate state duty bearers, judicial authorities, and when appropriate and necessary and in compliance with the law, the 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 regarding them as vulnerable persons under the law; 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;

5. Stresses that measures limiting fundamental rights on the internet need to be necessary and proportionate, in line with Member State and European legislation and in compliance with the child's rights under the UNCRC; recalls that illegal online content should be deleted immediately on the basis of due legal process; recalls that removal of illegal online content, in which the ICT industry plays a certain role, can only take place after judicial authorisation; emphasises the importance of respecting the principles of the due processes of law and the separation of powers;
6. Encourages Member States to establish and properly resource national contact points to report criminal and harmful content and conduct;
7. Recalls that Member States shall take the necessary measures and guarantee the necessary resources to ensure that persons who fear that they might commit any of the offences related to sexual abuses and sexual exploitation may have access, where appropriate, to effective intervention programmes or measures designed to evaluate and prevent the risk of such offences being committed;
8. Calls on the Commission to further assess commercial distribution business models in hidden services, including a monitoring of the Deep Web and the Darknet criminal markets in order to determine proliferation of commercial sexual exploitation of children online as a potential consequence of further migration from a traditional payment system to a new, largely unregulated digital economy;
9. Calls on the Commission and Member States to further engage with representatives of alternative payment systems to determine opportunities for better cooperation with law enforcement authorities, including common training for the better identification of payment processes linked to commercial distribution of child abuse material;
10. Calls on the Commission to bring forward the publication of its assessment of the extent to which the Member States have taken the necessary measures in order to comply with Directive 2011/92/EU and to present its report to the European Parliament by June 2015;
11. Instructs its Committee on Civil Liberties, Justice and Home Affairs to further assess and monitor recent developments and to carry out an in-depth analysis of the current policy framework to fight against child sexual abuse on the Internet, under the form of an implementation report on Directive 2011/92/EU, and to report to plenary within a year.